

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

APRIL 14, 2010

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, April 14, 2010 at 1:00 p.m. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York, Chairman James E. Eisel, Sr. presiding.

The Clerk called the roll and all Supervisors were present.

Mr. Marshfield offered the invocation.

Mr. Hynes led the Board in the Pledge of Allegiance to the Flag.

The minutes of the previous meeting were accepted as presented.

The Clerk reported all communications received have been referred to their respective committees for review.

Chairman Eisel granted privilege of the floor to Mr. DuMond. Mr. DuMond introduced New York State Criminal Justice Services representative Owen Johnson and Delaware County Sheriff Mills for the presentation of the New York State Criminal Justice Accreditation Award.

Sheriff Mills invited his law enforcement division staff to join him in receiving this recognition. He explained that the accreditation process was a major undertaking and the achievement is a result of a commitment to high standards and excellence in law enforcement.

Mr. Johnson offered his congratulations and conveyed those of Acting Commissioner Shawn Burn and Deputy Commissioner Tony Perez of the New York State Criminal Justice Service to the Sheriff's Office for their accomplishment of becoming a New York State Accredited Law Enforcement Agency. New York State was the first to enact a state wide law enforcement accreditation program. Since then 35 other states have followed suit. The accreditation certificate symbolizes professionalism, excellence and competence in law enforcement.

He explained that the Sheriff's Office was required to meet 132 standards which encompasses every aspect of law enforcement and are grouped into administration, training and operations. The Office needed to develop policy, procedure and be in full compliance of all the standards. When the Sheriff's Office felt confident that they were ready for an assessment, three experienced independent law enforcement executives were selected to come to assess and verify that the requirements were met. At the conclusion of the assessment, the team leader reported that it was evident the Sheriff's Office took the goal of obtaining accreditation very seriously. It was strongly recommended that the Sheriff's Office be favorably considered for accreditation. The report was forwarded to the accreditation council and unanimously approved.

Mr. Owen noted that this is a distinction that needs to be earned. There are over 500 law enforcement agencies eligible to participate, only 134 have obtained this accreditation. Of the 57 counties with Sheriff's Offices, Delaware County is one of 28 that has reached this

accomplishment. He presented Sheriff Mill's with a plaque signifying that the Sheriff's Office has met or exceeded the highest levels of expectation of quality in the field of law enforcement and has achieved accreditation status from March 4, 2010 to March 3, 2015.

Sheriff Mills thanked Mr. Owen and the Department of Criminal Justice. He pointed out that the Office has to work just as hard over the next five years to reach the same standards in order to be re-accredited in 2015. He advised that the Corrections Office and Civil Division will also begin the accreditation process.

Chairman Eisel granted privilege of the floor to Ms. Molé. Ms. Molé introduced Director of Public Health Bonnie Hamilton.

Mrs. Hamilton congratulated the Sheriff and his staff and thanked them for being available to support and meet the needs of Public Health.

She introduced Public Health's student intern Nicole Failla. Ms. Failla has been working with Public Health as part of her internship. She is a senior at SUNY Brockport and her major is Healthcare Administration. She will graduate in May and would like to remain in the county. Ms. Failla and Public Health Educator Heather Warner prepared a powerpoint on Public Health for the Board.

Ms. Failla's presentation entitled: *What is Public Health?* defined public health, who is public health and the programs the department administers.

Public Health addresses issues related to communicable disease and immunizations, training for EMS personnel, public health preparedness and health education. Other programs included are Dental Education, Lead, Radon, Rabies, Certified Home Health Agency, Telehealth, Early Intervention, Preschool Special Education, Children with Special Health Care Needs and the Physically Handicapped Children's Program. The department also makes visits to new moms and their baby and provides car seat safety training.

Public Health is challenged by the fact that Delaware County is a large rural area making it difficult to provide the same services in all areas. In addition, the county is designated a physician, dental and mental health shortage area making access to health care challenging.

