

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

MAY 12, 2010

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, May 12, 2010 at 5:30 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. Triolo 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 Insurance Committee Chairman Martin Donnelly. Mr. Donnelly introduced Jim Thomson of the Mang Insurance Agency and New York Municipal Insurance Reciprocal (NYMIR) Executive Director Kevin Crawford to make a presentation and provide an update on the NYMIR program.

Mr. Crawford explained that NYMIR is a not-for-profit, tax exempt property and casualty insurance program in its seventeenth year and has grown from twenty-six members to six hundred and thirty from all across New York State. Its mission is to bring predictability and stability to rates for all local governments. NYMIR has proven itself successful and has earned a rating increase from A.M. Best, a company that evaluates the ability of an entity to meet its ongoing financial obligation.

As a result of good fiscal management NYMIR is in its second year of a three year program of returning a portion of its members capital contribution totaling \$8 million dollars.

Mr. Crawford presented Mr. Donnelly with a distribution check payable to the county in the amount of \$16,978.00. He thanked the county for its participation and loyalty to the program.

Mr. Crawford stated in response to Chairman Eisel, that the county was presented with a distribution check in the amount of \$16, 978.00 in 2009 and will receive the same amount in 2011.

Mr. Donnelly thanked Mr. Crawford and stated that NYMIR continues to step up to the plate and has done a terrific job for Delaware County.

Chairman Eisel granted privilege of the floor to Chairman of the Public Safety Committee Craig DuMond. Mr. DuMond introduced Director of Emergency Services Richard Bell to discuss Resolution No. 88 entitled: *Authorization For Professional Services Communications and Radio Frequency Engineering and Planning Services* and Resolution No. 89 entitled: *Interoperability Communication Consortium* that will be introduced later in the meeting.

In reference to Resolution No. 88, Mr. Bell advised that Blue Wing Services, Inc. was chosen to begin Phase I of the development and implementation of an interoperable emergency communication system. Phase I includes a frequency search to decide what frequencies are available to the county and an operational assessment to determine what the county requires. Funding for the engineering and planning of Phase I, II and III of the project is from a grant received in 2009 from the New York State Office of Homeland Security and Federal Emergency Agency.

Referencing Resolution No. 89, he advised that being a member of the consortium allows the county to apply for regional grant funding and share services with other counties in order to reduce expenses. The remaining funding from the State Wide Wireless Network that the state is still holding will only be available to consortiums. Delaware County is one of only two active consortiums in the state which puts us in a good place to leverage the funds. This resolution makes the county a formal member of the consortium with Mr. Bell as the representative.

Mr. Bell provided an update on the broadband stimulus application submitted through the Southern Tier East Planning in partnership with the counties of Broome, Chemung, Delaware, Otsego, Schuyler and Steubin. The application is currently ranked number one in the state and is moving forward with the federal government. As long as all the counties remain committed to the project there is the potential for the award. The county can anticipate a response to the application within the next four to six weeks.

In answer to Chairman Eisel, Mr. Bell explained that the broadband stimulus application if awarded, is a \$6 million project that would provide fiber to the majority of the county's towers and eliminate much of the need for any infrastructure for those towers to communicate to each other as they would be communicating on the fiberoptic network. At the time the application was filed, the county was not thinking that the application had a real shot. As it turns out, the application was ranked number one in the State of New York in a list of priority projects the state would like to accomplish.

Mr. Bell explained in answer to Mr. Marshfield, that the Counties of Broome, Chemung, Cortland, Delaware, Otsego, Schuyler, Steuben and Tompkins were in the original discussions. The Counties of Cortland, Tioga and Tompkins have opted out of the project however, the project will run through parts of those counties to pick up industry. Initially Broome County was

committed to the project but, they are currently having financial issues. Unfortunately, their commitment was made prior to presentation of a resolution to their legislature. Broome County's participation is critical in order to have a sustainable business model and without it the project is not a viable one.

The consortium is a group of county emergency managers and 911 coordinators working together with an agreement to share services. Delaware County is one of three counties that are in the process of preparing a resolution to sign onto the consortium. The idea behind the consortium and the broadband project are similar in that the counties are working together for mutual purposes.

In answer to Chairman Eisel, Mr. Bell noted that a conference call is scheduled with Congressman Murphy's office to address specific questions. The application which is seeking funding for infrastructure build out, replacement of communication towers, and replacement of failing equipment and buildings is fully supported by Congressman Murphy's office and is moving forward.

