

## **REGULAR MEETING**

### **DELAWARE COUNTY BOARD OF SUPERVISORS FEBRUARY 22, 2012**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, February 22, 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, Chairman James E. Eisel, Sr. presiding.

The Clerk called the roll and all Supervisors were present except Mr. Valente, Mr. McCarthy and Mr. Layton.

Mr. Marshfield offered the invocation.

Ms. Molé led the Board in the Pledge of Allegiance to the Flag.

The minutes of the previous meeting were accepted as presented.

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

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

Mr. Christensen began in his employment in March 1992 with the Department of Public Works as a temporary welder at the Solid Waste Management Center. In May 1992 he transferred to the Highway Department as a laborer and in March 1993 he held the position of bridge construction mechanic. In October 2006 Mr. Christensen transferred back the Solid Waste Management Center as a building maintenance mechanic, and in January 2007 moved to his current position of building maintenance mechanic II.

Commissioner Reynolds stated that he is privileged and proud to present Mr. Christensen as the employee of the month. His knowledge of equipment and the operation of the plant are of great importance in the running of the facility. Mr. Christensen is a dedicated employee who works well with others and is always willing to help when needed. His fabrication skills, as demonstrated throughout the facility, are above average and he takes great pride in the work he does. Mr. Christensen is constantly thinking of ways to improve the operation of the facility and has designed many improvements to the equipment at the facility. One of the retrofits was designed when the facility was faced with the extreme odor of the Bio-filter. He and a co-worker fabricated a tiller for the Bio-filter that was able to be used on a Bobcat. The tillers movement increases the air flow and reduces the odor tremendously. It is the only one of its kind in the industry and is useful at the site in maintaining the condition of the Bio-filter.

Commissioner Reynolds presented Mr. Christensen with a \$50.00 check and thanked him for his dedication. Chairman Eisel presented him with the Certificate of Employee of the Month and thanked him for his dedicated service.

Chairman Eisel stated that he has heard Mr. Christensen is a fantastic welder. He recognized Mr. Christensen's father, Ray Christensen, a former Board Chairman, his wife Gail

and other family members sitting in the audience.

Chairman Eisel granted privilege of the floor to Senator John Bonacic's liaison Tina Molé. Ms. Molé invited the Supervisors to join Senator Bonacic in Albany on March 2, 2012 for the 2012 Local Government Day. The event will be held in the Senate Chamber in Albany from 10:00 a.m. to 3:00 p.m. New York State's Commissioners and top administrators will be in attendance. For further information and to reserve a Senate Chamber seat contact Senator Bonacic's District Office at (845)-334-3311.

Chairman Eisel granted privilege of the floor to Mr. DuMond. Mr. DuMond introduced Director of Emergency Services Richard Bell to discuss the public safety communications system.

Mr. Bell provided a powerpoint presentation which gave an update on the project steps, status and budget moving forward on the public safety communications system.

The county has been unable to secure enough channel capacity to develop an entire public safety system on the most optimum frequency of VHF highband. In order to create a cost effective and efficient system the basic system design will consist of a combination of VHF and UHF channels. Law enforcement will remain on VHF and Fire and Emergency Medical Services (EMS) will utilize UHF. The two channel plans will have interoperability in them to allow responders to communicate with each other regardless of their specific band of operation.

The prevalent complaints with the current system is coverage, infrastructure condition and capacity. The new design allows all channels to be simulcast on all towers countywide allowing for more effective communication. Microwave connectivity is the most common and cost effective method of connectivity between sites and will provide the county's connectivity between the tower sites and dispatch centers. A decision will be made shortly to utilize digital or an analogue voice paging system.

In answer to Chairman Eisel, Mr. Bell advised that the county currently has eight towers. Some of the additional towers may be shared tower sites with other municipalities as part of the county's membership with the Catskill Consortium.

The county has acquired five UHF frequencies in the 450 to 470 megahertz spectrum with five repeated frequencies, expanding from one frequency to a set of five in which law enforcement, fire and EMS will operate on. The five frequencies acquired are the maximum number in the public safety frequencies the county could license and are sufficient for the county to put the system together and operate on. Under consideration is the purchase of two UHF private sector frequencies for expansion as frequencies will likely not be available again in the future.