The accomplishments for the Public Health Department include providing quality care and continuing education through the established programs. A listing of free rabies clinics sponsored by Public Health for 2010 was distributed.

Mrs. Hamilton noted that Public Health recently completed a state survey which found their nursing care to be excellent and their infection control technique to be very good. The state was impressed with the services that are delivered through Public Health. The department was very pleased with the preliminary results of the survey.

For standing committee reports Commissioner of Social Services William Moon advised that information pertaining to the summer youth employment program has been placed on each Supervisor's desk. As the program is new to the Supervisors of the Towns of Sidney and Walton, he offered to meet with them and answer any questions they may have about the program. The youth hired for this program will begin mid to late May.

He noted that funding from the state to administer Social Services and Office for the Employment and Training programs remain questionable without a state budget.

Chairman Eisel stated that he has prepared a radio advertisement that will air throughout the week encouraging county residents to complete the census forms. The participation rate is very important as the census affects the federal and state reimbursements the county receives. The national participation rate is 65 percent, New York State is 60 percent and Delaware County is only 46 percent. The last day to file is Friday, April 16th. He asked everyone to complete the census form and be counted.

Mr. Bracci offered the following resolution and moved its adoption:

RESOLUTION NO. 68

**TITLE: 2010 BUDGET AMENDMENT
SHIFT POSITION
SOCIAL SERVICES TO SHERIFF'S DEPARTMENT
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, there has been a more than twenty year collaboration between the Sheriff's Department and Social Services Department wherein Social Services Investigators have been appointed as Deputy Sheriffs and have fulfilled the dual functions inherent in the two positions in their daily work making the investigations of child abuse, domestic violence, adult abuse, welfare fraud and a variety of related civil functions that also have a criminal basis more efficient and cost effective for the County; and

WHEREAS, there are currently two Social Services Investigator vacancies and there is currently a lack of candidates that could be appointed to fulfill these dual capacities

NOW, THEREFORE BE IT RESOLVED that one funded Social Services Investigator position is hereby transferred to the Sheriff's Department to be filled as a Deputy Sheriff for replacement at Social Services under a purchase of service agreement approved by the County Attorney's Office

BE IT FURTHER RESOLVED that the 2010 budget be amended as follows:

FROM:

10-16010-51000000	Personal Services	\$33,738.00
10-16010-52200000	Equipment	1,000.00
10-16010-54615010	Training	1,000.00
10-16010-54465000	Miscellaneous	500.00
10-16010-58100000	State Retirement System	4,251.00
10-16010-58300000	Social Security Contribution	2,092.00
10-16010-58550000	Disability Insurance	71.00
10-16010-58600000	Hospital and Medical Insurance	16,324.00
10-16010-58900000	Medicare Employer Contribution	<u>489.00</u>
	Total:	\$59,465.00

TO:

10-13110-51000000	Personal Services	\$33,738.00
10-13110-52200000	Equipment	1,000.00

10-13110-54615015	Training Law Enforcement Academy	1,000.00
10-13110-54640000	Uniforms	500.00
10-13110-58100000	State Retirement System	4,251.00
10-13110-58300000	Social Security Contribution	2,092.00
10-13110-58550000	Disability Insurance	71.00
10-13110-58600000	Hospital and Medical Insurance	16,324.00
10-13110-58900000	Medicare Employer Contribution	<u>489.00</u>
		Total: \$59,465.00

The resolution was seconded by Mr. DuMond and approved by the following vote: Ayes 4806, Noes 0, Absent 0.

