

**ORGANIZATIONAL MEETING**

**DELAWARE COUNTY BOARD OF SUPERVISORS**

**JANUARY 4, 2012**

The Organizational Meeting of the Delaware County Board of Supervisors was held Wednesday, January 4, 2012 at 1:00 p.m. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York.

The Clerk of the Board, Christa M. Schafer, called the meeting to order and read the Notice of Meeting:

**TO ALL SUPERVISORS:**

Pursuant to County Law, §151 and Board Rule 1, the Organizational Meeting of the Delaware County Board of Supervisors will be held in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York on Wednesday, January 4, 2012 at 1:00 P.M.

The meeting is called for the purpose of organizing for the year 2012, including election of a Chairman, Vice Chairman, County Attorney, Clerk and Budget Officer.

Any other business that may properly be brought before the Board will be conducted.

Christa M. Schafer, Clerk  
Delaware County Board of Supervisors

The Clerk called the roll by towns and the following Supervisors were present:

Martin A. Donnelly	134 Damgaard Road	Andes
Tina B. Molé	P.O. Box 63, Bovina Center	Bovina
Theodore Fonda	1771 River Road, Downsview	Colchester
Dennis J. Valente	11600 State Route 23, P.O. Box 123	Davenport
Peter J. Bracci	931 Dick Mason Road	Delhi
Thomas Axtell	3737 State Highway 8	Deposit
Donald Smith	21 Bartlett Hollow Road	Franklin
Wayne E. Marshfield	6754 Basin Clove Road	Hamden
Samuel Rowe, Jr.	661 Main Street, Hancock	Hancock
James E. Eisel, Sr.	22 Wilcox Road	Harpersfield
Steven C. Bower	51702 State Highway 10, P.O. Box 6, Bloomville	Kortright
Craig S. DuMond	3613 Pine Swamp Road, Sidney Center	Masonville
Keitha Capouya	485 Meyerdierks Road, East Meredith	Meredith
Marjorie Miller	266 Dry Brook, Arkville	Middletown
Thomas S. Hynes	Main Street, P.O. Box 277	Roxbury
Robert McCarthy	41 Wood Road	Sidney
Michael Triolo	12193 County Highway 18, P.O. Box 326, Hobart	Stamford
William Layton	634 Pine Swamp Road, Sidney Center	Tompkins
Bruce E. Dolph	142 North Street	Walton

Mr. Marshfield offered the invocation.

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

The Clerk requested nominations for Chairman: Mr. Donnelly nominated James E. Eisel, Sr. The nomination was seconded by William Layton and unanimously adopted.

County Clerk Sharon O'Dell administered the Oath of Office to Mr. Eisel.

Upon a nomination by Craig DuMond, seconded by Tom Axtell, Tina B. Molé was unanimously re-elected as Vice Chairman.

Upon a nomination by Mr. Donnelly, seconded by Mrs. Capouya and Mr. Hynes, Christa M. Schafer was unanimously re-elected as Clerk of the Board.

Upon a nomination by Mr. Marshfield, seconded by Mr. Smith, Bruce E. Dolph was unanimously elected as Budget Officer.

Chairman Eisel thanked the Board for their vote of confidence and commented that 2012 will be another challenging year. There is hope the economy is turning the corner in terms of revenues and sales tax. If the state does not cut the county's funding or add spending in the form of unfunded mandates the county will be in good shape. Department heads are encouraged to make every effort to support and help acclimate the new Supervisors and Budget Officer. The Budget Oversight Committee will continue to scrutinize all department requests for overtime, travel, authorizations to fill vacancies and equipment requests. The 2012 Budget will allow the county to provide essential services to county residents which is the mission of this Board.

