

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

APRIL 27, 2011

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, April 27, 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, Vice Chairman Tina Molé presiding.

The Clerk called the roll and all Supervisors were present except Mr. Eisel.

Mr. Marshfield offered the invocation.

Mr. Layton 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.

Vice Chairman Molé granted privilege of the floor to Director of Public Health Bonnie Hamilton who presented Jane Piasek as Employee of the Month.

Mrs. Piasek was hired as a per diem registered nurse in January 2005 and was appointed to permanent full time status in February 2008.

As a registered nurse for the Department of Public Health, Mrs. Piasek participates in the immunization, rabies and communicable disease programs and provides technical assistance to schools and medical offices. Through her relationship with world health organizations Mrs. Piasek researches and stays current on all her program areas. She is an exemplary employee who is always willing to go the extra mile to bring public health programs, information and resources to the county and its residents. Mrs. Piasek was nominated for this honor because of her passion and dedication to the mission of public health.

Mrs. Hamilton presented Mrs. Piasek with a \$100 savings bond. Vice Chairman Molé presented her with the Certificate of Employee of the Month and thanked her for her dedicated service.

Mrs. Piasek said she has truly found the perfect job for her, noting at times it is like the perfect storm trying to juggle all the responsibilities. She enjoys working with the department and could not do what she does without the support of her co-workers.

Vice Chairman Molé granted privilege of the floor to Mr. Donnelly. Mr. Donnelly introduced New York Municipal Insurance Reciprocal (NYMIR) Executive Director Kevin Crawford and New York State Association of Counties Deputy Director Mark LaVigne to provide an update on the NYMIR program.

Mr. Crawford stated that this was his third year here in a row to return a portion of the

county's capital contribution as part of NYMIR's three year program. It is anticipated that the program will be extended as NYMIR's goal is to return the full amount of its members capital contributions with interest. The company boasts a 98 percent retention rate and has been successful over the past three years in offering its members rate reductions and its A.M. Best rating for excellence has again been renewed. NYMIR continues on a very positive path and through the return of capital contribution shares the fruits of its success with its members.

Mr. Crawford presented Mr. Donnelly with a distribution check payable to the county in the amount of \$16,978 stating this reflects a return of over \$50,000 in the three year period. He thanked the county for its participation and loyalty to the program.

Mr. Donnelly thanked Mr. Crawford and stated that the Board appreciates the fine job NYMIR continues to do for Delaware County.

For standing committee reports Chairman of the Planning, Recreation, Culture and Community Committee Thomas Hynes introduced Delaware County Chief Planner Shelly Johnson-Bennett to discuss the Stream Corridor Management Grant Program.

Mrs. Johnson-Bennett noted that Delaware County works in partnership with the Soil and Water Conservation District (SWCD) through the Planning Department to provide administrative assistance with the Stream Corridor Management Program. In the summer of 2010 the first Stream Corridor Management Grant Program was announced and approximately \$500,000 was awarded for proposed projects and programs. The second round was announced in the winter of 2010 and approximately \$300,000 was awarded for stream corridor planning and design.

The Soil and Water Conservation District will be accepting applications for the 2011 summer round of funding beginning June 1st. Both projects and programs related to stream management and water quality are eligible. She encouraged the towns to contact the Planning Department for help with writing the grants and advised the towns to speak with Stream Corridor Management Program Coordinator Graydon Dutcher at the SWCD for assistance in developing project ideas. Any questions about the program should be directed to either SWCD or the Planning Department.

Mr. Donnelly noted that the planners are very willing to provide assistance and did a good job for the Town of Andes.

For standing committee reports Chairman of the Social Services Committee Peter Bracci introduced Commissioner of Social Services William Moon to discuss the comparative demographics update for the Town of Walton and the Summer Youth Program.

Commissioner Moon distributed a copy of the *Delaware County Department of Social Services Commissioner's Summary* and called attention to the comparative demographics update prepared for the Town of Walton.

Commissioner Moon advised that he was asked by representatives of the Town of Walton to do a comparative demographics update for the town in light of the 2010 census population figures. The analysis showed that the Town of Walton currently has the largest share of clients requiring the services of the county's Department of Social Services and other human service

agencies.

As a result of the analysis the department is partnering with Town Supervisor Bruce Dolph and other entities in Walton to determine how the county can be proactive in impacting this negative issue.

