

## **REGULAR MEETING**

### **DELAWARE COUNTY BOARD OF SUPERVISORS DECEMBER 7, 2011**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, December 7, 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.

Mr. Marshfield offered the invocation followed by a moment of silence in recognition of the victims of Pearl Harbor.

Mr. Layton led the Board in the Pledge of Allegiance to the flag.

The minutes of the previous meeting were accepted as presented.

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

Chairman Eisel granted privilege of the floor to Mr. Rowe. Mr. Rowe introduced retiring Department of Public Works employee and CSEA President George Lawson who desired to express his appreciation to the Board.

Mr. Lawson stated that he will be resigning as CSEA President on December 31, 2011 and will retire on January 16, 2012 after almost thirty-three years with the Department of Public Works. He thanked the Board of Supervisors for the opportunity to let them know how much he appreciated their honesty and support through the years both as an employee and as CSEA President.

He thanked Commissioner of Public Works Wayne Reynolds, who has been an example of a good leader, always fair and above board and acknowledged his grateful appreciation to all the department heads for their support of him as an employee and as CSEA President.

Chairman Eisel on behalf of the Board of Supervisors wished Mr. Lawson the best of luck in his future endeavors and thanked him for his commitment and dedication to the county.

Chairman Eisel granted privilege of the floor to the Village of Sidney Mayor Andy Matviak to provide an update to the Board on the progress of Amphenol Corporation's plans since the flooding that devastated its Sidney manufacturing site.

Mr. Matviak thanked Chairman Eisel, Economic Development Director Glenn Nealis, Industrial Development Agency Chairman Jim Thomson, New York State Senator John Bonacic, Assemblyman Peter Lopez and U.S. Representative Chris Gibson in addition to the many others for their unwavering support of the Amphenol facility and Delaware County. Amphenol Corporation employs 1,200 people and is the largest employer in Delaware County. The Amphenol facility in the Village of Sidney was devastated by flooding twice in the past five years. As a result, Amphenol Aerospace and Industrial Group Senior Vice President Gary

Anderson told Mr. Matviak that Amphenol's management was seeking other building sites possibly out of New York State. It was then that Mr. Matviak discretely began his campaign to keep Amphenol in Sidney. Beginning with the support of Delaware County Chairman of the Board of Supervisors Jim Eisel, Mr. Mativak purposefully proceeded with the intent of doing whatever Delaware County and New York State could do to entice Amphenol to remain in the Town of Sidney.

Thanks to the determination of village, county, state and federal officials Amphenol was encouraged to remain in the Village of Sidney. An incentive package of \$20 million funded by the Empire State Development, Empire State New Market Corporation and the New York State Homes and Community Renewals was offered to Amphenol. The funding will help offset the costs associated with the acquisition of a site nearby their current location and building construction.

Mr. Matviak expressed his appreciation to everyone involved and is personally elated that Amphenol made the decision to remain in Delaware County. Amphenol will be building a facility on a site located in the Village of Sidney that eliminates flood risk and preserves jobs for Delaware County.

Chairman Eisel upon seeing the devastation stated that he made the offer to Amphenol to waive the fees for their disposal of construction debris (C&D). He felt that the county needed to assist them in an attempt to get them to stay in Delaware County.

Mr. Dolph noted that he watched this unfold from the sidelines and agreed that Chairman Eisel, Mr. Thomson and Mr. Nealis and his team worked very hard to help this to happen. New York State tried to help but also hindered efforts by opening the offer to Amphenol to locate to other counties within New York State. He is very grateful Amphenol chose to stay in Sidney.

For standing committee reports, Chairman Eisel introduced incoming Supervisors: Theodore Fonda, Town of Colchester; Steven Bower, Town of Kortright; and Marjorie Miller, Town of Middletown.

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

**RESOLUTION NO. 195**

**TITLE: 2011 BUDGET AMENDMENT  
IMMUNIZATION GRANT  
PUBLIC HEALTH NURSING SERVICE**

**WHEREAS**, the New York State Department of Health has been awarded American Recovery and Reinvestment Act funds for immunization for Delaware County; and

**WHEREAS**, the New York State Department of Health will award grant monies to Delaware County Public Health Nursing Service in the amount of \$4,238.46 to support immunization and other clinics third party insurance billing; and

**WHEREAS**, the grant money will be used for equipment to support third party insurance billing;

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

**INCREASE REVENUE:**

10-14013-44440100/4013003/888	Federal Public Health	\$4,238.46
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**INCREASE APPROPRIATION:**

10-14013-52200001/4013003/888	Equipment Grant	\$4,238.46
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The resolution was seconded by Mr. Donnelly and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

**RESOLUTION NO. 196**

**TITLE: 2011 BUDGET AMENDMENT  
TRANSITIONAL JOBS PROGRAM  
DEPARTMENT OF SOCIAL SERVICES**

**WHEREAS**, the Delaware County Department of Social Services is the designated local agency to administer the Transitional Jobs Program; and

**WHEREAS**, additional 100% federal funds are available to provide education, training and job placements for low or no income TANF eligible individuals;

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

**REVENUE:**

10-16010-44461300	Federal Transitional Jobs	\$8,636.00
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**APPROPRIATION:**

10-16010-54200057	Contr Serv Transitional Jobs	\$8,636.00
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The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

**RESOLUTION NO. 197**

**TITLE: CHANGE ORDER NO. 1 OF PROPOSAL NO. 32-11  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the actual field conditions encountered on the County Route 1 Project in the Town of Andes required a revision to the scope of work; and

**WHEREAS**, the revised scope of work required the use of different technology; and

**WHEREAS**, the Department has negotiated new unit prices for the additional technology to cover the new scope of work.

**NOW, THEREFORE BE IT RESOLVED**, that the Department is authorized to execute Change Order No. 1 in the amount of \$13,000.00 bringing the total cost to \$289,730.00.

