

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS OCTOBER 12, 2011

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, October 12, 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.

Mr. Utter 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.

For standing committee reports Mr. Triolo stated that as a result of the devastation caused by Hurricane Irene and Tropical Storm Lee the Catskill Watershed Corporation made \$5 million in grant funding available from the *Catskill Fund for the Future* money and the New York City Department of Environmental Protection is providing an additional \$1 million in a grant program. This grant funding will help rebuild businesses located in the New York City Watershed that were affected by the flooding. Mr. Triolo thanked the Supervisors that sit on the Board of Directors of the Catskill Watershed Corporation for their support.

Chairman Eisel remarked that this is good news to our local businesses who are the mainstay of our communities. Moving this money quickly will be very helpful in getting the businesses back up and running.

Chairman of the Public Works Committee Leonard Utter referenced Resolution No. 129-11 appropriating capital funds for the rebuilding of County Bridges No. 20 and 37. The bid opening for Bridge No. 20 was held on September 30, 2011. The winning bid was \$2,324,000 and has been awarded to New Century Construction, LLC. The company is already working on the replacement bridge.

In answer to Mr. Marshfield, Mr. Utter noted that Bridge No. 20 is located on a town road in the valley of Dry Brook Road in the Town of Middletown. An in-house hydraulic study indicated that at the height of the storm the bridge was only capable of taking 51 percent of the water that was estimated to come through that valley. The length of the old bridge was 78 feet, to accommodate the flow of water the new bridge will be 130 feet in length. This will be the third bridge in the same location. It is felt that adding to the length of the bridge will solve the problem.

Department of Public Works Commissioner Wayne Reynolds replied in answer to Chairman Eisel, that weather permitting the contract deadline for completion of the project is January 14, 2012.

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

RESOLUTION NO. 141

**TITLE: 2011 BUDGET AMENDMENT
GRANT FUNDING
LEGAL AID TO INDIGENTS**

WHEREAS, Delaware County has been awarded a grant from the Office of Indigent Legal Services in the amount of \$15,367; and

WHEREAS, said funding must be used to improve the quality of services provided pursuant to article 18-b of the County Law

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

INCREASE REVENUES:

10-11170-43358901	New York State Grant	\$15,367.00
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INCREASE APPROPRIATIONS:

10-11170-54327000	Grant Contractual Expense	\$15,367.00
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The resolution was seconded by Mr. Triolo.

In answer to Mr. DuMond, County Attorney Richard Spinney advised that these funds are to be used for continuing education for attorneys who provide legal representation to indigents.

Mr. Spinney replied in answer to Mr. Marshfield, that the attorneys have to complete a specified amount of continuing education hours. Judge Becker will be using these funds to pay for outside educators and training materials.

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

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

RESOLUTION NO. 142

**TITLE: DESIGNATION OF DELAWARE COUNTY AS LOCAL SPONSOR FOR
SNOWMOBILE GRANT**

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

WHEREAS, applications for grants for such development and/or maintenance of snowmobile trails require a local government sponsor; and

WHEREAS, the Delaware Otsego Chenango Snowriders, the Hamden Hill Ridge Riders, the Maywood Snow Riders, the Otego Snow-Goers, the Delaware Valley Ridge Riders, the Central Catskill Trail Association, Big Valley Trail Breakers and the D & D Snowdiggers have applied for said funds for the development and/or maintenance of snowmobile trails in Delaware County;

NOW, THEREFORE, BE IT RESOLVED that Delaware County is hereby declared as the Local Sponsor for this application under the New York State Office of Parks, Recreation and Historic Preservation Snowmobile Grant Program.

BE IT FURTHER RESOLVED that the Planning Department budget be amended to receive and dispense these moneys in compliance with the requirements of the Preservation Snowmobile Trails Grant Program as follows:

REVENUE:

10-17989-43388900/7989001/908	State Otr Culture & Recreation	\$120,780.00
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APPROPRIATION:

10-17989-54555000/7989001/908	Recreation Snowmobile Grant	\$120,780.00
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The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4195, Noes 0, Absent 611 (McCarthy).

