

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS APRIL 25, 2012

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, April 25, 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. Donnelly and Mr. Rowe.

Mr. Marshfield offered the invocation.

Mr. Bracci 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 Republican Commissioner of Elections William Campbell who presented Robin Alger as Employee of the Month.

Commissioner Campbell stated that he and Democratic Commissioner Judith Garrison serve the county as part-time employees while the Republican Deputy Commissioner Robin Alger and Democratic Deputy Commissioner Paula Schermerhorn share the full-time demands of the office.

Their responsibilities include overseeing all town, county, state and federal elections for Delaware County, registration of voters, maintaining the New York State database system, training election inspectors, maintaining absentee ballots, creating petitions for candidates and poll books. In addition, the Deputy Commissioners make sure all testing, sample, absentee and official ballots are created correctly, ordered and processed on time.

Mrs. Alger began her employment in August 2000 as a receptionist for the office of the Clerk of the Board of Supervisors. In July 2004 she transferred to the Board of Elections and in August 2004 was appointed Republican Deputy Election Commissioner by the Delaware County Republican Committee.

Commissioner Campbell stated that Mrs. Alger is intelligent, hardworking and dedicated to the efficient operation of the office of the Board of Elections. Her varied duties are handled in a professional manner with very little supervision. She serves the public with good cheer and fairness, has an excellent knowledge of the election law and takes seriously her part in maintaining honest and accurate elections. Commissioner Campbell noted that he is proud of the caliber of Mrs. Alger's work and considers her a colleague and friend.

Commissioner Campbell presented Mrs. Alger with a \$50.00 check and thanked her for her dedication. Chairman Eisel presented her with the Certificate of Employee of the Month and

thanked her for her dedicated service.

Mrs. Alger stated that Commissioner Campbell is a good supervisor and has helped her keep her sense of humor when she gets overwhelmed. She acknowledged the work of Republican Election Clerk/Technician Christine Boest. Further stating that she and Democratic Deputy Commissioner Ms. Schermerhorn compliment each other and work very well together. The work has challenged her abilities and has helped her grow as a person. She extended thanks to the supervisors who encouraged her to apply for the position.

Chairman Eisel granted privilege of the floor to Democratic Commissioner of Elections Judith Garrison who presented Paula Schermerhorn as Employee of the Month.

Ms. Schermerhorn began her employment in July 2007 as a part-time clerk for the Board of Elections. In August 2008 she was appointed Deputy Election Commissioner by the Delaware County Democratic Committee.

Commissioner Garrison, stated that when she was appointed in January 2011 she depended on Ms. Schermerhorn's extensive knowledge of her duties and responsibilities as Deputy Election Commissioner. Ms. Schermerhorn fulfills her duties confidently, with accuracy and thoroughness, dependability and good humor. She is committed to the efficient operation of the office and to ensuring that polling sites are complying with every detail of the election law. In addition, Ms. Schermerhorn enjoys serving the public in the role of Deputy Election Commissioner.

Commissioner Garrison presented Ms. Schermerhorn with a \$50.00 check and thanked her for her dedication. Chairman Eisel presented her with the Certificate of Employee of the Month and thanked her for her dedicated service.

Ms. Schermerhorn thanked Commissioner Garrison and the Board of Supervisors for this recognition of her performance.

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

RESOLUTION NO. 61

**TITLE: 2012 BUDGET AMENDMENT
ACCEPTANCE OF GRANT FUNDING FOR GERIATRIC MENTAL HEALTH
TRAINING SERIES, WEB SITE DESIGN, AND SERVICE DIRECTORY UPDATE
DEPARTMENT OF THE OFFICE FOR THE AGING**

WHEREAS, the Office for the Aging has been granted \$14,000 from the Rural Healthcare Alliance of Delaware County to develop a Geriatric Mental Health Training Series for 2012, design a web site for NY Connects, and update the Service Directory; and

WHEREAS, it is appropriate to revise the 2012 budget to accommodate this grant;
THEREFORE, BE IT RESOLVED, that the following 2012 budget amendments be authorized:

INCREASE REVENUES:

10-16772-42270602/6772038/977 Grant from Non-Profit \$14,000.00

INCREASE APPROPRIATIONS:

10-16772-54327195/6772038/977 Grant Consultant \$10,000.00
10-16772-54327595/6772038/977 Grant Supplies \$4,000.00

The resolution was seconded by Mr. Axtell and Mr. Marshfield and adopted by the following vote: Ayes 4347, Noes 0, Absent 452 (Donnelly, Rowe).

