

REGULAR MEETING
DELAWARE COUNTY BOARD OF SUPERVISORS
SEPTEMBER 22, 2010

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, September 22, 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 except Mr. Donnelly.

Mr. Marshfield offered the invocation.

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

The minutes of the August 25th meeting were accepted as presented. It was noted that the September 8th meeting was cancelled due to a lack of business.

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

Chairman Eisel granted privilege of the floor to the Director of Veterans' Service Agency John Boecke who presented Donna Elderkin as Employee of the Month.

Donna Elderkin began working for Delaware County in June 1990 as a typist for the Veterans' Service Agency. In January 2008 she was promoted to an administrative assistant and in September 2009 was appointed assistant to the director of Veterans' Service Agency. In this capacity she provides administrative support to the Director and assists the veterans' with a variety of entitlements earned through military service.

Mr. Boecke stated that Mrs. Elderkin is a true professional. Her sense of humor, mild manner and encouraging nature all contribute to her exemplary work performance. She develops good relationships with her clients, always cheerful and empathetic. Her flawless organizational skills, complete understanding of the Veterans' Agency benefit system, positive attitude and passion for what she does are an asset to the agency and community.

Mr. Boecke noted that Mrs. Elderkin was a tremendous support to him as he trained for the position of director. He thanked her for all she does for the county's veterans and congratulated her on her well deserved recognition.

Mr. Boecke presented Mrs. Elderkin with a \$100.00 savings bond.

Chairman Eisel presented her with the Certificate of Employee of the Month and thanked her for her dedicated service. He complimented Mrs. Elderkin for the great job she did when the agency was without a director.

Mrs. Elderkin stated that she felt privileged to be part of the Veterans' Service Agency and is very proud of the realm of services that the Agency offers. She thanked Mr. Boecke for his kind words and stated that it is a pleasure to work as a team to deliver the very best to our veterans and their families. She extended thanks also to the Board of Supervisors and the Department of Personnel for their support during the agency's transition last year.

Mr. Hynes, speaking as Chairman of the Planning, Recreation, Culture & Community Committee, stated that Mr. Boecke's management of the agency has increased efficiency tremendously. Working in cooperation with Mrs. Elderkin the agency is now servicing more veterans than they have in the past.

Chairman Eisel granted privilege of the floor to Mr. Valente. Mr. Valente introduced Delaware County Chamber of Commerce Executive Director Mary Beth Silano. Ms. Silano introduced Director of Tourism Patty Cullen, South Kortright Central School Superintendent Pat Norton-White and South Kortright Central School art teacher Anne Grohel.

Ms. Cullen noted that she asked her friend and art teacher Ms. Grohel if she would ask her art class to create travel posters depicting an aspect of living in Delaware County that is meaningful to them. Mrs. Grohel agreed and the students began creating prints that reflected scenes of the simple beauty of the mountains and the lands of Upstate New York, agriculture, hunting and the railroads.

The students inspired artwork was reproduced into posters and sold as sets with the South Kortright Central School receiving half of the proceeds to support their travel club.

Ms. Cullen presented the Board of Supervisors with six framed travel posters created by South Kortright Central School students, John Cianciullo, Beth Czaja, Katelyn Fletcher, Tallulah Guadagnino, Nicole Holdridge, Nicole Lennone.

Chairman Eisel applauded the project and on behalf of the Board thanked Ms. Cullen for the gift of the artwork which will be displayed in the lobby of the County Office Building.

Chairman Eisel granted privilege of the floor to Mr. Smith. Mr. Smith introduced Director of Cornell Cooperative Extension Jeannie Darling.

Mrs. Darling stated that Cornell Cooperative and 4-H Week will be celebrated in Delaware County during the week of October 3rd through 9th.

A slide presentation entitled: *Live Well, Grow Well ..Be Well*, was given detailing the

programs of Cornell Cooperative Extension (CCE) featuring each town in Delaware County and focusing on activities of agricultural competitiveness and profitability, children and youth, economic sustainability, environmental protection and enhancement, individual, family and community well-being and nutrition, health and safety.

Mrs. Darling thanked the Board of Supervisors, CCE's partners and volunteers who help make these programs possible.

Mrs. Darling introduced Senior Resource Educator Paul Cersoletti.