Mr. Smith offered the following resolution and moved its adoption:

RESOLUTION NO. 69

**TITLE: 2010 BUDGET AMENDMENT
DELAWARE VALLEY AGRICULTURAL SOCIETY**

WHEREAS, the Delaware Valley Agricultural Society lost its 4-H horse barn in a fire in the fall of 2009 at the Walton Fair Grounds; and

WHEREAS, the Society did not have enough fire insurance coverage to rebuild the structure and have reached out to the USDA for a grant to help defray the new construction costs; and

WHEREAS, the county has supported the demolition of the 4-H horse barn by providing for the disposal of debris (C&D) at no charge at the county solid waste facility; and

WHEREAS, the agricultural industry is a historically, and economically vital component of Delaware County, having a direct and indirect impact of over \$100 million annually on the local economy

THEREFORE, BE IT RESOLVED, that a contribution of \$5,000.00 to the Delaware Valley Agricultural Society be authorized to be used to purchase various wagons, jumping gates and supplies that were lost in the fire and are needed for the 4-H horse program; and

BE IT FURTHER RESOLVED, this appropriation is made pursuant to the authority contained in County Law §224 (5) and shall be paid upon the execution of a contract providing the specific use of the money and verification thereof by the donee; and

BE IT FURTHER RESOLVED, that the following 2010 budget amendment be authorized:

FROM:

10-11990-54900000	Contingency	\$5,000.00
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TO:

10-18755-54000000	Contribution to Delaware Valley Agricultural Society	\$5,000.00
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The resolution was seconded by Mr. DuMond.

Mr. Smith noted that he will endorse this resolution because of the economic contribution the Delaware County Fair brings to the county. When the dairy barn was built, the organizers came to the exhibitors asking for donations and he understood the building was completely paid for by their donations. He would like to see the exhibitors that use the buildings contribute more to the rebuilding of the 4-H barn.

Mr. DuMond stated that he fully supports this resolution. The Delaware County Fair is one of the largest sources of tourism and economic development in the county. He has two children involved with 4-H and feels that the Board's support to the youth desiring to maintain the county's rich agricultural history and be involved in embracing the values 4-H represents is an investment in the lives of our children and the county's future.

Mr. Utter remarked that he supports this resolution and agrees with both Mr. Smith and Mr. DuMond. The Delaware County Fair is second to none in New York State. He and his family have exhibited there. People knew that when you competed at the fair you were serious competition to anyone else in New York State.

Mr. McCarthy questioned what the Delaware Valley Agricultural Society was all about. He noted except for manning the Republican booth at the Delaware County Fair he had never attended the fair.

Mr. DuMond explained that the fair incorporates a multitude of organizations and events taking place throughout the week that generate a significant amount of tourism and economic development for the county. The 4-H horse barn which is used for events held throughout the year was burnt to the ground by two youths and the fair board did not have enough insurance coverage on the structure. Although not certain, he believed the capital project cost to rebuild the barn was about \$250,000.

Mr. Smith advised that he spoke with the fair director who indicated that they were hoping to rebuild the structure for \$150,000. They are trying to raise \$250,000 to help replace some of the items that were stored in the building.

Chairman Eisel noted that the county's contribution is to be used towards the replacement of the items that were lost inside the building.

In answer to Mr. McCarthy, Mr. DuMond said that the workers will not be paid prevailing wage as the Society is a not-for-profit organization.

Chairman Eisel stated that a letter is being sent to all the towns by the fair board in hopes of receiving financial support. The Town of Harpersfield voted to send \$500.

Mrs. Capouya commented that in addition to tourism and economic development, the Delaware County Fair means something to the county that is almost irreplaceable. She remembered going to the fair with her uncle as a small child and thinks of the fair as the "shape of summer."

Mr. Dolph remarked that he is favor of this resolution. The fair grounds are used throughout the year for events of all types and provides an economic boost to the Town of

Walton and the county. He advised that major fund raising activities are going on throughout the county to help raise money.

Mr. Marshfield suggested that the Society review their insurance and consider increasing their coverage. He felt it should be done to protect the interest of the taxpayers.

Mr. Utter described the Delaware County Fair as the “springboard for our youth into adulthood.”

Chairman Eisel agreed that fair week is a great economic boost for the county.

Mr. McCarthy commented that he was not opposed to the resolution, just had never visited the fair. He joked that he has a plot in the Walton Cemetery that he has not visited either.