The resolution was seconded by Mr. Haynes.

Mr. Utter referenced the award made to Soil Nail Launcher, Inc. at the October 12<sup>th</sup> Board meeting noting that the new technique of soil nailing is being used on this project. The increase to the cost of the project was due to unforeseen drainage issues that needed to be addressed.

In response to Mr. Marshfield, Mr. Utter stated that the technique will be used for a project located on County Route 1 below an area known as Sandbank Hill in the Town of Andes and a project located at the end of County Route 37 between Fleischmanns and Halcott in the Portertown Hill area. In both of the cases, if the roads had to be changed it would cost the county billions of dollars.

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

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

**RESOLUTION NO. 198**

**TITLE: AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH  
THE CORP OF ENGINEERS (COE) FOR A  
LARGE CULVERT STUDY ON TOWN ROADS  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, NYSDOT inspects all bridges in the county on a bi-annual basis in accordance with federal regulations to ensure the safety of the traveling public; and

**WHEREAS**, there is no such program for large culverts having spans of between five and twenty feet; and

**WHEREAS**, the US Corps of Engineers is willing to fund a planning grant to inspect a large number of these structures on town roads and village streets for both structural and hydraulic capacity; and

**WHEREAS**, the Delaware County Stream Corridor Management Grant Program will provide the match for this work.

**NOW, THEREFORE BE IT RESOLVED**, that the Chairman of the Board is authorized to enter into an agreement with the Corps of Engineers for a Culvert Assessment Program in the amount of \$300,000 with the COE funding \$150,000.

The resolution was seconded by Mr. Haynes.

In answer to Mr. Valente, Department of Public Works Commissioner Wayne Reynolds explained that the town has to agree to participate in the large culvert study and must be located in the Delaware River Basin and the New York City Watershed. The Department of Public Works will build on the inventory of structures developed by the Planning Department while working on the Highway Management Plans. The study will evaluate the structural and hydraulic capacities of the existing structures. It will also identify the required waterway capacity to accommodate a number of design storms in addition to identifying the general condition of the structure.

Commissioner Reynolds explained in answer to Mr. Axtell, that there are restrictions on the funding and the available funds will not cover all of the structures. The funds will be used to collect as much data as possible to include hydrology design and hydraulic capacity. The match for the program is coming from the Soil and Water Conservation District under the Stream Corridor Management Program.

In reply to Mr. Marshfield, Commissioner Reynolds stated that the Department of Public Works will be gathering the data for analysis. The department is attempting to structure this program similar to how the New York State Department of Transportation handles the inspection of bridges. When completed, the document will provide another basis for the Hazard Mitigation Grant applications and provide a greater understanding of infrastructure conditions.

In response to Chairman Eisel, Commissioner Reynolds said the data will be gathered to provide towns and villages with a better idea of what their infrastructure is.

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

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

**RESOLUTION NO. 199**

**TITLE: AUTHORIZATION TO ENTER INTO AN AGREEMENT  
WITH THE CITY OF NEW YORK FOR THE RECONSTRUCTION OF  
A PORTION OF NYC HWY 30A IN THE TOWN OF ANDES  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the New York City Department of Environmental Protection (NYCDEP) owns, maintains and operates approximately thirty-nine miles of public roads around the Pepacton and Cannonsville Reservoirs in the county; and

**WHEREAS**, NYCDEP is desirous of contracting with the county for the reconstruction of approximately 11,650 feet of NYC HWY 30A in the Town of Andes; and

**WHEREAS**, the DEP will deposit \$999,871.37 with the county prior to the start of the work to cover the reconstruction costs.

**NOW, THEREFORE BE IT RESOLVED**, that the Chairman of the Board is authorized to enter into an agreement with the City of New York for the reconstruction work.

The resolution was seconded by Mr. Haynes.

In answer to Mr. Marshfield, Commissioner Reynolds stated that the department will complete the work they are able to do and contract out what they cannot do.

Mr. Utter pointed out that the problem with reducing the Department of Public Works budget is that the cost of doing business far surpasses the cost of inflation. For example, in 1993 and 1994 the Department of Public Works completed a similar project for New York City. At that time, it cost \$4.3 million for forty miles of road at a cost of \$109,000 a mile. Almost twenty years later a two mile stretch of road now costs \$1 million, which equates to a cost of \$500,000 a mile. He encouraged board members to consider this when preparing budgets. The county is very fortunate to have Commissioner Reynolds who continues to do the best he can with what is available to him.

