

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS MARCH 28, 2012

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

Mr. Marshfield offered the invocation.

Mr. Valente 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 Delaware County Sheriff Thomas Mills who presented Christopher Matthews as Employee of the Month.

Mr. Matthews began his employment in June 1998 with the Department of Public Works. In May 2001 he transferred to the Department of Planning. In December 2002 in addition to being a full-time employee with the Planning Department he was hired per diem as a corrections officer with the Sheriff's Office becoming a full-time corrections officer in September 2003.

Sheriff Mills stated that Mr. Matthews' primary responsibility is operating the electronic door monitoring panel in the jail's control room and booking prisoners in the intake area. He is a valuable employee with a good work ethic, always punctual, responsible and dedicated. He remains calm during a crisis yet is quick to assume authority when called upon. Mr. Matthews possesses a keen ability to assess an individual's presence of mind which is helpful when considering proper placement during the booking process. He always gives his best and makes every effort to improve upon his knowledge and responsibilities. Mr. Matthews is an active member of the Delhi Fire Department classified as a Class A Interior Firefighter serving on the Rapid Intervention Team.

Sheriff Mills presented Mr. Matthews 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.

Mr. Matthews expressed his appreciation for this honor and for his co-workers who he recognizes as doing an excellent job of keeping the county running. He stated that he enjoys what he does and looks forward to working with the county for many years to come.

Chairman Eisel granted privilege of the floor to Mr. Triolo. Mr. Triolo introduced Economic Development Grants Manager Lori Paulson to provide an update on the availability of a new federal HUD grant, Community Development Block Grant Disaster Recovery Program.

Ms. Paulson announced that New York State will receive \$93.2 million to assist affected counties with their disaster relief efforts. The Office of Community Renewal is conducting a needs assessments to determine how the disaster recovery funds will be allocated between the counties of Broome, Delaware, Greene, Schoharie, Tioga and Orange. She provided copies of handouts entitled: *2012 HUD Public Infrastructure Needs Assessment Survey* and *New York State Office of Community Renewal CDBG Disaster Recovery Program*.

The Department of Economic Development is coordinating the assessment on behalf of the county and is required to have the assessments submitted to the Office of Community Renewal by Friday, April 6th. There are three categories of funding, (1) economic development, (2) public infrastructure, and (3) housing/homeowner assistance. Assessments for economic development and housing will be completed by Economic Development and Delaware Opportunities. Highway supervisors and/or superintendents of public works for each of the municipalities in the county will be provided with a 2012 HUD Public Infrastructure Needs Assessment Survey spreadsheet to be completed and returned to Economic Development by Wednesday, April 4th.

In answer to Mr. Marshfield, Ms. Paulson noted that there are five categories of public infrastructure projects, (1) water/sewer facilities and infrastructure, (2) flood control mitigation, (3) street/sidewalks, (4) other public infrastructure, and (5) initial storm clean-up and debris removal. At this point, only the totals for the damages under each of the five categories are required. Damage estimates should include estimates for costs associated with the projects.

Commissioner of Public Works Wayne Reynolds answered in reply to Mr. Triolo, that this funding is to help with the devastation of Hurricane Irene and Tropical Storm Lee. The assessments should include all grant funding anticipated and the amount of the unfunded match.

In answer to Mr. Marshfield, Ms. Paulson stated that the unfunded match is typically considered the local share or unmet need.

Commissioner Reynolds stated that for public works projects FEMA reimburses 75%, 12.5% New York State, and 12.5% local share. FEMA's 75% reimbursement has been or will be received however, it is uncertain if New York State will actually reimburse their 12.5%. In certain instances FEMA is able to reimburse up to 90% of the project costs. Governor Cuomo has requested of President Obama that FEMA pick up the 90% in this case leaving the local match at 10%. To date there has been no response from the President. Further stating it is unlikely that the request will be granted.

In answer to Mr. Marshfield, Commissioner Reynolds suggested that for the purpose of this assessment survey the municipalities should complete the spreadsheet as if the 12.5% state reimbursement would not be received. Therefore, the local match, or unmet need, would be the full 25%.