Mr. Cersoletti spoke of the decline in agriculture in New York State and in Delaware County but, noted that those who work in the field of agriculture know that Delaware County has a higher percentage of younger farmers than in any other part of the state. Our young folks have talent and commitment and he felt there was no better way to make that impression than to have one of the county's young farmers speak directly to the Board.

He introduced Dennis Deysenroth a young farmer whose family is participating in the Precision Feed Management Program. The Deysenroth family located in Bloomville have been successful dairy farmers for the past eight generations. Mr. Deysenroth explained what his family is doing today to position their farm in the future.

Mr. Deysenroth noted that their farm has always been productive but, over the past few years it has been rough financially. They have learned new methods and technologies to help make ends meet through the precision feed management team. Their cows are now grazed during the summer months which saves considerably on feed. Since the price of grain has gone up it made sense to grow grain. The family began making cheese which provided a greater return on their milk and now have a small business selling gouda cheese. This past January in response to requests for raw milk the family began selling their raw milk off the farm.

In answer to Chairman Eisel, Mr. Deysenroth said that they have been in the cheese business for about five years. The business started off slowly but, their cheese can now be purchased at local stores and farmers markets. This time of year more cheese is sold than in the winter months.

Mrs. Darling thanked Mr. Deysenroth for speaking today, adding that it is a pleasure to work with him and his family. What makes this family particularly special is that the children want to stay in agriculture.

Mrs. Darling said in response to Chairman Eisel, that the refreshments, a vegetable platter, cheese, quiche and zucchini bread are all made from locally grown products. She noted that fresh eggs are very popular and are selling well for those who provide them.

For standing committee reports, Chairman Eisel stated that effective October 1st, New

York State is going to charge sales tax on clothing. At this point in time, the county will not follow the state. As in the past, the county will not charge sales tax on clothing under \$110.00.

For standing committee reports Chairman of the Economic Development Committee Dennis Valente advised that the Revenue Plan passed by the Assembly and Senate and signed into law by Governor Paterson as part of the New York State 2010-2011 budget includes a new provision to limit eligibility for the Basic Star Program. Mr. Valente referenced the "*New Income Limit for Basic Star*" announcement placed on each of the Supervisor's desks and noted that there will be further information forthcoming from the state.

He also pointed out that the state has changed the way the towns have been processing the dog licenses. He remarked that these mandates are killing small government.

Mr. DuMond remarked that he sees these mandates as a further push towards regional government. The first steps in abolishing home rule and carrying the population out of Upstate New York. He believes it is time to stand up and begin protesting against this and any future mandates.

Mr. Valente noted that he was told when he asked about regional government at a statewide convention that town governments are inefficient. He pointed out that the Town of Davenport maintains 75 miles of vertical roads for \$5 a thousand, he has not seen state government maintain that kind of cost efficiency. Local government provides great service to its constituents and has nothing to be ashamed of.

Mr. Marshfield stated that the state still wants their cut even though they are doing nothing for it.

Mr. Valente pointed out that he was told by the state to budget \$1,000 in the towns' 2011 budget to cover postage alone. That is in addition to the cost of the new software program to track the dog licenses.

Mr. Valente felt these additional mandates will just make people more angry.

Mr. DuMond remarked that he hopes this is the final wake up call for people, the state is out of control. At this time he was unsure if the Town of Masonville was going to send the state any of their dog license money.

Chairman Eisel referenced an Action Alert placed on each supervisor's desk, entitled: *Action Needed to Oppose Efforts To Close Small Rural Post Offices*. He advised that there is a movement underway in Washington to close small rural post offices, especially if they are not profitable in an effort to help the Postal Service out of its financial predicament.

About ten years ago in the Town of Harpersfield there was an effort to close the post

office. The town fought to keep it open and won. This information is a heads up to what the federal government is considering. This is the time to write letters to our federal legislators letting them know how we feel about this matter.

