

## **REGULAR MEETING**

### **DELAWARE COUNTY BOARD OF SUPERVISORS SEPTEMBER 28, 2011**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, September 28, 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. McCarthy.

Mr. Marshfield offered the invocation.

Mrs. Capouya led the Board in the Pledge of Allegiance to the Flag.

The minutes of the previous meeting were accepted as presented.

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

Chairman Eisel granted privilege of the floor to Commissioner of Public Works Wayne Reynolds who presented Izaiah Hunter as Employee of the Month.

Mr. Hunter began his employment with the county in July 2007 as an motor equipment operator and was promoted in August 2007 to heavy equipment operator.

Commissioner Reynolds stated that Mr. Hunter has been a tremendous asset to the department. He has an easy going personality and has never turned down a task no matter how difficult the challenge. Mr. Hunter is an excellent equipment operator and is often assigned to the more difficult projects because of his talent and patience. He is an extremely safe and cautious operator and is very considerate of the equipment he uses. It is a pleasure to work with Mr. Hunter, he is always smiling, willing and ready to do what is asked of him.

Commissioner Reynolds stated it is an honor to acknowledge him as Employee of the Month and presented Mr. Hunter 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. Smith. Mr. Smith shared with pride that two of his granddaughters are involved with Cornell Cooperative Extension and 4-H and won awards this year. His granddaughter Sabra Warner exhibited her first sewing project at the New York State Fair and was awarded a blue ribbon and his granddaughter Miquela Hanselman participated in the dairy cattle judging and came in third within New York State.

Mr. Smith introduced Cornell Cooperative Extension Executive Director Jeanne Darling, Resource Educator Mariane Kiraly and Watershed Team Leader Dale Dewing.

Mrs. Darling stated that the year 2010 marks the centennial year for Cooperative Extension. Cooperative Extension began as a land-grant university system during the presidency

of Abraham Lincoln. The program which was implemented throughout the United States and internationally was designed to help people improve the quality of their lives with research based knowledge. New York State has two established Experiment Stations, one in Geneva and one in Cornell where the majority of research and development is done. Delaware County Cooperative Extension had the pleasure of hosting representatives from Japan and Poland to learn more about the extension programs that are available in the United States.

The Supervisors were invited to attend Cornell Cooperative's Annual Meeting on Friday, September 30<sup>th</sup> at 4-H Camp Shankitunk and Achievement Day on October 2<sup>nd</sup> at the Town of Walton Fair Grounds to celebrate the accomplishments of the youth in the 4-H program.

Mrs. Darling provided a handout inviting the Supervisors to a conference entitled: *Energy Town Meeting*, presented by Cornell Cooperative Extension and New York State Energy Research and Development Authority (NYSERDA) via Cornell University's Distance Learning Network on October 18, 2011 from 10 a.m. to 12:00 p.m. at the Cornell Cooperative Extension Office in Hamden. The meeting will provide information on reducing home energy costs and repair recently flooded homes to be more energy efficient.

A slide presentation entitled: "Growing Healthy Families, Confident Youth, Successful Farms and Stronger Communities" was given detailing the programs of Cornell Cooperative Extension featuring each town in Delaware County and focusing on activities of agricultural competitiveness and profitability, children and youth, economic sustainability, environmental protection and enhancement, individual, family and community well-being and nutrition, and health and safety.

Mrs. Darling thanked the Board of Supervisors, the Cornell Cooperative Extension partners and volunteers who help make these programs possible. She noted that refreshments consisting of locally grown and prepared products will be served during recess.

Mr. Dewing stated that since the flooding caused by Hurricane Irene and Tropical Storm Lee, Cornell Cooperative Extension along with other agencies have partnered to help farmers assess crop damages and seek flood assistance programs to help them recover. There have been two emergency flood meetings specifically for farmers to help them connect with the agencies providing flood relief and to discuss decision making and management strategies to adjust their businesses. The assessment of loss related to crop damage in Delaware County is \$1 million as a result of the two events.