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

RESOLUTION NO. 62

**TITLE: 2012 BUDGET AMENDMENT
TRANSFER OF FUNDS - COUNTY ROAD FUND
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, it has come to our attention that we can save a significant amount of money by renewing the engineering software licenses for a three year period; and

WHEREAS, the initial year of doing this will exceed the budgeted funds.

NOW, THEREFORE, BE IT RESOLVED that the following transfers be made:

FROM:

24-00000-34911000 Fund Balance Otr Unreserved \$15,500.00

TO:

24-15020-52200000 Equipment \$15,500.00

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4347, Noes 0, Absent 452 (Donnelly, Rowe).

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

RESOLUTION NO. 63

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

LETTING OF APRIL 18, 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. 26-12: Replacement of BR 37-1, BIN 3352990, County Route 37 over Vly Creek, Town of Middletown, County of Delaware to:

New Century Construction LLC
11 Arch Street
Watervliet, NY 12189

Bid Price: \$1,278,800.00

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors.

The resolution was seconded by Mr. Valente.

In answer to Mr. Marshfield, Commissioner of Public Works Wayne Reynolds replied there will be no cost to the county as the Governor agreed to pick up the 12.5% local match.

Commissioner Reynolds stated in answer to Mr. Marshfield, that Arold Construction Co., Inc., one of the companies that submitted a bid is a young estimator that is a spin off from a very reputable firm.

The resolution was adopted by the following vote: Ayes 4347, Noes 0, Absent 452 (Donnelly, Rowe).

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

RESOLUTION NO. 64

**TITLE: AUTHORIZATION FOR AWARDS -
DELAWARE COUNTY DEPARTMENT OF PUBLIC WORKS
LETTING OF APRIL 18, 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. 27-12: 50 Ton Equipment Trailer to: Tracey Road Equipment
6803 Manlius Center Road
East Syracuse, NY 13057
Bid Price w/Trade: \$57,967.00

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors.

The resolution was seconded by Mr. Valente and adopted by the following vote: Ayes 4347, Noes 0, Absent 452 (Donnelly, Rowe).

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

RESOLUTION NO. 65

**TITLE: ESTABLISHMENT OF PETTY CASH FUND
SEALER OF WEIGHTS AND MEASURES**

WHEREAS, the Weights and Measures division is required to submit monthly fuel samples to the State of New York; and

WHEREAS, the rising cost of petroleum products has created a need to pay the fuel station owners for these samples

NOW, THEREFORE BE IT RESOLVED that a petty cash account in the amount of \$250 be authorized in accordance with Section 371 of the County Law.

The resolution was seconded by Mr. Valente.

In reply to Mr. Spaccaferno, Commissioner Reynolds explained the county is required by New York State to provide fuel samples to Albany for testing. The previous Director of Weights and Measures did not have a problem obtaining the samples at no cost however, the cost of fuel is much higher now. A sample is equivalent to .08 of a gallon from each pump tested.

Commissioner Reynolds answered in response to Chairman Eisel, that the samples are taken to Oneonta where they are picked up along with samples from the Counties of Otsego and Chenango by a courier and delivered to a lab in Albany for testing.

In answer to Mr. Hynes, Commissioner Reynolds stated that the Sealer of Weights and Measures has always calibrated the pumps but it is only in the past few years that samples have been taken for testing. The samples are put through a series of tests to ensure the product meets its rated specifications.

Commissioner Reynolds explained that the county is required to provide a certain testing volume per quarter. The Sealer of Weights and Measures goes out once a month and samples four or five stations at approximately \$75 per sampling trip. The county has to pay the up-front cost but will be reimbursed by the state.

The resolution was unanimously approved.

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

RESOLUTION NO. 66

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

WHEREAS, a Project for the Storm of September 7 - 11, 2011, County Route 23, Delaware County, PIN 9L93.15 (the Project) is eligible for funding under Title 23 U.S. Code, as

amended, for Federal emergency relief that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds; and

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

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

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

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

IT IS FURTHER RESOLVED, that the sum of \$34,196.00 is hereby appropriated from the Capital Fund (34-15112) and made available to cover the cost of participation in the Project; and

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

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

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

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

The resolution was seconded by Mr. Axtell.

In answer to Mr. Marshfield, Commissioner Reynolds explained that because the culvert replacement project on County Route 23 was completed within the first 180 days of the September 2011 storm event the project is fully reimbursable. Had it not been completed within the first 180 days, reimbursement would have dropped to 80 percent federal and 20 percent local share.