Ms. Molé offered the following resolution and moved its adoption:

RESOLUTION NO. 145

**TITLE: 2010 BUDGET AMENDMENT
TRANSFER OF FUNDS
PUBLIC HEALTH NURSING SERVICE**

WHEREAS, the Delaware County of Public Health Nursing Service has been awarded American Recovery and Reinvestment Act funds for Immunization for Delaware County; and

WHEREAS, deliverables changed and certain equipment was no longer needed

THEREFORE, BE IT RESOLVED that the following transfer of funds be authorized:

FROM:

10-14013-52200001/401300/888	Equipment	\$1,052.47
10-14013-54327000/401300/888	General Grant Related Expense	\$239.53

TO:

10-14013-51327000/401300/888	Personal Services	\$1,200.00
10-14013-58332700/401300/888	Social Security Emplr Contrib	\$74.00
10-14013-58932700/401300/888	Medicare Emplr Contrib	\$18.00

The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

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

RESOLUTION NO. 146

**TITLE: 2010 BUDGET AMENDMENT
ADDITIONAL FUNDS
OFFICE FOR THE AGING**

WHEREAS, the Delaware County Office for the Aging has received \$6,000.00 to accommodate increased demand from Medicare recipients for technical assistance from the Medicare Improvements for Patients and Providers Act (MIPPA) for 2009-2010; and

WHEREAS, this funding will be used to expand counseling hours through the agency's Health Insurance Information Counseling and Assistance Program (HIICAP)

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

REVENUES:

10-16772-43377200/6772035/977	State Programs for Aging	\$6,000.00
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APPROPRIATIONS:

10-16772-54327000/6772035/977	General Grant Related Expenses	\$6,000.00
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The resolution was seconded by Ms. Molé and Mrs. Capouya and adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

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

RESOLUTION NO. 147

**TITLE: 2010 BUDGET AMENDMENT
ADDITIONAL FUNDS
OFFICE FOR THE AGING**

WHEREAS, the Delaware County Office for the Aging has received \$6,000.00 from the Delaware County Senior Council to supplement existing funding for the Health Insurance Information Counseling and Assistance Program (HIICAP); and

WHEREAS, this funding will be used to expand counseling hours through the agency's Health Insurance Information Counseling and Assistance Program (HIICAP)

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

REVENUES:

10-16772-41197200	Donations	\$6,000.00
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APPROPRIATIONS:

10-16772-54327000	General Grant Related Expenses	\$6,000.00
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The resolution was seconded by Mr. Rowe and Mrs. Capouya and adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

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

RESOLUTION NO. 148

TITLE: INCLUSION OF AGRICULTURALLY VIABLE LAND INTO CERTIFIED AGRICULTURAL DISTRICTS DURING DESIGNATED THIRTY- DAY PERIOD FOR ANNUAL AGRICULTURAL DISTRICT REVIEW

WHEREAS, the Delaware County Board of Supervisors, in accordance with Chapter 523 of the Laws of 2003 amended NYS Agricultural and Markets Law, designated a thirty-day review period from May 1st to May 30th, 2010 in which a landowners may submit requests for inclusion of predominately viable agricultural land within a Certified Agricultural District prior to the County established review period; and

WHEREAS, the Delaware County Agricultural and Farmland Protection Board has to verified that each parcel proposed is “viable agricultural land”, and meets the eligibility requirements for inclusion into a Certified Agricultural District; and

WHEREAS, the Delaware County Board of Supervisors held a Public Hearing, Wednesday, August 25th at 5:15 PM in the Board of Supervisors Room of the County Office Building, 111 Main Street, Delhi N.Y. to consider the requests and recommendations of the County Agricultural Farmland Protection Board concerning the inclusion of land(s) into Agricultural District No. 1; and

WHEREAS, the Delaware County Board of Supervisors has authorized the preparation of an Agricultural Environmental Assessment form as required by §303-b of the Agriculture & Markets: Agricultural Districts Law; and

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors does hereby adopt the inclusion of the following property into Agricultural District No. 1.

Stamford: Agricultural District # 1

Tax ID #71.-1-12 (189.6 ac) Pickens Road: Livestock (beef), Hay.

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

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

RESOLUTION NO. 149

TITLE: 2010 CORNELL COOPERATIVE EXTENSION WEEK AND NATIONAL 4-H WEEK

WHEREAS, Cornell Cooperative Extension of Delaware County is dedicated to growing healthy families, confident youth, successful farms and stronger communities; and

WHEREAS, Cornell Cooperative Extension represents a statewide system of partnerships working with federal, state and county governments; and

WHEREAS, the heart of Cooperative Extension is found in the strength of its 3,000 volunteers who give their time, expertise and enthusiasm as members of boards, as 4-H club leaders, and in Extension's educational outreach; and

WHEREAS, Cornell Cooperative Extension's 4-H program works to connect youth to the resources of Cornell University, strengthening the next generation of leaders; and

WHEREAS, Cornell Cooperative Extension of Delaware County continues to provide programs that will address the needs of Delaware County's agricultural industry and promote sustainability, environmental stewardship and a safe, reliable and healthy food supply; and

WHEREAS, Cornell Cooperative Extension of Delaware County will continue to work closely with its many local partners to offer programs that promote healthful eating, access to local foods, quality health care, safe housing, and active living

THEREFORE BE IT RESOLVED, that the Delaware County Board of Supervisors hereby designates the week of October 3 - 9, 2010 as Cornell Cooperative Extension Week and National 4-H Week in Delaware County.