Chairman Eisel made the following committee appointments:

## **2012 COMMITTEE APPOINTMENTS**

### **COMMUNITY SERVICES BOARD**

John Cruden, Walton

Joanne Sampson, Walton

Mary Spilde, Walton

Dr. Janice Stalter to replace Jack McCready (term ending 12/31/12)

### **DELAWARE COUNTY INDUSTRIAL DEVELOPMENT AGENCY - IDA**

James Thomson, Delhi as Chairman

Andrew Matviak, Village of Sidney

Caroljean Finch

### **HEALTH SERVICES ADVISORY BOARD**

Margaret Hume, Community Representative

Dr. Lone, Medical Advisor

### **PLANNING BOARD**

Donald Kearny, as Vice Chairman

Mark Lee, Sidney  
John Reynolds, Andes

**TRANSPORTATION GOVERNING BOARD**

Wayne Shepard, Director for the Office for the Aging

**YOUTH BOARD**

Diane Oles

Chairman Eisel noted that the committees will remain the same until the changes are announced at the next Board meeting. This year in response to suggestions from department heads the committees will be larger involving more of the Supervisors in committee work.

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 Craig DuMond. Mr. DuMond introduced Deputy Director/EMS Coordinator Stephen Hood to share some good news for the county.

Mr. Hood announced that the county has been awarded \$1 million in grant funding from the New York State Division of Homeland Security and Emergency Services. The funding is from the Statewide Interoperable Grant Program intended to be used in conjunction with an already ongoing countywide public safety radio system upgrade. Awards were also made to the other members of the Catskill Consortium, Greene, Otsego, Schoharie, Sullivan and Ulster Counties. As information becomes available a resolution will be brought before the Board.

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

**RESOLUTION NO. 1**

**TITLE: REAPPOINTMENT OF COUNTY ATTORNEY**

**BE IT RESOLVED** that Richard Spinney is hereby reappointed as Delaware County Attorney for a term of two years effective January 1, 2012 and ending December 31, 2013 at the salary contained in the budget.

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

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

**RESOLUTION NO. 2**

**TITLE: REAPPOINTMENT DIRECTOR OF ECONOMIC DEVELOPMENT**

**BE IT RESOLVED** that Glenn Nealis is hereby reappointed as Director of Economic Development for a term of two years effective January 1, 2012 and ending December 31, 2013 at the salary contained in the budget.

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

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

**RESOLUTION NO. 3**

**TITLE: APPOINTMENT OF REPUBLICAN ELECTION COMMISSIONER**

**WHEREAS**, Republican Committee Chairman, Maria E. Kelso, has certified to this Board that William J. Campbell has been designated by the Republican Committee as its choice for Election Commissioner and recommends his appointment;

**NOW, THEREFORE, BE IT RESOLVED** that William J. Campbell be and he hereby is appointed Republican Election Commissioner for the County of Delaware for the years 2012-2013 at the salary stated in the budget.

The resolution was seconded by Mr. Bracci and Mr. Smith and adopted by the following vote: Ayes 4222, Noes 577 (McCarthy), Absent 0.

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

**RESOLUTION NO. 4**

**TITLE: REAPPOINTMENT DIRECTOR OF VETERANS SERVICES**

**BE IT RESOLVED** that in accordance with Section 357 of the Executive Law, the reappointment of John W. Boecke by the Chairman of the Board as Director of Veterans Services for a term of office effective January 1, 2012 and ending December 31, 2013 at the salary contained in the budget is hereby approved; and.

**BE IT FURTHER RESOLVED** that in accordance with Section 148 of the General Municipal Law, John W. Boecke is hereby designated as the person to oversee the burial of members of the Armed Forces of the United States and their families who do not have sufficient means to defray their funeral expenses.

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

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

**RESOLUTION NO. 5**

**TITLE: REAPPOINTMENT COMMISSIONER OF WATERSHED AFFAIRS**

**BE IT RESOLVED** that Dean Frazier is hereby reappointed as Commissioner of Watershed Affairs for a term of two years effective January 1, 2012 and ending December 31, 2013 at the salary contained in the budget.

The resolution was seconded Mr. DuMond.

Mr. Axtell stated that Commissioner Frazier has done an exemplary job of keeping the county informed of watershed issues and regulations.

Mr. DuMond agreed with Mr. Axtell, adding the county is fortunate to have Commissioner Frazier as a department head as he considers all aspects of Delaware County business when responding to the issues.