The resolution was adopted by the following vote: Ayes 4347, Noes 0, Absent 452

(Donnelly, Rowe).

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

RESOLUTION NO. 67

TITLE: APPORTIONMENT OF MORTGAGE TAX

WHEREAS, §261 of the Tax Law makes it mandatory to apportion the mortgage tax semi-annually and a report has been received from the recording officer and the County Treasurer for the period ending March 12, 2012.

NOW, THEREFORE, BE IT RESOLVED that the County Treasurer be directed to pay to the several towns and villages of Delaware County the amounts stated below; the same having been apportioned according to the aforementioned §261; and

BE IT FURTHER RESOLVED that the foregoing statement shall be to the County Treasurer a sufficient warrant for the payment of said monies.

Town	Amount Allocated to Tax District	Amount Apportioned to Town	Amount Apportioned to Village
Andes	\$9,369.85	\$9,369.85	
Bovina	\$4,300.33	\$4,300.33	
Colchester	\$6,905.08	\$6,905.08	
Davenport	\$20,273.22	\$20,273.22	
Delhi	\$23,938.11	\$20,274.50	\$3,663.61
Deposit	\$4,522.25	\$4,230.32	\$291.93
Franklin	\$11,996.22	\$11,460.83	\$535.39
Hamden	\$10,443.71	\$10,443.71	
Hancock	\$11,155.26	\$10,129.22	\$1,026.04
Harpersfield	\$6,183.13	\$5,510.08	\$673.05
Kortright	\$8,547.20	\$8,547.20	
Masonville	\$4,839.63	\$4,839.63	
Meredith	\$7,288.12	\$7,288.12	
Middletown	\$35,622.38	\$32,272.40	FL \$1,025.23 MV \$2,324.75
Roxbury	\$17,852.60	\$17,852.60	
Sidney	\$19,937.43	\$14,021.17	\$5,916.26
Stamford	\$8,055.39	\$6,055.88	ST \$688.87

Town	Amount Allocated to Tax District	Amount Apportioned to Town	Amount Apportioned to Village
			HO \$1,310.64
Tompkins	\$5,247.35	\$5,247.35	
Walton	\$21,592.23	\$17,621.25	\$3,970.98
Totals ...	\$238,069.49	\$216,642.74	\$21,426.75

The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4347, Noes 0, Absent 452 (Donnelly, Rowe).

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

RESOLUTION NO. 68

**TITLE: AUTHORIZATION TO ENTER INTO
A MEMORANDUM OF AGREEMENT (MOA) WITH CSEA FOR MECHANICS
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Department of Public Works currently has a four day work week in place for a specified period during each year; and

WHEREAS, it is the Department’s desire to have the Automotive Maintenance Shop operate 5 days a week to meet the needs of both the Public Works Department as well as other County agencies; and

WHEREAS, an agreement that is consistent with the current MOA regarding the four day work week; and allowing the scheduling of shop staff to work a four day schedule either Monday through Thursday or Tuesday through Friday has been written.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board is hereby authorized to enter into a MOA with the CSEA for a modification to the four day work week in the Automotive Maintenance Shop.

The resolution was seconded by Mr. Valente.

Mr. Spaccaforono noted that his understanding of the resolution was that the mechanics had the option of working either Monday through Thursday or Tuesday through Friday. If that is correct it is possible all of the mechanics could choose the same option.

In answer to Mr. Spaccaforono, Commissioner Reynolds stated he is overseeing the scheduling of the mechanics and will ensure that there is coverage in the automotive maintenance shop Monday through Friday.

Commissioner Reynolds explained that the Memorandum of Agreement with the union states the mechanics work four ten hour days Monday through Thursday. The dilemma the

department faces is that the bridge crews work a five day week while the mechanics work a four day week. If this resolution passes, the scheduling will have mechanics working five days a week to better serve the needs of the department.

In reply to Mr. Spaccaforo, Commissioner Reynolds stated that as it relates to scheduling the mechanics work week prevailing wage is not an issue.

Mr. Marshfield remarked that he is not prepared to act on the resolution at this time. Stating that he feels the county needs to be mindful of its mission to provide a service to the residents of the county. Since he is not sure if the county's current arrangement is allowing for this he requested at this morning's Budget Oversight Committee meeting that an in-depth review of the matter be taken and if necessary a county policy be developed. He will be voting "no" today not because he is against the four day work week but because he does not have enough information to make an informed vote.