Mr. DuMond thanked Mr. Bell for his diligence and commitment to this project. He and Mr. Homovich as part of the Public Safety Committee have been involved with interviewing the consultants and trying to understand all this is very difficult. Mr. Bell has a good handle on what is going on and he and his staff are true professionals. Mr. DuMond felt confident that under Mr. Bell's direction the county would have the best plan possible.

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

RESOLUTION NO. 85

**TITLE: 2010 BUDGET AMENDMENT
POLL SITE ACCESS GRANT
BOARD OF ELECTIONS**

WHEREAS, the Delaware County Board of Elections has been awarded additional money from New York State for the Poll Site Access Grant to purchase items needed at the polling sites in the amount of \$2,210.00; and

WHEREAS, there is no county match for this grant.

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

INCREASE REVENUE

10-11450-43308000/1450001/961	State Board of Elections Grant	\$2,210.00
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INCREASE APPROPRIATION:

10-11450-54327000/1450001/961	General Grant Related Expense	\$2,210.00
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The resolution was seconded by Mr. Dolph and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 86

**TITLE: 2010 BUDGET AMENDMENT TO RESOLUTION NO. 46-09
THE DEVELOPMENT OF HIGHWAY MANAGEMENT PLANS FOR THE TOWNS OF
DELAWARE COUNTY – PHASE II
WATERSHED AFFAIRS**

WHEREAS, Delaware County has been awarded funding under the 2005 Safe Drinking Water Act to develop Highway Management Plans for Towns Phase II, located in the NYC Watershed Basins of Delaware County; and

WHEREAS, contract C301945 between the New York State Department of Environmental Conservation and Delaware County is a multiple year contract adopted under Resolution No. 221 on September 11, 2002; and

WHEREAS, the Delaware County Planning Department and the Delaware County Department of Public Works has the requisite expertise to develop these plans and will partner with individual towns to do so; and

WHEREAS, the Delaware County Department of Watershed Affairs and the Delaware County Planning Department is in need of new equipment and supplies to finish said project; and

WHEREAS, New York State Department of Environmental Conservation has approved the equipment and supply purchase request; and

WHEREAS, the funds for this purchase need to be transferred to the following line items listed below; and

WHEREAS, the New York State Department of Environmental Conservation gives Delaware County a 10% leeway to move funds within the line items

NOW, THEREFORE, BE IT RESOLVED, that the 2010 budget be amended as follows:

FROM:

10-18741-54327200/8740026/900	Contractual Services	\$4,900.00
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TO:

10-18741-52200001/8740026/900	Equipment	\$3,200.00
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10-18741-54327595/8740026/900

Office Supplies

\$1,700.00

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

Mr. Hynes withdrew Resolution No. 87 entitled: *Increase Fees for Election Workers* to be recalled at a later date.

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

RESOLUTION NO. 88

TITLE: AUTHORIZATION FOR PROFESSIONAL SERVICES COMMUNICATIONS AND RADIO FREQUENCY ENGINEERING AND PLANNING SERVICES DEPARTMENT OF EMERGENCY SERVICES

WHEREAS, Resolution No. 121 of 2009 authorized the Department of Emergency Services to accept an awarded grant under the fiscal year 2009 Interoperable Emergency Communications Grant Program from the New York State Office of Homeland Security (OHS) and the Federal Emergency Management Agency (FEMA) to help the county with the development and implementation of an interoperable emergency communications system; and

WHEREAS, the aforementioned grant will subsidize 100 percent of the cost of system design, community outreach, system procurement assistance and system implementation; and

WHEREAS, the department has followed the Procurement rules to select an engineer to perform necessary tasks associated with this project; and

WHEREAS, the department has negotiated with the selected engineer, Blue Wing Services, Inc., to define scope and fee; and

WHEREAS, Blue Wing has provided a project work plan for Phase I, which will include a review of the existing system; operational enhancement review, research of resources, site issues review, non-traditional spectrum search for a cost not to exceed \$56,450.00. If necessary they will conduct an additional spectrum search for a cost not to exceed \$10,000, for a final total for phase I not to exceed \$66,450.00; and

WHEREAS, once Phase I is completed Blue Wing will move into Phase II of the project – Design Alternatives and Final Design followed by Phase III – RFP procurement, implementation and training and an evaluation of the system

NOW, THEREFORE, BE IT RESOLVED, that the Department of Emergency Services is hereby authorized to enter into an agreement with Blue Wing Services, Inc with its

offices at PO Box 16318, St. Paul, Minnesota 55116.