The majority of the county's existing sites are in the thirty to fifty year old range and have no usable life left. Site procurement and zoning are the most difficult and time consuming aspects of the project and will be developed in three phases. Phase 1 will focus on site coverage and interconnect with a focus on known sites: Belleayre Area, Coon Hill, Delhi, Houck, Johnson Hill, Mt Pisgah, Pine Hill, Tennenah Lake Utsayantha. Phase 2 will look at new sites, potentially, Cole Hill, Davenport, Grand Gorge, and Colchester, and are dependent on the placement of Phase One 1 sites. Phase 3 will look at sites to be included after the completion

and testing of Phase 1 and Phase 2 sites, potentially, Fishs Eddy and Hamden.

It is expected that requests for proposals will be put out March 2012 with a response anticipated by June 2012. A decision should be made by the summer or fall of 2012. The estimated total system cost for Delaware County is \$15,625,000 and a yearly system maintenance expense of \$428,750.

In conclusion, Mr. Bell stated that the county has been fortunate to acquire the UHF licenses and numerous grants have allowed the county to greatly reduce the final cost of the communications systems to the taxpayers of the county. In 2012 focus will be on the development of the sites and site interconnects. Procurement and zoning will begin winter or early spring, followed by site construction in late spring and site interconnect and installation by fall, winter, spring 2012 and 2013.

In reply to Chairman Eisel, Mr. Bell stated that the City has a leased network through Goosetown and the cost is prohibitive for them to expand their system into Delaware County. The City has been supportive in discussion of land and assisting with other objectives. Once the county's system is in place it will be advantages for the City to utilize the county's frequencies.

Mr. Bell stated in reply to Chairman Eisel, that in order for the county to keep the two private sector frequencies they will be programed into the system.

In answer to Chairman Eisel, Mr. Bell stated that the State of New York collects a \$1.20 surcharge on all cellular devices within the state amounting to around \$200 million per year. In 2011 the state awarded \$20 million back to the counties through the SICG. The state has announced that it will make \$50 million and \$70 million respectively available over the next two years. The monies will be made available through the same competitive grant application which the county as a member of the Catskill Consortium will be able to apply for.

In response to Mr. Rowe, Mr. Bell noted that the systems yearly maintenance expense includes software, communications equipment and infrastructure. The maintenance expense is priced based on outsourcing all aspects. In the future that expense may be made more cost effective by assuming some of the maintenance internally rather than outsourcing it all.

Mr. Bell stated in reply to Mr. Hynes, that cell towers can be used if they are properly located in the ring. Typically cell towers are located in a population center and for purposes of law enforcement, fire and EMS the towers need to be higher in the terrain. The cell tower in the Town of Meridale is an example of a tower the county can partner with. In addition, the committee is talking with Margaretville Telephone Company regarding a tower site in Grand Gorge. The county will share towers anywhere it is possible.

In answer to Mr. Bower, Mr. Bell pointed out that Bramley Mountain will be effectively served through the Mount Pisgah tower.

Chairman Eisel thanked Mr. Bell for his informative update.

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

**RESOLUTION NO. 32**

**TITLE: 2012 BUDGET AMENDMENT  
POLL SITE ACCESS GRANT  
BOARD OF ELECTIONS**

**WHEREAS**, the Delaware County Board of Elections has also been awarded a Polling Site Access Grant from New York State to purchase items needed at the polling sites in the amount of \$1,946.00; and

**WHEREAS**, there is no county match for this grant.

**NOW, THEREFORE, BE IT RESOLVED** that the following 2012 budget amendment be authorized:

**INCREASE REVENUE:**

|                               |                                |            |
|-------------------------------|--------------------------------|------------|
| 10-11450-43308000/1450004/961 | State Board of Elections Grant | \$1,946.00 |
|-------------------------------|--------------------------------|------------|

**INCREASE APPROPRIATION:**

|                               |                               |            |
|-------------------------------|-------------------------------|------------|
| 10-11450-54327000/1450004/961 | General Grant Related Expense | \$1,946.00 |
|-------------------------------|-------------------------------|------------|

The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 3800, Noes 0, Absent 999 (Valente, McCarthy, Layton).