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

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

RESOLUTION NO. 150

**TITLE: 2010 BUDGET AMENDMENT
TRANSFER OF FUNDS
DEPARTMENT OF FISCAL AFFAIRS**

WHEREAS, the Department of Fiscal Affairs is in need of a printer; and

WHEREAS, there is no funding in the equipment account for said purchase

THEREFORE, BE IT RESOLVED, that the following transfer of funds be authorized:

FROM:

10-11327-54420200	Maintenance Agreements Software	\$1,287.54
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TO:

10-11327-52200000

Equipment

\$1,287.54

The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

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

RESOLUTION NO. 151

TITLE: AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS THEREFOR DEPARTMENT OF PUBLIC WORKS

WHEREAS, a Project for County Route 21 Corridor Study in the Towns of Franklin and Walton, Delaware County, P.I.N. 9752.90 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Delaware desires to advance the Project by making a commitment of 100% of the Federal and non-Federal share of the Locally Administered costs of the Preliminary Engineering work; and

WHEREAS, the County of Delaware has previously executed Supplemental Agreement #1 and Master Federal Aid and Marchiselli Aid Project Agreement (D022081) for the Preliminary Engineering work and appropriated \$460,000.00.

NOW, THEREFORE, the Delaware County Board, duly convened, does hereby

RESOLVE, that the Delaware County Board hereby approves the above subject project; and

IT IS FURTHER RESOLVED, that the Delaware County Board hereby authorizes the County of Delaware to pay in the first instance 100% of the Federal and non-Federal share of the Locally Administered costs of Preliminary Engineering work for the Project or portions thereof; and

IT IS FURTHER RESOLVED, that the sum of \$15,000 is hereby appropriated from 34-15112-54000000 and made available to cover the cost increase of participation in the above phase of the Project; and

IT IS FURTHER RESOLVED, that in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the Delaware County Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and

IT IS FURTHER RESOLVED, that the Chairman of the Delaware County Board of Supervisors be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Delaware with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and

IT IS FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the project; and

IT IS FURTHER RESOLVED, this Resolution shall take effect immediately.

The resolution was seconded by Mrs. Capouya and Mr. Rowe.

In answer to Mr. Marshfield, Commissioner of Public Works Wayne Reynolds replied that the 20 percent non-federal funds will be the county's responsibility.

In reply to Chairman Eisel, Commissioner Reynolds explained that the state will pay 20 percent under the Marchiselli Program-Aid if there is a capital construction project attached. This is a study with no capital construction project planned.

The resolution was adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

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

RESOLUTION NO. 152

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

LETTING OF SEPTEMBER 15, 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. 29-10 Tenco Wing & Plow Assembly to: Wayne's Welding
60 Calder Avenue
Yorkville, NY 13495

Bid Price: One Way Plow- \$6,950.00
Wing - \$4,334.00
Complete set - \$11,284.00

PROPOSAL NO. 30-10 8' Hopper Spreaders to: Otsego Iron & Metal
50 Rose Ave.
Oneonta, NY 13820

Bid Price: \$7,195.00 each

PROPOSAL NO. 31-10 13' Hopper Spreaders to: Otsego Iron & Metal
50 Rose Ave.
Oneonta, NY 13820

Bid Price: \$12,600.00 each

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. Haynes and adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

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

RESOLUTION NO. 153

**TITLE: CHANGE ORDER NO. 1, PROPOSAL NO. 24-10
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 21 of 2010 authorized the Department of Public Works to make award of Proposal No. 24-10 to Contour Construction LLC for County Route 21 Pavement Rehabilitation Project, (American Recovery & reinvestment Act Funded Project), Town of Franklin for the bid price of \$417,937.00; and

WHEREAS, the quantities of work performed on the project were different from the

estimated quantities included in the contract documents; and

WHEREAS, the work on the project is complete and a final tabulation of the quantities has been made.