Chairman Eisel granted privilege of the floor to Mr. Triolo. Mr. Triolo introduced Commissioner of Watershed Affairs Dean Frazier to provide an update on stream mitigation.

Commissioner Frazier stated that since 1996 and following the most recent devastation from Hurricane Irene and Tropical Storm Lee flood prevention has become foremost on everyone's mind. As technology and science improve new and better methods will replace what

the county is currently doing to mitigate flood prevention. The Delaware County Core Group, consisting of the Departments of Economic Development, Emergency Services, Planning, Public Works, Watershed Affairs, Cornell Cooperative Extension and Soil & Water Conservation District, put together an education and outreach program on stream management focused on the most up-to-date information available.

Commissioner Frazier introduced Soil and Water Conservation District Stream Corridor Management Program Coordinator Graydon Dutcher. Mr. Dutcher provided a powerpoint presentation entitled: *Working with a Stream's Natural Process*.

Mr. Dutcher stated that the Catskill area receives a higher rainfall in comparison to the rest of New York State. Climate changes are causing an increase in precipitation levels and variability. When effectively mitigated, streams can adjust their shape, slope and size to the increased flows, however it is difficult to predict local severity as a result of a rain event.

There are two main stream types, (1) step pool sequence streams, usually found in the headwaters or on step slopes and (2) riffle pool sequence streams, usually found in the broad valleys and on flat slopes. Streams are in equilibrium when the volume of water is enough to transport the available sediment without building up or cutting down the channel.

The process of erosion and deposition helps keep sediment in balance. Slides showing the two processes were explained. The forms of streambank erosion discussed were described as mass failures, lateral migration, hoof shear and bedrock weathering. The types of deposition are center bar, transverse bar, side bar and the point bar on the floodplain. The floodplain is the area bordering a stream which is constructed by the river and inundated during periods of high water flow. The function of a floodplain is to dissipate energy during flooding events which lowers flood peaks and infiltration and provides a place for debris and sediment to be deposited. In addition, the floodplain reduces the height of the water and traps fine sediment.

There are many ways in which streams can become unstable; possible reasons are incorrect dredging, channel straightening, berms filling the floodplain or channel, floodplain development, avulsions, or large floods.

Mr. Dutcher pointed out the corrective actions that can be taken to fix damaged streams. There is a great deal of science in stream mechanics and there are ranges of it that are outside of our control, Mr. Dutcher explained.

The goal of the Core Group is to provide municipalities with the science, technology and the most up-to-date methods of stream mitigation. The Core Group has developed their knowledge from science, trial and error, contractor's innovation, and on the job experience. Ultimately, the choice of mitigation is the decision of the municipality. However, working in cooperation with county departments and other agencies with access to the latest science and technology would be the best method of determining what action to take. The East Branch Flood Commission and the Walton Flood Commission are or will be going through the same training.

Mr. Dutcher stated that future educational and training presentations will be provided on flood response, emergency post flood intervention protocol, channel sizing, work methods, dewatering techniques and natural stream design structures.

In reply to Mr. Marshfield, Mr. Dutcher explained that if a tree has come off a bank and is laying in the middle of the channel it splits the flow of water causing increased speed on both sides of tree, upstream of it will slow down and drop material, scourer the outside and deposit at the head of it. The tree can be removed from the channel without a permit if it can be accomplished without driving down into the stream or disturbing the bed and bank. If that is not possible, the tree should be cut it to smaller blocks. Part of the reason detached trees are not removed sooner is that there is no funding associated with it.

Mr. Dutcher explained in answer to Chairman Eisel, that there are several variants to consider when determining whether or not to remove a gravel bar. For example, the channel may be too wide, or the water may not be flowing to its lowest point. If the problem is stream flow, the first action to take is to stand in the stream, look both ways of the floodplain and determine if the water is draining towards you. He referenced Vly Creek which runs through the Village of Fleischmanns and pointed out that upstream can handle an 80 year flood, but downstream could only take an 18 year flood. Farmers for years have felt they have to plant the whole field and move the stream, however that is not sustainable. The better method would be to spilt the field, develop the alignment of the stream and farm on both sides of the stream. The county has many good existing floodplains. When looking at how to fix a stream it is most advantageous to put it back to a way in which it can take care of itself. The goal is to determine how to do a better job of enhancing streams that are impaired as well as routing flood waters around the communities.

