

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

MARCH 23, 2011

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, March 23, 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. Rowe.

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 Commissioner of Public Works Wayne Reynolds who presented Jack Alvarez as Employee of the Month.

Mr. Alvarez began his employment in February 1982 at the Delaware County Countryside Care Center (DCCCC) and in 1998 was honored as their Employee of Month. He transferred to the Department of Public Works in November of 2004 as a motor equipment operator, was promoted to heavy equipment operator in January 2006 and was promoted to his current position, sign shop worker in July 2006.

The position of sign shop worker includes creating, replacing and maintaining all road signs on Delaware County roads as well as being current with all state and federal rules and regulations. Mr. Alvarez has accepted these responsibilities and regularly goes above and beyond. The department has called upon his services nights, weekends, and even during his vacation time without a complaint from him. Mr. Alvarez is an exemplary employee, diligent in his efforts to stay current on the applicable information and maintaining excellent notes and documentation, including photographs on all of his work. His documentation has helped several times with law enforcement at accident scenes. Commissioner Reynolds thanked Mr. Alvarez for his commitment and dedication to the department and the county.

Commissioner Reynolds presented Mr. Alvarez with a \$100.00 savings bond. Chairman Eisel presented him with the Certificate of Employee of the Month and thanked him for his dedicated service.

Chairman Eisel granted privilege of the floor to Mr. Valente. Mr. Valente introduced Christine Viafore Director of the State University of New York (SUNY) Catskill Regional Water Testing Laboratory.

Mrs. Viafore stated the Catskill Regional Water Testing Laboratory originated with grant

funds received by SUNY Delhi in 2006. In 2008 the laboratory began operation at the Delaware County eCenter in Delhi, NY. The laboratory has been able to cover the expenses of the operation through the testing fees but has required continued funding from SUNY Delhi to cover the salary of herself and another technician.

Mrs. Viafore is seeking the support of county residents, towns and villages to help the laboratory meet its goal of becoming self-sufficient. She pointed out that because they are a small locally operated laboratory they are able to provide the personal services that help make the process simple, timely and efficient. The laboratory offers to establish a day and pick up location for samples without a fee, make reminder calls to clients using the laboratory for regular testing requirements and any other special arrangements when needed.

The laboratory currently services 10 out of the 25 water districts and 4 out of 11 wastewater treatment facilities located in Delaware County. The laboratory has serviced approximately 600 residents in and around Delaware County. By being able to service the towns and villages that currently do not use the laboratory would enable the growth of the business and help bring it closer to its goal of becoming self-sufficient.

In conclusion, Mrs. Viafore thanked the Board for their consideration of promoting a locally operated business and for the opportunity to speak on behalf of the Catskill Regional Water Testing Laboratory.

In reply to Chairman Eisel, Mrs. Viafore stated that the City of New York does not use the services of the Catskill Regional Water Testing Laboratory as they have their own laboratory in Kingston.

Chairman Eisel inquired if water from his spring fed pond could be tested for potability so it could be used in the event of an emergency. Mrs. Viafore explained that the laboratory could test the pond water to the New York State Department of Environmental Conservation's levels for surface water but did not feel the water would meet the standards for consumption.

Mrs. Viafore replied in answer to Mr. Bracci, that the laboratory is open Monday through Friday from 8 a.m. to 3 p.m. and coliform samples are accepted Monday through Thursday during regular business hours. She added that special arrangements could be made and encouraged a call to the laboratory with any questions or concerns.

Mrs. Viafore pointed out in response to Mr. Valente that the laboratory could meet all the testing needs of a town or village as they sub-contract with other certified laboratories to handle the testing they are not certified to perform.

In answer to Mr. Marshfield, Mrs. Viafore noted that the laboratory currently services the Towns of Andes, Fleischmanns and Walton for their fecal wastewater treatment needs. She pointed out that the laboratory offers six other wastewater treatment tests the towns could take advantage of.

Mr. Homovich noted that the Town of Colchester has been very satisfied with the services provided by the Catskill Regional Water Testing Laboratory.

Chairman Eisel thanked Mrs. Viafore for her presentation and recommended that

whenever possible the towns consider using the services of the county's local businesses.

Chairman Eisel granted privilege of the floor to Mr. DuMond. Mr. DuMond introduced Director of Emergency Services Richard Bell and Director of Planning Nicole Franzese to provide an update on the Multi-Jurisdictional Hazard Mitigation Plan.

Mr. Bell explained that the current hazard mitigation process needs to be complete by November 2011. The county's application for grant funding is currently ranked number three in the state. He introduced Ms. Franzese to provide a brief update on where the county is in the process.