Mr. Rowe stated that other than the cost of admission a family could spend all day at the exhibits and competitions and not spend any money. It is an opportunity for families to enjoy all aspects of the fair throughout the week. He and his wife enjoy the fair every year and spend most of their time with the exhibitors and there exhibits.

The resolution was adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

Mr. Utter offered the following resolution and moved its adoption:

RESOLUTION NO. 70

TITLE: CHANGE ORDER NUMBER THREE (3) FOR PROPOSAL NO. 24-09 DEPARTMENT OF PUBLIC WORKS

WHEREAS, Resolution No. 35 of 2009, authorized the Department of Public Works to make award to ING Civil, Inc., in the amount of \$2,319,000.00, for Proposal 24-09 Replacement of Bridge 2-2, BIN 3352470, County Route 2 over Bagley Brook, and

WHEREAS, Change Order No. 1 was executed by Resolution No. 114 of 2009 and increased the bid in the amount of \$102,808.83 to a total of \$2,421,808.83; and

WHEREAS, Change Order No. 2 was executed with Resolution No. 205 of 2009 decreasing the total by \$8565.48, bringing the new total to \$2,413,243.35; and

WHEREAS, the project is now complete and the final quantities have been agreed upon by the County and the Contractor; and

WHEREAS, there is a combination of increases and decreases in the final quantities resulting in a net decrease of \$48,923.18.

NOW, THEREFORE, BE IT RESOLVED, that the Department of Public Works be authorized to execute Change Order No. 2 making the necessary changes to contract quantities and decreasing the total contract price by \$48,923.18 to a new, final total of \$2,364,320.17.

The resolution was seconded by Mr. Rowe.

Mr. Utter stated that County Route 2 is a heavily traveled truck route. The configuration and grading of the bridge makes it easy to travel and a great asset to the community.

Mr. Marshfield noted that any amount of weight can now go through the bridge. The curve was reduced and a retaining wall built. The bridge work significantly enhanced the entire area.

The resolution was unanimously adopted.

Mr. Utter offered the following resolution and moved its adoption:

RESOLUTION NO. 71

**TITLE: AUTHORIZATION FOR AWARDS -
DELAWARE COUNTY DEPARTMENT OF PUBLIC WORKS**

LETTING OF MARCH 31, 2010

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

BE IT RESOLVED, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. SW4-10 Lease of Agricultural Land to: Lenny Pieper
Eternal Flame Farm
139 Conklin Road
Walton, NY 13856

Bid Price: \$650.00/year

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors. Copies of the summary sheet of the bids received have been supplied to each Supervisor.

The resolution was seconded by Mr. Smith.

Commissioner of Public Works Wayne Reynolds answered in reply to Mr. Marshfield, that there are fifty acres involved in the lease with Mr. Pieper.

Mr. Utter added that this is unused agricultural land located near the county's Solid Waste Management Center.

The resolution was adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

Mr. Valente offered the following resolution and moved its adoptions:

RESOLUTION NO. 72

**TITLE: DESIGNATION OF A THIRTY- DAY PERIOD
FOR AGRICULTURAL DISTRICT REVIEW**

WHEREAS, Chapter 523 of the Laws of 2003 amended NYS Agricultural and Markets Law to require the County Legislative Body to designate a thirty-day review period in which landowners may submit requests for inclusion of predominately viable agricultural lands within a certified agricultural district prior to the County established review period; and

WHEREAS, the Delaware County Agricultural and Farmland Protection Board has recommended that the thirty-day period be from May 1, 2010 to May 30, 2010; and

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors does hereby designate the time period from May 1, 2010 to May 30, 2010 to be the annual thirty-day review period for the year 2010.

The resolution was seconded by Mr. Triolo and unanimously adopted.