Mr. Marshfield commented that he appreciated the presentation and learned a great deal from it. He felt the information would be beneficial to property owners and contractors. Mr. Dutcher agreed, noting that it is the intent of the Core Group to continue to educate and train contractors and property owners in the county.

In answer to Chairman Eisel, Commissioner Reynolds stated the Department of Public Works (DPW) resolved the problems of Cadosia Creek in the Town of Hancock by moving the bridge to accommodate the stream. The original bridge had been damaged by the floods of September 2004 and April 2005. DPW had designed a replacement structure for the original location but after the flood of June 2006, the stream completely re-routed itself and formed a new, more stable alignment. DPW abandoned the original design and designed a new bridge for the relocated stream and the whole system is now more stable. It has gone through the more recent flooding events with no problems at all.

Mr. Dutcher commented that the Town of Middletown and the contractors that worked alongside them through the recovery process went through the training and had the information they needed available to them. Their response to the recent flooding event was very different from communities that had not gone through the training.

Mr. Dutcher explained in answer to Mr. Donnelly, that he is referring to what is called a D Type channel and the development of several ways for the stream to dissipate water may be a natural feature of a braided channel. The stream is finding its relief in the most efficient way possible in order to maintain itself. It is a benefit to a community to have deposition where it can be maintained outside of the municipality.

In reply to Chairman Eisel, Mr. Dutcher referenced the stream crossing at NYS Route 10 and Launt Hollow Road in the Town of Hamden as an example of a stream that cannot be

realigned and must be maintained inside of a municipality. The stream has been given the correct cross section and requires a regular maintenance protocol when the stream is dry.

Mr. Dutcher mentioned that following Hurricane Irene and Tropical Storm Lee the county was able to permit between 45 to 70 sites a day as a result of the confidence the New York City Department of Environmental Protection, the New York State Department of Environmental Conservation and the Army Corps of Engineers has in the county's process and diligence in stream mitigation.

Chairman Eisel thanked Mr. Dutcher for his informative presentation. Mr. Dutcher offered to discuss in greater detail any concerns or questions Supervisors may have with regard to stream mitigation.

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

RESOLUTION NO. 52

**TITLE: 2012 BUDGET AMENDMENT
STATE HOMELAND SECURITY PROGRAM
DEPARTMENT OF EMERGENCY SERVICES**

WHEREAS, Delaware County has been awarded a grant in the fiscal year 2011 State Homeland Security Program through the New York State Department of Homeland Security and Emergency Services (DHSES); and

WHEREAS, the purpose of this grant is to develop and enhance the interoperable communications capabilities within Delaware County; and

WHEREAS, the county needs to purchase a microwave link for the public safety communication system

NOW, THEREFORE, BE IT RESOLVED that the Department of Emergency Services be authorized to accept this grant funding for the purpose stated and that the 2012 budget be amended as follows:

INCREASE REVENUE:

38-13640-43338900/3640382/911	State Interoperability	\$137,034.00
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INCREASE APPROPRIATION:

38-13640-52200001/3640382/911	Equipment	\$137,034.00
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The resolution was seconded by Mr. Rowe and Mrs. Capouya.

In reply to Mr. Hynes, Director of Emergency Services Richard Bell stated that the federal government is a full year behind in distribution of the funds.

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

Mr. Bracci offered the following resolution and offered it adoption:

RESOLUTION NO. 53

**TITLE: 2012 BUDGET AMENDMENT
SUMMER FOOD SERVICE PROGRAM
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Delaware County Youth Bureau is the designated local agency to administer the Summer Food Service Program; and

WHEREAS, 100% state funds are available for youth 18 and under

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

INCREASE REVENUE:

10-17310-4338200/7310006/987	Summer Food Service Program	\$10,000.00
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INCREASE APPROPRIATION:

10-17310-54200000/7310006/987	Summer Food Service Program	\$10,000.00
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The resolution was seconded by Mr. Marshfield.