NOW, THEREFORE, BE IT RESOLVED, that the Department of Public Works is herewith authorized to execute Change Order No. 1 for Proposal No. 24-10 in the amount of (\$57,168.07) decreasing the project cost to \$360,768.93.

The resolution was seconded by Mr. Haynes.

In answer to Mr. Marshfield, Commissioner Reynolds stated that this change order is a 100 percent federal savings. The American Recovery & Reinvestment Act Funded Project are 100 percent federal money and as such the county does not have any money in this project.

The resolution was unanimously adopted.

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

RESOLUTION NO. 154

TITLE: CHANGE ORDER NO. 1, PROPOSAL NO. 27-10 DEPARTMENT OF PUBLIC WORKS

WHEREAS, Resolution No. 79 of 2010 authorized the Department of Public Works to make award of Proposal No. 27-10 to Bette & Cring LLC for the Replacement of Bridge 7-2, BIN 3359430, Cat Hollow Road over Spring Brook, Town of Colchester for the bid price of \$1,837,960.18; and

WHEREAS, the contractor has submitted a value engineering proposal that was mainly a time saving issue; and

WHEREAS, this value engineering proposal eliminated the original stage line retention items and replaced them with the time saving items; and

WHEREAS, this process resulted in a minor savings to the county.

NOW, THEREFORE, BE IT RESOLVED, that the Department of Public Works is herewith authorized to execute Change Order No. 1 for Proposal No. 27-10 in the amount of (\$23.82) decreasing the project cost to \$1,837,936.36.

The resolution was seconded by Mr. Haynes.

In answer to Mr. Marshfield, Mr. Utter explained that this change order had to be done to make way for other parts of the project. A value engineering proposal, approved by the engineer, was submitted creating the savings which is split between the contractor and county or bidder.

The resolution was unanimously adopted.

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

RESOLUTION NO. 155

**TITLE: CHANGE ORDER NO. 1, PROPOSAL NO. 34-09
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 138 of 2009 authorized the Department of Public Works to make award of Proposal No. 34-09 to Cobleskill Stone Products for County Route 21, Leland Hull Road to Oak Hill Road, Cold Recycling and Single Course Overlay Highway Project, Town of Franklin for the bid price of \$498,006.65; and

WHEREAS, the quantities of work performed on the project were different from the estimated quantities included in the contract documents; and

WHEREAS, the work on the project is complete and a final tabulation of the quantities has been made.

NOW, THEREFORE, BE IT RESOLVED, that the Department of Public Works is herewith authorized to execute Change Order No. 1 for Proposal No. 34-09 in the amount of (\$56,103.53) decreasing the project cost to \$441,903.12.

The resolution was seconded by Mr. Haynes and Mr. Rowe unanimously adopted.

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

RESOLUTION NO. 156

**TITLE: AUTHORIZING FOR PROFESSIONAL SERVICES,
SUPPLEMENTAL AGREEMENT NO. 1 FOR
COUNTY ROUTE CORRIDOR STUDY
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 274 of 2004 authorized the Department to enter into an agreement with Delta Engineers, Architects & Land Surveyors for professional services relating to the CR 21 Corridor Study, PIN 9752.90; and

WHEREAS, comments have finally been received from NYSDOT and they are requesting additional information causing the consultant to have to revise their report.

NOW, THEREFOR BE IT RESOLVED that the Department of Public Works is herewith authorized to execute Supplemental Agreement No.1 with Delta Engineers, Architects & Land Surveyors for \$9,741.00 which will raise the maximum amount payable to \$330,731.00.

The resolution was seconded by Mr. Rowe.

In response to Mr. Marshfield, Commissioner Reynolds stated the funding on this project is 80 percent federal and 20 percent county.

The resolution was adopted by the following vote: Ayes 4806, Noes 0, Absent 136 (Donnelly).