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

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

RESOLUTION NO. 89

**TITLE: INTEROPERABILITY COMMUNICATION CONSORTIUM
DEPARTMENT OF EMERGENCY SERVICES**

WHEREAS, there is a need to cooperate and establish and interoperability communications network for emergency service communications to serve the Southern Tier East Region; and

WHEREAS, this need has been expressed in the National SAFECOM program, is encouraged by the Federal Government through a number of federal grant programs, and is well recognized as the future for planning interoperable communications systems; and

WHEREAS, in order to seek federal funding for such initiatives, it is the desire of the Counties of Broome, Chenango, Cortland, Delaware, Otsego, Schoharie, Tioga and Tompkins, to form the Emergency Service Interoperable Communications Alliance for the Eastern Southern Tier (hereinafter referred to as “Regional Interoperable Communications Alliance”); and

WHEREAS, it is desirable that the Regional Interoperable Communications Alliance be endorsed by its participant active counties, and that its responsibilities be formally set forth

NOW, THEREFORE, BE IT RESOLVED, that the County of Delaware, for the reasons set forth above, and pursuant to the authority provided under Article 5-G of the New York State General Municipal Law, hereby expresses its desire to work with its neighboring counties as an active member of the Southern Tier East Emergency Service Interoperable Communication Alliance and officially designates its Director of Emergency Services to be its official representatives to said Alliance; and

BE IT FURTHER RESOLVED, that once activated the Regional Interoperable Communications Alliance will be governed in the manner set forth in the accompanying Memorandum of Understanding; and

BE IT FURTHER RESOLVED, that the Regional Interoperable Communications Alliance shall be activated upon the adoption of this resolution by this county and any two other counties listed as potential member counties, and that the Alliance shall only represent those counties with active memberships.

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

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

RESOLUTION NO. 90

TITLE: REQUEST THAT THE DELAWARE RIVER BASIN COMMISSION (DRBC) EXPEDITE THE PROMULGATION OF RULES AND REGULATIONS TO ALLOW NATURAL GAS DRILLING IN THE DRAINAGE AREAS OF SPECIAL PROTECTION WATERS ECONOMIC DEVELOPMENT/WATERSHED AFFAIRS

WHEREAS, natural gas drilling in Delaware County offers extraordinary and desperately needed economic opportunities for Delaware County; and

WHEREAS, Delaware County previously expressed its support for natural gas drilling in Resolution No. 217 of December 9, 2009; and

WHEREAS, Delaware County has requested the New York State Department of Environmental Conservation adopt a Supplemental Generic Environmental Impact Statement (SGEIS) for horizontal drilling and high-volume hydraulic fracturing without any special regulations or policies that would limit or discriminate against regulated natural gas mining in Delaware County in a manner different from the restrictions that apply statewide; and

WHEREAS, NYSDEC has announced it will ignore Delaware County's request, resulting in an onerous approval process rather than an outright ban because as stated by NYSDEC Commissioner Grannis, "At the end of the day, an outright ban risks very substantial litigation" however this action in practice prohibits new gas wells in our watersheds, circumventing individual landowner (mineral) rights so as to be able to continue to provide exceptionally low cost water to New York City and other downstate residents at the expense of Delaware County residents; and

WHEREAS, in addition to NYSDEC regulations Delaware County is also subject to heavy regulatory oversight from New York City and is, therefore opposed to any further regulatory oversight by DRBC that would exacerbate the economic burdens on Delaware County; and

WHEREAS, in the absence of existing rules and regulations, the DRBC is exercising discretionary authority to regulate all natural gas projects in Drainage Areas of Special Protection Waters, which includes all of the Delaware Basin in Delaware County; and

WHEREAS, in the absence of DRBC rules and regulations, permit approval procedures are necessarily arbitrary and capricious, unfairly depriving sponsors of any certainty regarding

the decision making process and determinant criteria; and

WHEREAS, the DRBC's continued delay in promulgating formal regulations is causing undue delay in the approval of natural gas projects in the Delaware River Basin, and may, in Delaware County's case result in a situation where New York State regulations are in place and the DRBC's are not; and

WHEREAS, the DRBC's authority to issue permits for natural gas projects may be in conflict with the balance of the requirements for the State of New York; and

WHEREAS, their decisions with or without rules and regulations may create a program that discriminates against New York State residents living in the Delaware River Basin, conflict with pending New York State natural gas regulations and be held to an additional standard that is more restrictive with no compensation from the DRBC.

