

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

JANUARY 26, 2011

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, January 26, 2011 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. DuMond and Mr. McCarthy.

Mr. Marshfield offered the invocation.

Mrs. Capouya 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 the Director of the Office for the Aging Thomas Briggs. Mr. Briggs introduced Patricia Brannen as Employee of the Month.

Ms. Brannen began her career with the county in August 1977 as a clerk for the Department of Social Services, advancing in position to a social services welfare examiner and then a caseworker. In April 1988 Commissioner of Social Services William Moon recommended Ms. Brannen to the Office for the Aging as the ideal candidate for the case manager of the Expanded In-Home Services for the Elderly Program (EISEP).

Mr. Briggs explained that the EISEP program was developed at the state level in 1988 to address the significant challenges faced by older New Yorkers seeking in-home long term care. Ms. Brannen, whose experience included working with older persons and case management, helped to develop the strategies that would integrate non-medical care services with other long term care services that were already in place.

Ms. Brannen is being recognized for sustaining close and caring relationship with her clients while enduring a complicated fiscal system. She has a deep concern for the well-being of her clients and an unassuming manner that fosters a shared respect between client and case manager. Ms. Brannen has flourished in this position. She is well liked by her co-workers and is always willing to lend a hand.

Mr. Briggs presented Ms. Brannen 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.

Ms. Brannen stated that the Office for the Aging is a great place to work. The EISEP program is a wonderful program effectively managed by respectful and caring case managers that have changed the way the county is able to care for its non-Medicaid clients. She is saddened that the program has limited funding and sometimes experiences a shortage of care-givers. Her co-workers are very special to her and as she considers her retirement, she states that she will

miss them very much.

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

RESOLUTION NO. 23

**TITLE: 2011 BUDGET AMENDMENT
RECEIPT OF FUNDING FOR ILLEGAL KNIVES
DISTRICT ATTORNEY**

WHEREAS, the sum of \$14,438 has been made available to the District Attorney's Office to assist in the prosecution of offenses committed under New York State Penal Law Article 265 which deals with the possession of certain illegal weapons.

NOW, THEREFORE, BE IT RESOLVED that the 2011 budget be amended as follows:

INCREASE REVENUE :

10-11165-42238900/1165002/964	Miscellaneous Revenue other Government	\$14,438.00
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INCREASE APPROPRIATION:

10-11165-54465000/1165002/964	Miscellaneous	\$14,438.00
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The resolution was seconded by Mr. Triolo.

In answer to Mr. Marshfield, Mr. Smith stated that the funds will be used to assist in the prosecution of offenses committed with the possession of all illegal weapons.

The resolution was adopted by the following vote: Ayes 4054, Noes 0, Absent 752 (DuMond, McCarthy).

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

RESOLUTION NO. 24

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

LETTING OF JANUARY 11, 2011

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. SW1-11 Used Landfill Compactor: Gateway Equipment Company
PO Box 608
East Syracuse, NY 13057

Bid Price w/trade: \$227,950.00

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. Rowe.

Mr. Utter advised that the current compactor is a 1996 Caterpillar with 20,000 hours on it without a major overhaul. The replacement is a 2008 Bomag with 2,800 hours.

In answer to Mr. Bracci, Mr. Utter replied that a brand new compactor costs approximately \$500,000.

Mr. Utter answered in reply to Chairman Eisel, that there is a similar Bomag compactor at the landfill now.

Mr. Utter noted in response to Mr. Valente, that a warranty was not purchased based on the amount of hours on the machine. He agreed that there is always a little risk when purchasing a used machine but, felt by this time most of the bugs would have already been worked out.

The resolution was adopted by the following vote: Ayes 4054, Noes 0, Absent 752 (DuMond, McCarthy).

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

RESOLUTION NO. 25

TITLE: APPROPRIATION OF MACHINERY EQUIPMENT FUNDS DEPARTMENT OF PUBLIC WORKS

WHEREAS, the County has budgeted for the purchase of a used tandem axle dump truck in the 2011 budget; and

WHEREAS, we have found a truck that meets our needs and is available; and

WHEREAS, the timing of the Board Meeting and the requirements of the bid process would make it extremely difficult for the County to acquire this truck; and

WHEREAS, the bids are due back to the department on January 26, 2011; and

WHEREAS, the department would like to appropriate the budgeted amount for this truck so that award can be made by the department upon receipt of the bids.

NOW, THEREFORE, BE IT RESOLVED, that \$85,000 be appropriated from account 26-15130-52200000 to cover the cost of the truck purchase.

The resolution was seconded by Mr. Rowe.

Mr. Utter advised that the department had budgeted for the purchase of a used heavy duty truck and found a repossessed 2006 Peterbuilt with a rock body that fits their needs. This appropriation of funds is necessary for the department to acquire the truck.

In answer to Mr. Marshfield, Mr. Utter stated that there were no other attachments purchased with the truck.

In reply to Chairman Eisel, Mr. Utter noted that no extended warranty was available to purchase as the truck is being purchased through the bank.