In reply to Mr. Marshfield, Mr. Valente advised that this is a seasonal change made during the construction period and has worked very well for the county. The Town of Davenport also uses the four day work week successfully. The program is well structured and necessary.

The resolution was adopted by the following vote: Ayes 4215, Noes 132 (Marshfield), Absent 452 (Donnelly, Rowe).

Mr. Dolph withdrew Resolution No. 69 entitled: Approval Tentative Agreement CSEA Local 1000 AFSCME, AFL-CIO.

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

RESOLUTION NO. 70

TITLE: PROCLAMATION OF MAY AS MENTAL HEALTH MONTH HEALING TRAUMA'S INVISIBLE WOUNDS DEPARTMENT OF MENTAL HEALTH

WHEREAS, mental health is essential to everyone's overall health and well-being; and

WHEREAS, all Americans experience times of difficulty and stress in their lives; and

WHEREAS, prevention is an effective way to reduce the burden of mental health conditions; and

WHEREAS, there is a strong body of research that supports specific tools that all Americans can use to better handle challenges, and protect their health and well-being; and

WHEREAS, mental health conditions are real and prevalent in our nation; and

WHEREAS, with effective treatment, those individuals with mental health conditions can recover and lead full productive lives

NOW, THEREFORE BE IT RESOLVED, that the Delaware County Board of

Supervisors proclaims May 2012 as Mental Health Month in Delaware County and urges all residents of the County to increase their awareness and understanding of mental health, take steps to protect their own mental health and support the need for appropriate and accessible services for all people with mental health conditions.

The resolution was seconded by Ms. Molé.

Mr. Bracci shared information received from Director of Mental Health Cynthia Heaney attesting to the value of the County's Mental Health Clinic. Currently the clinic is handling 1,100 open cases, with the breakdown being approximately 800 adult, 250 family and children and 50 forensic cases. New referrals to the Adult Unit average 55 intakes monthly and 27 intakes to the Family and Children's Unit. Services include individual psychotherapy, psychiatric evaluation & medication management, group therapy, crisis intervention and case management.

If the services provided by the Mental Health Clinic were not available, the potential exists for an increased burden to the county's criminal justice resources, emergency rooms and hospitals would also be impacted. Additionally, businesses might see an increase of worker absenteeism, disability and lost productivity.

The resolution was unanimously adopted.

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

RESOLUTION NO. 71

TITLE: IN RECOGNITION OF THOSE WHO SERVE PEACE OFFICERS MEMORIAL WEEK MAY 13 - 19, 2012 SHERIFF'S OFFICE

WHEREAS, the 87th Congress of the United States of America passed Joint Resolution 730 on October 1, 1962 proclaiming May 15th of each year as Peace Officers Memorial Day "in recognition of the service given by the men and women who, night and day, stand guard in our midst to protect us"; and

WHEREAS, the calendar week in which May 15 occurs is designated Police Week and observed throughout the nation

THEREFORE, BE IT RESOLVED, that the Board of Supervisors on behalf of Delaware County take this occasion to recognize with deep appreciation the sworn police officers throughout the county and the office/agency/precinct/division in which they serve, as listed below:

Colchester Police Department
Delaware County DSS Investigations
Delaware County Probation Office
Delaware County Sheriff's Office
Delhi Village Police Department
Deposit Village Police Department
Hancock Village Police Department
New York State Environmental Conservation Police

New York State Forest Rangers
 New York State Police
 Roxbury Constabulary
 Sidney Village Police Department
 SUNY-Delhi Campus Police Department
 The New York City Department of Environmental Protection Police
 Walton Police Department
 New York State Parole Officers
 And any other law enforcement agency not listed

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

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

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

RESOLUTION NO. 72

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.

	ROX08TX.034
<u>ASSESSED TO:</u>	<u>EVERETT F SNYDER</u>
TOWN OF:	124800:ROXBURY
TAX MAP NO:	180.-1-66.1
SCHOOL DISTRICT:	124802:ROXBURY
ACREAGE:	7.90A ACRES
CONVEYED TO:	EVERETT F SNYDER ESTATE C/O SHIRLEY L PAYNE, EXECUTRIX 1095 CLOVE ROAD HOBART NY 13788
CASH CONSIDERATION:	\$17,475.92
TAX DEFICIT:	\$12,907.94

The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4347, Noes 0, Absent:452 (Donnelly, Rowe).