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

RESOLUTION NO. 157

TITLE: OBSERVANCE OF NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

WHEREAS, since 1987 Americans have joined together each October to commemorate “National Domestic Violence Awareness Month”; and

WHEREAS, this year’s theme is: “Mourn, Celebrate, Connect”; and

WHEREAS, because an act of domestic violence occurs every twelve (12) seconds in the United States and an estimated 1.3 million women (representing between 91-95% of all documented cases) are victims of physical assault by an intimate partner each year, domestic violence is everyone’s business; and

WHEREAS, because women in America are disproportionately victimized by someone they know, the Delaware County Sheriff’s Office recognizes and promotes the participation of the entire community in building social intolerance towards domestic violence; and

WHEREAS, victims of domestic violence have and deserve federal and state rights to information, notification, protection, restitution, child support, participation in criminal justice proceedings; and referrals to supportive services; and

WHEREAS, by observing National Domestic Violence Awareness Month during October of each year, we show our ongoing commitment to and support for victims of domestic violence, and endeavor to change belief systems and practices that support violence and abuse

THEREFORE, BE IT RESOLVED that the Delaware County Sheriff's Office proclaims October 2010 to be Domestic Violence Awareness Month, and in so doing honors domestic violence victims and those who serve them during this month and throughout the year.

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

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

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

RESOLUTION NO. 158

**TITLE: 2010 BUDGET AMENDMENT
HOME ENERGY ASSISTANCE PROGRAM
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Delaware County Department of Social Services is the designated local agency to administer the County's Home Energy Assistance Program (HEAP) for 2009-2010; and

WHEREAS, said monies to be utilized to reimburse the county at 100% of its expenditures:

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

REVENUE:

10-16141-44464100/6141010/971	Federal Aid- HEAP	\$38,424.00
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APPROPRIATIONS:

10-16141-54200011/6141010/971	Contracted Services-OFA	\$19,212.00
10-16141-54200012/6141010/971	Contracted Services-Del Opp	\$19,212.00

The resolution was seconded by Mr. Marshfield.

In answer to Mr. Marshfield, Commissioner of Social Services William Moon explained that these are administrative funds. The majority of the program funds are dispensed directly by the comptroller and do not pass through the county books.

The resolution was adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

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

RESOLUTION NO. 159

**TITLE: 2010 BUDGET AMENDMENT
SUMMER FOOD SERVICE PROGRAM
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Delaware County Youth Bureau is the designated local agency to administer the Summer Food Service Program; and

WHEREAS, 100% State funds are available for youth 18 and under.

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

REVENUE:

10-17310-43382000/7310006/987	Summer Food Service Program	\$8,073.00
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APPROPRIATION:

10-17310-54200000/7310006/987	Summer Food Service Program	\$8,073 .00
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The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

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

RESOLUTION NO. 160

**TITLE: 2010 BUDGET AMENDMENT
TO RESOLUTION NO. 146-09
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 Department of Public Works and the Delaware County Department Planning Department is in need of new equipment and supplies to finish and maintain 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

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

FROM:

10-18741-54327200/8740026/900	Contractual Services	\$53,962.51
10-18741-51000000/8740026/900	Personal Services	\$4,469.40
10-18741-54327625/8740026/900	Travel	\$1,745.00
10-18741-54327595/8740026/900	Office Supplies	\$621.60

TO:

10-18741-52200001/8740026/900	Equipment	\$60,798.51
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The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

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

RESOLUTION NO. 161

**TITLE: 2010 BUDGET AMENDMENT
TRANSFER OF FUNDS
TO SAFE DRINKING WATER ACT RESOLUTION 96-07 FOR
DEVELOPMENT OF SCIENTIFICALLY-BASED MANAGEMENT GUIDANCE FOR
CONTROLLING PATHOGENS THROUGH ANIMAL HEALTH – PHASE II
WATERSHED AFFAIRS**

WHEREAS, Delaware County was awarded funding under the 2005 Safe Drinking Water Act to identify management practices and measures that will limit the occurrence of pathogen populations and the water-borne transfer of pathogens to watercourses; 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;

NOW, THEREFORE, BE IT RESOLVED, that the following transfers be authorized to finalize the reconciliation of said grant.