The availability of low income housing raises the possibility of this type of impact. The Towns of Davenport and Stamford might also see an increase of economically stressed population as a result of available low income housing.

Commissioner Moon pointed out that while the county-wide census figures went down slightly, the Town of Delhi's census figures went up more than any of the other towns. In light of the census changes, he offered the same level of analysis to any town Supervisor desiring the information.

Mr. Homovich questioned whether the State University of New York (SUNY) Delhi students were counted in the census and if they were a factor influencing the increase attributed to the Town of Delhi.

Mr. Bracci advised that the students were counted in the census figure for the Town of Delhi. The overall student population was up by more than 500 which resulted in the increase for the Town of Delhi.

Mr. Homovich expressed concern that counting the college students might skew the census data.

Mr. Dolph commented that the analysis provides the demographic information the town will need to take into consideration for future planning and development. Suggesting the possibility of educational and training programs for youth and young families and businesses geared toward the aging population. He opined that the Town of Walton will be successful in turning the results of this analysis into an opportunity.

Commissioner Moon noted that Delaware County has the largest percentage of aging population in the state. The current Medicaid and Medicare billing system is ineffective in its purpose to provide for the needs of the aging or support the necessary county programs designed to provide assistance to the aging. He pointed out that family support systems are becoming less common causing more of the responsibility to fall upon county departments.

Commissioner Moon distributed a Summer Youth Employment Program packet to each Supervisor and encouraged them to contact Youth Program Director Lara Yambor or himself with any questions or concerns.

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

RESOLUTION NO. 53

TITLE: IN MEMORY OF VELMA J. CLARK

WHEREAS, Velma J. Clark, passed away on April 18, 2011, having served as the Town of Delhi Supervisor from 1988 to 1993; and

WHEREAS, she was recognized for her hard work, distinguished service and dedication to her community and the County;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors extend their sincere sympathy to her family and recognizes with gratitude her years of loyal service and contribution to the Delaware County Board of Supervisors and the many residents of this County.

The resolution was seconded by Mr. Smith.

Mr. Homovich remarked that Mrs. Clark was a first class lady. Having had the privilege of serving with Mrs. Clark on the Board, he noted that she was always prepared to discuss an issue and was a pleasure to work with.

Mr. Bracci stated that Mrs. Clark was an excellent community leader, the ultimate neighbor and an extraordinary woman. She was a dedicated Supervisor to the Town of Delhi and instrumental in developing its financial security before leaving office.

Ms. Molé commented with regret that she did not have the opportunity to serve on the Board with Mrs. Clark. Her relationship was a personal one in which she helped raise Mrs. Clark's grandchildren. Ms. Molé remembers Mrs. Clark as an intelligent business woman, tough when necessary, always honest and frank. Mrs. Clark gave greatly to her community and lead an extraordinary life.

Mr. Hynes noted that he served with Mrs. Clark on the Social Services Committee. She was very dedicated to the consideration and development of the then county owned Countryside Care Center. She was a committed advocate for the Town of Delhi and the county which she loved very much. Mrs. Clark was a pleasure to work with.

Vice Chairman Molé on behalf of the Board extended their sympathies to the family of Mrs. Clark. She will be greatly missed.

The resolution was unanimously adopted.

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

RESOLUTION NO. 54

TITLE: PROCLAMATION OF MAY AS MENTAL HEALTH MONTH

WHEREAS, healthy individuals and healthy communities are essential elements of any strong and vibrant society; and

WHEREAS, mental health disorders and mental health problems affect people of all ages, backgrounds and at all stages of life; and

WHEREAS, mental health problems are real and common, but it is important to remember that recovery is possible, and with treatment, individuals with mental health problems can lead full and productive lives; and

WHEREAS, Delaware County has made a commitment to community-based systems of mental health care in which all residents can receive comprehensive, cost-effective and high quality mental health services; and

WHEREAS, the Delaware County Community Services Board observes Mental Health Month each year in May to raise awareness of mental health, mental illnesses, and the stigma that exists pertaining to persons with emotional disabilities;

NOW, THEREFORE BE IT RESOLVED that the Delaware County Board of Supervisors proclaims May 2011 as Mental Health Month in Delaware County, and urges residents of the County to become educated about the benefits and importance of good mental health care and to seek services for emotional problems early from mental health professionals.