Ms. Franzese advised that by the end of this week the Requests For Proposal should be released and a consultant will soon be on board to help work through the process. She noted that the Federal Emergency Management Agency (FEMA) is seeking written intent of the towns and villages to participate at the start of the process rather than at the end of the process. A letter will be sent to the towns and villages requiring they sign and return their intent to participate. If the town or village does not commit at the start of process the adopted plan may not apply to that town or village.

On April 20th, the full steering committee consisting of numerous county agencies including, Code Enforcement, Planning, Emergency Services, Public Works, Public Health, Social Services, the Sheriff's Office, the NYS Emergency Management Office, Soil and Water Conservation District and the NYS Department of Environmental Protection along with communities that have had significant flooding will come together to organize a work plan and update any mitigation work since the plan was adopted in 2005, noting that a great deal of work has been completed, such as the highway management plans. She felt that by late May or early June, the towns and villages would receive a survey designed to help with information gathering on mitigation projects they have completed. This plan must also include a general building stock analysis. She pointed out that we have a good start on this through the work previously done with Geographic Information Systems (GIS). The goal is to gather the information and be completed by the end of 2011.

In answer to Mr. Marshfield, Mr. Bell stated that by not participating in this process and adopting the resulting plan, municipalities will not be eligible to receive future pre-disaster mitigation funds. However if there were a federally-declared disaster the affected municipality would receive immediate recovery assistance regardless of their participation in the plan.

Ms. Franzese stated in reply to Mr. Homovich, that the consultant along with county planners will work through the town planning boards to gather the information needed to prove that the towns and villages are working to mitigate disasters. She pointed out this plan must include an assessment of the county's hazard risk as it applies to earthquakes.

In answer to Mr. Homovich, Ms. Franzese concurred that the county has been unable to move ahead with the adoption of the new FEMA maps and accompanying floodplain regulations due to the challenges local communities have made to the draft maps. When this is resolved the Planning Department will assist the towns and villages with the adoption of both the maps and the laws. There has been no word from FEMA on their progress since December 2010.

Chairman Eisel granted privilege of the floor to Mr. Hynes. Mr. Hynes introduced

Director of Veterans' Service Agency John Boecke to discuss a new program designed to assist our county's veterans.

Mr. Boecke noted that a presentation packet has been placed on each Supervisor's desk and provided a powerpoint presentation entitled: *Delaware County Return the F.A.V.O.R. (Find and Assist Veterans of Record) Discount Program*. The program has been adopted by several surrounding counties in New York State with great success. The initiative is a way for the county to recognize the service and sacrifices made by our returning veterans.

He thanked County Clerk Sharon O'Dell for bringing the program to his attention. Recognizing the potential for Delaware County he met with Chairman Eisel to discuss the program. The Chairman immediately embraced the program and encouraged a survey of county merchants prior to starting the program to gauge merchant participation in this economy. Mr. Boecke's inquiries and research showed enough interest to indicate the program would be very successful in this county.

The program, to be launched Memorial Day, May 30th, will help the Veterans Service Agency find, inform and assist the veterans, encourage local spending, and provide an opportunity for the county and merchants to give back to the men and women who serve our country.

To participate, the veteran must have a DD214 (certification of release of discharge from active duty) and be an active member of the American Legion or Veterans' club in the county. The hope is by mandating this rule of active membership it would revitalize these organizations.

The Veterans Agency will be responsible for promoting and overseeing the program. Once the program is launched the merchant participant list and the rules and conditions of the program will be available on the Veterans Service Agency website, www.co.delaware.ny.us/departments/vet/vet.htm.

Mr. DuMond thanked the Chairman for endorsing the program in Delaware County adding that he supports the program 100 percent. He stated that he is very impressed with what Mr. Boecke has done with the Agency in such a short time.

Mr. Hynes stated that he fully supports the program but felt the requirement of active membership in the local American Legion/VFW Posts and the use of the word "mandate" does not feel right to him. Although he saw it as a way to increase membership and income he did not agree that it would increase participation.

In answer to Mr. Hynes, Mr. Boecke agreed the word "mandate" is strong but felt consideration would be given to a more appropriate word. He felt that mandating membership was necessary due to the declining interest and membership in the American Legion/VFW Posts throughout the county, adding if the membership fee was paid the veteran may be more inclined to participate.

Mr. Bracci acknowledged with appreciation the work that Mr. Boecke and Assistant to the Director of Veterans Services Donna Elderkin continue to do for the county's veterans. He inquired how the Agency was able to realize a 58 percent increase in business. Mr. Boecke credited Mrs. Elderkin for her meticulous record keeping and explained that the Agency

compared their 2009 client activity with the activity experienced throughout 2010 to arrive at the percentage of increase.

In response to Chairman Eisel, Mr. Boecke stated that he desired the Board's support and backing of the program in the townships and in acquiring opportunities to push the program. He wants to see this program be successful.