Mrs. Kiraly advised that Cornell Cooperative Extension has initiated a hay exchange program and working in partnership with other agencies to put together a list of farmers that are able to provide forage at minimal to no cost to other farmers. The farmers are facing very challenging times and it is good to know that farmers are helping farmers.

In answer to Chairman Eisel, Mr. Dewing explained that farmers are attempting to salvage what they can. Cornell Cooperative Extension is advising farmers to keep their salvaged crops segregated for safety and risk assessment.

For standing committee reports Chairman Eisel granted privilege of the floor to Director of Emergency Services Richard Bell. Mr. Bell reminded the Supervisors that the deadline date to apply for public assistance from FEMA is September 30<sup>th</sup>. At this time, FEMA has not

provided information regarding application for public assistance due to Tropical Storm Lee.

Mr. Bell answered in response to Mr. Marshfield, that he would provide him with a copy of the Hurricane Irene disaster booklet. The booklet is also available on-line at [www.dcdes.org](http://www.dcdes.org).

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

**RESOLUTION NO. 121**

**TITLE: 2011 CORNELL COOPERATIVE EXTENSION  
CENTENNIAL PROCLAMATION**

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

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

**WHEREAS**, the heart of Cooperative Extension is the strength of its over 3000 volunteers who give their time, expertise and enthusiasm as members of boards, as 4-H club leaders, and in Extension's educational outreach; and

**WHEREAS**, Cornell Cooperative Extension is 100 years old and has historical ties to the Farm Bureau; and

**WHEREAS**, Cornell Cooperative Extension of Delaware County will offer programs that link university-based research with the talents, enthusiasm and goals of our community; and

**WHEREAS**, Cornell Cooperative Extension of Delaware County has reached families, farmers, youth, consumers, gardeners, agencies with excellent programs on agriculture and food systems sustainability, positive youth development, community and economic development, environment and natural resources education, nutrition, health, and safety; and

**WHEREAS**, Cornell Cooperative Extension of Delaware County will continue to work closely with its many local partners to offer educational programs that promote healthful eating, access to local foods, quality health care, safe housing, active living, confident youth, productive businesses, healthy families and communities;

**THEREFORE, BE IT RESOLVED**, that 2011 be recognized as the Centennial year for Cornell Cooperative Extension.

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

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

**RESOLUTION NO. 122**

**TITLE: OBSERVANCE OF NEW YORK STATE SHERIFFS' WEEK  
SHERIFF'S OFFICE**

**WHEREAS**, on October 2 through October 8, 2011, the twenty-third annual Sheriff's Week will be celebrated throughout New York State; and

**WHEREAS**, the citizens of Delaware County take this opportunity to acknowledge the recent 1000<sup>th</sup> worldwide anniversary of the Office of Sheriff which New York State Government endorsed in its first constitution of 1777; and.

**WHEREAS**, the Delaware County Sheriff's Office is proud to announce that it has been faithfully discharging the duties of Sheriff since 1797; and

**WHEREAS**, in the unique structure and the status that it carries in county government, the Office of Sheriff has extended far beyond the traditional "keeper of the peace" role into almost every facet of public service and locally has evolved from its humble beginnings into a state-of-the-art Public Safety Building/100-bed Correctional Facility Complex;

**THEREFORE, BE IT RESOLVED** that during the week of October 2 through October 8, 2011, we acknowledge those who assist their fellow-man and follow through on their commitment to "serve and protect."