In response to Mr. Bracci, Mr. Utter stated that the New York City Department of Environmental Protection is paying \$999,871.37 towards this project.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 200**

**TITLE: YEAR END ACCOUNTING MODIFICATIONS TO THE 2011 BUDGET  
DEPARTMENT OF FISCAL AFFAIRS**

**WHEREAS**, there are many bookkeeping entries that are needed to close out the books for 2011; and

**WHEREAS**, there will be no increase in the actual spending, just a balancing of accounts between personal services, equipment, contractual, employee benefits and undistributed employee benefits; and

**WHEREAS**, an accounting of all transactions will be presented to the Board of Supervisors upon completion of the annual report

**NOW, THEREFORE BE IT RESOLVED** that the Board of Supervisors authorizes the Department of Fiscal Affairs to make the necessary adjustments to the 2011 Budget and to file a written report to the Finance Committee before the books for 2011 are actually closed.

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

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

**RESOLUTION NO. 201**

**TITLE: PERMISSION TO COMMENCE A SUIT AGAINST LEATHERSTOCKING  
HEALTHCARE, LLC**

**WHEREAS**, Leatherstocking Healthcare, LLC is in breach of an agreement with the

County to make installment payments to pay for monies not paid under the agreement for the sale of Countyside Care Center

**NOW, THEREFORE, BE IT RESOLVED**, that the County Attorney is authorized to commence a suit in the name of the county against Leatherstocking Healthcare, LLC for the balance due under said agreement together with interest.

The resolution was seconded by Mr. Marshfield.

Mr. Bracci advised that the Social Services Committee has struggled with this issue since the sale of Countryside in 2006. He asked Commissioner of Social Services William Moon to address the Board on this matter.

Commissioner Moon explained that the terms and conditions of the sale to Leatherstocking Healthcare, LLC included a provision for Leatherstocking to collect the county's accounts receivable and then turn it over to the county. To date 15 payments in the amount of \$247,242.40 have been received however, there is an outstanding balance of \$571,604.29 and no payments have been received since August 2010. In view of this, the Social Services Committee felt it was time to seek the Board's approve to initiate legal action that will permit the pursuit of a judgement to protect the county's right to receive the full amount owed.

In answer to Mr. McCarthy, Commissioner Moon commented that he is aware of several judgements filed against Leatherstocking Healthcare, LLC.

Mr. Homovich commented that he felt that the county has extended opportunities for repayment however, Leatherstocking Healthcare, LLC has not been forthcoming. The county retains the responsibility of paying existing workers' compensation claims and this money would help offset those costs.

Mr. Triolo remarked that in light of what has been stated, Leatherstocking Healthcare, LLC is in a difficult financial position. He questioned whether the cost of legal action would be beneficial to the county as the firm may in turn file bankruptcy.

Commissioner Moon noted that the county has not made a demand to date but felt that taking this action would protect the county if the firm moved towards bankruptcy.

Mr. Bracci stated that the Social Services Committee felt there was no other choice and it was in the best interest of the county to move forward with this demand.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 202**

**TITLE: REQUESTING THE MOVING OF NEW YORK STATE'S SEPTEMBER  
PRIMARY TO THE SAME DATE AS THE FEDERAL PRIMARY  
BOARD OF ELECTIONS**

**WHEREAS**, a denial of waiver has been issued by the court in the matter of USA v.

State of New York & SBOE, the so-called “MOVE Act lawsuit”; and

**WHEREAS**, this denial of waiver will potentially cause the scheduling of three separate primaries in 2012; and

**WHEREAS**, an additional third primary had neither been expected nor budgeted for in the Delaware County Board of Elections’ 2012 budget, creating an unexpected financial burden

**THEREFORE, BE IT RESOLVED** that the Delaware County Board of Supervisors urges the State of New York to schedule the September primary on the same date as the federal primary, thereby avoiding the imposition of costs upon the county associated with a third primary.

**BE IT FURTHER RESOLVED** that this resolution be sent to Governor Andrew Cuomo, Senator John Bonacic, Senator Dean Skelos, Assemblyman Kevin Cahill, Assemblyman Clifford Crouch, Assemblyman Peter Lopez, Assemblyman Sheldon Silver.

The resolution was seconded by Ms. Molé.

Republican Commissioner of Elections William Campbell advised that all sixty-two counties and the New York State Association of Counties were attempting to pressure the State of New York to align itself with the federal election calendar. If this does not happen, counties will be required to have three primaries in 2012 and a general election. Having an additional election for the state congressional races will cost the county an estimated additional \$30,000 which was not included in the 2012 budget.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 203**

**TITLE: LEVY OF TAXES FOR SPECIAL DISTRICTS,  
HIGHWAYS AND GENERAL OUTSIDE OF VILLAGE**

**WHEREAS**, there has been presented to the Board of Supervisors a duly certified copy of the annual budget of each of the several towns of Delaware County for the fiscal year beginning January 1, 2012;

**RESOLVED** that there shall be and hereby is assessed and levied upon and collected from the taxable property situated wholly or partially therein the amounts indicated below for the Highway Outside Village and General Outside Village purposes as specified in the budgets of the respective towns:

TOWN	HIGHWAY OUTSIDE VILLAGE	GENERAL OUTSIDE VILLAGE
Delhi	\$467,700.00	\$67,838.97
Deposit	\$267,334.00	\$20,563.00



TOWN	HIGHWAY OUTSIDE VILLAGE	GENERAL OUTSIDE VILLAGE
Franklin	\$288,070.00	\$37,495.00
Hancock	\$734,451.00	\$42,000.00
Harpersfield	\$295,818.00	\$33,060.00
Middletown	\$772,280.00	\$87,714.00
Sidney	\$249,519.00	\$11,703.00
Stamford	\$199,226.00	\$29,444.00
Walton	\$545,562.00	\$45,525.00

