

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

AUGUST 24, 2011

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, August 24, 2011 at 5:30 p.m. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York, Chairman James E. Eisel, Sr. presiding.

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

Mr. Marshfield offered the invocation.

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

The minutes of the previous meeting were accepted as presented.

Chairman Eisel referenced a handout placed on each Supervisor's desk entitled: *Delaware County Memorial Service Honoring the 10th Anniversary of September 11, 2001*. The event will take place in Delhi beginning with a parade at 8:30 a.m. followed by a memorial service beginning at 8:50 a.m. at the County Court House Square. Everyone was encouraged to attend in remembrance and honor of those affected by the tragedy of September 11, 2001.

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

Chairman Eisel granted privilege of the floor to Director of Public Health Bonnie Hamilton who presented Christina Gardener as Employee of the Month.

Mrs. Gardner began working for the Department of Public Health in June 2006 as an account clerk typist. In November 2006 she was promoted to early intervention program specialist and September 2007 was promoted to her current position, Children's Program Specialist.

As a Children's Program Specialist, Mrs. Gardner is responsible for the Physically Handicapped Children's Program, Children with Special Health Care Needs Program, Pre-k and Early Intervention Programs' intake and referral, grant budgeting, quarterly reports, and service billing to the New York State Department of Health and Medicaid. In addition, she also serves as the car seat technician.

Mrs. Hamilton stated that Mrs. Gardner is a self-starter, reliable and creative, bringing problems and possible solutions to the Director's attention. She cheerfully accepts new tasks as the need arises and has recently taken a leadership role in learning a complicated new database for the Early Intervention Program. She enjoys helping others and knowing that what she does helps to make a difference in the lives of children.

Mrs. Hamilton presented Mrs. Gardner 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.

Chairman Eisel granted privilege of the floor to Mr. Utter. Mr. Utter advised that Geo-Environmental Management Solutions LLC (GEMS) is the firm hired to develop the county's Energy Plan and introduced President/Sr. Project Manager Fred Krone to provide an update on their activities to date.

Mr. Krone's powerpoint presentation began with an outline of the purpose of the energy plan identified as: assess and discuss the energy needs of the county, its government, citizens and businesses, establish goals and objectives to reduce dependency on fossil fuel, recognize efforts to improve the utilization of renewable and sustainable resources, identify energy opportunities and challenges facing the county and the renewable industries as well as identify policies that will promote the local energy economy.

Efforts that are underway to accomplish these goals include county and municipal energy audits overseen by the New York State Energy Research and Development Authority (NYSERDA). An energy policy committee has been established and the first meeting was held on July 26, 2011 to discuss the natural gas issue. An action committee, comprised of local industry, has been established and the first meeting was held on August 15, 2011 to discuss the renewable energy industry and education needs in the county.

The end result of these efforts will be a document that identifies how much fossil fuel and electricity is consumed by the county as a whole, a basic economic analysis of various renewable resources industries, wind, solar, geothermal, hydro and biomass, an outline of the effort currently underway to improve energy sustainability, and the goals and objectives the county would like to achieve related to reduced energy independence working in cooperation with the New York State Energy Plan and the identification of possible funding resources for the implementation of developed projects.

Mr. Korne stated that GEMS is providing the first audit for each community free of charge. He thanked the Board for the opportunity to provide this update and is looking forward to working with the county in the development of its energy plan.

Chairman Eisel granted privilege of the floor to Mr. Dolph. Mr. Dolph introduced President of the CSEA Local 813, Unit 6600 George Lawson.

Mr. Lawson stated that in addition to his position of President of the CSEA he is a thirty-two year employee with the Department of Public Works serving in the capacity of Public Works Safety and Training Coordinator.

As president of the CSEA Local 813, Unit 6600, Mr. Lawson is responsible for four hundred county employees, five schools, three towns and the county unit within the county. In addition to several other committees, Mr. Lawson serves on the Statewide Board of Directors for the CSEA and chairs the Statewide Budget Committee for the CSEA.

Mr. Lawson stated that the county has a very talented and dedicated workforce they can be very proud of. He was disappointed at the refusal of the union's offer to do a roll over of wages in favor of negotiations and asked that when negotiations begin that the county keep an

open mind and consider the savings to taxpayers as a result of the talent and abilities of the county workforce. He will not come to the table with demands but instead will count on the Board to offer a fair agreement.

For standing committee reports, Chairman of the Planning, Recreation, Culture & Community Committee Thomas Hynes complimented the remodeling of the office of Veterans' Service Agency. The remodeling was done by employees of the county's Building and Maintenance Department. The office is very efficient, attractive and welcoming. In addition, a flag pole was added to the outside of the building. He encouraged the Supervisors to visit the office.