FROM:

10-18741-51000000-8740027-900	Personal Services	\$223.66
10-18741-54327625-8740027-900	Travel	\$500.00
10-18741-54327595-8740027-900	Supplies	\$29.46
10-18741-52200001-8740027-900	Equipment	\$29.91
10-18741-54327422-8740027-900	Outreach	\$755.74
10-18741-54327195-8740027-900	Consultant Services	\$3,250.00

TO:

10-18741-54327200-8740027-900	Contractual	\$4,788.77
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The resolution was seconded by Mr. Dolph and adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

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

RESOLUTION NO. 162

**TITLE: 2010 BUDGET AMENDMENT
CLERK OF THE BOARD**

WHEREAS, the of Clerk of the Board is in need of two printers; and

WHEREAS, there is no funding in the equipment account for said purchase

THEREFORE, BE IT RESOLVED, that the following transfer of funds be authorized:

FROM:

10-11040-54595320	Office Supplies	\$800.00
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TO:

10-11040-52200000	Equipment	\$800.00
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The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

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

RESOLUTION NO. 163

**TITLE: CONVEYANCE OF COUNTY OWNED PROPERTY
TO THE TOWN OF TOMPKINS
TREASURER'S OFFICE**

WHEREAS, Tax Map No. 227.-1-6.2 in the Town of Tompkins, previously assessed to Howard C. Teague, is adjacent to town property; and

WHEREAS, the Town of Tompkins has expressed interest in the parcel

THEREFORE, BE IT RESOLVED that the County of Delaware sell this property to the Town of Tompkins for \$1,665.82.

The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

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

RESOLUTION NO. 164

TITLE: SALE OF TAX ACQUIRED PROPERTY

Resolved that the following described parcels of tax acquired property be sold to the party 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 hereinafter set forth.

	KOR08TX.004
<u>ASSESSED TO:</u>	<u>GEORGE BARERE</u>
TOWN OF:	124000:KORTRIGHT
TAX MAP NO:	66.-2-12
SCHOOL DISTRICT:	125202:SOUTH KORTRIGHT
ACREAGE:	5.00A ACRES
CONVEYED TO:	GEORGE BARERE 140 EAST 40TH ST APT 5B NEW YORK NY 10016
CASH CONSIDERATION:	\$7,687.41
TAX DEFICIT:	\$6,275.33

ASSESSED TO:**HOWARD C TEAGUE**

TOWN OF:	125400:TOMPKINS
TAX MAP NO:	370.-1-16.1 NOW KNOWN AS 387.-1-33
SCHOOL DISTRICT:	123606:HANCOCK
ACREAGE:	0.50A ACRES
CONVEYED TO:	HOWARD C TEAGUE THREE VIVONA COURT BAYVILLE NY 11709
CASH CONSIDERATION:	\$377.81
TAX DEFICIT:	\$164.72

The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

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

RESOLUTION NO. 165**TITLE: PAYMENT OF AUDIT**

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$755,021.22 were hereby presented to the Budget Oversight Committee for approval for payment on September 9, 2010 prior to presentation to the Board of Supervisors;

THEREFORE, the County Treasurer was directed to pay said expenditures as listed below and this Board now approves of said payment as follows:

General Fund	\$529,034.19
OET	\$15,908.37
Countryside	\$420.00
Public Safety Communication System	\$10,193.02
Highway Audits, as Follows:	
Road	\$30,500.56
Machinery	\$41,000.07
Capital Road & Bridge	\$59,632.99
Capital Solid Waste	\$0.00
Solid Waste/Landfill	\$68,332.02

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,512,865.46 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	\$585,375.48
OET	\$79,241.37
Countryside	\$750.00
Insurance Risk Retention	\$307.58
Highway Audits, as Follows:	
Road	\$27,309.92
Machinery	\$74,345.39
Capital Road & Bridge	\$634,881.30
Capital Solid Waste	\$0.00
Solid Waste/Landfill	\$110,654.42

The resolution was seconded by Mr. Triolo and Mr. Rowe and adopted by the following vote: Ayes 4670, Noes 0, Absent 136 (Donnelly).

Chairman Eisel appointed Maria Morgan, V.P. Human Resources, Amphenol Aerospace Corporation to the CDO Workforce Investment Board. Ms. Morgan will replace Steve Iacampo completing his term expiring in 2013.

Chairman Eisel invited everyone in attendance to enjoy refreshments being served in the lobby by the Delaware County Dairy Princess, members of Cornell Cooperative Extension and the 4-H.

Upon a motion the meeting was adjourned for a short recess and reconvened with all Supervisors present except Mr. Donnelly.

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

RESOLUTION NO. 166

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. Donnelly.

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

RESOLUTION NO. 167

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 Mr. Rowe and unanimously adopted.

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

Upon a motion, the meeting adjourned at 4:48 p.m.