Mr. DuMond offered the following resolution and moved its adoption:

RESOLUTION NO. 73

**TITLE: TO RECOMMEND AND REQUEST
THE STATE OF NEW YORK DELAY THE IMPLEMENTATION OF
THE IGNITION INTERLOCK PROVISIONS OF LEANDRA’S LAW**

WHEREAS, in late 2009 New York State enacted and passed into Legislation “Leandra’s Law” which (a) added the category of “Child In Vehicle” to DWI Offenses, that has already been implemented; and, (b) which added a section to the Vehicle and Traffic Law requiring the installation and use of an Ignition Interlock Device as part of all DWI sentences in New York State, to be implemented effective August 15, 2010; and

WHEREAS, the legislation provided no direction or resources whereby the Ignition Interlock section of this legislation could be implemented; and,

WHEREAS, in accord with the request of the Law, the New York State Division of Probation and Correctional Alternatives has prepared a Proposed Rule to direct the implementation of this law; and

WHEREAS, the Proposed Rule does not demonstrate how the counties are to organize and/or support the implementation of this program and requires each county to demonstrate how the county will implement and fund this Program; and

WHEREAS, the Delaware County Probation Department, Stop-DWI and others have discussed this Program with the Public Safety Committee and no adequate solutions have been put forth; and

WHEREAS, Delaware County in this time of severe fiscal crises, does not have the resources to assume responsibility for an un-funded mandate of this magnitude

NOW, THEREFORE BE IT RESOLVED, that the Delaware County Board of Supervisors join with the New York State Association of Counties and other appropriate statewide organizations to recommend and request that the State of New York delay the implementation of the Ignition Interlock Program for two or more years until appropriate resources can be identified and made available to the counties for the implementation of this Program.

The resolution was seconded by Mr. Utter.

Mr. DuMond noted that Leandra's Law is well intended but, not well thought out. He asked Director of Probation Scott Glueckert to provide a brief explanation of the program.

Mr. Glueckert stated that in November 2009 the state issued Leandra's Law with two components. The first component said that if an individual is convicted of a DWI with a child in the car, the penalty would be harsher. The second component required the installation and use of an ignition interlock device as a condition of discharge for a minimum of six months.

The proposed rule came out March 12th and does not detail how the counties are to organize and support the implementation of this program. There is language in the rule that says the vendor and offender will pay for some of the cost however, he does not anticipate it to cover the entire cost of the program. Although the law is well intended, the county will become financially involved with supporting the requirements of the law. As a result, this has become another unfunded state mandate imposed on the counties. There are sixteen counties proposing a similar resolution and he is certain there will be more. It is important our legislators hear how the county feels about issues.

Chairman Eisel commented that if enough counties support the delay our legislators will hear us.

In answer to Mr. Hynes, Mr. Glueckert stated that the law has already passed, therefore, the county can only request a delay. The law passed in November 2009 and is to be implemented August 2010.

Mr. Glueckert stated in reply to Mr. Utter, that he spoke with a vendor in Oneonta, New York who advised him it would cost roughly \$100 to install the equipment in the vehicle, \$100 for the monthly monitoring and \$100 to have the equipment uninstalled. This amounts to almost \$1,000 per offender for the minimum sentence of six months which can be extended to five years. These costs are to be paid by the offender, however, he does not believe the offenders will be financially able to pay for the costs.

The resolution was unanimously adopted.

Mr. Valente offered the following resolution and moved its adoption:

RESOLUTION NO. 74

TITLE: RESOLUTION SUPPORTING THE CONSTRUCTION OF THE BELLEAYRE RESORT PROJECT

WHEREAS, the Delaware County Board of Supervisors is committed to, and strongly

supports, economic development and the tourism industry in Delaware County; and

WHEREAS, Crossroads Ventures LLC will invest over \$400 million in the development of the Belleayre Resort at Catskill Park, providing visitors to this region with a variety of year-round outdoor recreation and lodging opportunities, and will compliment and enhance Delaware County's efforts to promote the region as a tourism destination; and

WHEREAS, Delaware County continues to suffer from the loss of jobs, reduced household income and negative growth in sales tax revenues resulting from the global economic downturn; and