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

RESOLUTION NO. 73

TITLE: REHABILITATION, REPLACEMENT MODIFICATION AND EXPANSION OF THE RADIO COMMUNICATIONS SYSTEM - SEQRA LEAD AGENCY

DEPARTMENT OF EMERGENCY SERVICES

WHEREAS, the existing County Emergency Radio System consists of tower sites and a primary and backup public safety answering point ("PSAP") which serve users that include law enforcement, fire, EMS and other County and municipal entities (the "Existing System"); and

WHEREAS, the sites in the Existing System are located and known as follows: East Hill (Town of Delhi); Craig Hill (Town of Andes); Houck (Town of Walton); White Birch Airport (Town of Hancock); Coon Hill (Town of Hancock); Utsayantha (Village of Stamford); Belleayre Ski Area (Town of Shandaken, Ulster County); SP Sidney - Primary PSAP (Town of Unadilla, Otsego County); Sidney Mountain (aka Pine Hill) (Town of Sidney); Johnson Hill (Town of Franklin); Meredith (Town of Meredith); and Delhi - Backup PSAP (Town of Delhi); and

WHEREAS, at present the Existing System is at the end of its useful lifespan and suffers from numerous technical and component deficiencies, including: lack of system interoperability; frequent equipment failures; limited coverage to many areas of the County; outdated equipment and failing towers and communications shelters.

WHEREAS, these technical and component deficiencies are documented and detailed in two reports entitled "Wireless Communications Infrastructure Needs Assessment Report for Delaware County, New York" dated August 2005 by L. Robert Kimball & Associates (the "Kimball Report") and "Existing Systems Report, Delaware County, New York dated November 23, 2010 by Blue Wing Services, Inc. (the "Blue Wing Report"); and

WHEREAS, due to the requirements of the Federal Communications Commission, the County is required to modify the frequencies it utilizes which also results in the need to rehabilitate, replace and modify the Existing System; and

WHEREAS, because of the technical and component deficiencies associated with the Existing System, and due to the frequency of severe flood events, there is a need for emergency actions that are immediately necessary for the protection of life, health, and property to (at a minimum) rehabilitate and replace the Existing System to keep the County's emergency radio communications system operational (this portion of the project being referred to herein as the "Replacement System"); and

WHEREAS, Delaware County has applied for and received various grant funds including grants from the State Homeland Security Program ("SHSP"), Law Enforcement Terrorism Prevention Program ("LETPP") and Interoperable Emergency Communications Grant Program ("IECGP") in an amount totaling approximately \$2,200,000.00 (collectively, the "Grants") to assist in the rehabilitation, replacement, modification and expansion of the Emergency Radio Communications System; and

WHEREAS, reflecting the emergency nature of the need for a fully operational emergency communication system, one or more of the Grants have strict time schedules requiring the full expenditure of funds with this calendar year;

WHEREAS, based upon recommendations in the Blue Wing Report, the Replacement System will include evaluation of potential alternative sites that will improve emergency services

coverage and/or replace existing sites in the Existing System, and one new location in Tennesse Lake (Sullivan County) to improve emergency services in the southern portion of the County, for a total of nine (9) sites and two (2) Public Safety Answering Points (PSAPs) (primary and secondary) in the Replacement System. To effectuate the rehabilitation and replacement of the Existing System, rehabilitation or total replacement or decommissioning of all but one existing communications tower is proposed. These sites are referred to the Phase I sites and generally consist of sites that currently have communications infrastructure on or in the same immediate area. The Phase I sites are: Belleayre Ski Area (site location TBD); Coon Hill (site location TBD); Houck (site to remain in vicinity of existing tower); Johnson Hill (site to remain in vicinity of existing tower); Mt Pisgah (site location TBD); Pine Hill (site to remain in vicinity of existing tower); Tennesse Lake (site to be developed and constructed by Sullivan County); Utsayantha (site to remain in vicinity of existing building) and Delhi which is a new tower that is not in need of replacement (the "Replacement System"); and

WHEREAS, to keep the Existing System operational, the County must undertake such Phase I work regardless of any desire or plan to modify or expand the Existing System; and

WHEREAS, the Blue Wing Report has also identified existing substandard or lack of coverage to a significant portion of the County. As a secondary objective, Blue Wing recommends that the County modify and expand the system to provide increased and improved coverage to an area of land estimated at 99% of the land mass of the County. The basis for the need to modify and expand the existing system is documented in the Kimball Report and Blue Wing Report; and

WHEREAS, to modify and expand coverage within the County, supplemental coverage will be provided by up to six (6) new communications facilities to be built in select areas of the County (the "Modified System").