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

RESOLUTION NO. 143

**TITLE: INCREASE FEES FOR ELECTION WORKERS
BOARD OF ELECTIONS**

WHEREAS, New York State Election Law §3-420.1 states that all election workers are to be paid by the county; and

WHEREAS, Resolution No.101 of 2006 established fees for election workers; and

WHEREAS, Delaware County Board of Elections no longer employs machine custodians; and

WHEREAS, election inspectors must now set up the new machines at the polling sites; and

WHEREAS, training for election inspectors is now more complex and demanding, requiring greater technical skill;

NOW, THEREFORE, BE IT RESOLVED, that Delaware County will increase the payments to the election workers as follows:

Inspector training fee	From \$25.00 to \$35.00
Inspector fee for the General Election	From \$180.00 to \$210.00

Inspector fee for a Primary

Remaining at \$130.00

The resolution was seconded by Mr. Rowe.

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

Mr. Bracci commented that the towns are struggling with their budgets and asked if this increase was another state mandate. Chairman Eisel replied that he did not believe the increase came from a state mandate.

In answer to Mr. Bracci, Mr. Hynes advised that training for the election inspectors is more complex as a result of the new voting machines. There is a greater technical demand on the inspectors making this minor increase appropriate for the duties that are expected of them. It is becoming increasingly difficult to find people interested in taking on this position.

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

Mr. DuMond called up Local Law Intro. No. 1 of 2011. The local law was seconded by Mr. Utter.

LOCAL LAW INTRO. NO. 1 OF 2011

A LOCAL LAW REQUIRING PRISONERS OF THE COUNTY JAIL WHO REQUIRE MEDICAL OR DENTAL SERVICES TO PAY FOR SUCH SERVICES IF INSURED UNDER A HEALTH INSURANCE POLICY

BE IT ENACTED by the Board of Supervisors of the County of Delaware as follows:

SECTION 1. Intent

WHEREAS, Corrections Law Section 500-h authorizes counties to require prisoners of county jails who require medical or dental services to pay for such services, if insured is under a health insurance policy.

SECTION 2. Payment Requirement

Effective immediately, notwithstanding the provisions of Subdivision 1 of Section 500-h of the Correction Law, Delaware County may be reimbursed for costs paid pursuant to Correction Law Section 500-h (1) from any third party coverage or indemnification carried by an inmate. Such third party coverage or indemnification shall first be applied against the total cost to the hospital or other provider as established in accordance with the provisions of Section 2807 of the Public Health Law relating to rates of payment of an individual's care and treatment, as provided in Correction Law Section 500-h.

SECTION 3. Effective Date

This Local Law shall take effect immediately.

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

RESOLUTION NO. 144

**TITLE: PUBLIC HEARING ON LOCAL LAW NO. 1 OF 2011
SHERIFF'S OFFICE**

BE IT RESOLVED, that a public hearing be held on Local Law Intro. No. 1 of 2011 entitled, A Local Law Requiring Prisoners of County Jail Who Require Medical or Dental Services to Pay for Such Services if Insured Under a Health Insurance Policy, on Wednesday, October 26, 2011 at 12:45 p.m. in the Board of Supervisors Room of the County Office Building, 111 Main Street, Delhi, NY.

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

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

RESOLUTION NO. 145

**TITLE: DESIGNATION OF DELAWARE COUNTY CHAMBER OF COMMERCE AS
TOURISM PROMOTION AGENCY FOR DELAWARE COUNTY**

BE IT RESOLVED that the Delaware County Chamber of Commerce be designated as the Tourism Promotion Agency for Delaware County, for the purpose of making applications for and receiving grants under Section 100[6] of the Economic Development Law, with the Chamber of Commerce to provide the required local matching funds for the "I Love New York" tourism promotion 2012 program.

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

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

RESOLUTION NO. 146

**TITLE: RESOLUTION URGING MULTI-YEAR STATE TAKEOVER
OF THE LOCAL SHARE OF MEDICAID**

WHEREAS, county officials across the state are presently introducing their 2012 budgets; and

WHEREAS, these budget decisions are being made under the constraints of the state's new property tax cap; and

WHEREAS, when state lawmakers enacted a property tax cap, they pledged to provide mandate relief that would enable and empower local leaders to implement that tax cap locally; and

WHEREAS, that mandate relief has not materialized; and

WHEREAS, by far, at a local statewide cost of \$7.3 billion, Medicaid is the number one mandate facing counties; and