**FURTHER RESOLVED** that there shall be and hereby is assessed and levied upon and collected from the real property liable therefore within the respective budgets:

**ANDES**

Andes Joint Fire District	\$190,113.00
Arena Fire District	\$12,449.49
Andes Light	\$8,000.00

**BOVINA**

Bovina Center Light District	\$1,825.00
Bovina Rural Fire District	\$101,675.00
Bovina Water District	\$31,939.00
Bovina Sewer District	\$9,661.20

**COLCHESTER**

Downsville Light District	\$10,000.00
Downsville Fire District	\$235,393.03
Beaverkill Valley Fire District	\$583.90
Colchester Fire Protection District	\$10,000.00

**DAVENPORT**

East Meredith Fire District	\$102,979.03
Davenport Fire District	\$49,576.52
Davenport Light District	\$1,000.00
Davenport Center Light District	\$1,450.00
West Davenport Light District	\$800.00

**DELHI**

Delhi Rural Fire District	\$218,478.59
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**DEPOSIT**

Deposit Fire and Ambulance	\$73,379.00
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**FRANKLIN**

Treadwell Light District	\$3,782.00
Treadwell Water District	\$7,500.00
Franklin-Treadwell Fire District	\$191,684.77
<b>HAMDEN</b>	
Hamden Light District	\$3,000.00
DeLancey Light District	\$2,100.00
Delhi Fire District	\$627.83
Walton Fire and Protection	\$20,437.00
Downsville Fire Protection	\$3,500.00
Delhi Rural Fire Protection	\$58,699.00
Downsville Fire District	\$4,526.97
Hamden Sewer District	\$8,261.00
<b>HANCOCK</b>	
Upper Delaware Valley Ambulance District	\$1,357.63
Cadosia Light District	\$1,600.00
East Branch Light District	\$4,000.00
East Branch Fire District	\$98,650.00
Fish's Eddy Light District	\$3,200.00
Hancock Rural Fire District	\$154,428.80
Long Eddy Fire District	\$21,601.59
<b>HARPERSFIELD</b>	
Stamford Fire District	\$34,160.38
Hobart Fire District	\$5,097.25
Davenport Fire District	\$11,726.34
North Harpersfield Fire Protection	\$43,500.00
North Harpersfield Light District	\$2,000.00
<b>KORTRIGHT</b>	
Kortright Fire District	\$81,420.61
Bloomville Light District	\$4,908.00
Bloomville Sewer District	\$14,738.00
Stamford Fire District	\$6,696.11
Hobart Rural Fire District	\$10,451.11
East Meredith Fire District	\$3,413.41
Davenport Fire District	\$8,497.14
<b>MASONVILLE</b>	
Masonville Fire District	\$100,350.00
Masonville Light District	\$2,500.00
<b>MEREDITH</b>	
East Meredith Light District	\$1,300.00
Delhi Fire District	\$35,078.88
Meredith Square Light District	\$540.00
Franklin-Treadwell Fire District	\$24,767.71
Meridale Rural Fire District	\$51,000.00

East Meredith Fire District	\$17,408.56
Meridale Light District	\$1,160.00
<b>MIDDLETOWN</b>	
Halcottsville Light District	\$1,243.00
Arena Fire District	\$13,230.50
Arkville Light District	\$7,293.00
Arkville Water District	\$25,326.00
New Kingston Light District	\$686.00
Arkville Fire District	\$31,800.00
Fire District No. 1	\$62,297.00
Middletown-Hardenburgh Fire District	\$225,686.29
<b>ROXBURY</b>	
Roxbury Fire District	\$170,525.00
Roxbury Light District	\$13,488.00
Roxbury Water District	\$29,685.00
Grand Gorge Fire District	\$150,875.00
Grand Gorge Light District	\$11,490.00
Grand Gorge Water District	\$61,184.00
Middletown/Hardenburgh Fire District	\$4,893.28
Roxbury Run Light District	\$2,797.00
Roxbury Sewer District (unit charge)	\$38,256.62
Denver Sewer District (debt charge)	\$15,632.00
Denver Sewer District (unit charge)	\$75,555.00
Denver Water District	\$13,320.00
<b>SIDNEY</b>	
Consolidated Health District	\$3,394.00
Sidney Center Light District	\$5,500.00
Sidney Center Fire District	\$72,709.00
Sidney Fire Protection District	\$54,330.00
<b>STAMFORD</b>	
Stamford Fire District	\$7,486.34
South Kortright Fire District	\$4,000.00
Hobart Fire District	\$29,451.64
Kortright Fire District	\$8,160.39
South Kortright Light District	\$800.00
<b>TOMPKINS</b>	
Tompkins Fire District	\$96,775.00
Hancock Rural Fire District	\$18,490.20
<b>WALTON</b>	
Walton Fire District	\$326,633.00

**FURTHER RESOLVED** that the amounts to be raised by tax for all other purposes, as specified in the annual budgets as presented to the Board and which are on file in the office of

the Clerk of the Board, are hereby assessed and levied upon and collected from all of the taxable property in the towns as enumerated below, except as otherwise provided by law; namely:

<u>TOWN</u>	<u>TOWN GENERAL</u>	<u>HIGHWAY TOWNWIDE</u>
Andes	\$573,195.00	\$699,090.00
Bovina	\$225,406.00	\$376,553.00
Colchester	\$778,620.00	\$1,278,500.00
Davenport	\$232,269.00	\$612,555.00
Delhi	\$340,033.43	\$480,621.00
Deposit	\$160,248.00	\$404,508.00
Franklin	\$163,526.00	\$552,365.00
Hamden	\$131,335.00	\$494,700.00
Hancock	\$370,000.00	\$659,000.00
Harpersfield	\$277,189.50	\$224,933.00
Kortright	\$217,637.00	\$608,410.00
Masonville	\$154,007.00	\$352,120.00
Meredith	\$178,133.00	\$644,840.65
Middletown	\$687,003.00	\$914,295.00
Roxbury	\$893,925.00	\$1,517,894.00
Sidney	\$592,957.00	\$324,684.00
Stamford	\$236,064.00	\$246,810.00
Tompkins	\$199,739.00	\$645,300.00
Walton	\$245,723.00	\$483,678.00

The resolution was seconded by Mr. Marshfield.

Chairman Eisel asked the Supervisors to verify the figures for their town. If an error is found, please contact Clerk of the Board Christa Schafer immediately.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 204**

**TITLE: AUTHORIZING THE CLERK OF THE BOARD OF SUPERVISORS TO CAUSE TO BE PRINTED A SUMMARY OF ABSTRACT OF THE TOWN BUDGETS**

**WHEREAS**, Section 115 of the Town Law requires that the budgets of the respective towns for each year be printed in the Proceedings of the Board of Supervisors; and

**WHEREAS**, said section authorizes the Clerk of the Board of Supervisors to cause to be printed a summary or abstract of each budget;

**NOW, THEREFORE, BE IT RESOLVED** that the Clerk of the Board be and hereby is authorized and directed to cause to be printed in the Proceedings of this Board a summary or abstract of the budgets of the respective towns in this County in such form as the State Comptroller shall prescribe.

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

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

**RESOLUTION NO. 205**

**TITLE: LEVY OF COUNTY TAX, EXTENSION OF ROLL,  
WARRANTS FOR SAME**

**RESOLVED**, that the sum of \$25,970,979 be levied against the taxable property of the County of Delaware and the same be credited by the County Treasurer to the objects specified in the Appropriation Resolution; and

**BE IT FURTHER RESOLVED** that the Clerk of the Board of Supervisors be and hereby is directed to extend the tax according to this resolution on the tax rolls of the several towns and that, when the same have been extended, the various rolls of the several towns shall become the tax rolls thereof.

**BE IT FURTHER RESOLVED** that the several tax rolls, when completed in accordance with the direction of the Board and the several warrants are signed for the collection of taxes by the Chairman and the Clerk of the Board to bear the date of December 28, 2011, the taxes be returnable the first day of April, 2012 and that the County Treasurer of the County of Delaware be and hereby is authorized to extend the time of collection in any town not beyond the first day of June 2012, upon the collector's complying with the statute thereto.

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

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

**RESOLUTION NO. 206**

**TITLE: LEVYING OF RETURNED SCHOOL TAXES**

**WHEREAS**, the Board of Trustees of the Board of Education of the several school districts of Delaware County have transmitted to the County Treasurer the several amounts of unpaid school taxes, duly verified and certified as provided by the Real Property Tax Law, Section 1330;

**THEREFORE, BE IT RESOLVED** that pursuant to Section 1330 of the Real Property Tax Law, there shall be and hereby is assessed and levied upon and collected from the lands of the several towns that comprise the County upon which the same were imposed, the amounts of said returned school taxes as certified, with seven percentum thereon in addition.

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

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

**RESOLUTION NO. 207**

**TITLE: 2012 BOARD OF SUPERVISORS MEETING SCHEDULE**

**WHEREAS**, in accordance to Rule 2 of the Rules of the Delaware County Board of Supervisors, Board Meeting dates are annually designated in December each year for the following year;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors meetings will be held on the dates and times as stated below.

January 4, 2012 - 1:00 p.m.	January 25, 2012 - 1:00 p.m.
February 22, 2012 - 1:00 p.m.	
March 14, 2012 - 1:00 p.m.	March 28, 2012 - 1:00 p.m.
April 25, 2012 - 1:00 p.m.	
May 23, 2012 - 5:30 p.m.	
June 27, 2012 - 5:30 p.m.	
July 25, 2012 - 1:00 p.m.	
August 22, 2012 - 5:30 p.m.	
September 26, 2012 - 1:00 p.m.	
October 10, 2012 - 1:00 p.m.	October 24, 2012 - 1:00 p.m.
November 14, 2012 - 1:00 p.m.	November 28, 2012 - 1:00 p.m.
December 12, 2012 - 1:00 p.m.	

The resolution was seconded by Mr. Triolo.

In answer to Mr. Marshfield, Chairman Eisel noted that the 2012 meeting schedule has one less evening meeting than the 2011 schedule. Mr. Marshfield suggested consideration of additional evening meeting in future years.

Mr. DuMond, speaking as a Supervisor with another job agreed with Mr. Marshfield's suggestion of additional evening meetings.

The resolution was adopted by the following vote: Ayes 4537, Noes 269 (Marshfield, DuMond), Absent 0.

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

**RESOLUTION NO. 208**

**TITLE: CALLING ORGANIZATIONAL MEETING**

**RESOLVED** that pursuant to Section 151 [1] of the County Law and Rule 1 of the Delaware County Board of Supervisors, the organizational meeting of the Board of Supervisors shall be held on Wednesday, January 4, 2012 at 1:00 p.m. in the Supervisors' Room of the County Office Building, Delhi, New York.