Chairman Eisel noted that the Department of Watershed Affairs was created during his tenure because he felt it was imperative for the county to be informed of the issues and how they will affect the county.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 6**

**TITLE: APPOINTMENT OF DELAWARE COUNTY  
FIRE ADVISORY BOARD  
DEPARTMENT OF EMERGENCY SERVICES**

**BE IT RESOLVED**, that the following appointments be made to the Delaware County Fire Advisory Board in accordance with 225-a of the County Law for year 2012:

Chairman: Dale Downin, Franklin  
Vice Chairman: Mike Odell, Masonville  
Secretary: John Gilmore, Sidney

**Voting Departments:**

Andes - Chief Joseph Berghammer	Halcottsville Chief Jeff Slauson
Arena - Chief Mike Sarrubi	Hobart - Chief Ken Muthig
Arkville - Chief Robert Sweeney	Margaretville – Chief Gene Rosa
Bloomville - Chief Mike Pietrantonio	Masonville – Chief Gary Mott
Bovina - Chief Robert Burgin	Meridale – Chief Richard Briscoe
Delhi - Chief Dan Brandenburg	Sidney – Chief Jack Steffen
Downsville – Chief Mark Mattson	Sidney Center – Chief David Gill
East Meredith - Chief David Briggs	Stamford – Chief Don VanEtten
Fleischmanns – Chief Todd Wickham	Trout Creek – Chief Chris Kinney
Franklin - Chief Tom Worden	Walton – Chief Robert Brown
Grand Gorge - Chief DJ Speenburgh	

**Alternate Departments (in order):**

Davenport – Chief Fred Utter	Treadwell – Chief Jim Lynch
Pindars Corners – Chief Matt Rittlinger	Cooks Falls – Chief Matt Murphy
Hancock – Chief Anthony Giordano	Deposit – Chief Shaun Rynearson
South Kortright – Chief Gary Payne	East Branch – Chief Rod Keesler
Roxbury – Chief Alan Hinkley	

Voting departments were selected based on meeting attendance for the previous year. Alternates

are listed in order of their meeting attendance.

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

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

**RESOLUTION NO. 7**

**TITLE: DESIGNATION OF PUBLICATION  
OF LOCAL LAWS AND NOTICES: DEMOCRAT**

**WHEREAS**, the Democratic Party having designated the Deposit Courier for the purpose of publishing notices pursuant to County Law 214 (2);

**NOW, THEREFORE, BE IT RESOLVED** that pursuant to County Law 214 (2) that the Deposit Courier is designated for the calendar year 2012 to publish local laws and notices.

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

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

**RESOLUTION NO. 8**

**TITLE: DESIGNATION OF PUBLICATION  
OF LOCAL LAWS AND NOTICES: REPUBLICAN**

**WHEREAS**, the Republican Party having designated The Walton Reporter, published by Decker Advertising, Inc for the purpose of publishing notices pursuant to County Law 214 (2);

**NOW, THEREFORE, BE IT RESOLVED** that pursuant to County Law 214 (2) that The Walton Reporter is designated for the calendar year 2012 to publish local laws and notices.

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

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

**RESOLUTION NO. 9**

**TITLE: DESIGNATION OF DEPOSITORY FOR DELAWARE COUNTY FUNDS**

**BE IT RESOLVED** that, pursuant to Section 212 of the County Law, as amended and now in force, the bank hereinafter specified is hereby designated as a depository for County Funds, together with the maximum amount that may be kept on deposit therein at any on time, and the County Treasurer is hereby authorized and directed to deposit County monies in the bank herein designated.

**BE IT RESOLVED** the County Treasurer is authorized to wire funds and use electronic transfer of funds (ACH) from or to each facility.

**BE IT FURTHER RESOLVED** that one certified copy of the resolution shall be filed in the office of the County Clerk, one in the office of the State Comptroller and two in the office of the County Treasurer by the Clerk of the Board of Supervisors.