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

RESOLUTION NO. 111

**TITLE: 2011 BUDGET AMENDMENT
TRANSFER OF FUNDS
MACHINERY FUND**

WHEREAS, the cost of fuel has gone up significantly causing a shortfall in the 2011 Budget; and

WHEREAS, we are estimating that we will exceed our current budget by approximately \$375,000.

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

FROM:

26-00000-34911000	Fund Balance Otr Unreserved	\$375,000.00
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TO:

26-15130-54515000	Petroleum, Oil & Lube	\$375,000.00
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The resolution was seconded by Mr. Smith and adopted by the following vote: Ayes 3850, Noes 0, Absent 956 (Rowe, McCarthy).

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

RESOLUTION NO. 112

**TITLE: 2011 BUDGET AMENDMENT
TRANSFER OF FUNDS
PERSONNEL OFFICE**

WHEREAS, the Personnel Office is need of a new computer; and

WHEREAS, there is no funding in the equipment account to cover the purchase

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

FROM:

10-11430-54520000 Postage \$1,168.12

TO:

10-11430-52200000 Equipment \$1,168.12

The resolution was seconded by Mr. Utter and adopted by the following vote: Ayes 3850, Noes 0, Absent 956 (Rowe, McCarthy).

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

RESOLUTION NO. 113

**TITLE: 2011 BUDGET AMENDMENT
HOME ENERGY ASSISTANCE PROGRAM
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Delaware County Department of Social Services is the designated local agency to administer the County’s Home Energy Assistance Program (HEAP) early outreach for 2010-2011; and

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

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

REVENUE:

10-16141-44464100 Federal Aid- HEAP \$30,136.00

APPROPRIATIONS:

10-16141-54200012 Contracted Services-Delaware Opportunities \$30,136.00

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

Mr. Marshfield, directing his comment to Mr. Krone, noted he has heard federal HEAP funding is being cut by 50 percent this heating season. Fuel oil has become a huge expense for people and in an attempt to keep the cost to a minimum they are prepaying large sums of money for price protection. HEAP funding means a great deal to our residents. He hoped that the work GEMS is doing will provide the county with a solution to this energy crisis.

In answer to Mr. Marshfield, Mr. Homovich noted that the 2010 figure was cut in half and will result in a crippling effect to the people in this county that need and rely on this assistance. HEAP is not the only program affected by reduced funding. He pointed out the difficulty in preparing a budget for the coming year with cuts from the state and federal government and uncertainty about the rules and regulations accompanying the 2 percent tax cap. All of this needs to be taken into consideration when figuring out how to adjust our budget.

The resolution was adopted by the following vote: Ayes 3850, Noes 0, Absent 956 (Rowe, McCarthy).

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

RESOLUTION NO. 114

**TITLE: APPROVAL OF TRANSPORTATION BIDS FOR
EARLY INTERVENTION AND PRESCHOOL SPECIAL EDUCATION PROGRAM
(2 - 5 year olds)
PUBLIC HEALTH NURSING SERVICE**

WHEREAS, a request for bids has been made and bids received, having been filed, and the procedures and documents having been approved by Richard B. Spinney, Esq., Delaware County Attorney

NOW, THEREFORE, BE IT RESOLVED that the bids received for transportation of preschool children with special needs from various points around Delaware County to the 4410 programs listed below, from September 1, 2011 to August 31, 2014, be accepted as follows:

Proposal No. 1-11A: ARC of Delaware County-Carousel Children's Services -
Program site: 110 Stockton Ave, Walton, NY 13856
Buchanan Transportation - Bid: \$79.63 per one way trip, 1st passenger
\$14.89 per additional passenger

Proposal No. 2-11A: Springbrook, NY, Inc -
Program site: 2705 State Hwy 28, Oneonta NY 13820
Buchanan Transportation - Bid: \$79.63 per one way trip 1st passenger
\$14.89 per additional passenger

Proposal No. 3-11: Handicapped Children's Association -
Program site(s): 18 Broad Street, Johnson City, NY 13790
500 Club House Rd, Vestal, NY 13850
Serafini Transportation Corp., -
Bid: \$124.00 per one way trip, 1st passenger
\$24.00 per additional passenger

Proposal No. 4-11: Whispering Pines Preschool -
Program site(s): 395 North Grand Street, Cobleskill, NY 12043
2841 Thousand Acre Rd. Delanson, NY 12053
Birnie Bus Service Inc., - Bid: \$152.50 per one way trip, 1st passenger
\$11.00 per additional passenger

Proposal No. 5-11A: Institute for Child Development-Childrens Unit for
Treatment & Evaluation (CUTE)
Program site: 4400 Vestal Parkway East, Vestal, NY 13902
Coxsackie Transport Inc - Bid: \$149.00 per one way trip, 1st passenger
\$20.00 per additional passenger

Proposal No. 6-11: ARC of Ulster County – Brookside School -
Program site: 11 Tanhouse Brook Rd, Cottekill, NY 12419
Birnie Bus Service Inc., - Bid: \$157.50 per one way trip, 1st passenger
\$12.00 per additional passenger

The resolution was seconded by Mr. Donnelly.