WHEREAS, Delaware County has seen a continued migration of jobs outside the county and a population decline of over 5 percent since the 2000 Census; and

WHEREAS, the Belleayre Resort project will result in the creation of 541 full-time and 230-part-time jobs, will provide direct and indirect wages of approximately \$47 million annually and contribute over \$167 million annually to the local economy; and

WHEREAS, on September 5, 2007, Crossroads Ventures, LLC reached an agreement with New York State, the City of New York and seven national and regional environmental groups regarding a scaled-back version of the Belleayre Resort at Catskill Park project; and

WHEREAS, the agreement in principle has dramatically reduced the scale and scope of the project and provides for 1,200 acres of land to be incorporated into the Catskill Park as forever wild while simultaneously increasing project costs by over \$150 million, and has been lauded by all parties to the agreement as an illustration that environmental protection and sustainable economic development can go hand in hand; and

WHEREAS, the Belleayre Resort project will be a tourism destination and anchor to encourage the development of new businesses while supporting existing businesses throughout the region; and

WHEREAS, the development of the Belleayre Resort will benefit residents and taxpayers living and working in Delaware County through the provision of new job opportunities, over \$650,000 annually in local property taxes and millions of dollars annually in new sales tax revenues.

NOW, THEREFORE, BE IT RESOLVED, that the Delaware County Board of Supervisors does hereby express its support for the development and construction of the Belleayre Resort; and

BE IT FURTHER RESOLVED, that the Delaware County Board of Supervisors is committed to working with Crossroads Ventures, LLC and offering any appropriate assistance to acquire permits, licenses and/or easements to assure the development of the resort; and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Ulster County Legislature, Governor Patterson, Senator John Bonacic, and NYS Assemblymen Clifford W. Crouch and Kevin Cahill.

The resolution was seconded by Mr. Donnelly and Ms. Molé.

Mr. Valente noted that the project has been around for at least twelve years that he knows of and has never received the support it needs to get off the ground. The county is not lacking in forever wild space but, is lacking in development, recreation and employment. He very strongly supports this project and urged the Board's support of this resolution.

Mrs. Capouya asked Chief Planner Shelly Johnson-Bennett if anyone had seen the new plan or was aware of any of the differences. Mrs. Johnson-Bennett stated that the Town of Middletown Planning Board has not received a formal application for review at this time.

Chairman Eisel commented that the project has been downsized. Mrs. Johnson-Bennett pointed out that the new plan is about half the original size, eliminating one golf course and a resort building.

Mr. Utter stated that the original plan was roughly 50/50 in the Counties of Delaware and Ulster. In the new plan, the Ulster County side of the project will now be part of the forever wild and more of the development will be moved to Delaware County. As a resident and Town Supervisor of Middletown he strongly supports this project. The tourism and the additional revenue that the project will bring in is certainly a benefit, but the creation of 200 plus jobs will have the greatest impact on the county. The developers have indicated that the majority of the jobs will be for domestic people at a starting salary of \$15 to \$20 an hour.

Chairman Eisel remarked that Mr. Gitter has been trying for years to get this project off the ground. He is a good man and entrepreneur who has already spent approximately \$7 million in environmental impact statements to create jobs and a nice vacation resort in our area. If the impact from the environmentalists were to keep this project from getting off the ground, he feared that smaller business or resorts may not want to come here because of his loss. He supports this resolution and believes the project will benefit the county in the long run.

Mr. Donnelly remarked that the project is providing employment opportunities for our county and said he strongly supports this resolution.

The resolution was unanimously adopted.