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

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

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

**RESOLUTION NO. 209**

**TITLE: NEW YORK STATE OFFICE OF COMMUNITY RENEWAL  
NEW YORK MAIN STREET FLOOD RELIEF GRANT FUNDS  
DEPARTMENT OF ECONOMIC DEVELOPMENT**

**WHEREAS**, Delaware County has been awarded a New York Main Street Grant in the amount of \$373,750 from the NYS Office of Community Renewal for the purpose of providing local building owners with grant funds to aid in the ongoing recovery from the flooding events of 2011; and

**WHEREAS**, according to an existing agreement between Delaware County and the Delaware County Industrial Development Agency, this grant will be administered by the agency.

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

**INCREASE REVENUE:**

10-16326-43388900/6326010/972	State Otr Culture & Recreation	\$373,750.00
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**INCREASE APPROPRIATION:**

10-16326-54327000/6326010/972	General Grant Related Expense	\$373,750.00
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The resolution was seconded by Mr. Triolo.

In answer to Chairman Eisel, Director of Economic Development Glenn Nealis, explained that the New York State Office of Community Renewal awarded the county \$500,000 to be funded and administered through the New York Main Street Grant Program Funds and Community Renewal Community Development Block funds for flood relief for businesses.

This funding will provide flood recovery grants in an amount up to \$50,000 for flood impacted businesses in the Towns of Fleischmanns, Margaretville and Sidney. Mr. Nealis noted that the extent of damage is so severe that a priority request was also made for additional funds totaling just over \$700,000.

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

**RESOLUTION NO. 210**

**TITLE: 2011 BUDGET AMENDMENT  
RECEIPT OF NEW YORK STATE OFFICE OF COMMUNITY RENEWAL  
COMMUNITY DEVELOPMENT BLOCK GRANT FLOOD RELIEF GRANT FUNDS  
DEPARTMENT OF ECONOMIC DEVELOPMENT**

**WHEREAS**, Delaware County has been awarded a Community Development Block Grant in the amount of \$126,250 from the NYS Office of Community Renewal for the purpose of providing local businesses with grant funds to aid in the ongoing recovery from the flooding events of 2011; and

**WHEREAS**, according to an existing agreement between Delaware County and the Delaware County Industrial Development Agency, this grant will be administered by the agency.

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

**INCREASE REVENUE:**

10-16326-43388900/6326011/972	State Otr Culture & Recreation	\$126,250.00
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**INCREASE APPROPRIATION:**

10-16326-54327000/6326011/972	General Grant Related Expense	\$126,250.00
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The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

**RESOLUTION NO. 211**

**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 verified 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, December 7<sup>th</sup> at 12:45 PM in the Board of Supervisors Room of the County Office Building, 111 Main Street, Delhi N.Y. 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 #271.-2-1.2 (48.4 ) Finch Hollow Rd. Horses

**Sidney: Agricultural District # 12**

Tax ID #117.-1-28.1 (40.5 ac) River Road: Hay

The resolution was seconded by Mr. Hynes.

In answer to Mr. Marshfield, Planning Department Senior Planner Kent Manuel stated that he believed the parcel in the Town of Sidney was a dairy operation however, any parcel being used for active agricultural would be included.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 212**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$2,293,577.24 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	\$1,165,509.40
Countryside	\$420.00
OET	\$27,428.95
Highway Audits, as Follows:	
Landfill	\$135,723.97
Road	\$20,270.05
Machinery	\$45,725.60
Capital Road & Bridge	\$848,459.27
Capital Solid Waste	\$50,040.00

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

Chairman Eisel stated the remainder of the meeting will be a presentation to honor the three departing Supervisors, Town of Kortright Supervisor George Haynes, Town of Middletown Supervisor Leonard Utter and Town of Colchester Supervisor Robert Homovich.

Chairman Eisel called up Mr. Haynes and stated that Mr. Haynes served as Supervisor for the Town of Kortright from 2002 to 2011. He served on the County Insurance, Human Resources, Judicial/Legislative, Watershed Affairs, Public Works and Shared Services Committees. Mr. Haynes owns his own business and has recently expanded creating jobs for local residents. He brings his business sense and skills to the Board through his committee assignments. While he appears to be a quiet man he is resolute and tough when his mind is made up on an issue.

Chairman Eisel, on behalf of the Board presented Mr. Haynes with a plaque and thanked him for his outstanding sense of community in representing his town and county as a Supervisor on the Delaware County Board. He opened the floor to comments.

Mr. Donnelly noted that Mr. Haynes appears to be a very quiet man at the Board meetings but when he speaks people listen.

Mr. Valente stated that still waters run deep and joked that early on he nick named Mr. Haynes "silent George." Mr. Haynes jokingly replied "I have a nick name for you too Mr. Valente."

Mr. Marshfield thanked Mr. Haynes for being a good neighbor noting they worked together successfully on many issues. He enjoyed the comradery they developed over the years.

Mr. Rowe mentioned that he served with Mr. Haynes on the Human Resources and Public Works Committees. Mr. Haynes is a real tiger in committee, very knowledgeable and has a business sense that has saved the county a great deal of money.

Mrs. Capouya commented that she served with Mr. Haynes on the Human Resources Committee and learned a great deal from listening to him.