WHEREAS, of the six (6) new sites, three (3) are required to implement the proposed modification to the overall system. Referred to as Phase II sites, these are locations that have been identified as required for the proposed communication system solution. However, they currently have no communications structure on or in the area. These sites are located and known as follows: Cole Hill (Town of Middletown); Davenport (Town of Davenport) and Grand Gorge (Town of Roxbury); and

WHEREAS, up to three (3) additional sites may be required if field testing identifies continued deficiencies after the Phase I and Phase II sites are completed. These sites are referred to as Phase III sites and are located and known as follows: Colchester (Town of Colchester); Fish's Eddy (Town of Hancock or vicinity) and Hamden (Town of Hamden); and

WHEREAS, the Board of Supervisors seeks to commence the design, property rights acquisition, permitting and construction of the Replacement System and the Modified System (collectively the "Project") to satisfy the requirements of the Grants; and

WHEREAS, the Board of Supervisors seeks to comply with its obligations under the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, other SEQRA involved or interested agencies have been identified;

WHEREAS, the Board of Supervisors seeks to be the Lead Agency under SEQRA for purposes of completing the environmental review of this matter; and

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Delaware County hereby determines that certain portions of the Project may be subject to SEQRA. The Board of Supervisors hereby determines that the rehabilitation, replacement or reconstruction of the existing sites (the Replacement Sites) is exempt from SEQRA under 6 NYCRR 617.5(c)(1), (5), (11), (18), (21), (25), (28) and (33);

BE IT FURTHER RESOLVED, that the Board of Supervisors of Delaware County hereby determines that the Phase II and III sites (the Modified System) and any actions relating the Replacement Sites not exempt as specified above are properly considered a Type I action (or, in any event, will be treated as a Type I action);

BE IT FURTHER RESOLVED, that the Board of Supervisors hereby authorizes and requires the Director of Emergency Services, all other County agencies and the Attorney for the County along with the various consultants that have been retained to commence a coordinated review of the actions pursuant to the requirements of the State Environmental Quality Review Act, 6 NYCRR Part 617, including the preparation of any required full environmental assessment forms; and

BE IT FURTHER RESOLVED, that the Board of Supervisors of Delaware County hereby declares its intention to be the Lead Agency under SEQRA and directs the Director of Emergency Services, all other County agencies and Attorney for the County along with the various consultants that have been retained to prepare and circulate a Lead Agency coordination letter and information as required under SEQRA.

BE IT FURTHER RESOLVED, that the Director of Emergency Services, all other County agencies and Attorney for the County along with the various consultants that have been retained are directed to take any such other actions as are necessary and appropriate in this matter to give effect to this resolution.

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

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

RESOLUTION NO. 74

TITLE: AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE (NRCS) DEPARTMENT OF PUBLIC WORKS

WHEREAS, under the provisions of section 216 of Public Law 81-516, Emergency Watershed Protection Program, and Title IV of the Agricultural Credit Act of 1978, Public Law 95-334, NRCS is authorized to assist local sponsors in relieving hazards created by natural disasters that cause a sudden impairment of the watershed; and

WHEREAS, the NRCS has secured funding for hazards created by the August 2011 flooding; and

WHEREAS, the Department of Public Works has applied for a project to be completed under this program and has been notified that it is eligible; and

WHEREAS, funding for the projects will be 75% Federal and 25% County with the County also responsible for acquisition of environmental permits and property easements.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board is herewith authorized to enter into an agreement with the NRCS for the eligible project identified as:

County Route 17, Town of Colchester total project cost of \$498,910.00.

The resolution was seconded by Ms. Miller.

Commissioner Reynolds explained that a substantial length of County Route 17 in the Town of Colchester has been undermined by the Beverkill River. The river has eaten into the toe of the roadway embankment resulting in a slope failure which has reduced that section of County Route 17 to one lane. Fortunately, the failed section of County Route 17 is relatively straight and allows for good sight distance.

As the project is not FEMA eligible it would have been entirely a county expense if not for the funding from the United States Department of Agriculture Natural Resources Conservation Service (NRCS). Soil & Water Conservation District Executive Director Richard Weidenbach was instrumental in securing the funding which will cover 75 percent of the cost associated with the project. The funding will be used to help stabilize the toe and once the toe is stabilized work can begin on the slope failure and reconstructing the roadway.

The resolution was adopted by the following vote: Ayes 4347, Noes 0, Absent:452 (Donnelly, Rowe).