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

Mr. DuMond pointed out that the Delaware County Sheriff's Office was established in 1797 and continues to provide the residents of this county with dedicated, faithful and diligent service. He stated that he is very proud of the county's Sheriff Office.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 123**

**TITLE: 2011 BUDGET AMENDMENT  
LONG TERM CARE DEVELOPMENT GRANT  
DEPARTMENT OF SOCIAL SERVICES**

**WHEREAS**, New York State desires to continue the Long Term Care Point of Entry System that is county specific and is financially supported by state funds; and

**WHEREAS**, Delaware County has been provided with a grant of \$47,233 for the continuation of the Long Term Care Point of Entry System as a collaboration among the County Departments of Aging, Public Health and Social Services; and

**WHEREAS**, the Department of Social Services is authorized to accept a \$47,233 grant, as shown below, on behalf of the county to continue the Long Term Care Point of Entry System

for the period October 1, 2010 to September 30, 2011.

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

**REVENUE ACCOUNT:**

10-16010-43361000	State Social Serv. Admin.	\$47,233.00
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**APPROPRIATION ACCOUNT:**

10-16010-54200024	Contracted Services LTC Dev Grant	\$47,233.00
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The resolution was seconded by Mr. Marshfield and Mrs. Capouya and adopted by the following vote: Ayes 4195, Noes 0, Absent 611 (McCarthy).

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

**RESOLUTION NO. 124**

**TITLE: 2011 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
BOARD OF ELECTIONS, CLERK OF THE BOARD,  
REAL PROPERTY TAX SERVICES**

**WHEREAS**, the Departments of Board of Elections, Clerk of the Board and Real Property Tax Services are in need of purchasing new copy machines; and

**WHEREAS**, the following transfers are necessary in order to purchase said copy machines

**THEREFORE, BE IT RESOLVED** that the following transfers be authorized:

**FROM:**

10-11010-54245000	Board of Supervisors - Dues and Memberships	\$3,500.00
10-11355-54420200	Real Property Tax Services - Maintenance Agreements	\$4,973.00
10-11450-54520000	Board of Elections - Postage	\$3,956.00
10-11670-54530020	Printing Services Board Proceedings	\$823.00
10-11670-54420000	Printing Services Maintenance Agreement	\$650.00

**TO:**

10-11040-52200000	Clerk of the Board - Equipment	\$4,973.00
10-11355-52200000	Real Property Tax Services - Equipment	\$4,973.00
10-11450-52200000	Board of Elections - Equipment	\$3,956.00

The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4195, Noes 0, absent 611 (McCarthy).

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

**RESOLUTION NO. 125**

**TITLE: 2011 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
DEPARTMENT OF EMERGENCY SERVICES**

**WHEREAS**, the Department of Emergency Services applied for and was awarded a grant from the New York State Office of Homeland Security (Number WM08838680) to help the county with the development and implementation of a Homeland Security Program and:

**WHEREAS**, this grant subsidized 100 percent of the cost of purchasing generators for 3 communications tower sites, transmitters for 2 communications tower sites, expansion of the existing Pictometry program to include interiors of Critical Infrastructure Buildings, electronic versions of the CEMP, wall mount projectors for the EOC and Fire Training Center, incident management software, and contracting with individual(s) to provide necessary training to First Responders

**WHEREAS**, the cost budgeted for consultants was in excess of the needed amount and the budgeted costs for equipment was not enough to purchase the items listed within the grant therefore a budget amendment has been approved by NYS Division of Homeland Security and Emergency Services

**THEREFORE, BE IT RESOLVED** that the Department of Emergency Services be authorized to reallocate this grant funding within its budget and that the budget be amended as follows:

**FROM:**

10-13640-54327000/3640034/911	Contracted Services	\$7,439.00
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**TO:**

10-13640-52200001/3640034/911	Equipment Grant	\$7,439.00
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The resolution was seconded by Mr. Utter and adopted by the following vote: Ayes 4195, Noes 0, Absent 611 (McCarthy).

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

**RESOLUTION NO. 126**

**TITLE: 2011 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
DEPARTMENT OF SOCIAL SERVICES**

**WHEREAS**, the following 2011 appropriation account is in need of funds:

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

**FROM:**

10-16102-54200000	Contracted Services MMIS	\$290,000.00
10-16055-54200025	Day Care Services	\$140,000.00
10-16119-54313151	Committee on Special Education	\$110,000.00

10-16109-54113000	Family Assistance	\$125,000.00
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**TO:**

10-16119-54313150	Foster Care	\$665,000.00
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The resolution was seconded by Mr. Marshfield.