In answer to Mr. Marshfield, Director of Public Health Bonnie Hamilton stated that at the time the bids went out there were twenty-three children. At this point, there are twenty-one children, however, the number does fluctuate. Children's Program Specialist Christina Gardner added that the majority of the vans have an average of two to three children, it is rare that a van is filled to capacity with four to five children.

Mrs. Hamilton stated in reply to Mr. DuMond, the program began as a federal program under the Individual with Disabilities Education Act which was passed to the state as a mandated program. Mrs. Gardner noted that the state reimbursement is \$33 per child, per trip and an additional amount is received if the child is Medicaid eligible and meets the strict criteria. There are approximately six or seven parents that take advantage of the parent transportation reimbursement offered by the county and transport their own children. Mrs. Hamilton felt the bidding was very competitive this year, but thought it safe to say that the program would cost between \$650,000 to \$700,000, the same as the previous year.

Mr. DuMond stated that he will be voting "no" and is imploring his fellow Supervisors to join him. As he has stated in the past, this is not a vote against the children it is a vote against unfunded mandates. If the state wants this program to run according to its specific regulations it should provide the funding. He firmly believed the county could provide this service less expensively and more efficiently. Further, he felt that more parents should transport their children and take advantage of the reimbursement program offered by the county.

Mr. DuMond expressed concern that the Board continues to talk about unfunded mandates but is slow to react against them for fear of retaliation from the state. He opined that unfunded mandates are crippling the county and entitlement programs are out of control. He suggested all the Upstate New York counties join together and take a stand against unfunded mandates and stated he is ready to stand up and willing to take the chance the state may retaliate.

In answer to Mr. Marshfield, Chairman Eisel noted that the children of this program require a driver and an aide that is CPR and first aid certified in addition to meeting all the requirements of the New York State Department of Transportation. The initial concept of the transportation program discussions did not consider those specialized needs.

Responding to Mr. DuMond's concern, Mrs. Hamilton explained that parents with a disabled child often have other children and in some cases both parents may be employed. To transport a child out of county and back home consumes approximately six hours a day which makes employment impossible. She felt generally the parents of the program do the best they can with the resources they have.

Mr. Bracci stated that he is in full agreement with Mr. DuMond regarding state mandates. As a member of the Public Health Committee he understands the cost of this program and continues along with the committee to seek a solution. The difficulty continues to be quantifying the cost of the program to its value to the child and community.

In response to Mr. Utter, Mrs. Hamilton confirmed that the bid amount was "per one way trip" and the actual cost would be double the amount indicated on the resolution.

Mr. Hynes speculated that the reason this program may have become a federal mandate in the first place was because these children were not getting the help they needed.

Mrs. Hamilton explained that in the 1980's the program was run through the family court. A family had to petition the court and the court would make the determination. At that time Carousel Childrens Services had their own transportation system and when they were no longer able to provide transportation the county had to bid out for the services. She pointed out that attempts have been made to reduce the cost of the program with more than thirty children placed in less restricted programs. She stated that Mr. DuMond was correct, the state is telling us very specifically how the program should be run.

Mr. Donnelly agreed the program was costly and that state mandates need to be addressed but stated he would not vote against the resolution as it may deny the children an opportunity for a better life.

Mr. Bracci stated that he did not want to risk the state would retaliate.

Mr. Triolo commented that the vote is about the children, not the cost of the program.

The resolution was adopted by the following vote: Ayes 4101, Noes 705 (DuMond, Capouya, Utter), Absent 956 (Rowe, McCarthy).