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

**RESOLUTION NO. 33**

**TITLE: 2012 BUDGET AMENDMENT  
HOME ENERGY ASSISTANCE PROGRAM  
DEPARTMENT OF SOCIAL SERVICES**

**WHEREAS**, the Delaware County Department of Social Services is the designated local Agency to administer the county's Home Energy assistance Program (HEAP) for 2012-2013; and

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

**NOW, THEREFORE BE IT RESOLVED** that the following 2012 budget amendment be authorized:

**INCREASE REVENUE:**

|                   |                   |             |
|-------------------|-------------------|-------------|
| 10-16141-44464100 | Federal Aid- HEAP | \$13,000.00 |
|-------------------|-------------------|-------------|

**INCREASE APPROPRIATION:**

|                   |                  |             |
|-------------------|------------------|-------------|
| 10-16141-54342040 | Heap-Emergencies | \$13,000.00 |
|-------------------|------------------|-------------|

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes

3800, Noes 0, Absent 999 (Valente, McCarthy, Layton).

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

**RESOLUTION NO. 34**

**TITLE: 2012 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
DISTRICT ATTORNEY**

**WHEREAS**, in Resolution No. 23-2011 the sum of \$14,438.00 was received and made available to the District Attorney’s Office to assist in the prosecution of offenses committed under New York State Penal Law Article 265 which deals with the possession of certain illegal weapons; and

**WHEREAS**, there is currently still available the sum of \$11,644.00; and

**WHEREAS**, there is a need for a disc to disc duplicator to be used to examine computer hard drives

**NOW, THEREFORE, BE IT RESOLVED** that the following 2012 budget transfer be authorized:

**FROM :**

10-11165-54465000/1165002/964                      Miscellaneous                      \$2,000.00

**TO:**

10-11165-52200000                      Equipment                      \$2 ,000.00

The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 3800, Noes 0, Absent 999 (Valente, McCarthy, Layton).

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

**RESOLUTION NO. 35**

**TITLE: 2012 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
UNEMPLOYMENT BENEFITS  
PERSONNEL OFFICE**

**WHEREAS**, the 2012 Budget has appropriations for unemployment distributed among different departments for reimbursement purposes; and

**WHEREAS**, the General Fund has an account for undistributed unemployment benefits that is used to pay for any unemployment claims during the year and this modification has been part of the past practice of the county; and

**WHEREAS**, the remaining balance in the appropriation will be rolled into the Employee

Benefit Reserve at the end of the year

**NOW, THEREFORE, BE IT RESOLVED,** that the following budget modification be made:

**FROM:**

|                   |                                   |           |
|-------------------|-----------------------------------|-----------|
| 10-11040-58500000 | Clerk Board                       | \$815.00  |
| 10-11165-58500000 | District Attorney                 | 1,958.00  |
| 10-11325-58500000 | Treasurer                         | 1,354.00  |
| 10-11327-58500000 | Fiscal Affairs                    | 1,146.00  |
| 10-11340-58500000 | Budget Officer                    | 79.00     |
| 10-11355-58500000 | Real Property Tax                 | 1,542.00  |
| 10-11364-58500000 | Tax Acquired Prop                 | 222.00    |
| 10-11410-58500000 | County Clerk                      | 4,090.00  |
| 10-11412-58500000 | Records Management                | 180.00    |
| 10-11420-58500000 | County Attorney                   | 3,199.00  |
| 10-11430-58500000 | Personnel                         | 1,377.00  |
| 10-11450-58500000 | Elections                         | 1,085.00  |
| 10-11620-58500000 | Buildings                         | 4,121.00  |
| 10-11680-58500000 | Information Technology            | 3,518.00  |
| 10-13020-58500000 | Public Safety - 911               | 237.00    |
| 10-13110-58500000 | Sheriff - Law Enforcement         | 7,369.00  |
| 10-13140-58500000 | Probation                         | 3,176.00  |
| 10-13144-58500000 | Probation CSS                     | 114.00    |
| 10-13150-58500000 | Sheriff Jail                      | 14,390.00 |
| 10-13315-58500000 | Stop DWI                          | 215.00    |
| 10-13620-58500000 | Safety Inspections                | 293.00    |
| 10-13640-58500000 | Emergency Services                | 804.00    |
| 10-14010-58500000 | Public Health                     | 8,014.00  |
| 10-14012-58500000 | Public Health                     | 1,369.00  |
| 10-14013-58500000 | Immunization                      | 205.00    |
| 10-14035-58500000 | Children Special Health Care      | 129.00    |
| 10-14050-58500000 | Lead                              | 146.00    |
| 10-14059-58500000 | Early Intervention                | 1,688.00  |
| 10-14060-58500000 | Education Physically Handicapped  | 993.00    |
| 10-14310-58500000 | Mental Health Clinic              | 6,624.00  |
| 10-14311-58500000 | Community Support                 | 388.00    |
| 10-14312-58500000 | Mental Health Crisis Serv Program | 320.00    |
| 10-14315-58500000 | Enhanced Childrens Services       | 313.00    |
| 10-14317-58500000 | Alcoholism Clinic                 | 2,741.00  |
| 10-14321-58500000 | Exp Mental Health                 | 728.00    |
| 10-16010-58500000 | Social Services                   | 23,642.00 |
| 10-16141-58500000 | Home Energy Assistance            | 202.00    |
| 10-16326-58500000 | Economic Development              | 1,127.00  |
| 10-16510-58500000 | Veterans Affairs                  | 458.00    |
| 10-16610-58500000 | Weights & Measurers               | 234.00    |
| 10-16772-58500000 | Office For the Aging              | 2,217.00  |
| 10-17310-58500000 | Youth Bureau                      | 2,531.00  |
| 10-18020-58500000 | Planning                          | 3,397.00  |