WHEREAS, State Legislation S.5889-b will require state policymakers to take full fiscal responsibility for New York's largest in the nation Medicaid program, by implementing an eight (8) year gradual state takeover of county Medicaid costs; and

WHEREAS, removing county taxpayers from the financing of Medicaid is the single most important thing the state legislature can do to lower property taxes for New Yorkers; and

WHEREAS, the state takeover of county Medicaid costs will lead to lower property taxes and enhance New York's economic competitiveness and improve economic opportunities for all New Yorkers; and

WHEREAS, state lawmakers can fund the takeover with a combination of Medicaid program reforms, state-derived savings and other spending controls, including applying Medicaid Redesign Team (MRT) reform savings to mandate relief and pursuing a federal Medicaid waiver to leverage state cost containment initiatives that can be applied to property tax relief and applying future revenues to lowering property taxes and by allowing federal health care reforms to cover New Yorkers;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Delaware County calls upon state lawmakers to keep their promise and sign onto legislation S5889-B which provides for a freeze on local Medicaid increases effective January 1, 2012 and a 5% reduction in local Medicaid payments effective October 1, 2012 giving counties the immediate relief needed and the balance in seven additional year reductions of county Medicaid costs through 2019.

BE IT FURTHER RESOLVED that certified copies of this resolution be sent to Governor Andrew Cuomo, Senator John Bonacic, Assemblyman Clifford Crouch, Assemblyman Peter Lopez, New York State Department of Health Commissioner Nirav R. Shah, New York State Comptroller Thomas DiNapoli and the New York State Association of Counties.

The resolution was seconded by Mr. Marshfield.

Commissioner of Social Services William Moon answered in reply to Chairman Eisel that the drafters of the legislation felt that by extending the take over to eight years the state could assume the costs gradually. The intent of the legislation is a direct state takeover.

Mr. DuMond expressed frustration that this resolution may have no impact as the Governor has already said that the state take over of Medicaid costs is not going to happen and questioned whether our elected officials would challenge the Governor's opinion.

He read a prepared statement expressing his concern over state mandates and the Governor's contention that he will not allow this legislation to happen. Feeling there would be a greater impact he suggested Delaware County rally the support of other counties and together tell the state enough is enough. This county can no longer afford runaway programs such as Medicaid and other programs. The state continues to mandate the county to deliver programs administered in accordance to their direction while providing little to no funding.

As he has always maintained, he is not opposed to these services for people who are in need however, he opined that it is time to go back to providing for the basic needs of an individual. Suggesting that mandated services need to be evaluated and the current system overhauled. Perhaps it is time to perform background investigations, proof of citizenship and urine screening for public assistance recipients. The budget for the Department of Social Services is 50 percent of the county tax levy.

He implored his colleagues to get serious about state mandates by banding together with other counties facing the same challenges. Time is running out and we owe it to the taxpayers of our county.

In response to Mr. DuMond, Chairman Eisel stated that some counties are contemplating withholding their MMIS money. He referenced Oneida County and their decision to withhold their MMIS money of \$800,000 a week and the action the state took against them by withholding their sales tax money and penalizing them. Mr. DuMond's frustration is understandable he stated however, the county sales tax revenue is our largest source of revenue, if the state was to withhold the money we would have a problem.

Mr. DuMond suggested that Delaware County reach out to other counties to gauge their feeling. The state complains they do not have the money but they are spending what they have in ways that do not seem appropriate to him.

Chairman Eisel suggested the resolution be forwarded to all counties. To garner support from our legislators a sample letter will be provided at the next meeting for each Supervisor to send. Through the New York State Association of Counties he learned that Governor Cuomo is saying the state cannot afford a Medicaid takeover and that this legislation may not pass.

Mr. Marshfield commented that Mr. DuMond was correct that the Social Services budget is 50 percent of the county tax levy and added that Medicaid is 35 percent of the 50 percent.

Mr. Triolo asked if Commissioner Moon could provide the appropriate figures with an explanation in order to help Supervisors not on the Social Services Committee understand the scope of the problem.

In answer to Chairman Eisel, Commissioner Moon stated that the county share of MMIS money is \$163,901 which is paid weekly.