Mr. DuMond offered the following resolution and moved its adopt

RESOLUTION NO. 115

TITLE: LEASE AGREEMENT FOR TOWER SPACE DELAWARE-CHENANGO-MADISON-OTSEGO BOCES AND DELAWARE COUNTY DEPARTMENT OF EMERGENCY SERVICES

WHEREAS, Delaware-Chenango-Madison-Otsego (DCMO) BOCES desires to lease sufficient space on Delaware County communications towers located at four sites, including Mt. Utsayantha, Town of Stamford; Johnson Hill, Town of Franklin; Houck Mountain, Town of Walton and East Hill, Town of Delhi; and

WHEREAS, this lease would allow DCMO BOCES to install a radio signal repeater at each of the aforementioned tower sites. This radio signal repeater is an integral part of DCMO BOCES school bus communications network which allows DCMO BOCES to provide for the enhanced safety and welfare of the school children in Delaware County while being transported to and from DCMO BOCES facilities; and

WHEREAS, Delaware County and DCMO BOCES have previously signed 5 year lease contracts. However due to the current and ongoing expansion of the Delaware County radio system it has been deemed appropriate to shorten the term of said lease to 1 year; and

WHEREAS, the term of the lease shall commence on July 1, 2011 and end on June 30, 2012 at a cost of \$1,000 per year.

THEREFORE, BE IT RESOLVED, that Delaware County be approved to enter into

said lease with DCMO BOCES; and

BE IT FURTHER RESOLVED, that the Delaware County Attorney has reviewed and approved the Lease Agreement for Bus Radio Tower Space between Delaware County and the DCMO BOCES; and

BE IT FURTHER RESOLVED, that the Chairman of the Board is authorized to execute the signatory page of the lease agreement.

The resolution was seconded by Mr. Utter and adopted by the following vote: Ayes 3850, Noes 0, Absent 956 (Rowe, McCarthy).

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

RESOLUTION NO. 116

TITLE: RESOLUTION IN SUPPORT OF CONTINUED INVESTMENT IN THE BELLEAYRE MOUNTAIN SKI CENTER

WHEREAS, due to its location within both the Catskill Park and NYC West of Hudson Watershed, Delaware County has limited economic development opportunities; and

WHEREAS, Belleayre Mountain Ski Center, owned by New York State and operated by NYS Department of Environmental Conservation is located on the Ulster County/ Delaware County border; and

WHEREAS, tourism based and hospitality businesses comprise a large segment of eastern Delaware County and the Belleayre Region's economy; and

WHEREAS, Belleayre Mountain Ski Center is an integral part of the burgeoning Catskill Mountain ski industry, drawing visitors from the New York City region, Northern New Jersey, Connecticut, and Pennsylvania in significant numbers; and

WHEREAS, visitors to the Belleayre Mountain Ski Center also patronize numerous local businesses in Delaware County and the region, allowing those businesses to prosper as well as creating significant tax revenue for the State of New York; and

WHEREAS, the Belleayre Mountain Ski Center also hosts the not-for-profit Belleayre Conservatory during the summer providing for significant music and cultural performances which enhance tourism in the region; and

WHEREAS, Belleayre Mountain Ski Center is a significant economic driver for the Rt. 28 corridor and creates both full time and part-time employment for nearly 400 Catskill Region residents; and

WHEREAS, uncertainty over future state funding for the Belleayre Mountain Ski Center adversely impacts its ability to plan for future seasons and make necessary investments in the facility; and

WHEREAS, the uncertainty of Belleayre Mountain Ski Center's future may adversely affect investment decisions by local businesses, including the proposed \$400 million investment in the Belleayre Resort Project, thereby affecting the viability of current and future employment opportunities.

NOW, THEREFORE BE IT RESOLVED that the Delaware County Board of Supervisors hereby requests the NYS Department of Environmental Conservation ensures that the Belleayre Mountain Ski Center has enough resources to continue in a viable manner while the state determines the best future operating structure.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to Governor Andrew Cuomo, NYS Department of Environmental Conservation Commissioner Joe Martens, Assemblyman Sheldon Silver, Assemblyman Clifford Crouch, Assemblyman Kevin Cahill and New York State Senator John Bonacic and New York Senator Dean Skelos.

The resolution was seconded by Mr. Triolo.

Mr. Valente stated it is important for the state to recognize that Delaware and the surrounding counties rely on their investment in the Belleayre Mountain Ski Center for employment, small business, future expansion and tourism.

On behalf of the Town of Middletown and Ulster County Mr. Utter noted that Belleayre Mountain Ski Center is the only economic engine on that end of the county. He understands there are approximately 409 people on the payroll and 208 of them reside in Delaware County. Although things remain in a flux, there is a core group working hard to keep Belleayre Mountain Ski Center operating. The state has promised that the center will be operational this winter. He fully supports and is very appreciative of this resolution.

Mr. Marshfield remarked that he supports the resolution but, felt uncomfortable with the wording "while the state determines the best future operating structure." in the second to last paragraph. He would like to revise the paragraph to end after the word "manner."