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

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

RESOLUTION NO. 55

**TITLE: 2011 BUDGET AMENDMENT
RECEIPT OF HIICAP FUNDING
OFFICE FOR THE AGING**

WHEREAS, the Delaware County Office for the Aging received \$6,000 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)

NOW, THEREFORE, BE IT RESOLVED that the following 2011 budget amendment be authorized:

INCREASE REVENUES:

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

10-16772-54327000	General Grant Related Expenses	\$6,000.00
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The resolution was seconded by Mrs. Capouya and Mr. Rowe and adopted by the following vote: Ayes 4646, Noes 0, Absent 160 (Eisel).

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

RESOLUTION NO. 56

**TITLE: 2010 BUDGET AMENDMENT
ACCEPTANCE OF GRANT FUNDING
GERIATRIC MENTAL HEALTH TRAINING SERIES
OFFICE FOR THE AGING**

WHEREAS, the Office for the Aging was granted \$10,000 in December 2010 from the Rural Healthcare Alliance of Delaware County to develop a Geriatric Mental Health Training Series for 2011;

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

INCREASE REVENUES:

10-16772-42270602/6772037/977	Grant from Non-Profit	\$10,000.00
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INCREASE APPROPRIATIONS:

10-16772-54327000/6772037/977	General Grant Related Expenses	\$10,000.00
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The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4646, Noes 0, Absent 160 (Eisel).

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

RESOLUTION NO. 57

**TITLE: 2011 BUDGET AMENDMENT
AMENDMENT TO RESOLUTION NO. 170-09
OFFICE FOR THE AGING**

WHEREAS, the Office for the Aging, through a misunderstanding regarding the CTAA transportation grant, incorrectly submitted Resolution No.170 dated October 28, 2009 increasing revenue and expenditures by \$30,000; and

WHEREAS, the sum of \$30,000 was given directly to The United Way of Otsego and Delaware Counties by the State Department of Transportation; and

WHEREAS, it is necessary to amend Resolution No. 170 as the funding will not be received by the county

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

DECREASE REVENUES:

10-16772-42270602/6772033/977	Grant from Non-Profit	\$30,000.00
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DECREASE APPROPRIATIONS:

10-16772-54327000/6772033/977	General Grant Related Expenses	\$30,000.00
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The resolution was seconded by Mrs. Capouya and Mr. Rowe and adopted by the following vote: Ayes 4646, Noes 0, Absent 160 (Eisel).

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

RESOLUTION NO. 58

**TITLE: 2011 BUDGET AMENDMENT
TRANSFER OF FUNDS
DISTRICT ATTORNEY**

WHEREAS, in Resolution No. 23-11 the sum of \$14,438 was received and 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; and

WHEREAS, there is a need for three computers and a printer at the District Attorney's Office

NOW, THEREFORE, BE IT RESOLVED, that the following 2011 budget transfer be authorized:

FROM:

10-11165-54465000/1165002/964	Miscellaneous	\$2,794.00
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TO:

10-11165-52200000	Equipment	\$2,794.00
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The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4646, Noes 0, Absent 160 (Eisel).

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

RESOLUTION NO. 59

**TITLE: APPROPRIATION OF SURPLUS
COUNTY ROAD FUND
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the 2011 budget for contractual expense in the Maintenance of Roads and Bridges will be insufficient to provide for the necessary materials to maintain the county's roads and bridges at an acceptable level; and

WHEREAS, the fund balance for the Road Fund is currently \$4,642,007.50.

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

DECREASE FUND BALANCE:

24-00000-34911000 Unreserved Fund Balance \$400,000.00

INCREASE APPROPRIATION:

24-15110-54000000 Contractual Expense \$400,000.00

The resolution was seconded by Mr. Haynes.

In answer to Mr. Marshfield, Mr. Utter advised that the expense is for the T&L (true and leveling) on the county roads. This was a rough winter and the department would like to get started on the maintenance as soon as possible. He added it is very possible that similar resolutions may be brought before the Board.

The resolution was adopted by the following vote: Ayes 4646, Noes 0, Absent 160 (Eisel).

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

RESOLUTION NO. 60

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

LETTING OF APRIL 12, 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. 28-11 Recap Tires to: McCarthy Tire
5191 State Highway 23
Oneonta, NY 13820

Bid Price 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.

In answer to Mr. Marshfield, Commissioner of Public Works Wayne Reynolds stated that recapping provides a substantial savings over the purchase of new tires.