Mr. Marshfield pointed out that the MMIS account may run short toward the end of this current budget year and the amount the county will have to pay into MMIS is increasing for 2012. Putting into perspective the cost of the foster care program, he noted that the county retains fiscal responsibility for children that are adopted and their adoptive parents are eligible for an adoption subsidy. This occurs when a child has a handicapping condition or is found to be a child with special needs.

In answer to Mr. Bracci, Commissioner of Social Services William Moon stated that the foster care appropriation includes adoption subsidies and the costs for out of county residential placements. For the past several years the department has relied on the Federal Recovery Act funding which has supplemented the Medicaid program resulting in significantly lower MMIS costs. Because of these lower costs, MMIS funds have been readily available to cover the growing number of adoption subsidies the county has added in recent years. Federal Recovery funding ended on June 30, 2011 and there is unlikely to be any in 2012. Medicaid will cost the county a little over \$8 million in 2011 and is expected to increase to \$8.8 million in 2012. The department has also experienced unprecedented growth continuously for the past sixty months and is now serving some 13,500 individuals. In view of the recent emergencies brought on by Hurricane Irene and Tropical Storm Lee these numbers are expected to rise even further.

He advised that there is a Medicaid relief bill currently in the assembly and state and if it passes the county could feel some relief by October 1, 2012.

Chairman Eisel added that a resolution regarding this will be presented at the October Board of Supervisors meeting. The New York State Association of Counties is aware of the legislation and is lobbying for its passage. Meaningful mandate reform is what is needed.

Commissioner Moon stated that mandate relief in total to the department this year was approximately \$2,000.

Mr. Homovich addressed the impacts and the extreme challenges the budget committee will be facing this year. We need economic relief as soon as possible if we are going to survive. It is become increasing clear that we do not have the money to prepare a budget without cuts.

The resolution was adopted by the following vote: Ayes 4195, Noes 0, Absent 611 (McCarthy).

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

**RESOLUTION NO. 127**

**TITLE: 2011 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
SOLID WASTE DIVISION**

**WHEREAS**, the recent flooding events have created a significant amount of Construction and Demolition Material; and

**WHEREAS**, the disposal of this material was not budgeted for.

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

**FROM:**

32-00000-34911000	Fund Balance Otr Unreserved	\$1,500,000.00
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**TO:**

32-18161-54000000	Contractual Expenses	\$1,500,000.00
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The resolution was seconded by Mr. Haynes.

Mr. Utter stated that 87.5 percent of this amount will be received in reimbursement.

Mr. Utter explained that the Town of Middletown contributed approximately 3,400 tons of C&D as a result of Hurricane Irene. The majority of that tonnage came from the flooded homes. There is a pile of wood debris that still needs to be dealt with. He noted that the Village of Sidney will be facing the same issues. He expressed his grateful appreciation to everyone who offered assistance to the town and its residents. In particular he mentioned the Sheriff's Office, Department of Emergency Services, Emergency Operation Center and Department of Public Works.

In reply to Mr. Hynes, Mr. Utter stated that the C&D will be hauled to Seneca Meadows.

Commissioner Reynolds explained in answer to Mr. Homovich, that bids will go out October 5<sup>th</sup> seeking companies that could use the wood debris. The wood will be grinded as part of the New York State Department of Environmental Conservation requirements to prevent the spread of Emerald Ash Boer disease. There will be a processing cost to the county however, the product will be used.

Chairman Eisel stated in 2006 the state paid its 12.5 percent and picked up the county's local share of 12.5 percent. He has made a request of the Governor's Office to do this again.

The resolution was adopted by the following vote: Ayes 4195, Noes 0, Absent 611 (McCarthy).