Mr. Valente stated in answer to Mr. Marshfield that it is the state's operation and the county would like to see the state operate the center at a profit.

Mr. Utter added that the wording allows the state to consider viable options, one of which is to operate Belleayre Mountain Ski Center under the New York State Olympic Regional Development Authority (ORDA). The core group is providing input to the state but ultimately it is the state's decision.

In response to Mr. Marshfield, Director of Economic Development Glenn Nealis stated that if the state chooses to operate under the ORDA there is a strong possibility it would benefit the operation of the ski center. He felt that ORDA was the better option.

Chairman Eisel mentioned that one of the possibilities was to lease the land to the private sector. He referenced the impact both to the residents of the county employed by Belleayre Mountain Ski Center and the spin off spending to small businesses. Referencing the wording of the resolution he said the uncertain future of Belleayre Mountain Ski Center may adversely affect investment decisions like the proposed \$400 million investment that has been detained due

to environmental impact studies for the past twelve years.

Mr. Utter advised that currently the money generated by the ski slope goes into the general fund and only the expenses of the ski slope are shown. If the state were to operate Belleayre Mountain Ski Center under the ORDA both the revenue and expenses would be shown allowing for a clear accounting of the operation.

Mr. Dolph pointed out that the state operates their parks in the same manner. The money generated from logging on Bear Spring Mountain goes into the general fund and does not help the park in any way.

Mr. Valente commented that the wording of the paragraph lets the state know the county understands it is their money and they should manage it, just as we would like the state to allow us to do with our money.

The resolution was unanimously adopted.

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

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

RESOLUTION NO. 117

**TITLE: 2011 BUDGET AMENDMENT
TRANSFER OF FUNDS
PUBLIC HEALTH NURSING SERVICE**

WHEREAS, Resolution 29 of 2010 acknowledged receipt of grant monies in the amount of \$20,353 from the New York State Department of Health and American Recovery and Reinvestment Act for Early Intervention program;

WHEREAS, equipment for this grant did not cost as much as anticipated and consultant costs increased to complete policy and procedure requirements;

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

FROM:

10-14059-5200001/4059001/888	Equipment Grant	\$58.88
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TO:

10-14059-54327195/4059001/888	Grant Consultant	\$58.88
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The resolution was seconded by Mr. Donnelly and adopted by the following vote: Ayes 3850, Noes 0, Absent 956 (Rowe, McCarthy).

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

RESOLUTION NO. 118

TITLE: SALE OF TAX ACQUIRED PROPERTY

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

DAV08TX.028

ASSESSED TO:

RODNEY N HARRIS

TOWN OF:	122600:DAVENPORT
TAX MAP NO:	24.-1-35
SCHOOL DISTRICT:	122601:CHARLOTTE VALLEY
ACREAGE:	6.80A ACRES
CONVEYED TO:	RODNEY HARRIS 1776 TAYLOR ROAD DAVENPORT CENTER NY 13751
CASH CONSIDERATION:	\$3,192.53
TAX DEFICIT:	\$2,278.18

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

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

RESOLUTION NO. 119

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$649,391.49 were hereby presented to the Budget Oversight Committee for approval for payment on August 19, 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	\$547,552.26
OET	\$26,703.42
Countryside	\$420.00
Highway Audits, as Follows:	
Road	\$160.11
Machinery	\$63,964.02
Capital Road & Bridge	\$0.00
Capital Solid Waste	\$0.00
Solid Waste/Landfill	\$10,591.68

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$2,239,839.75 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	\$756,357.99
OET	\$18,636.21
Highway Audits, as Follows:	
Road	\$824,919.94
Machinery	\$139,051.33
Capital Road & Bridge	\$390,410.89
Capital Solid Waste	\$0.00
Solid Waste/Landfill	\$110,463.39

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 3850, Noes 0, Absent 956 (Rowe, McCarthy).

Chairman Eisel noted that the All Hazard Mitigation Plan for the county and towns is currently in the process of being updated. A steering committee of interested stakeholders has been established consisting of two Supervisors, eleven county staff, and seven outside agency members for a total of twenty members to establish a finalized plan. The names of members are on file in the office of the Clerk of the Board.

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

RESOLUTION NO. 120

TITLE: EXECUTIVE SESSION

BE IT RESOLVED that the Delaware County Board of Supervisors convene in executive session to discuss personnel and negotiation issues.

The resolution was seconded by Ms. Mole and unanimously adopted.

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

Upon a motion, the meeting adjourned at 7:04 p.m.