Mr. Utter noted that recapping is done on the larger truck tires which are very costly to replace new. The Town of Middletown figures on a minimum of three recaps out of a carcass and have found that the recapped tires wear very well. In comparison to the purchase of new tires the recapping process is well worth the cost.

The resolution was adopted by the following vote: Ayes 4646, Noes 0, Absent 160 (Eisel).

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

RESOLUTION NO. 61

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

LETTING OF APRIL 12, 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. 29-11 New Minivan to: Albany Dodge
770 Central Avenue
Albany, NY 12206

Bid Price \$21,792.00

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. Haynes and adopted by the following vote: Ayes 4646, Noes 0, Absent 160 (Eisel).

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

RESOLUTION NO. 62

**TITLE: REFUNDING BOND RESOLUTION DATED APRIL 27, 2011
A RESOLUTION AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.10
OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE COUNTY OF
DELAWARE, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY "PUBLIC
IMPROVEMENT REFUNDING (SERIAL) BONDS", AND PROVIDING FOR OTHER
MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE
REFUNDED THEREBY**

WHEREAS, the County of Delaware, New York (hereinafter, the "County") heretofore issued \$17,000,000 Public Improvement (Serial) Bonds, 2002 pursuant to a bond determinations certificate executed by the County Treasurer (the "Bond Certificate"), to finance the cost of the construction and equipment of a County Correctional Facility and Public Safety Building in and for said County as further described in the Bond Certificate, such bonds being dated October 15, 2002 with remaining maturities on October 15 in the years 2011 through 2022, both inclusive

(the "Refunded Bonds"); and

WHEREAS, it would be in the public interest to refund all or a portion of the outstanding principal balance of the Refunded Bonds by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law; and

WHEREAS, such refunding will only be undertaken if it results in present value savings in debt service as required by Section 90.10 of the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Delaware, New York, as follows:

Section 1. For the object or purpose of refunding the outstanding principal balance of the Refunded Bonds as more fully set forth in the Refunding Financial Plan (hereinafter defined), including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of such Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on such Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, and (iv) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$9,900,000 refunding serial bonds of the County pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$9,310,000, as provided in Section 4 hereof. The Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-11 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the County Treasurer pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph a of Section 57.00 of the Local Finance Law pursuant to subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity

upon such terms as the County Treasurer shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the County by lot in any customary manner of selection as determined by the County Treasurer. Notice of such call for redemption shall be given by mailing such notice to the registered owners not less than thirty (30) days prior to such date. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the County shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to DTC, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the County Treasurer as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the County maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or first business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the County Treasurer providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the County Treasurer as fiscal agent of the County for the Refunding Bonds (collectively the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount. Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The County Treasurer, as chief fiscal officer of the County, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said County, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the County, regardless of whether the

Refunding Bonds are initially issued in certificated or non-certificated form.

The County Treasurer is hereby further delegated all powers of this Board of Supervisors with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the County by the manual or facsimile signature of the County Treasurer, and its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the County Treasurer shall determine. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for the object or purpose for which such Refunded Bonds were issued is thirty years;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of the object or purpose for which said Refunded Bonds were issued in accordance with the provisions of subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, with regard to the Refunded Bonds is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit A attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth on Exhibit A attached hereto and made a part of this resolution. This Board of Supervisors recognizes that the Refunding Bonds may be issued in one or more series, and for only portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the County will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit A. The County Treasurer is hereby authorized

and directed to determine the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the County Treasurer; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The County Treasurer shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Clerk of the Board of Supervisors not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The County Treasurer is hereby authorized and directed to enter into an escrow contract or contracts (collectively the "Escrow Contract") with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said County Treasurer shall designate (collectively the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said County of Delaware, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall be annually levied on all the taxable real property in said County a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the County to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the County irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the County shall not use, or permit the use of, any

proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, the County hereby elects to call in and redeem each Refunded Bond which the County Treasurer shall determine to be refunded at the earliest call date available. The sum to be paid therefor on such redemption date shall be the par value thereof plus the redemption premium, as provided in the Refunded Bond Certificate, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the County in the manner and within the times provided in the Refunded Bond Certificate. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at private sale to such underwriter and for purchase prices to be determined by the County Treasurer, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds. Subject to the approval of the terms and conditions of such private sale by the State Comptroller as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, the County Treasurer, is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the County providing the terms and conditions for the sale and delivery of the Refunding Bonds.