Mr. Valente offered the following resolution and moved its adoption:

RESOLUTION NO. 75

TITLE: RESOLUTION SUPPORTING THE AMENDMENT OF SECTION 215 OF NEW YORK STATE COUNTY LAW REGARDING THE LEASING OF COUNTY OWNED LANDS

WHEREAS, the exploration and extraction of natural gas from the Marcellus Shale and other geologic formations in the Southern Tier and Central New York has become a major economic factor such that gas companies are leasing thousands of acres of land; and

WHEREAS, Section 215 of the New York State County Law, governing non-charter counties, currently limits the period of time a county can enter into a lease to five years; and

WHEREAS, gas companies seeking to lease land, in order to recover the large investment costs, require that the term of leasehold extend for such time as the well is productive

and not be limited to a finite five year term; and

WHEREAS, counties governed by a county charter, have the ability to enter into a lease term of their own determination; and

WHEREAS, all counties should be afforded equal protection under the law to enable the respective county governments to determine the terms of leases for its own land, if any county shall determine it to be in the public interest to enter into one or more of such leases; and

WHEREAS, the State of New York permits the leasing of State land for natural gas exploration and extraction for so long as gas is produced in commercially paying quantities; and

WHEREAS, legislation sponsored by Senator Thomas Libous, Assemblyman William Magee and Assemblyman Clifford W. Crouch and Assemblyman Peter Lopez, denoted as Senate Bill No. S.6325 and Assembly Bill No. A.9727 respectively, has been introduced to amend County Law Section 215 to permit a county to enter into a lease under terms it deems proper and that the period of such lease for the exploration and drilling for and extraction of natural gas and liquefied natural gas may extend for as long a period of time as the gas is produced in commercially paying quantities; and

WHEREAS, the proposed legislation is consistent with the practice employed by the New York State Department of Environmental Conservation when the State of New York contracts with a private company to produce natural gas.

NOW, THEREFORE BE IT RESOLVED, that the Delaware County Board of Supervisors supports this legislation and requests that each county support this legislation, adopt a resolution formally indicating such support, and urge their respective elected representatives in Albany to become co-sponsors of and work for the passage of such legislation and its signing by the Governor; and

BE IT FURTHER RESOLVED, that a copy of this resolution be distributed to county governments, and elected representative including Governor Patterson, Senator John Bonacic, Senator Thomas Libous, NYS Assemblymen Clifford W. Crouch and Peter Lopez and the New York State Association of Counties.

The resolution was seconded by Mr. Triolo.

Mrs. Capouya stated that she is generally in favor of home rule but, expressed concern about supporting this resolution for gas leasing as there is insufficient information about how the process may affect our citizens.

Chairman Eisel answered in reply to Mrs. Capouya, if the resolution passes, the application of it will apply to any county owned land.

County Attorney Richard Spinney explained in response to Mrs. Capouya, that a charter county is run by a county legislature, not a Board of Supervisors.

In answer to Mr. Marshfield, Mr. Spinney said if the resolution passes and the county is approved to lease property for more than five years, it is his thought that towns and villages could adopt a similar resolution.

Mr. Homovich noted that there are approximately 12,482 people in this county receiving assistance. He referenced the Belleayre Resort project and the 200 plus jobs it would create. The Board of Supervisors has the responsibility to do something to make sure the residents of this county have a means to survive. The environmentalists do not have that responsibility. It has been his experience that the environmentalists put nothing on the table except arguments against the county's efforts to create economic opportunity. He believes there will be gas drilling in this county in one form or another.

Mrs. Capouya stated if the Board decides to do this to create jobs and unknownly affects the population negatively what has been accomplished. There are many concerns that still need to be researched and studied. She pointed out that most of the Marcellus Shale drilling is being done by Europe and other foreign countries who may not have the same dedication to this county as American drillers. This is a serious issue and if it can be done with the reasonable assurance that it will not be harmful to people she was fine with it.

Mr Homovich remarked that if the City and the environmentalist had their way, they would plan and study every matter to death.

Mr. Donnelly stated that he felt confident the issues raised by other states would not happen in New York State because of the high standards the state has established.

Mr. Homovich noted that his family has about 120 years of experience in the mining business. He feels that many of the people speaking in opposition of drilling are taking comments out of context to make a statement. Without knowledge and experience in the industry it is difficult to compare the drilling methods effectively.