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

**RESOLUTION NO. 128**



**TITLE: 2011 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
CAPITAL ROAD AND BRIDGE**

**WHEREAS**, the recent flooding events have destroyed five (5) county bridges and sections of County Route 36 and County Route 37; and

**WHEREAS**, the cost of repairing these damages will exceed the budgeted funds.

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

**FROM:**

34-00000-34911000	Fund Balance Otr Unreserved	\$6,000,000.00
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**TO:**

34-15112-54000000	Contractual Expenses	\$6,000,000.00
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The resolution was seconded by Mr. Haynes and Mr. Donnelly.

Mr. Rowe commented that this is an example of how fortunate the county is to have retained a fund balance. We have the funds to cover what we need without having to bond, borrow or pay interest.

The resolution was adopted by the following vote: Ayes 4806, Noes 0, Absent 611 (McCarthy).

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

**RESOLUTION NO. 129**

**TITLE: APPROPRIATION OF CAPITAL FUNDS  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, Bridge Nos. 20 and 37 were destroyed during Tropical Storm Irene; and

**WHEREAS**, the department would like to appropriate the necessary funding directly for this project so that award can be made as soon as possible.

**NOW, THEREFORE, BE IT RESOLVED**, that \$4,000,000 be appropriated from account 34-15112-54000000 to cover the cost of reconstruction.

The resolution was seconded by Mr. Haynes.

Mr. Utter advised that Bridge No. 20 is located on a town road in the valley of Dry Brook and Bridge No. 37 is located on County Route 37. The bridges provided residents a five mile span from the hospital and fire coverage, the detours increase that distance by twenty miles.

The decision was made to bid out the project and begin the replacement of a permanent bridge immediately. The bid opening is scheduled for Friday, September 30<sup>th</sup> and the bridge is expected to be completed by December 1, 2011.

Commissioner Reynolds answered in reply to Mr. Homovich, that the restrictions on stream work have been waived through November 2011. As long as there is a focus on the project and a legitimate effort is being made to complete the project by the expected date an extension will be granted.

Mr. Utter shared that he felt all of the agencies involved with the flood recovery in the Town of Middletown worked very well together. He felt a great deal of work was done in the streams, work that needed to be done, but might not otherwise have been done. He is very grateful to everyone.

Chairman Eisel noted that he and several elected officials toured the devastated areas and their comments were directed to the efficiency and performance of our county departments as they dealt with the developing situations. This is a real positive for the Delaware County staff that has been involved in the flood recovery operations.

Mr. Utter noted that the Town of Middletown was the focal point for sight seers after Hurricane Irene. A five mile trip from his office in the Town of Middletown to the dumping site in Arkville via Route 28 took him 45 minutes. Recognizing the need for traffic control he made a call to the Emergency Operation Center who arranged for a solution within hours of the call.

The resolution was adopted by the following vote: Ayes 4195, Noes 0, Absent 611 (McCarthy).

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

**RESOLUTION NO. 130**

**TITLE: AMENDMENT OF RESOLUTION NUMBERS 132-10 & 109-11  
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.

	WAL08TX.020
<b><u>ASSESSED TO:</u></b>	<b><u>HOLISTIC SKIN &amp; SPA CORP</u></b>
TOWN OF:	125601:WALTON
TAX MAP NO:	273.16-1-3.2
SCHOOL DISTRICT:	125601:WALTON
ACREAGE:	1.60A ACRES
CONVEYED TO:	PERRAULT JEAN-PAUL 85 SYCAMORE ROAD JERSEY CITY NJ 07305

CASH CONSIDERATION:	\$1,000.00
TAX DEFICIT:	\$153.18

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

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

**RESOLUTION NO. 131**

**TITLE: ADOPTION OF STATE ADVISORY EQUALIZATION RATES**

**BE IT RESOLVED** that the following State Equalization Rates be adopted for the apportionment of the 2012 County Tax Levy pursuant to Title 2 of Article 8 of the Real Property Tax Law:

ANDES	100.00
BOVINA	23.50
COLCHESTER	3.47
DAVENPORT	72.50
DELHI	54.25
DEPOSIT	4.89
FRANKLIN	90.00
HAMDEN	18.00
HANCOCK	13.62
HARPERSFIELD	29.60
KORTRIGHT	100.00
MASONVILLE	100.00
MEREDITH	100.00
MIDDLETOWN	100.00
ROXBURY	30.00
SIDNEY	74.25
STAMFORD	26.80
TOMPKINS	4.46
WALTON	27.71

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

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

**RESOLUTION NO. 132**

**TITLE: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF DELAWARE INCREASING TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, ON OCCUPANCY OF HOTEL ROOMS AND ON AMUSEMENT CHARGES PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK**

Be it enacted by the Board of Supervisors of the County of Delaware, as follows:

SECTION 1. Section 4-A of Resolution No.144, enacted by the Board of Supervisors of the County of Delaware on June 13, 1990, imposing sales and compensating use taxes, as amended, is amended to read as follows:

SECTION 4-A. Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional one percent rate of such sales and compensating use taxes, for the period beginning December 1, 2003, and ending November 30, 2013. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 2. Paragraph (C) of subdivision (1) of section 11 of Resolution No. 144, enacted by the Board of Supervisors of the County of Delaware on June 13, 1990, imposing sales and use taxes, as amended, is amended to read as follows:

(C) With respect to the additional tax of one percent imposed for the period beginning December 1, 2003, and ending November 30, 2013, in respect to the use of property used by the purchaser in this county prior to December 1, 2003.

SECTION 3. This enactment shall take effect December 1, 2011.

The resolution was seconded by Mr. Triolo.

Mr. Donnelly stated the wording of this resolution is directly from the state and the resolution is required to allow the county to continue to collect the extra 1 percent sales tax.

The resolution was unanimously adopted.

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

### **RESOLUTION NO. 133**

#### **TITLE: REIMBURSEMENT FOR INMATE HEALTHCARE SHERIFF'S OFFICE**

**WHEREAS**, Chapter 481 of the Laws of the State of New York of 1991 amended the New York State Correction Law by adding Section 500-h to authorize counties to enact a local law which would allow such counties to apply any third party insurance held by an inmate to the medical treatment or care of said inmate; and

**WHEREAS**, Section 500-h-2 of the New York State Correction Law authorizes any county or the City of New York, by local law, to provide that such entity may be reimbursed for

costs paid pursuant to Subdivision One of this Section from any third party coverage or indemnification carried by an inmate; and

**WHEREAS**, in order to facilitate seeking reimbursement for inmate healthcare, this resolution is established to accomplish the following goals:

- To obtain permission to facilitate the creation of a new Local Law which authorizes Delaware County to seek Inmate healthcare reimbursement.
- To thereafter schedule a public meeting at which the public will be given an opportunity to vote on the passage of said drafted Local Law.
- To draft a second resolution (if the proposed Local Law is accepted) to be presented and voted upon at a future Board Meeting, for the purpose of accepting the adoption of the new local law.

**THEREFORE, BE IT RESOLVED** that the Sheriff's Office is given permission to initiate the steps outlined above in order to facilitate the enactment of a local law that will allow us to seek reimbursement for inmate healthcare.

The resolution was seconded by Mr. Utter.