Section 11. The County Treasurer and all other officers, employees and agents of the County are hereby authorized and directed for and on behalf of the County to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the County Treasurer and all powers in connection thereof are hereby delegated to the County Treasurer.

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. A summary of this resolution, which takes effect immediately, shall be published in the official newspaper of said County, together with a notice of the Clerk of the Board of Supervisors in substantially the form provided in Section 81.00 of the Local Finance Law.

The resolution was seconded by Mr. Triolo.

County Attorney Richard Spinney explained that the county is remortgaging the Public Safety Building and Complex facility. Refinancing the outstanding bonds will save the county approximately \$400,000 in interest over the remaining term of the bond.

The resolution was adopted by the following vote: Ayes 4646, Noes 0, Absent 160 (Eisel).

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

RESOLUTION NO. 63

TITLE: PURCHASE OF NEW YORK STATE SURPLUS PROPERTY FOR THE SENATOR CHARLES D. COOK FIRE TRAINING CENTER DEPARTMENT OF PUBLIC WORKS

WHEREAS, a recent property survey at the Delaware County Senator Charles D. Cook Fire Training Center in the Town of Hamden, has shown encroachments of several of the facility's buildings upon lands owned by the People of the State of New York, lands formally owned by the New York Ontario & Western Railway Company; and

WHEREAS, the county residents and emergency providers are extremely thankful for the efforts of the late Senator Cook in establishing the facility which provides an invaluable training facility for preparing our emergency responders in fire fighting and EMS real life situations; and

WHEREAS, the responders trained at this facility are better trained to respond to incidents that provide for the health and safety of all the residents of the county and all those just traveling through; and

WHEREAS, the county desires to clear up any encroachments of the facility to ensure the uninterrupted and continued operation of the facility without further liability; and

WHEREAS, the county has initiated the process to obtain the property from the state; and

WHEREAS, the state parcel is entirely landlocked, of no use to the state, and the New York State Department of Transportation Regional Director has approved the sale of the property as surplus property;

NOW THEREFORE, BE IT RESOLVED, that the County Board of Supervisors is herewith establishing its interest in acquiring said property for the betterment of all the residents and visitors of the county; and

BE IT FURTHER RESOLVED, that the Chairman of the Board is authorized to acquire said parcel from the state, being 0.71± acres of land under the terms and conditions of the New York State Property Executive Review Group; and

BE IT FURTHER RESOLVED, that the County Board herewith requests that the state waive any fees associated with the transfer of the title to the County as the land will benefit all the residents and visitors of the county in providing the best possible trained responders.

The resolution was seconded by Mr. Rowe.

Mr. Utter explained that this resolution begins the process of obtaining a parcel of land in the Town of Hamden from the State of New York which will clear up the existing encroachments of the Fire Training Center. The parcel is landlocked and essentially worthless to the state. The County is asking the state to waive any fees associated with the transfer of the title to the county as the Fire Training Center is a benefit to every citizen of Delaware County. At this point in time, the state is seeking fees of \$1,300.

The resolution was adopted by the following vote: Ayes 4646, Noes 0, Absent 160 (Eisel).

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

RESOLUTION NO. 64

TITLE: APPLICATION FOR FEDERAL FINANCIAL ASSISTANCE PURSUANT TO SECTION 5311 DEPARTMENT OF SOCIAL SERVICES

WHEREAS, Delaware County is submitting a request for consolidated grant funds to the New York State Department of Transportation, pursuant to Section 5311, Title 49 USC, for a project to provide rural transportation service for Delaware County and adjacent areas for the 2011 and 2012 fiscal years; and

WHEREAS, Delaware County and the State of New York have entered into a continuing agreement which authorizes the undertaking of this project and payment of the federal share; and

WHEREAS, Delaware County is contracting with Delaware County Support & Services to perform the mobility management aspects of this project

NOW, THEREFORE BE IT RESOLVED that James E. Eisel, Sr., Chairman of the Delaware County Board of Supervisors is hereby authorized to sign any contracts or agreements between the County of Delaware and any third party subcontractor necessary to complete the public transcription project subject to the review and approval of the County Attorney.

The resolution was seconded by Mr. Hynes.

In answer to Mr. McCarthy, Commissioner Moon replied that Delaware Support and Services (DS&S) is a not-for-profit 501c3 that is not county operated. He explained that DS&S is helping the county with grant administration and the hiring of a mobility manager as this

eliminates the need for the county to increase their workforce.