|                   |                      |               |
|-------------------|----------------------|---------------|
| 10-18740-58500000 | Watershed Affairs    | 1,168.00      |
| 22-18160-58500000 | Landfill Solid Waste | 7,300.00      |
| 24-19050-58500000 | Public Works         | 29,979.00     |
| 62-11710-58500000 | Workers Compensation | <u>503.00</u> |
|                   |                      | \$147,700.00  |

**TO:**

|                   |                        |              |
|-------------------|------------------------|--------------|
| 10-19050-58500000 | Unemployment Insurance | \$147,700.00 |
|-------------------|------------------------|--------------|

The resolution was seconded by Mr. Triolo.

In answer to Mr. Marshfield, Chairman Eisel stated that the figures represent a percentage of the county's payroll.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 36**

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

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

**NOW, THEREFORE, BE IT RESOLVED** that the bids received for transportation of preschool children with special needs from various points around Delaware County to the programs listed below, from March 5, 2012 to August 31, 2014, be accepted as follows:

Proposal No. 1-12: ARC of Delaware County-Carousel Children's Services:  
Program site: 110 Stockton Ave, Walton, NY 13856  
Rolling V Bus Corporation - Bid: \$138.76 per one way trip  
1<sup>st</sup> passenger, \$19.79 per additional passenger

Proposal No. 2-12: Springbrook NY, Inc:  
Program site: 2705 State Hwy 28, Oneonta NY 13820  
Birnie Bus Service - Bid: \$158.00 per one way trip  
1<sup>st</sup> passenger, \$10.00 per additional passenger

The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 3800, Noes 0, Absent 999 (Valente, McCarthy, Layton).

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

**RESOLUTION NO. 37**

**TITLE: AUTHORIZATION FOR AWARDS -  
DELAWARE COUNTY DEPARTMENT OF PUBLIC WORKS  
LETTING OF FEBRUARY 1, 2012**

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. 1-12: Rental of Construction Equipment to:

A. Montano Co., Inc., 571 Route 212, Saugerties, NY 12477  
Abele Tractor & Equipment Co., Inc., 72 Everett Road, Albany, NY 12205  
Anderson Equipment Co., 720 E. Franklin St., Endicott, NY 13760  
BOTHAR Construction, 170 East Service Road, Binghamton, NY 13901  
Boyle Excavating, Inc., 233 Boyle Road, Harpersfield, NY 13786  
Clark Companies, Inc., P.O. Box 427, Delhi, NY 13753  
Cobleskill Stone Products, Inc., P.O. Box 220 Cobleskill, NY 12043  
Delaware Bulldozing Corp., 5700 Co. Hwy. 18, Bloomville, NY 13739  
Delhi Rock Drilling, Inc., 20306 State Highway 28, Delhi, NY 13753  
Doig Excavating, Inc., PO Box 277, Downsville, NY 13755  
Killian Construction Inc., 210 Commerce Drive, Rochester, NY 14623  
LaFever Excavating Inc., 3135 County Highway 6, Bovina Center, NY 13740  
Pawlikowski's Excavating, 1215 Hamden Hill Road, Delhi, NY 13753  
Reclamation Inc. of Kingston, P.O. Box 292, West Hurley, NY 12491  
Schulz's Trucking, 1838 Swantak Road, Bloomville, NY 13739  
Seward Sand & Gravel, Inc., 532 Co. Hwy. 58, Oneonta, NY 13820  
Suit-Kote Corp., 1911 Lorings Crossing Road., Cortland, NY 13045  
Sullivan County Paving & Construction, Inc., 420 Bernas Road, Cochection, NY 12726  
Tri-Town Development Corp., 10 Winkler Road, Sidney, NY 13838  
Tweedie Construction Services, Inc., 90 Crystal Creek Road, Walton, NY 13856  
Vantage Equipment, LLC, 5985 Court Street Road, Syracuse, NY 13206  
Vestal Asphalt, Inc., 201 Stage Road, Vestal, NY 13850  
Villager Construction, Inc., 425 Old Macedon Center Road, Fairport, NY 14450  
Waste Recovery Ent., LLC, PO Box 2189, Sidney, NY 13838.