Chairman Eisel believed that this is a worthwhile program and a small token of appreciation of what the county can do for its veterans. He felt certain that the merchants would want to participate.

For standing committee reports Chairman of the Social Services Committee Peter Bracci introduced Commissioner of Social Services William Moon to discuss two committee issues.

Commissioner Moon referenced the *Delaware County Department of Social Services Commissioner's Summary* placed on each Supervisors Desk. He pointed out that the summary contains a report of the statistics for every local social services district in the state and the programs they administer as well as a listing of the county's programs and noted that the county is in line with the current trends. In the year 2007 the department in unduplicated services handled 9,700 individuals and as of February 2011 the number has increased to 13,000. He also pointed out that the county spends less than \$50,000 a year on its homeless population in comparison to other similar sized counties which expend upwards of \$1 million or more on the homeless. This is the type of information that is typically discussed at committee meetings but is significant.

He extended an invitation to discuss the statistics further with any interested Supervisor. The Commissioner noted that given the new census figures on Delaware County's population that the department is getting closer to serving almost 30 percent of the its population.

Chairman Eisel remarked with concern that the numbers will not go down until the economy gets better.

In answer to Mr. Homovich, Commissioner Moon stated that the increase of participants has been a challenge with the same number of staff, however, the staff continues to do what they do well. What he sees as a great concern in these economic times is the way in which people are dealing with their stress.

Commissioner Moon invited the Supervisors to attend the dedication followed by a light lunch of the county facility located at 167 Main Street, Delhi on Wednesday, April 27 at 11:30 a.m.

The facility is currently shared with *Friends of Recovery* a not-for-profit organization of Delaware and Otsego Counties, which is part of two county's drug and alcohol treatment programs. The facility will be the fourth in New York State which is designed under the resource recovery concept of community treatment.

Commissioner Moon replied in response to Mr. Bracci, that the individuals using the recovery services are typically past their first attempt at rehabilitation. These individuals recognize they have a problem and are attempting to work on their rehabilitation.

In reply to Chairman Eisel, Commissioner Moon stated that the facility can be used as a temporary shelter in an emergency situation and that the facility is for the use of Delaware County residents only.

Commissioner Moon explained in answer to Mr. Bracci that the facility was renovated with federal recovery assistance monies. He noted that the *Friends of Recovery* are now paying the utilities on the structure.

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

RESOLUTION NO. 48

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

LETTING OF FEBRUARY 8, 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. 15-11 GUIDERAIL COMPONENTS, Used Material Only to:

Cardona & Sons Inc.
397 Anthony Street
Schenectady, NY 12308

Bid Prices: See Summary Sheet

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.

Mr. Utter explained that the award is being made only for the used material as the department has discovered that the new material is cheaper on the state bid than on the county bid.

The resolution was adopted by the following vote: Ayes 4461, Noes 0, Absent 345 (Rowe).

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

RESOLUTION NO. 49

TITLE: ADJUSTING THE TIPPING FEE SCHEDULE FOR WASTES AT THE DELAWARE COUNTY SOLID WASTE MANAGEMENT CENTER

WHEREAS, several waste categories handled at the Delaware County Solid Waste Management Center have tipping fees for acceptance and disposal; and

WHEREAS, the tipping fee schedule is periodically adjusted in response to operating conditions; and

WHEREAS, the NYS Electronic Equipment Recycling and Reuse Act, signed into law on May 28, 2010, requires electronics manufacturers to provide no cost recycling opportunities for used electronics; and

WHEREAS, the Delaware County Department of Public Works Solid Waste Division has contracted with several companies servicing the major electronics manufacturers to achieve the requirements of the NYS Electronics Equipment Recycling and Reuse Act allowing the County to provide electronics recycling at no out of pocket expense.

NOW, THEREFORE, BE IT RESOLVED that the existing tipping fees be adjusted to remove the fee for computer units, monitors and televisions:

Friable Asbestos	\$200.00 per ton
Box Springs and Mattresses	\$ 10.00 each
Computer Units, Monitors, Televisions	No Charge
Construction & Demolition Debris	\$ 87.00 per ton
Wood - Clean, Unpainted, Untreated Lumber	\$ 25.00 per ton
Contaminated Soils	\$ 30.00 per ton
NYC Upgrade WWTP Sludge	\$ 80.00 per ton

BE IT FURTHER RESOLVED that the above tipping fee schedule become effective April 1, 2011.

The resolution was seconded by Mr. Haynes.

Mr. Utter stated that the only change to the existing tipping fee is that there is no longer a fee to dispose of computer units, monitors, and televisions.

Director of Solid Waste Management Susan McIntyre advised that this resolution is specific to the tipping fees at the Solid Waste Management Center in the Town of Walton.