In response to Chairman Eisel, Commissioner of Social Services William Moon stated that program is held in Walton.

Mr. Marshfield commented that the Walton program has been very successful.

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

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

RESOLUTION NO. 54

**TITLE: 2012 BUDGET AMENDMENT
TO RESOLUTION NO. 10-2012
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 losses of the 2011 crops essential to feed their cattle through the coming months; and

WHEREAS, Delaware County has been awarded a second round of funding; a Community Development Block Grant in the amount of \$354.00; increasing the budget from \$21,164.83 to \$21,518.83 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 of the Board 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 2012 budget amendment be made:

INCREASE REVENUE:

10-18741-44498900-8740033-900	Office of Community Renewal	\$354.00
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INCREASE APPROPRIATION:

10-18741-54327200-8740033-900	Contractual	\$300.00
10-18741-51000000-8740033-900	Personnel	\$54.00

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

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

RESOLUTION NO. 55

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

LETTING OF MARCH 21, 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. 12A-12 INTERLOCKING STEEL SHEET PILING to:

Allegany Pipe & Tubular products
2954 Cty Rt 22
Andover, NY 14806-9616

Bid Price: See Summary Page

All original bids and a summary sheet of the bids received are on file for inspection at the

office of the Clerk of the Board of Supervisors. Copies of the summary sheet of the bids received have been supplied to each Supervisor.

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

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

RESOLUTION NO. 56

**TITLE: PURCHASE OF AGENCY FOSTER HOME
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Delaware County Department of Social Services has been leasing the Sidney Center United Methodist parsonage since 1988 for use as an Agency Operated Foster Home; and

WHEREAS, the Sidney Center United Methodist Church was destroyed by fire and the Upper New York Conference of the United Methodist Church has decided not to rebuild the Church thereby creating a situation where they intend to offer the parsonage for public sale; and

WHEREAS, the Upper New York Conference of the United Methodist Church, in recognition of the County's long standing use of the parsonage is offering to sell the parsonage to the County for \$40,000.00; and

WHEREAS, the Sidney Center United Methodist parsonage has played an important role in Delaware County's foster care program for more than twenty years and a continuing long term need for the home is readily apparent

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors hereby approves the purchase of the Sidney Center United Methodist parsonage for the sale price of \$40,000.00 for the County's foster care program.

The resolution was seconded by Ms. Molé.

Commissioner Moon explained that the county has been leasing the Sidney Center United Methodist Church since 1988 for \$1 per year. As part of the agreement, the county has maintained and upgraded the home. The Upper New York Conference of the United Methodist Church made the decision to sell the parsonage to the county at less than fair market value based on the county's investment in the home and their long standing support of the foster care program that has been their mission for many years.

The county has approximately 80 youth in foster care and there is no indication that need for placement will lessen. The purchase of the parsonage is an asset to the county that can be sold if there is no longer a need. Placing foster children in a home setting rather than residential placement is cost effective. The county's foster care costs are approximately 50 percent lower than other counties with the same amount of youth in foster care.

In answer to Chairman Eisel, Commissioner Moon noted that residential placement is

defined as an institutional setting. The county has five youth in residential placement as their needs exceed the special programs the county can offer them.

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

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

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

RESOLUTION NO. 57

**TITLE: 2012 BUDGET AMENDMENT
STATE LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM
SHERIFF'S OFFICE**

WHEREAS, the New York State Office of Homeland Security and Emergency Services has announced the availability of a grant that will subsidize 100% of the costs associated with the fiscal year 2011 State Law Enforcement Terrorism Prevention Program for the Delaware County Sheriff's Office; and

WHEREAS, this grant is established to purchase Microwave Link equipment intended to develop/enhance the interoperable communications system, train appropriate personnel in the proper use of the equipment and place the equipment into service.