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

RESOLUTION NO. 75

TITLE: RESOLUTION REGARDING THE UTILIZATION OF WATERSHED RESOURCES FOR THE PRODUCTION OF HYDRO-ELECTRIC GENERATION AND THE BENEFIT TO WATERSHED COMMUNITIES THERETO

WHEREAS, the Coalition of Watershed Towns (CWT) was established to represent the interests of watershed communities with respect to water supply facilities and systems owned by the New York City Department of Environmental Protection (DEP); and

WHEREAS, the CWT and DEP have entered into the New York City Memorandum of Agreement (MOA) dated January 21, 1997 covering the rights, privileges and obligations of DEP with respect to their access and operation of water resources in the watershed region; and

WHEREAS, the New York City Watershed Region of New York State is fortunate to have significant natural resources within the area which presents the potential to be harnessed for the generation of clean and renewable energy for the benefit of the watershed communities; and

WHEREAS, the New York City Department of Environmental Protection (DEP) owns and operates numerous water reservoirs within the Watershed Region for the purpose of collecting and delivering fresh water for the consumption of New York City residents; and

WHEREAS, it is recognized that the operation of these reservoirs, corresponding regulations and land and easement acquisitions being made by DEP in the Watershed Region imposes significant and long-lasting economic challenges to the Watershed Region; and

WHEREAS, the Delaware County Electric Cooperative (DCEC), a local, non-profit, member-owned electric utility proposed the development of new, clean hydro-electric generating facilities at the Cannonsville, Pepacton, Schoharie and Neversink Reservoirs in 2007-2008 for the benefit of local watershed communities in a project called the Western Catskills Hydro Project (DCEC Project); and

WHEREAS, the CWT supported the Delaware County Electric Cooperative (DCEC) in developing the DCEC Project recognizing that the watershed communities would be the beneficiaries of these facilities; and

WHEREAS, the DCEC submitted on May 8, 2008 an application for a Preliminary Permit and Pre-Application Document to the Federal Energy Regulatory Commission (FERC), the regulatory authority in permitting and licensing hydro-electric generating facilities in the United States, for the exclusive right to develop the resource at a total generation potential capacity of 62 MW; and

WHEREAS, the CWT recognizes that DCEC worked in earnest at engaging DEP prior to and after the submittal of the application to FERC in an effort to reach a mutually-beneficial relationship in regards to the Project and to secure DEP's support and cooperation for the benefit of watershed communities; and

WHEREAS, despite the efforts of DCEC, the DEP submitted to FERC a competing application to the DCEC Project at the subject reservoirs called the "West of Hudson Hydroelectric Project" (DEP Project) for a total generation potential capacity of 28 MW just prior to the closing date of the DCEC Project public comment period of September 22, 2008; and

WHEREAS, DCEC had proposed its Western Catskills Hydro Project for a total generation capacity of 62 MW, over two times the amount of generation proposed by DEP for the same renewable resource, and

WHEREAS, FERC subsequently made a determination to award the Preliminary Permit to DEP over DCEC on the basis of municipal preference and established a Project # 13287; and

WHEREAS, CWT understands DEP has openly declared that they have since abandoned hydro-electric development efforts at the Schoharie Reservoir on the basis that they deem such a resource to be un-economic; and

WHEREAS, DEP has requested FERC to grant an additional preliminary permit to provide DEP more time to study and develop hydro-electric facilities at the Pepacton and Neversink Reservoirs; and

WHEREAS, DEP has filed a license application with FERC for a hydro-electric facility at the Cannonsville Reservoir; and

WHEREAS, FERC has published notice on April 2, 2012 of a “Notice of application accepted for filing and soliciting motions to intervene and protests re New York City Department of Environmental Protection under Docket P-13287” for the DEP license application (available at http://elibrary.ferc.gov/idmws/File_list.asp?document_id=14009039); and

WHEREAS, the CWT believes that watershed communities should receive significant and tangible benefits from the use of watershed water resources at these facilities and that DEP has not proposed or submitted for consideration to CWT or the host communities any information regarding those benefits.

NOW THEREFORE, BE IT RESOLVED, that the Delaware County Board of Supervisors supports the development of the water resources for hydroelectric production to the maximum extent practicable to optimize capacity, provided that arrangements are made to maximize local benefits of the hydroelectric power, including providing low-cost renewable power to local communities and customers. Furthermore, a reasonable time limit should be placed on any permit issued to DEP to assure a commitment to the development of the hydroelectric resources and in the event that time limit expires, the permit process should be reopened to allow other potential hydroelectric developers to apply for a permit.