Commissioner Moon stated in response to Mr. Homovich that the federal grant funding allocated for the transportation program is not in jeopardy of being reduced.

The resolution was adopted by the following vote: Ayes 4646, Noes 0, Absent 160 (Eisel).

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

RESOLUTION NO. 65

TITLE: AUTHORIZING THE FILING OF AN APPLICATION FOR STATE ASSISTANCE FROM THE HOUSEHOLD HAZARDOUS WASTE (HHW) STATE ASSISTANCE PROGRAM AND SIGNING OF THE ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the State of New York provides financial aid for household hazardous waste programs; and

WHEREAS, Delaware County, herein referred to as the “County”, has examined and duly considered the applicable laws of the State of New York and the County deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the County be executed for such STATE Aid.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Supervisors

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That the Board Chair or his designee is directed and authorized as the official representative of the County to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE;
3. That the County agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for the State share of such costs.
4. That four (4) Certified Copies of this Resolution be prepared and sent to the NYSDEC together with a complete application.
5. That this resolution shall take effect immediately.

The resolution was seconded by Mr. Rowe.

Mr. Utter explained that this is the starting of paperwork for the annual clean sweep program.

In answer to Vice Chairman Molé, Mr. Utter advised that the dates have not been set for the annual clean sweep days.

Mr. Valente commented that the clean sweep program is a very good and well run program that is absolutely necessary.

In answer to Mr. Valente, Commissioner Reynolds explained that Director of Solid Waste Management Susan McIntyre is handling the advertising alerting the public that electronic waste is now accepted at the Solid Waste Management Center (SWMC) at no charge. Electronic waste eligible for free recycling includes: televisions, monitors, computers, towers, laptops, stereos, printers, scanners, faxes, keyboards, mice, peripherals. The preference of the SWMC for the towns, if they are interested in collecting electronic waste, would be to consider a collection day two times a year and accumulate the electronic waste for pick up by a SWMC contractor. If a town is interested in accepting electronic waste, they should contact Ms. McIntyre.

The resolution was unanimously adopted.

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

RESOLUTION NO. 66

TITLE: AUTHORIZATION FOR PROFESSIONAL SERVICES ALL HAZARD MITIGATION PLAN UPDATE DEPARTMENT OF EMERGENCY SERVICES

WHEREAS, Resolution No. 188 of 2009 authorized the Department of Emergency Services to accept an awarded grant under the fiscal year 2009 from the New York State Office of Homeland Security (OHS) awarded funds for citizen and community preparedness to include Annexes to the Delaware County Comprehensive Emergency Management Plan; and

WHEREAS, the aforementioned grant will subsidize 100 percent of the cost for completing Phase I of the All Hazard Mitigation Plan update; and

WHEREAS, the department has followed the Request for Proposal (RFP) rules to select a consultant to perform necessary tasks associated with developing this plan; and

WHEREAS, Tetra Tech EM Inc. has provided a project work plan for the All Hazard Mitigation Plan Update broken out in two phases. Phase I will include the planning elements necessary to get the planning process started in time to meet regulatory guidelines (44 CFR 201.6 Five Year Update). The second phase shall include all remaining tasks, planning elements, submission and adoption of the plan. Tetra Tech shall perform all Phase I activities at a cost not to exceed \$30,000.00

THEREFORE, BE IT RESOLVED, that the Department of Emergency Services is herewith authorized to enter into an agreement with Tetra Tech EM Inc with its offices at 1000 The

American Road, Morris Plains New Jersey 07950.

The resolution was seconded by Mr. Utter and adopted by the following vote: Ayes 4646, Noes 0, Absent 160 (Eisel).