Mr. Homovich stated that he learned this morning at the Finance Committee Meeting that there are 5 million people on Medicaid. Medicaid is a mandate the state should take over. It seems there is no thought to what the rules will be prior to passing legislation. The county will deal with this the best it can. He suggested the residents of the county contact their local representatives asking for mandate relief. He pointed out that the state is behind in reimbursements that are owed to the county and they need to be more timely in their reimbursements. He understands the state is making an effort to correct these concerns, but if things do not change we may have to do something different.

Chairman Eisel noted that at a recent meeting of the Budget Oversight Committee the concern was expressed that the state is not making timely reimbursements but the county continues to pay their obligation. The county cannot afford to fund the state.

In answer to Mr. Utter, Mr. Spinney stated that to his knowledge the only time the state held back sales tax money was when the entity of local government had not paid an obligation to the state and the state used its authority to offset what was owed them by intercepting the revenues that were due to that entity.

Mr. Hynes remarked that in his opinion the 2 percent tax cap legislation should be repealed.

Chairman Eisel agreed and stated that the state passed the law with no guidance from the Comptrollers Office. The Comptrollers Office was called for an interpretation of the law and learned they will only advise how they interpret the law but would not put it in writing.

The resolution was unanimously adopted.

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

RESOLUTION NO. 147

TITLE: PROPOSAL TO ALLOCATE PORTIONS OF THE NEW YORK CITY LAND ACQUISITION PROGRAM FUNDS FOR FLOOD MITIGATION WATERSHED AFFAIRS

WHEREAS, New York City Watershed Communities have experienced devastating floods of record in 1996, 2006 and again in 2011 in addition to severe localized flooding in 2004, 2005, 2007, 2008, 2009 and 2010; and

WHEREAS, it is official State policy that climate change is a reality and is no longer subject to debate; and

WHEREAS, due to changing weather patterns, New York City Watershed Communities are experiencing significant, frequent and intense storms that result in severe flooding; and

WHEREAS, assuming the current pattern is due to climate change, Delaware County anticipates that the significant, frequent and intense storms will worsen over time as climate change continues; and

WHEREAS, the flood events of 1996, 2006 and 2011 delivered record levels of pollutant loading including nutrients, sediment, microorganisms, raw sewage, organic and inorganic chemicals from agriculture, homes and businesses along with debris such as fuel tanks, lumber, homes, businesses, automobiles and livestock to the New York City Reservoirs West of the Hudson; and

WHEREAS, many municipalities and property owners in the watershed have suffered catastrophic damage to property from these flood events reducing individual, business and community financial viability and severely impacting the long-term sustainability of the Watershed Region; and

WHEREAS, the significant, frequent and intense storms and their associated flooding and pollutant loading (if they continue into the future) pose a far more significant threat to the

City's Filtration Avoidance Determination than the threat posed by the regulated activities of the existing humans living within the West of Hudson Watershed; and

WHEREAS, upon information and belief, the pollutant loading from flood events far exceeds any long-term pollutant load reduction derived from the land acquisition program as currently administered; and

WHEREAS, as currently administered, the land acquisition program provides, little, if any, flood mitigation benefits; and

WHEREAS, many of the communities within the NYC Watershed remain in a state of emergency. Many of the major streams and water courses are filled with debris, sediment and trees along large reaches. If those materials are not removed and the stream bed/banks are not restored, the debris will block culverts and block stream channels causing the streams to again jump their non-existent banks; and

WHEREAS, FEMA provides funds to local municipalities (reimbursement) to repair and clear municipal property; there are very little funds, if any, to clear stream beds and steam banks along private property, and

WHEREAS, FEMA provides funds to local municipalities to repair and clear municipal property, flood plain regulation required by FEMA preclude and/or restrict property owners whose property damage exceeds 51% of its value to rebuild within the flood plain; and

WHEREAS, local municipalities with severe damage from the flood are concerned that many of the property owners with severe damage will abandon their property due to an inability to rebuild; an inability to afford to rebuild; due to a fear of the next flood and/or due to an inability to obtain financing to rebuild; and

WHEREAS, the local communities would like to allow these property owners to rebuild within the community outside of the floodplain but those property owners need funding, critical infrastructure (water, sewer, electric, telephone, road) and land suitable for development in the vicinity of their existing home and hamlet all at a price that they can afford to finance; and