Bid Price: See Summary Sheet

PROPOSAL NO. 4-12: Cutting and Trimming Trees to:

ASPLUNDH Tree Expert Co., 708 Blair Mill Road, Willow Grove, PA 19090-1784.

Bid Price: See Summary Sheet

PROPOSAL NO. 5-12: Liquid Bituminous Concrete & Related Equipment Bid to:

Gorman Asphalt DBA American Asphalt, 200 Church Street, Albany, NY 12202  
Central Asphalt Division of Suit-Kote Corp., 1911 Lorings Crossing Road., Cortland, NY 13045  
Peckham Materials Corp., 2 Union Street Ext., Athens, NY 12015  
Vestal Asphalt Inc., 201 Stage Road, Vestal, N.Y. 13850

Towns may participate in these bids.

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.

The resolution was seconded by Mr. Smith and adopted by the following vote: Ayes 3668, Noes 0, Absent 999 (Valente, McCarthy, Layton).

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

**RESOLUTION NO. 38**

**TITLE: SALE OF TAX ACQUIRED PROPERTY**

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

BOV09TX.001

**ASSESSED TO:**

**HUETH MARK LOUIS**

TOWN OF:

122200:BOVINA

TAX MAP NO:

175.-1-4.23

SCHOOL DISTRICT:

122801:DELAWARE ACADEMY

ACREAGE:

72.22A ACRES

CONVEYED TO:

MARK LOUIS HUETH  
80 INTEL TERRACE  
BELMAR NJ 07719

CASH CONSIDERATION:

\$28,720.41

TAX DEFICIT:

\$21,950.03

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

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

**RESOLUTION NO. 39**

**TITLE: AUTHORIZATION FOR PROFESSIONAL SERVICES  
ALL HAZARD MITIGATION PLAN UPDATE  
DEPARTMENT OF EMERGENCY SERVICES**

**WHEREAS**, Resolution No. 181 of 2011 authorized the Department of Emergency Services to accept an awarded grant under the fiscal year 2011 from the Pre-Disaster Mitigation Competitive Fiscal Year 2011 grant program to establish and update the Delaware County All Hazard Mitigation Plan; and

**WHEREAS**, the aforementioned grant will subsidize 75 percent of the cost for completing Phase II of the All Hazard Mitigation Plan update with a 25 percent local match which can be in-kind services; and

**WHEREAS**, there has been a change in the scope of services and costs that were approved via Resolution No. 184 of 2011; and

**WHEREAS**, Tetra Tech EM, Inc. scope of services under Phase II of the All Hazard Mitigation Update shall now include extended flood prone area outreach and analysis and building county and local mitigation capabilities; and

**WHEREAS**, Phase II shall include all remaining tasks, planning elements, submission and adoption of the plan. Tetra Tech shall perform all Phase II activities at a cost not to exceed \$138,000.00

**NOW, THEREFORE, BE IT RESOLVED**, that the Department of Emergency Services is herewith authorized to enter into an agreement with Tetra Tech EM, Inc. with its offices at 1000 The American Road, Morris Plains, New Jersey 07950.

The resolution was seconded by Mr. Axtell and Mr. Rowe and adopted by the following vote: Ayes 3800, Noes 132 (Marshfield), Absent 999 (Valente, McCarthy, Layton).