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

RESOLUTION NO. 67

**TITLE: CATSKILL INTEROPERABLE COMMUNICATIONS
CONSORTIUM AGREEMENT
DEPARTMENT OF EMERGENCY SERVICES**

WHEREAS, there is a need to cooperate and establish an interoperability communications network for emergency service communications to serve Delaware and surrounding counties; and

WHEREAS, the need has been expressed for collaborative partnerships and is encouraged by the state and federal government through a number of state/federal grant programs, and is well recognized as the standard for implementing interoperable communications systems; and

WHEREAS, in order to seek state and federal funding for such initiatives, it is the desire of the Counties of Delaware, Greene, Otsego, Schoharie, Sullivan and Ulster Counties as well as the New York State Police, New York State Parks Police and New York City Department of Environmental Protection, to form the Catskill Interoperable Communications Consortium (hereinafter referred to as the Catskill Consortium); and

WHEREAS, it is desirable that the Catskill Consortium be endorsed by its participant active counties, and that its responsibilities be formally set forth;

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 Catskill Consortium and officially designates its Director of Emergency Services to be its official representatives to said Consortium,

BE IT FURTHER RESOLVED, that the Delaware County Attorney has reviewed and approved the Catskill Consortium Agreement; and

AND BE IT FURTHER RESOLVED, that the Chairman of the Board is authorized to execute the signatory page of the Catskill Consortium Agreement.

The resolution was seconded by Mr. Utter.

Mr. DuMond stated in answer to Mr. Bracci that being part of a consortium allows the county greater recognition and eligibility with regard to funding.

Director of Emergency Services Richard Bell explained that in May 2010 the county

entered into a similar consortium with the counties of Broome, Chenango, Cortland, Otsego, Schoharie, Tioga and Tompkins to seek broadband funding. Some of those counties have decided to go a route that is much too large and expensive for Delaware County to participate in. The counties of Greene, Otsego, Schoharie, Sullivan and Ulster have very similar needs to Delaware County and already share existing hilltops making it easier to tie together.

New York State has been collecting a \$1.20 911 surcharge for a number of years. In response to the opinions of the counties, the state has agreed to give \$20 million back through a competitive grant process. This grant will be directed towards consortium based communications systems.

In answer to Mr. Donnelly, Mr. Bell advised that the \$20 million is a statewide grant.

The resolution was unanimously adopted.

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

RESOLUTION NO. 68

**TITLE: APPROVAL TENTATIVE AGREEMENT
BETWEEN THE NEW YORK STATE NURSES ASSOCIATION
AND DELAWARE COUNTY**

WHEREAS the Human Resources Committee has reached a tentative agreement with the New York State Nurses Association for the terms and conditions of employment for the years 2010 and 2011.

NOW THEREFORE, BE IT RESOLVED that said tentative agreement is hereby approved as presented to the Board, and the Chairman of the Board is authorized to execute a collective bargaining agreement which incorporates the terms of said tentative agreement.

The resolution was seconded by Mrs. Capouya.

Mr. Rowe commented that these are very difficult times to negotiate contracts and thanked all the parties involved for reaching a conclusion to this contract.

In response to Mr. Marshfield, Mr. Rowe stated that the contract provides for a zero percent increase in 2010 and an increase of \$1,000 in 2011.

The resolution was adopted by the following vote: Ayes 4646, Noes 0, Absent 160 (Eisel).

Vice Chairman Molé waived Board Rule 10 to permit the introduction without objection of the following not-prefiled resolution.

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

RESOLUTION NO. 69

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$1,655,767.64 were hereby presented to the Budget Oversight Committee for approval for payment on April 13, 2011 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	\$1,308,950.77
Countryside	\$420.00
OET	\$44,924.74
Highway Audits, as Follows:	
Landfill	\$81,658.55
Road	\$104,617.55
Machinery	\$91,444.19
Capital Road & Bridge	\$13,202.91
Capital Solid Waste	\$10,548.93

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$1,537,131.22 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	\$1,103,090.05
OET	\$61,639.48
Public Safety Communication	\$20,303.50
Highway Audits, as Follows:	
Landfill	\$149,288.56
Road	\$61,019.14
Machinery	\$118,886.29
Capital Road & Bridge	\$10,722.52
Capital Solid Waste	\$12,181.68

The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4646, Noes 0, Absent 160 (Eisel).

Vice Chairman Molé reminded the Board of the May 2nd deadline for nominations to fill the vacant alternate position on the Executive Committee of the Coalition of Watershed Towns.

Mr. Marshfield advised that the majority of town boards meet after May 2nd and the letter from the Coalition of Watershed Towns was not received until after the 15th of April making it impossible for the towns to nominate anyone to fill the vacancy. He noted that he sent an e-mail to the Coalition outlining his thoughts with regard to this matter.

Vice Chairman Molé advised that a copy of the *Delaware County Mobility Program Business Plan Abstract* had been placed on each Supervisor's desk.

Upon a motion, the meeting adjourned at 2:05 p.m.