The resolution was adopted by the following vote: Ayes 4054, Noes 0, Absent 752 (DuMond, McCarthy).

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

RESOLUTION NO. 26

**TITLE: AUTHORIZING FOR PROFESSIONAL SERVICES,
SUPPLEMENT NO. 4 FOR BRIDGES NO. 2-2, 26-1 AND 32
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 209 of 2004 authorized the department to enter into an agreement with Clough Harbour & Associates, LLP, PO Box 5269, Albany, NY 12205-0269 for professional services relating to the replacement of Bridges No. 2-2, 26-1 and 32 for a maximum amount payable of \$895,000; and

WHEREAS, Resolution No.115 of 2008 authorized Supplemental Agreement No. 1 bringing the maximum amount payable to \$1,235,000.00; and

WHEREAS, Resolution No.113 of 2009 authorized Supplemental Agreement No. 2 bringing the maximum amount payable to \$1,299,950; and

WHEREAS, Resolution No.150 of 2009 authorized Supplemental Agreement No. 3 in the amount of \$68, 225 bringing the maximum amount payable for the complete project to \$1,368,175; and

WHEREAS, during the construction of bridge 2-2 there were numerous, unforeseeable subsurface conditions that required additional engineering time and material testing to ensure that all the federal aid requirements of the project were being met

NOW, THEREFOR BE IT RESOLVED that the Department of Public Works is herewith authorized to execute Supplemental Agreement No. 4 with Clough Harbour & Associates, LLP to cover the additional costs and raise the maximum amount payable for the complete project to \$1,398,845.

The resolution was seconded by Mr. Haynes and adopted by the following vote: Ayes 4054, Noes 0, Absent 752 (DuMond, McCarthy).

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

RESOLUTION NO. 27

**TITLE: AUTHORIZING FOR PROFESSIONAL SERVICES,
SUPPLEMENT NO. 2 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, Resolution No.156 of 2010 authorized the department to execute Supplemental Agreement No. 1 with Delta Engineers to revise the draft corridor study report to address NYSDOT comments; and

WHEREAS, Supplemental Agreement No. 1 did not capture all of the historic costs of one of Delta Engineer's sub-consultants associated with corridor study prior to receiving the DOT comments.

NOW, THEREFOR BE IT RESOLVED that the Department of Public Works is herewith authorized to execute Supplemental Agreement No. 2 with Delta Engineers, Architects & Land Surveyors for \$9,570.00 which will raise the maximum amount payable to \$340,301.00.

The resolution was seconded by Mr. Smith and adopted by the following vote: Ayes 4054, Noes 0, Absent 752 (DuMond, McCarthy).

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. 28

**TITLE: APPORTIONMENT OF DOG LICENSE
FEES, PENALTIES AND COSTS 2010
DEPARTMENT OF FISCAL AFFAIRS**

WHEREAS, effective January 1, 2011, the New York State Dog Licensing Law changed eliminating the role of the New York State Department of Agriculture and Markets (NYSDAM) and county government; and

WHEREAS, the county has surplus monies collected from 2010 dog license fees and remaining dog damage funds; and

WHEREAS, as per NYSDAM the remaining county dog damage surplus funds must be used for dog/animal related activity.

THEREFORE BE IT RESOLVED, that the Department of Fiscal Affairs be authorized to distribute to the various towns as indicated below for dog/animal related activities;

<u>TOWN</u>	<u>AMOUNT</u>
Andes	\$ 155.84
Bovina	\$ 68.37
Colchester	\$ 504.81
Davenport	\$ 339.93
Delhi	\$ 948.28
Deposit	\$ 273.52
Franklin	\$ 234.29
Hamden	\$ 317.77
Hancock	\$ 935.24
Harpersfield	\$ 147.85
Kortright	\$ 141.77
Masonville	\$ 118.64

Meredith	\$ 379.12
Middletown	\$ 747.17
Roxbury	\$ 464.57
Sidney	\$ 748.17
Stamford	\$ 179.98
Tompkins	\$ 126.69
Walton	<u>\$1,411.90</u>
TOTAL:	\$8,243.91

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

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

RESOLUTION NO. 29

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$2,046,441.07 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	\$1,591,756.20
Countryside	\$0.00
OET	\$34,598.59
Highway Audits, as Follows:	
Landfill	\$125,657.21
Road	\$162,203.22
Machinery	\$89,025.99
Capital Road & Bridge	\$42,360.63
Capital Solid Waste	\$839.23

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4054, Noes 0, Absent 752 (DuMond, McCarthy).

Chairman Eisel made the following appointments to the Fish & Wildlife Management Board:

- Dennis Valente - as Board of Supervisors representative
- Randy Davidson - as sportman
- Mike Zagata - as landowner
- Niles Wilson - as alternate sportman

Chairman Eisel appointed Mary Spidel to the Community Services Board.

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

RESOLUTION NO. 30

TITLE: EXECUTIVE SESSION

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

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

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

Upon a motion, the meeting adjourned at 2:15 p.m.