NOW, THEREFORE BE IT RESOLVED, the Delaware County Board of Supervisors strongly recommends Governor Patterson, as a Commissioner of the DRBC, intervene to demand the DRBC expedite the promulgation of regulations to ensure the DRBC regulations are completed as soon as possible so sponsors know what criteria is needed to receive a timely approval and to assure any DRBC regulations are consistent with those watersheds outside the New York City watershed and are not discriminatory toward those living in the Delaware River Basin below the New York City impoundments.

BE IT FURTHER RESOLVED, that this resolution be sent to state and federally elected officials, NYSDEC Commissioner Grannis, NYC Mayor Bloomberg, NYC DEP Commissioner Caswell Holloway, the Delaware River Basin Commissioners and the DRBC Executive Director Carol Collier.

The resolution was seconded by Mr. Rowe.

Mrs. Capouya noted that she has received several phone calls, e-mails, and letters from constituents in opposition of passing this resolution. She shared an e-mail written by Kate Ryan of Delhi that was a good representation.

Ms. Ryan expressed an appreciation for the need to raise additional funds for the county but, felt it was unwise to consider hydraulic fracturing as the answer. Reference was made to the denial by the Board to hear comments from the residents desiring to express their concerns and concluded with the request to wait until after the EPA study was complete before moving ahead with the passing of this resolution.

Speaking on her own behalf, Mrs. Capouya, stated that she is in agreement with most of what the resolution says, primarily the request that in the watershed Delaware County be treated the same as the rest of the state. If this process is unsafe for New York City it is unsafe for Delaware County and Syracuse. She was not in agreement with the attempt to rush regulations

and felt there was a lot of work that still needed to be done. The economic issue is a very serious one but, felt more information on the safety of the process was needed.

Mr. Rowe stated that he represents people on both sides of the issue. This resolution came about because it was felt that the DRBC was not doing anything. The Susquehanna River Basin Commission (SRBC) is reviewing applications and making determinations. Drilling is already going on in the Chesapeake and Susquehanna River Basins. In his opinion, there is no reason for the DRBC to wait for the adoption of the Supplemental Generic Environmental Impact Statement (SGEIS), they should be handling the process the same as the SRBC. He is supporting this resolution because the DRBC does not need to re-invent the wheel, they need to put in place the rules and regulations necessary to begin the permit approval process. He recognized the process has to be done responsibly but, expressed concern that there are legislatures seeking a statewide moratorium on drilling and the SGEIS has not even been adopted yet.

He noted that the Town of Hancock is a member of the Upper Delaware Council (UDC) and has access to a full time resource information officer that provides up to date information, both pros and cons, from all over the world on gas drilling. The information many people are getting is nine months or older, the information the UDC provides is current. Anyone interested in obtaining this information by email should let Mr. Rowe know.

He noted that a document from the Pennsylvania State University entitled: *An Emerging Giant: Prospects and Economic Impacts of Developing the Marcellus Shale Natural Gas Plan*, and the Spring 2009 issue of the magazine entitled: *Hancock & The Marcellus Shale* were placed on each Supervisor's desk. The examples presented in *Hancock & The Marcellus Shale* were circumstances taken right to the NYSDEC and as a result regulations were written around them. These examples were used as bad examples of the industry and hopefully they will have been addressed by the SEGIS.

He felt that the time has come for government and industry to partner together to come up with a green technology to extract gas in a manner that will rule out the environmental impacts people are having trouble with.

Mr. Homovich remarked that anytime you drill or mine for anything there is going to be risk. In his opinion the DRBC is an environmental group that is against everything. The DRBC takes in all of Delaware County except for a small portion in the Susquehanna Valley. When the DRBC and DEP signed a MOA to back each other they in effect became the same group.

The constant taking without payment to the residents of this county by New York City and the environmentalists is in his opinion nothing short of thievery. We are entitled to the best use of our land, gas drilling is a natural resource and has been done for many years. The City and the environmental groups are good at taking without paying. If they want to take what is ours, then they should have to pay for it. The City has \$300 million to buy more of our land, this is not going to help us, a line has to be drawn somewhere.

He noted that he was looking over literature written by New York City about twenty years ago. The material referenced the impacts of a hydro plant on the Cannonsville Reservoir. In the literature, they discussed brownouts, noting that if a brownout occurred in the City, our residents would agree to reduce their electric use to compensate the City. The City decided against building the hydro plant. When a local electric company expressed interest in hydro power the City was against the project. He felt the City is putting the county on a course it can not survive.