Mr. Hynes remarked that it has taken over two years to do a study to receive approval to place 30 wind turbines in the Town of Roxbury and he did not think it was finished yet. The problem with these studies is when is it enough, it's ridiculous.

In answer to Chairman Eisel, Commissioner of Watershed Affairs Dean Frazier stated he anticipated word from the New York State Department of Environmental Conservation and the governor regarding drilling in the watershed towards the fourth quarter, but it was unclear to him how this was going to play out.

Mr. Rowe stated that he is pro drilling and the Town of Hancock is a member of the Upper Delaware Council represented by Fred Peckham who he considered an expert in the natural gas industry. He monitors the pros and cons regarding drilling and owns 1,200 acres of land he has not leased yet as there is new technology being introduced all the time. In Mr. Rowe's opinion, it cannot be that difficult to come up with a green alternative to drill safely.

Mr. Rowe noted that the Delaware River Basin Commission is going to be controlling the regulations. They continue to hear comments but, are postponing a decision. He believes this is their way of saying "no" because they are getting so much pressure from the environmentalists. He spoke with Commissioner Frazier suggesting a resolution come before the Board to support the Delaware River Basin.

Mr. Marshfield pointed out that the Board has passed a resolution in support of gas drilling. This resolution is requesting the right to lease county land for a period of longer than five years.

The resolution was unanimously adopted.

Chairman Eisel waived Board Rule 10 to permit the introduction without objection of the following no pre-filed resolutions.

Mr. Donnelly offered the following resolution and moved its adoption:

RESOLUTION NO. 76

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$1,579,727.97 are hereby presented to the Board of Supervisors’ for approval of payment;

NOW, THEREFORE, BE IT RESOLVED that the County Treasurer be directed to pay said expenditures as listed below:

General Fund	\$1,179,532.04
Countryside	\$420.00
OET	\$19,192.03
Highway Audits, as Follows:	
Road	\$142,458.98
Machinery	\$ 80,179.31
Capital Road & Bridge	\$ 27,926.97
Capital Solid Waste	\$ 14,057.05
Solid Waste/Landfill	\$115,961.59

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

Chairman Eisel announced that U.S. Senator Kristen E. Gillibrand’s representatives, Chief of Staff Brian Simmons and Amy Pollack will be at the County Office Building in Delhi on April 23rd from 2:00 p.m. to 3:00 p.m. to hear the Board’s concerns regarding watershed issues.

Mr. Rowe commented that Sullivan County’s landfill is full beyond capacity and they have to close it down. It is costing them \$12 million a year to get rid of their waste. They are shipping it out at a cost to taxpayers of \$4 a bag. This figure does not include the cost to close the landfill. In addition, they are being mandated to come up with a solution to their jail situation. He applauded the members of the Board that made the decisions they did about composting and the jail when they did. It was forward thinking and the county is better off for it.

Mr. McCarthy advised that Sullivan County had a county manager that told them they could get out debt by taking in other peoples garbage. They made the decision to take in garbage and they got out of debt but, they never stopped taking in the garbage. In addition, they purchased the land next to the facility and developed it without getting a permit from the state and the state turned them down.

Mr. McCarthy stated in answer to Chairman Eisel, that he believed Sullivan County has a population of 79,000.

Chairman Eisel thanked Mr. Rowe, noting that it is not often enough that we applaud our accomplishments. It cost the county some money but, it was wisely spent. He pointed out that Senator John Bonacic commented on how well we do business in our county.

Mr. Rowe offered the following resolution and moved its adoption:

RESOLUTION NO. 77

TITLE: EXECUTIVE SESSION

BE IT RESOLVED that the Delaware County Board of Supervisors convene in executive session to discuss negotiations.

The resolution was seconded by Mrs. Capouya and unanimously adopted.

The meeting reconvened in regular session with all Supervisors present except Mr. DuMond.

Upon a motion, the meeting adjourned at 3:08 p.m.