WHEREAS, in order to prevent NYC from having to expend billions of dollars for filtration, NYC should invest in projects to mitigate and avoid the catastrophic impact from future floods and intense storm events. Such measures include clearing the streams of debris and gravel banks where feasible and practical; and to construct structures (where possible and practical) to slow and mitigate the impact from intense storm events; work with watershed communities to ensure affordable housing for its residents outside of floodplains; and

WHEREAS, Delaware County, as a watershed partner and a municipal government responsible for the welfare of its residents, wants to pursue flood mitigation throughout the county and wants to partner with NYC on these projects along with other resources; and

WHEREAS, there is a sentiment growing among the residents of the watershed that the status quo is no longer sustainable; the flood/storm damage has been too great; the risk of another flood too real; the cost to local residents to build a new home unaffordable; and the

funding (including the local cost share) to protect the value of the NYC water supply allocated to controls has little, or no, measurable benefit; and

WHEREAS, the residents of Delaware County and the NYC Watershed do not understand why they are required to spend tens of thousands of dollars to address the sediment loading in storm water from a building lot in watersheds scarce in impervious surfaces and new development while little is done to prevent or reduce the potential harm to existing structures and land from significant, frequent and intense storms; and

WHEREAS, the residents of Delaware County and the NYC Watershed do not understand why USEPA and NYSDOH require NYC to spend hundreds of millions of dollars to buy potentially developable land outside the floodplain in communities that have had either stagnant or decreasing populations for over 150 years while, at the same time, not requiring any funds to be spent to prevent the existing hamlets from being severely damaged and carried away downstream to the reservoirs; and

WHEREAS, Governor Andrew Cuomo has come to the Watershed communities (and other communities impacted by the flood) on several occasions in recent weeks (more than any other Governor in recent memory) and he has promised his and the State's support in the rebuilding of our communities—not only to restore -- but to make them better than before the recent flood and we thank him for his pledge of support; and

NOW, THEREFORE BE IT RESOLVED, the Delaware County Board of Supervisors requests that the New York State Department of Environmental Conservation, New York State Department of Health, the USEPA and New York City revisit the Water Supply Permit and recommend that funding from the Land Acquisition Program be allocated to support flood mitigation that will reduce the long-term risk from pollutant loading caused by major flood events; and

BE IT FURTHER RESOLVED, that the pilot Riparian Buffer Program be specifically tailored for flood mitigation efforts thereby enhancing its effectiveness in reducing pollutant loading caused by flood events, retaining local community character and local sustainability; and

BE IT FURTHER RESOLVED, that the Board of Supervisors respectfully request that USEPA, NYSDEC and NYSDOH acknowledge that no amount of land acquisition (not even the acquisition of 105,000 acres over the next 15 years) is going to have a measurable impact on water quality unless flood mitigation is given the highest funding priority and measures are implemented to protect the communities and land from future flood events and intense storms; and

BE IT FURTHER RESOLVED that this resolution be sent to Governor Andrew Cuomo, Kevin McCabe, Senator Kristin Gillibrand, Senator Charles Schumer, Congressman Hinchey, Congressman Gibson, NYS Attorney General Eric Schneiderman, NYS DEC Commissioner Joe Martens, NYSDOH Commissioner Nirav R. Shah, NYC Mayor Bloomberg, NYC DEP Commissioner Carter Strickland, NY State Senator Majority Leader Senator Dean Skelos, NYS Assembly Speaker Sheldon Silver, EPA Region 2 Director Judith A. Enck, NYS Senator John Bonacic, New York State Assemblyman Clifford Crouch, New York State Assemblyman Peter Lopez, Wayne Speenburgh Chair, Greene County Legislature, Harold

Vroman Chair, Schoharie County Board of Supervisors, Jonathan Rouls, Chair, Sullivan County Legislature, Frederick J. Wadnola, Chair, Ulster County Legislature, Watershed County Executives and Managers, Watershed Town Supervisors and Village Mayors, Dennis Lucas of CWT, CWC Board of Directors, James E. Tierney Assistant Commissioner for Water Resources, Thomas Snow DEC NYC Watershed Coordinator, Pamela Young Acting Chief, NYC Watershed Section, Alan Rosa Executive Director of CWC, the Catskill Center for Conservation and Development, Natural Resource Defense Council, River Keeper, Nature Conservancy, NYPIRG, Open Space Institute, William Harding, Executive Director, Watershed Protection and Partnership Council, Gene Kelly, Region 4 Director, NYSDEC, and William Janeway, Region 3 Director, NYSDEC and the U.S. Army Corps of Engineers.