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

#### **RESOLUTION NO. 40**

##### **TITLE: PROPERTY RIGHTS REPARATIONS ECONOMIC DEVELOPMENT/WATERSHED AFFAIRS**

**WHEREAS**, Delaware County is a strong proponent of property rights; and

**WHEREAS**, 53% Delaware County's land base is in the New York City (City) Watershed; and

**WHEREAS**, the Marcellus Shale Natural Gas Play underlies all of Delaware County; and

**WHEREAS**, Delaware County, in Resolution 217-2009 supported the drilling for natural gas in the Marcellus Shale on the condition that state and federal regulations thoroughly address environmental concerns with sound science along with regulatory safeguards to minimize the risk for pollution as local concerns regarding the protection of infrastructure and water supplies; and

**WHEREAS**, in the initial draft of the Supplemental Generic Environmental Impact Statement (SGEIS) that was released in September 2009, the New York State Department of Environmental Conservation (DEC) acknowledged that high-volume hydraulic fracturing operations as part of natural gas development did not have a unique impact on surface water supplies. DEC asserted that through proper controls the impacts to surface water supplies could be mitigated and those resources protected. DEC did not propose to prohibit natural gas drilling

in any surface water watershed including NYC's watershed; and

**WHEREAS**, in its Revised Draft SGEIS, the DEC has changed directions. DEC now proposes to adopt regulations based upon its Revised Draft SGEIS that prohibit natural gas mining with high-volume hydraulic fracturing operations in the New York City watershed and in a protective 4,000 foot buffer area around that watershed in addition the 1,000 foot setback from NYC subsurface infrastructure ("Natural Gas Mining Prohibition"); and

**WHEREAS**, the DEC Commissioner clarified that the real reason that natural gas drilling was being prohibited in NYC Watershed was the potential economic impact of filtration. He stated as follows: *"But it's the fact that they both get a Filtration Avoidance Determination ("FAD") from the Federal EPA and those determinations are delicate ones, they review everything that happens in those watersheds – if they don't get that FAD they would have to filter and in the case of New York City that's a \$9 billion proposition. So, it's not the spills or the prospect of spills or contamination that we're most concerned about it's the fact that just the mere activity related to hydraulic fracturing and that industrial activity could swing the FAD the other way toward disapproval"*; and

**WHEREAS**, the Natural Gas Mining Prohibition would prohibit gas drilling in the City watershed in Delaware County taking landowner property rights on 503,000 acres; and

**WHEREAS**, the State Revised Draft SGEIS proposes a prohibition drilling outside the City watershed boundary, which the City supports, of up to 4,000 feet stripping property rights on another 33,000 acres; and

**WHEREAS**, the City's comments on the Revised Draft SGEIS, if adopted, would strip property rights from landowners in the Towns of Colchester, Hancock and Deposit within two miles of City infrastructure including tunnels outside the watershed and in addition would require the State to allow the City to approve any application between two to seven miles of infrastructure stripping in total another estimated quarter million acres of landowner property rights in these zones; and

**WHEREAS**, the affect of the State Revised Draft SGEIS and the City's proposed changes to it would eliminate access to natural gas on at least 80 percent of the County's land base; and

**WHEREAS**, although New York City opposes drilling in the watershed, the City has identified energy from natural gas as a critical component of its Greenhouse Gas Initiative and Long Term Energy Plan. The City will benefit from natural gas drilled in someone else's watershed to convert buildings currently using #4 and #6 fuel oil to natural gas, as well as, converting their fleet of trucks and other vehicles to natural gas. In the meantime, Delaware County residents will not receive the benefits of low cost natural gas and must continue to rely on home heating oil at \$4.00/gallon; and

**WHEREAS**, in December, 2010, DEC issued an updated Water Supply Permit to NYC which confirmed that the Watershed MOA "established a framework for a partnership" to cooperate in the development and implementation of a Watershed protection program that maintains and enhances the quality of the New York City drinking water supply system and the economic vitality and social character of the Watershed communities.' The Partnership created

by the Watershed MOA requires that the DEC and NYC meet with and agree to compensate watershed communities prior to confiscating billions of dollars of mineral rights in order to avoid the cost of filtration.