Clerk of the Board, Christa Schafer commented that Mr. Haynes is a quiet man,

community minded and worthy of respect. His sense of humor kept her laughing and his spirited comments were always appreciated.

Commissioner of Watershed Affairs Dean Frazier noted that Mr. Haynes was always in tune with what was happening in the business world and was the E. F. Hutton of the Watershed Affairs Committee. He was very effective in breaking down major issues and his leaving will be a drain on the knowledge of the committee.

Commissioner Reynolds noted that Mr. Haynes always presented fresh ideas that helped improve the way things were being done. He stated it has been a pleasure to serve with Mr. Hynes and he will miss him.

Chairman Eisel called up Mr. Utter and stated that Mr. Utter served as Supervisor for Town of Middletown from 2000 to 2011. He served on the Board of Elections, Judicial/Legislation, Public Safety, Public Works and Watershed Affairs Committees. Mr. Utter's work as an employee of the Department of Public Works made him the perfect candidate for Chairman of the Department of Public Works Committee, his participation with emergency services and fire departments contributed to his input on the Public Safety Committee. He is hard working, dedicated and committed to his responsibilities. His dedication was truly tested as he dealt with the issues created in August 2011 by Hurricane Irene and Tropical Storm Lee.

Chairman Eisel, on behalf of the Board presented Mr. Utter with a plaque and thanked him for his outstanding sense of community in representing his town and county as a Supervisor on the Delaware County Board. He opened the floor to comments.

Mr. DuMond noted that he served with Mr. Utter on the Public Safety Committee. He is a steadfast supporter of public safety, a dedicated public servant and true gentlemen. He thanked him for reaching out to be of help when he first came onto the Board.

Mr. Donnelly stated that it has been a privilege to work with Mr. Utter. He is a dedicated public servant committed to the residents of his town and the county. They share the common interest of public safety and has appreciated Mr. Utter's friendship throughout the years.

Mr. Bracci thanked Mr. Utter for taking the time to explain the background information so important to the Board when making decisions on spending.

Mr. Valente commented that he appreciated the willingness of Mr. Utter to say "I do not know, but will find out" or ask for support when unsure of a response. He felt it takes a strength of character to admit when you do not know something, and to his credit, Mr. Utter always comes back to the next meeting with an answer.

Mrs. Capouya complimented Mr. Utter's ability to explain clearly what needs to be communicated prior to a Board decision. She stated he is always a gentlemen and considers him like family.

Mr. Marshfield thanked Mr. Utter for his willingness to answer and explain the many questions he asked with regard to Public Works.

Mr. Utter shared a comment made by former Town of Sidney Supervisor Joe Maddalone about the amount of resolutions he called up and the amount of money the county spent as a result. Mr. Maddalone told him if he would just stay at home on Board meeting days the county could cut its budget in half. Since he will no longer be on the Board he joked that the county can cut the budget in half next year.

Mr. Rowe stated that Mr. Utter is well respected as a positive force for public safety in Delaware County and his public service is far reaching in the community. He served with Mr. Utter on the Public Works Committee and appreciated his perspective as a Department of Public Works employee. There were times when they did not agree on an issue but they always shared their view and Mr. Utter was always a gentlemen. He expressed his respect to Mr. Utter as a dedicated public servant.

Sheriff Mills noted that Mr. Utter and his wife Betty have been long time friends. Sheriff Mills thanked him for serving on the Public Safety Committee noting that Mr. Utter was an advocate for the committee and always respected the opinions of others.

Commissioner Reynolds shared that Mr. Utter is a true gentlemen, his word is worth gold, he demands the best of others and would give you the shirt off his back. He retired from the Department of Public Works because he felt he was no longer able to carry his load which was entirely untrue and the result of his unattainably high standard he set for himself. He was the type of employee that could be counted on to do whatever he had to do to get the job done. He is very talented and always looked out for the younger employees making every effort to train them up to do their best.

It was a bit unnerving for him when Mr. Utter became the Chairman of the Public Works Committee. Mr. Utter would often share at committee meetings things that were going on in the department that Commissioner Reynolds was unaware of. In the beginning this caused Commissioner Reynolds great distress. In the end it helped him grow as a person and a department head. It was a privilege and a pleasure to serve with him. Commissioner Reynolds expressed his appreciation further noting he will miss Mr. Utter.

Commissioner Frazier thanked Mr. Utter for his wisdom, guidance and leadership on the Watershed Affairs Committee. Mr. Utter can share a joke or tell a story that will leave you in stitches but will bring home the lesson to be learned. His insight will be missed on the committee.

Mr. Bell thanked Mr. Utter for his commitment to public safety. Mr. Utter served on the Fire Advisory Board in addition to his participation in his local fire and emergency department. He thanked Mr. Utter for his leadership and guidance noting that he has earned the respect of the members of fire and emergency personnel throughout the county and their appreciation was shown at a recent Fire Advisory Board dinner with a standing ovation.

Mrs. Schafer complimented Mr. Utter's ability to relate a joke or tell a story addressing the point he was trying to bring out. Mr. Utter has always been a gentlemen, a man of his word and a remarkable person, further stating it has been her pleasure to work with him.

Mr. Hynes noted that he served with Mr. Utter on the Board of Elections Committee. He has a wealth of knowledge on many issues and has been a great asset to the county. Working

with Mr. Utter has been a privilege.