NOW, THEREFORE BE IT RESOLVED that the Sheriff's Office is given permission to accept grant funding under the grant program identified above and the following budget amendment be authorized:

INCREASE REVENUE:

38-13640-43338900/3640383/907	State Interoperability	\$69,966.00
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INCREASE APPROPRIATION:

38-13640-52200001/3640383/907	Equipment Grant	\$69,966.00
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The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4222, Noes 0, Absent 577 (McCarthy).

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

RESOLUTION NO. 58

**TITLE: APPROPRIATION OF CAPITAL FUNDS
DEPARTMENT OF EMERGENCY SERVICES**

WHEREAS, requests for proposals were sent out for environmental review and due diligence services involving the rehabilitation, modification and expansion of the Delaware County Emergency Radio Communications System; and

WHEREAS, the project bids were due March 21, 2012 and five proposals have been received and are currently being reviewed; and

WHEREAS, the Department of Emergency Services was awarded \$729,000.00 in a grant from NYS Homeland Security and FEMA to subsidize the cost of system design, procurement and implementation as adopted by Resolution No. 121 of 2009; and

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

NOW, THEREFORE BE IT RESOLVED, that \$240,000.00 be appropriated from account 38-13640-54327000 to cover the cost of multiple tower site environmental reviews.

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

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

RESOLUTION NO. 59

TITLE: NATIONAL CRIME VICTIMS' RIGHTS WEEK APRIL 22 - 28, 2012 DELAWARE COUNTY SHERIFF'S OFFICE

WHEREAS, each year in America, 21 million people suffer the indignity of crimes that affect them emotionally, physically, financially and spiritually; and

WHEREAS, since its inception in 1981, National Crime Victims' Rights Week ("NCVRW") has challenged the nation to reshape the future of crime victims by seeking rights, resources, and protections needed to rebuild their lives. Every year, we also honor the past by celebrating decades of hard-earned progress and renewing our commitment to overcome the harm caused by crime; and

WHEREAS, we must work to ensure fair treatment of crime victims by providing protection for child and sexual assault victims, ordering and enforcing victim restitution from offenders, and notifying victims of their right to notification and other services, thereby giving hope to victims that the system and society will work to restore dignity and respect their needs and rights; and

WHEREAS, "crime victims' ability to rebuild their lives in the aftermath of crime is enhanced by receiving information about the status and location of alleged and convicted offenders - information that is readily available to crime victims and the public from the New York Sheriffs' Victim Hotline

NOW, THEREFORE, BE IT RESOLVED that the week of April 22-28, 2012, which has adopted the theme of: "Extending the Vision, Reaching Every Victim," be designated as Delaware County Crime Victims' Rights Week in order to expand the vision that inspired the movement and celebrate the progress achieved to date.

RESOLVED that the Delaware County Sheriff’s Office reaffirms its commitment to respect and enforce victims’ rights and address their needs during Crime Victims’ Rights Week and throughout the year.

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

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

RESOLUTION NO. 60

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$1,117,902.63 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	\$685,180.84
OET	\$26,225.33
Public Safety Communications	\$6,098.83
Highway Audits, as Follows:	
Weights & Measures	\$30.51
Landfill	\$75,712.91
Road	\$146,738.70
Machinery	\$75,814.25
Capital Road & Bridge	\$81,901.26
Capital Solid Waste	\$20,200.00

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

Chairman Eisel made the following appointments:

Legislative Committee - Mike Spaccaforno - Supervisor, Town of Masonville

Public Safety Committee - Mike Spaccaforno - Supervisor, Town of Masonville

Agriculture and Farmland Protection Board:

Dennis Valente - Supervisor, Town of Davenport

Ken Balcom - Town of Andes

Dennis Hill - Chairman Soil & Water Conservation District

Community Service Board:

Martin Donnelly - Supervisor, Town of Andes

Cooperative Extension Service:

Donald Smith - Supervisor, Town of Franklin

Dennis Valente - Supervisor, Town of Davenport

Upon a motion, the meeting adjourned at 2:40 p.m.