In answer to Mr. Valente, Ms. McIntyre stated that any town interested in accepting electronics at their transfer station should contact her as there is the opportunity to operate under the Solid Waste Management Facility contracts. She explained that the tipping fee was necessary as it previously cost the county money to dispose of the units. As a result of negotiating with new handling companies the county no longer has an out of pocket expense and the savings is able to be passed on to the public.

Mr. Homovich felt the charge back from the Solid Waste Management Facility to towns choosing to provide the service of construction and demolition (C&D) debris disposal at their transfer stations was very high. He inquired if it were possible to lower the fees to the towns.

Ms. McIntyre explained that the \$87 a ton tipping fee apportioned to the towns for their C&D debris covers the additional expense the facility incurs in disposing of the debris. If the fee was not charged, the facility would be spending more money exporting the C&D then was brought in from the tipping fees. She pointed out that the town does not get a charge back if they are able to minimize their C&D intake to 20 percent or less.

Mr. Valente commented that he felt the burning ban had quite an influence on the transfer stations.

Chairman Eisel agreed with Mr. Valente remarking that the requirements around recycling have become overwhelming.

The resolution was adopted by the following vote: Ayes 4461, Noes 0, Absent 345 (Rowe).

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

RESOLUTION NO. 50

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

WHEREAS, Chapter 523 of the Laws of 2003 amended NYS Agricultural 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 annual thirty-day period run from April 1st to April 30th.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors does hereby designate the annual 303-b review period as April 1st to April 30th.

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

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

RESOLUTION NO. 51

TITLE: TERMINATION OF AGRICULTURAL DISTRICT 9

WHEREAS, Delaware County has complied with the eight year review procedure of Agricultural District 9 located in the towns of Andes, Bovina, Colchester, Delhi and Hamden; and

WHEREAS, the Delaware County Agriculture and Farmland Protection Board has recommended the consolidation of Agricultural Districts 3 & 9; and

WHEREAS, the Delaware County Board of Supervisors held a public hearing on Wednesday September 10, 2008 at 6:45 p.m. for any public comment on the review of Agricultural Districts 3 & 9; and

WHEREAS, the Agricultural and Farmland Protection board and the County Planning Board have reviewed said District and have recommended that all active agricultural lands be transferred to Agricultural District 3 from Agricultural District 9 before being terminated; and

WHEREAS, the New York State Department of Agriculture and Markets has approved the modifications to transfer all remaining District 9 lands to District 3.

NOW, THEREFORE, BE IT RESOLVED that Agricultural District 9 be terminated and the remaining agricultural lands of District 9 are merged into Agricultural District 3.

The resolution was seconded by Mr. Triolo.

In response to Chairman Eisel, Senior Planner Kent Manuel explained that the termination of Ag District 9 is being done as part of a planned consolidation of smaller agricultural districts set forth by the County Agriculture & Farmland Protection Board. The purpose of the planned consolidation was intended to reduce the overall number of reviews. The resolution to terminate Ag District 9 had to wait until both districts had been reviewed and all lands transferred over to Ag District 3. The agricultural lands from Ag District 9 have already been merged into District 3.

The resolution was unanimously adopted.

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

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

RESOLUTION NO. 52

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$966,338.04 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	\$551,832.90
Countryside	\$0.00
OET	\$95,925.65

Highway Audits, as Follows:

Landfill	\$104,007.46
Road	\$104,327.18
Machinery	\$92,129.16
Capital Road & Bridge	\$18,115.69
Capital Solid Waste	\$0.00

The resolution was seconded by Mr. Marshfield and Ms. Molé and adopted by the following vote: Ayes 4461, Noes 0, Absent 345 (Rowe).

Chairman Eisel welcomed and introduced U.S. Congressman Chris Gibson's Constituent Services Representative Nathan Gill. Mr. Gill will be representing Congressman Gibson at his office in the Senator Charles D. Cook County Office Building located in Delhi, NY on Wednesdays and Thursdays from 9 a.m. to 4 p.m.

Mr. Utter referenced a letter written by Professor Bob Rynk from the Agricultural Engineering Technology Department of SUNY Cobleskill expressing his thanks for the opportunity to bring his students for a tour of the Delaware County Solid Waste Management Facility. The letter acknowledged the county's bold decision to build the facility and making it work so well. Mr. Rynk noted that composting facilities are uncommon in the United States and many facilities built have closed due to unmarketable compost or mismanagement. He noted that Ms. McIntyre and her staff are very knowledgeable and the county's facility is a model for what Municipal Solid Waste composting should be.

Mr. Utter advised that the compliment comes with experience and credentials as prior to coming to Cobleskill Mr. Rynk was the editor of BioCycle magazine a leading publication on recycling organic wastes.

Upon a motion, the meeting adjourned at 2:18 p.m.