Mr. DuMond advised this resolution begins the process of enabling the county to seek reimbursement for inmate healthcare. It does not make sense for county taxpayers to pay the medical bill of inmates that have private insurance.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 134**

**TITLE: DESIGNATION OF DELAWARE COUNTY  
AS LEAD AGENCY FOR  
2011-2012 NYSOPRHP SNOWMOBILE GRANT APPLICATION  
PLANNING DEPARTMENT**

**WHEREAS**, the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) has made funds available to develop and/or maintain snowmobile trails in New York State; and

**WHEREAS**, the Delaware County Board of Supervisors has been declared as the local government sponsor; and

**WHEREAS**, the Delaware County snowmobile clubs combined have proposed the development of 10.71 miles of new snowmobile trails in Delaware County; and

**WHEREAS**, the application for funding requires a review under the NYS Environmental Quality Review Act Part 617; and

**WHEREAS**, the Delaware County Board of Supervisors has determined this action to be unlisted; and

**WHEREAS**, Delaware County has evaluated and mitigated all potential adverse environmental impacts;

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Board of Supervisors issues a negative declaration for the application to the NYSOPRHP for the purpose of creating and maintaining snowmobile trails in Delaware County.

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

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

### **RESOLUTION NO. 135**

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

**WHEREAS**, the Delaware County Board of Supervisors, in accordance with Chapter 523 of the Laws of 2003 amended NYS Agricultural and Markets Law, designated a thirty-day review period from April 1<sup>st</sup> to April 30<sup>th</sup>, 2011 in which a landowners may submit requests for inclusion of predominately viable agricultural land within a Certified Agricultural District prior to the County established review period; and

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

**WHEREAS**, the Delaware County Board of Supervisors held a Public Hearing, Wednesday, August 24<sup>th</sup> at 5:15 PM in the Board of Supervisors Room of the County Office Building, 111 Main Street, Delhi, NY to consider the requests and recommendations of the County Agricultural Farmland Protection Board concerning the inclusion of land(s) into Agricultural Districts Nos. 12; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Board of Supervisors does hereby adopt the inclusion of the following properties into Agricultural Districts Nos. 12.

#### **Tompkins: Agricultural District # 12**

Tax ID #249.-1-38.1 (20.34) Finch Hollow Rd. Hay/Livestock

Tax ID #270.-1-14 (40.95) Finch Hollow Rd. Horses

Tax ID #270.-1-1.2 (48.4) Finch Hollow Rd. Horses

**Sidney: Agricultural District # 12**

Tax ID #71.-1-12 (40.5 ac) River Road: Hay

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

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

**RESOLUTION NO. 136**

**TITLE: REQUEST TO EXTEND THE EMERGENCY AUTHORIZATION FOR EMERGENCY OPERATIONS IN RESPONSE TO HURRICANE IRENE**

**WHEREAS**, several municipalities and private landowners in Delaware County suffered extensive damages to property resulting from Hurricane Irene; and

**WHEREAS**, on September 2, 2011 the New York State Department of Environmental Conservation issued an emergency authorization for emergency work to be done in streams in response to Hurricane Irene; and

**WHEREAS**, the “work hereby allowed must be immediately necessary to address and imminent threat to life, health, property, the general welfare and natural resources”; and

**WHEREAS**, the extent of damage to streams caused by Hurricane Irene is extensive and will in many circumstances require more time to complete than allowed for under the October 1, 2011 emergency authorization deadline.

**NOW, THEREFORE BE IT RESOLVED**, the Delaware County Board of Supervisors requests that the New York State Department of Environmental Conservation extend the emergency authorization for Hurricane Irene to June 1, 2012.

**BE IT FURTHER RESOLVED**, that this resolution be sent to Governor Andrew Cuomo, New York State Senator John Bonacic, New York State Assemblyman Clifford Crouch, New York State Assemblyman Peter Lopez, NYS DEC Commissioner Joe Martens, Jack A. Nasca, Director of Division of Environmental Permits and NYC DEP Commissioner Carter Strickland.

The resolution was seconded by Ms. Molé.

Mr. Rowe commented that Governor Cuomo needs to be congratulated as it was the Governor who gave the authority and made it happen.

Chairman Eisel noted that Governor Cuomo also came to visit the flooded areas.