**NOW, THEREFORE BE IT RESOLVED**, that the Delaware County Board of Supervisors declares the Natural Gas Prohibition and in particular, the proposed described setbacks as discriminatory acts that have no rational basis other than to protect the City's filtration waiver at the expense of the Delaware County residents; and

**BE IT FURTHER RESOLVED**, that the Board of Supervisors demand reparations from the City and State for the mineral rights taken from affected landowners and communities equal to the projected gross value of lost revenues provided by natural gas in Delaware County (based on the City's Study projection for concentration of well drilling sites and well yield according to the DEC Revised Draft SGEIS for the value of natural gas) of \$81.3 billion over 60 years plus millions in real property tax revenues and lost employment opportunities; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be sent to NYS Governor Andrew M. Cuomo, U.S. Senator Kristin Gillibrand, U.S. Senator Charles Schumer, U.S. Congressman Christopher Gibson, NYS DEC Commissioner Joe Martens, NYSDOH Commissioner Nirav R. Shah, NYC Mayor Michael R. Bloomberg, NYC DEP Commissioner Carter Strickland, NYS Senator Majority Leader Senator Dean Skelos, NYS Assembly Speaker Sheldon Silver, EPA Region 2 Director Judith A. Enck, NYS Senator John Bonacic, NYS Senator James L. Seward, NYS Assemblyman Clifford Crouch, NYS Assemblyman Peter Lopez, NYC Council Speaker Christine C. Quinn.

The resolution was seconded by Mr. Rowe.

Mrs. Capouya stated that a local survey indicates that 76.6 percent of the people in the Town of Meredith are strongly opposed to gas drilling/hydraulic fracking, and the results of a national poll indicate that 72 percent of all Delaware County residents oppose hydraulic fracking. Of the opposing percentage, many feel the water issues have not been adequately addressed, and that the problems of compulsory integration, a form of eminent domain, have been ignored. She suggested that future resolutions deploring the usurpation of mineral rights where hydrofracking is prohibited, should also deal with the usurpation of mineral rights through compulsory integration when hydrofracking.

Mr. Bracci commented that he did not view this resolution as a pro or con for gas drilling/hydrofracking, rather an action by the Board to provide our residents with the same benefits no matter where they are located.

Mr. Dolph noted that he sees this issue as the City setting a precedent that they are going to control land outside of the watershed area by their restrictions. He opined that if we allow this to occur now in future the City may feel they have the power to expand their control even further than the boundaries they have already set.

Mr. Donnelly commented that he will be voting against this resolution as he is opposed to the City's regulations based on its revised draft. The revised draft proposes a protective 4,000 foot buffer City's area in addition to the 1,000 foot setback which he believes amounts to the taking of people's property and their rights without their consent and without a plan for

compensation.

Mr. Rowe noted natural gas is less expensive for our residents and runs cleaner producing less emissions than other forms of energy. He uses natural gas himself and the Town of Hancock has a natural gas station that is capable of filling 50 cars a day. In New York City's energy plan for the future there is a desire to use natural gas, but there is no provision of how or where natural gas will be found. Delaware County has continued to be a good steward of our water, he felt that New York City has not made the same efforts to maintain water pollution. He referenced a survey he saw that indicated over 900 people a year die from emissions of various types.

Mr. Axtell noted that the proposed buffer will drastically affect the Town of Deposit as it has many properties located in the 4,000 foot buffer around the dam of the Cannonsville reservoir.

Chairman Eisel stated that he strongly supports this resolution and believes it a constitutional right of the landowner to make decisions for the use of their property. No one should have the power to infringe on the rights of the property owner. The City needs to step up to the plate and make those affected by their restrictions whole.

Commissioner Frazier stated that he learned the New York City Department of Environmental Protection Commissioner now desires to restrict low volume vertical drilling in addition to the other drilling methods within the 4,000 feet. If the City is successful, reparations should be made for whose property rights are taken away.

In answer to Mr. Bracci, Commissioner Frazier stated that he was not certain what Syracuse was proposing for the Skaneateles watershed.

The resolution was adopted by the following vote: Ayes 2974, Noes 826 (Donnelly, Bower, Capouya, Miller), Absent 999 (Valente, McCarthy, Layton).

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

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

#### **RESOLUTION NO. 41**

##### **TITLE: AMENDMENT TO RESOLUTION NO. 9-2012 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 banks hereinafter specified are hereby designated as a depository for County Funds, together with the maximum amount that may be kept on deposit therein at any one time, and the County Treasurer is hereby authorized and directed to deposit County monies in the banks 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<br>(Court and Trust Fund Designated by NYS Comptroller) | \$1,000,000.00   |
| The National Bank and Trust Company   | \$30,000,000.00  |
| Community Bank NA (increased from \$20,000,000.00)  | \$30,000,000.00* |

\* Amended from Resolution No. 9-2012

The resolution was seconded by Mr. Dolph and adopted by the following vote: Ayes 3800, Noes 0, Absent 999 (Valente, McCarthy, Layton).