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 Andrew Hevesi, NYS Assemblyman Peter Lopez, NYC Council Speaker Christine C. Quinn, CWT Attorney Jeff Baker.

The resolution was seconded by Mr. Valente and Mrs. Capouya.

Chairman Eisel granted Mr. Marshfield’s request to abstain from voting on this resolution.

Mr. Bracci stated that a similar resolution representing all the watershed communities west of the Hudson was passed unanimously by the Coalition of Watershed Towns (CWT). In May 2008 the Delaware County Electric Co-operative (DCEC) submitted an application to the Federal Energy Regulatory Commission (FERC) with a plan to be licensed to generate 62 megawatts of hydro power at the dams located in the county’s watershed. New York City submitted a competing application to be licensed to generate 28 megawatts of hydro power. New York City subsequently received the permit from FERC due to preference of municipalities.

Competing with the watershed towns does not fit the vision of partnership spoken to in the 1997 watershed agreement. DCEC lost a sizable investment in time, talent and resources in their proposed venture and the county and its residents lost the opportunity to benefit from this renewable resource. He encouraged the Supervisors to support this resolution.

In answer to Mr. McCarthy, Chairman Eisel stated that the project introduced by the DCEC uses syphon tubes on the impoundment designed to draw the water over the generators. Prior to a predicted weather event the reservoirs could be lowered if needed with the additional gain of hydro power. Right now, water is being released through small gates allowing only for the dumping of water down the tunnel.

Mr. Marshfield stated that DCEC was not involved in bringing this resolution forward. Delaware County residents stood to gain from the DCEC project as many are members of DCEC. He added that DCEC is negotiating with owners of wind farms in the Towns of Roxbury and Stamford to purchase wind power at a favorable cost.

In answer to Mr. McCarthy, Mr. Marshfield stated that DCEC is a private not for profit electric utility company.

Mr. Axtell noted that in 1980 he thought the DEP began a similar project and for various reasons abandoned that project as well. Chairman Eisel commented that he was aware of a small project the DEP was doing in Grahamsville, NY, but 1980 was prior to his time.

Chairman Eisel stated in answer to Mr. Spaccaforo, that this resolution lets FERC know how the county feels about their actions and may encourage them to take a second look at the DCEC project.

Mr. Bracci pointed out that the City made their competing application to FERC just before the deadline date and their project was much smaller in scope than the project submitted by DCEC. Delaware County deserves as much of an opportunity to develop hydro generation in the watershed as the City.

Chairman Eisel commented that Senators Gillibrand and Schumer were very supportive of the project when it was first submitted by DCEC. They will be receiving a copy of the resolution and he hoped they may be willing to show their support once again.

The resolution was adopted by the following vote: Ayes 4215, Noes 0, Absent 452 (Donnelly, Rowe), Abstain 132 (Marshfield).

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

RESOLUTION NO. 76

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,559,843.69 were hereby presented to the Budget Oversight Committee for approval for payment on April 20, 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	\$1,380,186.27
Countryside	\$420.00
OET	\$7,406.02
Highway Audits, as Follows:	
Weights & Measures	\$186.19
Road	\$57,272.38
Machinery	\$51,056.05
Capital Road & Bridge	\$21,974.46
Capital Solid Waste	\$0.00
Solid Waste/Landfill	\$41,342.32

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,222,642.18 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	\$621,662.96
OET	\$10,049.90
Countryside	\$0.00
Public Safety Comm System	\$7,277.19
Highway Audits, as Follows:	
Weights and Measures	\$30.74
Road	\$49,170.65
Machinery	89,427.49
Capital Road & Bridge	\$370,390.52
Capital Solid Waste	\$0.00
Solid Waste/Landfill	\$74,632.73

The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4347, Noes 0, Absent 452 (Donnelly, Rowe).

Chairman Eisel appointed Gerald Debrescia from the Town of Hancock to the County Planning Board.

In response to Mr. Spaccaforo, Chairman Eisel stated that the increase to the District Attorney's (DA) salary is being mandated and funded by New York State. He felt the timing of the increase was not the best however, the DA has not received an increase since 2001.

Mr. Marshfield remarked that he does not begrudge the increase but agreed it was poor timing for the state to make the mandate. The county has employees who have not received raises and is required by the state to bring in a budget under a 2 percent tax cap. He opined that right now the state is going to reimburse the county for the increase but if the state follows the

usual pattern he fears the county may end up paying in the future.

Upon a motion, the meeting adjourned at 1:58 p.m.