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

**RESOLUTION NO. 137**

**TITLE: REQUEST TO EXTEND THE EMERGENCY AUTHORIZATION FOR EMERGENCY OPERATIONS IN RESPONSE TO TROPICAL STORM LEE**

**WHEREAS**, several municipalities and private landowners in Delaware County suffered extensive damages to property and streams resulting from Tropical Storm Lee; and

**WHEREAS**, on September 8, 2011 the New York State Department of Environmental Conservation issued an emergency authorization for emergency work to be done in streams in response to Tropical Storm Lee; and

**WHEREAS**, the “work hereby allowed must be immediately necessary to address and imminent threat to life, health, property, the general welfare and natural resources” ; and

**WHEREAS**, the extent of damage to streams caused by Tropical Storm Lee is extensive and will in many circumstances require more time to complete than allowed for under the October 8, 2011 emergency authorization deadline.

**NOW, THEREFORE BE IT RESOLVED**, the Delaware County Board of Supervisors requests that the New York State Department of Environmental Conservation extend the emergency authorization for Tropical Storm Lee to June 1, 2012.

**BE IT FURTHER RESOLVED**, that this resolution be sent to Governor Andrew Cuomo, New York State Senator John Bonacic, New York State Assemblyman Clifford Crouch, New York State Assemblyman Peter Lopez, NYS DEC Commissioner Joe Martens, Jack A. Nasca, Director of Division of Environmental Permits and NYC DEP Commissioner Carter Strickland.

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

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

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

**RESOLUTION NO. 138**

**TITLE: CONVEYANCE OF COUNTY OWNED PROPERTY  
TO THE TOWN OF DAVENPORT  
TREASURER’S OFFICE**

**WHEREAS**, Tax Map No. 23.-1-13.2 in the Town of Davenport, previously assessed to Stephen Ham, is adjacent to town property; and

**WHEREAS**, the Town of Davenport has expressed interest in the parcel;

**THEREFORE, BE IT RESOLVED** that the County of Delaware sell this property to the Town of Davenport for \$2,418.61.

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

Chairman Eisel granted Mr. Valente’s request to abstain from voting.



The resolution was adopted by the following vote: Ayes 3918, Noes 0, Absent 611 (McCarthy), Abstain 277 (Valente).

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

**RESOLUTION NO. 139**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$772,447.95 were hereby presented to the Budget Oversight Committee for approval for payment on September 14, 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	\$508,961.56
OET	\$15,204.18
Countryside	\$420.00
Highway Audits, as Follows:	
Road	\$36,198.50
Machinery	\$63,799.39
Capital Road & Bridge	\$56,010.93
Capital Solid Waste	\$41,507.77
Solid Waste/Landfill	\$50,345.62

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,058,168.74 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	\$761,940.27
OET	\$16,951.69
Highway Audits, as Follows:	
Road	\$7,068.99
Machinery	\$108,864.17
Capital Road & Bridge	\$74,831.18
Capital Solid Waste	\$275.50
Solid Waste/Landfill	\$88,236.94

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4195, Noes 0, Absent 611 (McCarthy).

Chairman Eisel made the following appointments to the Health Services and Professional

Advisory Board:

Wayne Shepard, Office for the Aging Director  
Amy Weiss Friedman, Director of Patient Services for Public Health

Chairman Eisel invited everyone in attendance to enjoy refreshments in the lobby served by representatives of Cornell Cooperative Extension.

Upon a motion the meeting adjourned for a short recess and reconvened in regular session with all Supervisors present except Mr. McCarthy.

Director of Planning Nicole Franzese stated that the FEMA and New York City Department of Environmental Conservation flood meeting which was cancelled on August 30<sup>th</sup> has been rescheduled for October 13<sup>th</sup> from 10:00 a.m. to 1:00 p.m. at the Town Hall in the Hamden.

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

**RESOLUTION NO. 140**

**TITLE: EXECUTIVE SESSION**

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

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

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

Upon a motion, the meeting adjourned at 3:30 p.m.