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

**RESOLUTION NO. 42**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$1,017,542.44 were hereby presented to the Budget Oversight Committee for approval for payment on February 17, 2012 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                       | \$902,127.54 |
| OET                                | \$32,794.17  |
| Public Safety Communication System | \$7,295.26   |
| Highway Audits, as Follows:        |              |
| Weights & Measures                 | \$65.24      |
| Road                               | \$607.28     |
| Machinery                          | \$41,749.36  |
| Capital Road & Bridge              | \$0.00       |
| Capital Solid Waste                | \$32,903.59  |
| Solid Waste/Landfill               | \$0.00       |

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$2,399,041.49 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                | \$1,002,855.08 |
| OET                         | \$26,091.65    |
| Highway Audits, as Follows: |                |
| Weights & Measures          | \$55.61        |
| Road                        | \$243,180.98   |
| Machinery                   | \$147,342.40   |
| Capital Road & Bridge       | \$828,261.47   |
| Capital Solid Waste         | \$20,000.00    |
| Solid Waste/Landfill        | \$131,254.30   |

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 3800, Noes 0, Absent 999 (Valente, McCarthy, Layton).

Chairman Eisel granted privilege of the floor to Sheriff Mills. The Sheriff announced that Undersheriff Douglas Vredenburg will be retiring on March 2, 2012 and Craig DuMond will step into the position.

Mr. Vredenburg has served as Delaware County's Undersheriff for the past nine years and retires from law enforcement after forty years of serving various municipalities.

Sheriff Mills stated Mr. DuMond is currently the Facility Director of the Youth Leadership Academy and a part-time police officer in the Village of Walton since 1990. He brings to the county twenty-two years of administrative and law enforcement experience.

Mr. DuMond stated that he is honored and grateful to serve the county in this capacity and is very much looking forward to working with everyone.

Mrs. Capouya noted that she will miss working with Mr. DuMond on the Board but she could not think of a better person to fill the position of Undersheriff.

Chairman Eisel commented that Mr. Vredenburg has done a great job for the county and that it was a pleasure to work with him on the various issues. Mr. DuMond has the administrative capability and law enforcement experience needed to perform well in the position of Undersheriff. With a smile and sense of relief Chairman Eisel handed Mr. DuMond a report entitled "A Collaborative Approach to County Jails in Hudson Valley" to read and comment back to him.

Mr. Bracci welcomed Mr. DuMond aboard stating that he is very pleased Mr. DuMond agreed to fill this position. Mr. DuMond is well qualified and will be an asset to the Sheriff's Department.

Mr. DuMond stated that he will miss working with everyone on the Board. He thanked the Supervisors for their kind welcome when he first came on the Board. He appreciated the Board's team approach on issues, and although the Supervisors did not always agree at the end of the day they shook hands and parted as friends. Speaking to Mr. Marshfield he thanked him

for looking after him as he learned the ropes and for extending the hand of friendship. He further stated that he is looking forward to working with everyone in his new position.

Chairman Eisel made the following appointment to the Public Safety Committee:  
Supervisor Tom Axtell as Chairman

Chairman Eisel made the following appointment Watershed Affairs Committee:  
Supervisor Mike Triolo as Chairman

Chairman Eisel made the following appointments to the Soil & Water Conservation District Board of Directors:  
Andrew Kiraly  
Supervisor Don Smith

Chairman Eisel made the following appointments to the Deferred Compensation Board:  
Supervisor Bruce Dolph  
Supervisor Keitha Capouya  
Supervisor Martin Donnelly  
Supervisor Tom Axtell  
Supervisor William Layton

Chairman Eisel made the following appointment to the CDO Workforce:  
Gabe Schmieg, Labor Relations Manager at Amphenol

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

**RESOLUTION NO. 43**

**TITLE: EXECUTIVE SESSION**

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

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

The meeting reconvened in regular session with all Supervisors present, except Mr. Valente, Mr. McCarthy and Mr. Layton.

Upon a motion, the meeting adjourned at 2:32 p.m.