Mr. Utter thanked Commissioner Reynolds, Director of Solid Waste Susan McIntyre, Sheriff Mills and Mr. Bell for the assistance they provided the Town of Middletown during and after Hurricane Irene and Tropical Storm Lee. The clean up operation would not have happened as successfully without their assistance.

Mr. Utter expressed his pride in having shared almost twenty-five years of his adult life with the county and takes with him many fond memories. As an employee of the Department of Public Works he worked under the finest of department heads and through some difficult projects. He takes pride in the work the department has done through the years. On the Board he has worked with many fine people who like him have tried to be effective public servants.

He noted that behind every successful man is good woman. With years of training from “five good women” he finally got it right. Giving credit first to his mother, followed by his wife and two daughters and finally his Town Bookkeeper Beth Bush. He thanked them for helping him achieve his success.

Chairman Eisel called up Mr. Homovich and stated that Mr. Homovich served as Supervisor for the Town of Colchester from 1986 to 1995 and again from 2006 to 2011. He served on the Board of Elections, Budget Oversight, Finance, Planning, Recreation, Culture and Community, Public Safety Committees and as Budget Officer. Mr. Homovich brought with him a great deal of history of the watershed which has been helpful in many of our negotiations with New York City and the State of New York. While what he says may be controversial his insight has brought balance to the Board in many debates. His commitment to produce a balanced budget was seen in the 2012 budget that kept the current workforce in tact with a minimal increase in tax levy.

Chairman Eisel, on behalf of the Board presented Mr. Homovich with a plaque and thanked him for his outstanding sense of community in representing his town and county as a Supervisor on the Delaware County Board. He opened the floor to comments.

Mr. Donnelly stated that it has been a pleasure to serve with Mr. Homovich on the Finance Committee. He is a man who thinks things through and tells it the way it is. As Budget Officer he did a phenomenal job. Mr. Homovich has served the county with the best interest of the residents in mind, has been a committed public servant and will be missed.

Mr. Marshfield noted that he served with Mr. Homovich on the Budget Oversight Committee. The committee put many hours into the preparation of the 2012 budget. He stated that he learned a great deal from Mr. Homovich by looking at things in a different perspective. No stone was left unturned by Mr. Homovich. Mr. Marshfield thanked Mr. Homovich for all he has done for the county noting he was an asset to the county.

Mr. Rowe stated that he has a great respect for Mr. Homovich. He has worked tirelessly for the Town of Colchester and during the flood emergencies, Mr. Homovich was the first in the office and the last to leave. Mr. Homovich has the courage to speak what is on his mind and his respect and support of the county workforce has always been foremost in his decisions.

Mr. Bracci commented that Mr. Homovich has been the wikipedia of watershed history

possessing many years of knowledge. He thanked Mr. Homovich for his commitment to understanding the county finances and complimented him on a difficult job well done.

Mr. Valente noted that he appreciates Mr. Homovich's ability to look at issues from the present objective as well as the extended long term. Adding that he has enjoyed working with him.

Mr. Triolo remarked that he served with Mr. Homovich on the Finance Committee and appreciated the hard work and difficult decisions he had to work through. He opined that people may have taken Mr. Homovich's words out of context or did not understand what he was trying to accomplish. Mr. Homovich did everything within his power to prevent layoffs and always spoke highly of the county's workforce.

Director of Emergency Services Richard Bell, shared that the Town of Colchester's \$20 million disaster was his first exposure as director. Mr. Homovich is a strong supporter of public safety and between them there have been many debates. Mr. Bell commented that he knew he had better have his homework done because Mr. Homovich would be the first with a question. He thanked Mr. Homovich for his willingness to share his knowledge, for always being open and willing to listen, and his commitment to work towards the common good of public safety.

Commissioner Frazier joked that Mr. Homovich was the secret committee member of the Watershed Affairs Committee. His knowledge and broad prospective of the issues will be missed. He thanked Mr. Homovich for his advice on watershed issues and for his ability to be clear on where he stood on the issue.

Director of Personnel Teddie Storey complimented Mr. Homovich on his caring and compassionate view of the county finances. His determination to eliminate only vacant positions in order to keep the current workforce intact was a very difficult task. Mrs. Storey thanked him for his willingness to be available whenever she needed him.

Clerk of the Board Christa Schafer commented that Mr. Homovich's thirst for knowledge and understanding of the county finances is a tribute to his dedication to the residents of the county. Mrs. Schafer thanked him for the learning opportunities his questions provided her and Accountant Joan Chytalo. She thanked him for always putting his heart into all he does.

Mr. Hynes stated that he has enjoyed Mr. Homovich's friendship. He appreciated his input on issues and jokingly commented that he thought Mr. Homovich may even have mellowed over the years.

Director of Public Health Bonnie Hamilton thanked Mr. Homovich for being so assessable as Public Health has undergone some very challenging times this year.

Mr. Homovich stated that he felt very grateful. He noted that the county is very fortunate to have a Board of Supervisors committed to the best interest of the residents. The county is also very fortunate to have a skilled and knowledgeable workforce. There will always be challenges however, with cooperation and a team spirit there will be great accomplishments.

Chairman Eisel noted the plaques were made in Delaware County by J & M Trophies in the Town of Sidney. He wished everyone a very Merry Christmas and invited those in

attendance to enjoy refreshments in honor of the outgoing Supervisors.

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