The National Bank of Delaware County	\$25,000,000.00
The Delaware National Bank of Delhi	\$10,000,000.00
The Delaware National Bank of Delhi (Court and Trust Fund Designated by NYS Comptroller)	\$1,000,000.00
The National Bank and Trust Company	\$30,000,000.00
Community Bank, N.A.	\$20,000,000.00

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

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

**RESOLUTION NO. 10**

**TITLE: NEW YORK STATE OFFICE OF COMMUNITY RENEWAL  
COMMUNITY DEVELOPMENT BLOCK GRANT FLOOD RELIEF GRANT FUNDS  
DEPARTMENT OF WATERSHED AFFAIRS**

**WHEREAS**, Hurricane Irene and Tropical Storm Lee caused extensive damage throughout the Northeast, including Delaware County; and

**WHEREAS**, Governor Cuomo included Delaware County in his declaration of a state of emergency; and

**WHEREAS**, some farms incurred substantial hardships due to the storms, not the least being a losses of the 2011 crops essential to feed their cattle through the impending winter month; and

**WHEREAS**, Delaware County has been awarded a Community Development Block Grant in the amount of \$21,164.83 from the Office of Community Renewal for the purpose of providing local farms with grant funds to aid the ongoing recovery from the flooding events of 2011; and

**WHEREAS**, the grant will be administered by the Department of Watershed Affairs; and

**NOW, THEREFORE BE IT RESOLVED**, the Delaware County Board of Supervisors authorize the chairman to formalize acceptance of the grant by taking any and all steps necessary to execute the New York State Community Block Grant Agreement; and

**BE IT FURTHER RESOLVED**, that the following budget modifications be made:

**INCREASE REVENUE:**

10-18741-44498900/8740033/900	Office of Community Renewal	\$21,164.83
<b><u>INCREASED APPROPRIATION:</u></b>		
10-18741-54327200/8740033/900	Contractual	\$17,936.30
10-18741-51000000/8740033/900	Personnel	\$3,228.53

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

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

**RESOLUTION NO. 11**

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

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

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

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

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

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

The resolution was seconded by Mr. DuMond.



Mr. Rowe stated that this resolution authorizes the Department of Public Works (DPW) to apply for a New York State Department of Environmental Conservation (NYSEC) grant to cover costs for household hazardous waste collection events, known as "CLEAN SWEEP." The grant covers 50 percent of eligible expenses from disposal of hazard waste from households, with the remaining 50 percent being paid by DPW. Farms are not eligible under this NYSDEC grant, however the county will receive 100 percent financial support from the Watershed Agriculture Council for the farm community expense. Small businesses are also not eligible under the NYSDEC grant, and are charged by DPW a small business fee equal to the cost of disposal. If there is a shortfall in revenues it is the responsibility of DPW.

The resolution was unanimously adopted.

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

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

**RESOLUTION NO. 12**

**TITLE: 2011 BUDGET AMENDMENT  
RECEIPT OF A GRANT  
FOR CONTINUING MEDICAL EDUCATION PROGRAM  
PUBLIC HEALTH NURSING SERVICE**

**WHEREAS**, the Rural Healthcare Alliance of Cornell Cooperative Extension of Delaware County has been awarded a grant to support health care initiatives;

**WHEREAS**, the Rural Healthcare Alliance will award grant monies in the amount of \$10,000 to support web based online continuing medical education for EMS providers in Delaware County;

**WHEREAS**, online continuing medical education program will provide refresher courses for up to 250 Delaware County EMS providers online, which include EMT's up to Paramedics;

**WHEREAS**, Delaware County Public Health Nursing Service recognizes that it is important to provide training to all EMS personnel to keep certifications current in order to provide EMS services for Delaware County;

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

**REVENUE ACCOUNT:**

10-14189-42270602/4189007/904	Grants from Nonprofit	\$10,000.00
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**APPROPRIATION ACCOUNT:**

10-14189-54327615/4189007/904	Grant Training	\$10,000.00
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The resolution was seconded by Mr. Donnelly and Mrs. Capouya and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

**RESOLUTION NO. 13**

**TITLE: ADOPTING ASSESSMENT RELIEF FOR FLOOD VICTIMS  
OF HURRICANE IRENE AND TOPICAL STORM LEE**

**WHEREAS**, the adding of real property tax relief is authorized by the Hurricane Irene and Tropical Storm Lee Assessment Relief Act; and

**WHEREAS**, the County of Delaware sought to adopt measures to give assessment relief to those who were affected by the floods caused by Hurricane Irene and/or Tropical Storm Lee; and

**WHEREAS**, the act enables an eligible municipality, like the County of Delaware to extend property tax relief to those whose property(s) were catastrophically impacted by Hurricane Irene and/or Tropical Storm Lee

**NOW THEREFORE BE IT RESOLVED**, that the County of Delaware in accordance with the Hurricane Irene and Tropical Storm Lee Assessment Relief Act, signed by Governor Cuomo on December 9, 2011, hereby adopts the provision of Hurricane Irene and Tropical Storm Lee Assessment Relief Act.