The resolution was seconded by Mr. Haynes.

Chairman Eisel stated this is an excellent idea and in his opinion there is no better use of the acquisition funds. New York City is being forced to use these funds to acquire land by directive from the State of New York and Environmental Protection Agency (EPA). If we do not mitigate the problems in the streams we will not have clean water and will continue to have events similar to what was just experienced. In the past, nothing has been done about this problem because there is no money. The county is petitioning Governor Cuomo to look at these dollars and consider putting these funds to better use by mitigating stream related issues rather than the acquisition of land.

Mr. Bracci stated that if New York City opposes this he would question their motives as stream mitigation will produce clean water while acquisition of land will not.

Chairman Eisel said that he could not speak for the City but the State of New York and the EPA required that the money be used to acquire land, he felt the City would rather have put less money into acquiring land and more money into infrastructure.

Mr. Marshfield stated that the Hamlet of Hamden received approximately \$650,000 in funding from the City to put in a storm water system. The amount includes a one time allotment in perpetuity for maintenance in order to keep sediment and other impurities out of the river. There are two farms located in the Town of Hamden on either side of the covered bridge over the west branch of the Delaware River that lost at least an acre of good farm land to the last events. The money might better have been spent on stream mitigation as the amount of sediment that would enter the river from the storm water system, over decades if not hundreds of years, is nothing compared to the amount of pollutants and debris that entered the river during these events. He encouraged the media to visit the site as it is an awful mess of gravel and debris.

In response to Mr. Marshfield, Commissioner Frazier stated that this is a good example of the importance of this resolution. He suggested it might be valuable for each of the towns to prepare a similar resolution to increase the impact.

Mr. Dolph commented this resolution offers not only a solution to reduce the magnitude of flooding that continues to occur with each event but also will reduce the amount of financial funding federal agencies and local municipalities spend to rebuild communities. The best preventative action that could be taken is stream mitigation to reduce the amount of devastation, financial assistance and local spending.

Chairman Eisel said he was told the Cannonsville Reservoir provided the best water of all the reservoirs.

Mr. Homovich commented that the water coming out of the Pepacton Reservoir after Hurricane Irene and Tropical Storm Lee was the muddiest mess he has seen in many years. His opinion is that it will take several months to be clean again. The water in the Pepacton Reservoir has been referred to as “the champagne of drinking water” considering the volume of contaminants that have entered the reservoir from these past events it might now be referred to as “the cocktail of drinking water.” He hopes this resolution will do some good.

Mr. Rowe noted that after this last event during a stream intervention at NYS Route 268 and Claryville while bailing gravel it was discovered that the original rip wrap and stream bed stabilization placed after Hurricane Agnes in 1972 was found nine feet below where logs and rootballs were placed a few years ago for stabilization. The discovery indicates that thirty-five to forty years of no maintenance has created a false baseline elevation in the stream. The Town of Hancock excavates about 5000 yards of material from the streams. The material is sent to the crusher, cleaned and stock piled for use on the road.

An environmental group known as The Friends of the Upper Delaware River paid to have a study of the flood plains done and determined a cost to put the flood plain back to its original location. There are many environmentally conscious actions that could be taken and many jobs that would be created in the process.

Mr. Rowe agreed that things have to change. There is a fifteen year history of what happens when municipalities are restricted from taking corrective actions. If there is no preventative action taken the cycle of destruction and rebuilding will continue at great costs to the federal and state governments and local municipalities. He noted that as a child he would ride his bicycle through the countryside and swim in the creeks which are now an environmental disaster, flooding has torn up the countryside destroying its beauty.

Chairman Eisel hoped this resolution would begin the discussions that will bring the issue of stream mitigation to a mutually agreed upon conclusion.

The resolution was unanimously adopted.

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

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

RESOLUTION NO. 148

**TITLE: AUTHORIZATION FOR AWARDS -
DELAWARE COUNTY DEPARTMENT OF PUBLIC WORKS
LETTING OF OCTOBER 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. 31-11

DEBRIS REMOVAL to: CR 38 Site - Waste Recovery Enterprises, LLC
PO Box 2189, Sidney, NY 13838

Bid Price: \$48,550.00

SWMC/Walton-

Tweedie Construction Services
90 Crystal Lake Road, Walton, NY

Bid Price: \$5,140.00

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.