Chairman Eisel said that although the City did not eliminate drilling in the watershed they were putting onerous rules and regulations in place that would make it undesirable for anyone to want to drill in the watershed. We care about our environment and the Department of Watershed Affairs has been diligent in their efforts to bring any new technologies to the attention of the NYSDEC.

Mr. Marshfield noted that if New York City was going to go against the MOA and arbitrarily expand the boundaries of the watershed to include below the dam structures he felt that they should be required to pay every landowner in those watershed communities for the mineral rights they are being denied. He suggested that the Board draft a resolution requesting that.

Mr. Homovich pointed out that the NYSDEC is talking about doing away with outside wood furnaces. Some of the residents in the Town of Colchester are sustaining the winter with wood heat. He remarked that he does not know what these residents will do if they are not allowed to burn wood. These type of regulations are not going to stop.

The resolution was adopted by the following vote: Ayes 4647, Noes 159 (Capouya), Absent 0.

Chairman Eisel waived Board Rule 10 to permit the introduction without objection of the following not pre-filed resolutions.

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

RESOLUTION NO. 91

TITLE: SALE OF TAX ACQUIRED PROPERTY

Resolved that the following described parcels of tax acquired property be sold to the parties indicated for the price herein stated and the County Treasurer is authorized to execute and deliver deed, therefor, and to cancel all Delaware County tax liens thereon, upon receipt of cash consideration herein set forth.

HAR08TX.018

ASSESSED TO:

JOSEPH PRIMAVERA AND BARBARA ROHRS

TOWN OF: 123889:HARPERSFIELD
TAX MAP NO: 12.-1-12.2
SCHOOL DISTRICT: 433601:JEFFERSON
ACREAGE: 7.50A ACRES
CONVEYED TO: JOSEPH PRIMAVERA AND BARBARA ROHRS
PO BOX 296
HARPERSFIELD NY 13786
CASH CONSIDERATION: \$9,883.60
TAX DEFICIT: \$8,310.57

MER08TX.006

ASSESSED TO: **MONTY HITCHCOCK AND ROXANNE HITCHCOCK**

TOWN OF: 124400:MEREDITH
TAX MAP NO: 62.-1-22
SCHOOL DISTRICT: 122801:DELAWARE ACADEMY
ACREAGE: 7.30A ACRES
CONVEYED TO: ESTATE OF ROXANNE HITCHCOCK
C/O BRADLEY S HITCHCOCK, EXC
86 JERSEY RD
DELHI NY 13753
CASH CONSIDERATION: \$8,120.18
TAX DEFICIT: \$6,852.07

WAL08TX.002

ASSESSED TO: **JOHN M BLAKE AND MARCIA H BLAKE**

TOWN OF: 125689:WALTON
TAX MAP NO: 297.-3-6
SCHOOL DISTRICT: 125601:WALTON
ACREAGE: 10.06A ACRES
CONVEYED TO: JOHN M BLAKE AND MARCIA H BLAKE
352 VALLEY RD
COSCOB CT 06807
CASH CONSIDERATION: \$5,502.90
TAX DEFICIT: \$4,431.60

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

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

RESOLUTION NO. 92

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,619,982.07 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	\$1,140,279.46
Countryside	\$420.00
OET	\$41,775.06
Highway Audits, as Follows:	
Road	\$32,341.14
Machinery	\$84,460.60
Capital Road & Bridge	\$225,444.85
Capital Solid Waste	\$0.00
Solid Waste/Landfill	\$95,260.96

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

Chairman Eisel appointed Town of Walton Supervisor Bruce Dolph to the Delaware County Industrial Development Agency Board to fulfill the term of his predecessor, John Meredith ending on December 31, 2010.

Mr. Hynes referenced a letter which was sent by the Roxbury Arts Group to each town advising them of the availability of the New York State Council of the Arts Decentralization Program Grants for Arts and Cultural Projects in Delaware County. The Roxbury Arts Group serves all of Delaware County with a variety of arts, entertainment and education.

Mr. Hynes advised that the Planning, Recreation, Culture and Community Committee has been interviewing for the position of County Historian. There are several good candidates for the position and he anticipated a resolution appointing a replacement would be presented at the next Board of Supervisors meeting.

Upon a motion the meeting adjourned at 6:10 p.m.