The resolution was seconded by Mr. Triolo.

Chairman Eisel stated that a summary of the legislation has been placed on each of the Supervisor's desks. He asked Director of Real Property Tax Services Michael Sabansky to provide an explanation of the legislation.

Mr. Sabansky stated that the legislation allows taxing jurisdictions to provide relief to owners of properties that were catastrophically impacted by Hurricane Irene and Tropical Storm Lee. Property that lost 50 percent or more of its value as a result of flooding is considered catastrophically impacted. Impacted properties will be reassessed on the 2011 assessment roll based upon its post-storm condition, even though the damage occurred after the 2011 taxable status data. If a town is interested in offering this to their residents a resolution must be adopted by January 23, 2012.

To receive relief, the property owner in a taxing jurisdiction that has adopted the provisions must submit a written request to the assessor by March 8, 2012 along with supporting documentation. The assessor determines the percentage reduction in value. If warranted, the assessor reduces the taxable assessed value. If a reduction is granted and taxes have not yet been paid the tax bills will be corrected and a new bill sent to the owner, if taxes have already been paid then the taxing jurisdiction will refund the appropriate amount.

Ms. Miller noted that the Town of Middletown assessors discussed the pros and cons of adopting a similar resolution and decided against it.

Mr. Sabansky replied in answer to Mr. Marshfield, that each municipality or school

district that desires to offer tax assessment relief to property owners must separately adopt a resolution. Adoption of the provision by the county does not mean that the provision applies to other local governments within the county.

Mr. Marshfield felt the date of January 23rd would be difficult for many of the town boards. He opined that the additional tax burden to the county by a reduction of 50 percent to the standard taxes is a matter of concern. Mr. Sabansky replied, that the loss needs to be 50 percent of the property's taxable assessed value. The Villages of Arkville, Fleischmanns and Margaretville and the Towns of Middletown, Roxbury, and Sidney including the Village will see the most impact from this legislation.

Ms. Miller noted that Town of Middletown assessors felt property owners may qualify for bail out programs or other types of funding assistance. Considered also was the budgetary restraints created by the 2 percent tax cap and no offer of reimbursement from the state to cover the reduction in taxes.

Mr. Sabansky agreed adding that in 2006 when this type of relief was offered the county received approximately \$400,000 in reimbursements from the state. There has been no talk of reimbursement from the state to the participating jurisdictions.

Mr. McCarthy commented that he was unsure if the Village of Sidney wanted to adopt a similar resolution, however, if the village passes a resolution, the town would consider it as well.

The resolution was unanimously adopted.

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

#### **RESOLUTION NO. 14**

#### **TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,958,145.41 were hereby presented to the Budget Oversight Committee for approval for payment on December 30, 2011 prior to presentation to the Board of Supervisors;

**THEREFORE**, the County Treasurer was directed to pay said expenditures as listed below and this Board now approves of said payment as follows:

General Fund	\$1,441,190.65
OET	\$39,549.36
Public Safety Comm System	\$7,140.00
Highway Audits, as Follows:	
Road	\$16,736.85
Machinery	\$86,750.16
Capital Road & Bridge	\$215,624.45
Capital Solid Waste	\$8,713.38

Solid Waste/Landfill

\$142,440.56

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$342,648.01 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	\$297,582.42
OET	\$7,672.42

Highway Audits, as Follows:

Road	\$10,751.61
Machinery	\$22,039.38
Capital Road & Bridge	\$0.00
Capital Solid Waste	\$0.00
Solid Waste/Landfill	\$4,638.18

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

**RESOLUTION NO. 15**

**TITLE: EXECUTIVE SESSION**

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

The resolution was seconded by Mrs. Capouya and unanimously adopted.

The meeting reconvened in regular session with all Supervisors present.

Upon a motion, the meeting adjourned at 2:56 p.m.