Mr. Utter stated the bid is for the grinding, chipping and removal of the wood debris from two sites, on County Route 38 in Arkville, and the Solid Waste Management Center in the Town of Walton.

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. 149

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

LETTING OF OCTOBER 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. 32-11 SOIL NAILS to: Soil Nail Launcher, Inc.
2841 North Avenue
Grand Junction, CO 81501

Bid Price: \$276,730.00

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors. Copies of the summary sheet of the bids received have been supplied to each Supervisor.

The resolution was seconded by Mr. Rowe.

Mr. Utter stated this is a technique that has been used in other parts of the country to stabilize slopes. Basically it is an oversized nail or rod that is driven through the unstable earth into the solid ground. The department would like to try this technique in a few sites in the county.

In answer to Mr. Bracci, Mr. Utter replied if it works, it will be a cost savings for the county and will provide greater stabilization.

Commissioner Reynolds stated that the technique will be tried out initially on County Route 37 in the Town of Middletown. If successful, the technique will also be used on County Route 1 in the Town of Andes.

In answer to Mr. Marshfield, Commissioner Reynolds stated that the county is not buying any equipment, its buying a service provided by Soil Nail Launcher, Inc. The bid encompasses various lengthens of the restraining rods, shotcrete and all the material. The project is FEMA reimbursable at 87.5 percent.

Chairman Eisel asked that Commissioner Reynolds let him know when the process begins as he would like to see how it is done.

In reply to Mr. Hynes, Commissioner Reynolds said that he did not think the process would work on Cold Spring Road in the Town of Roxbury as it is less applicable to gravel projects. The process is not the answer in all situations but when it is a suitable process it is less expensive and thought to be better than the process we are currently using.

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. 150

TITLE: AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS THEREFOR DEPARTMENT OF PUBLIC WORKS

WHEREAS, a Project for the Flood of June 23 - 29, 2006, Multiple Damaged Sites on County Routes 1, 11, 14, 21 and 23, Delaware County, PIN 9890.37 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds; and

WHEREAS, the County of Delaware desires to advance the Project by making a commitment of 100% of the Federal share of the costs thereof; and

WHEREAS, Delaware County has previously executed the Federal Emergency Relief Project Agreement for the Construction and Construction Supervision and Inspection work for \$711,606.26; and

WHEREAS, Delaware County has also previously Supplemental Agreement #2 increasing the Federal Emergency Relief Project Agreement for the Construction and Construction Supervision and Inspection work to \$1,083,911.26.

NOW, THEREFORE, the Delaware County Board, duly convened, does hereby

RESOLVE, that the Delaware County Board hereby approves the above subject project; and

IT IS FURTHER RESOLVED, that the Delaware County Board hereby authorizes the County of Delaware to pay in the first instance 100% of the Federal share of the cost of Construction and Construction Inspection work for the Project or portions thereof; and

IT IS FURTHER RESOLVED, that the sum of \$143,383.02 is hereby appropriated from 34-15112 and made available to cover the cost increase of participation in the Project; and

IT IS FURTHER RESOLVED, that in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the Delaware County Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and

IT IS FURTHER RESOLVED, that the Chairman of the Delaware County Board of Supervisors be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Delaware with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and

IT IS FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the project; and

IT IS FURTHER RESOLVED, this Resolution shall take effect immediately.

The resolution was seconded by Mr. Haynes.

Mr. Utter explained the resolution is part of the process that enables the county to recoup funds paid by the county for eligible projects under the Federal Highway Administration Program.

Commissioner Reynolds stated in reply to Chairman Eisel, that the resolution is for the reimbursement of the County Route 14 project for damages incurred from the 2006 event. The bulk of the project was reimbursed at 100 percent because it was done within 180 days of the event. The remaining work, performed after the initial 180 day period, is reimbursable at 80 percent federal and 20 percent county.

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. 151

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,719,813.14 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	\$1,053,245.27
OET	\$35,181.78
Highway Audits, as Follows:	
Landfill	\$126,345.15
Road	\$5,956.46
Machinery	\$49,411.89
Capital Road & Bridge	\$198,819.25
Capital Solid Waste	\$250,853.34

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

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