

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS OCTOBER 10, 2012

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, October 10, 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. Merrill.

Mr. Marshfield offered the invocation.

Mrs. Capouya led the Board in the Pledge of Allegiance to the Flag.

The minutes of the previous meeting were accepted as presented.

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

Chairman Eisel granted privilege of the floor to Mr. Triolo. Mr. Triolo introduced Commissioner of Watershed Affairs Dean Frazier to provide an update on the Delaware County Energy Plan.

Commissioner Frazier stated that in 2010 the county hired Geo-Environmental Management Solutions LLC (GEMS) with a \$20,000 grant for the purpose of developing an action energy strategy for the county. The process included meeting with energy suppliers, SUNY Delhi with regard to their alternative energy projects and Cornell Cooperative Extension's education outreach efforts on alternative energy. The plan is close to being submitted to the Appalachian Regional Commission (ARC) for approval. If approved, the plan will serve as a base for funding from the ARC and other funding sources available for alternative energy.

Commissioner Frazier introduced Senior Project Manager Fred Krone to provide a powerpoint presentation explaining what was involved in putting together the Delaware County Energy Plan.

Mr. Krone stated that the county energy costs are over \$2 million dollars which represents approximately 8 percent of the total county tax levy. By developing an energy management program the county can use its local resources, offer new education opportunities, lower energy costs and improve ability to employ.

The Delaware County Energy Plan is designed to improve the local economy by increasing the demand for local energy resources which in turn will lead to increased employment. Mr. Krone read the plan's mission statement "to reduce county dependence on external sources of energy, reduce dependence on fossil fuel, expand the utilization of renewable and sustainable resources; including accessible supplies of natural gas."

The goals established are to: (1) reduce fossil fuel consumption and energy costs

countywide, (2) utilize county and local government energy needs as a catalyst to improve the county's green economy, (3) improve energy consciousness and renewable/sustainable resource consideration (4) develop policies and procedures supporting responsible local resource utilization.

As alternative energy sources become more common place in the county, education and a willingness to incorporate different energy choices are factors that will need to be overcome. Funding is available to municipalities for research and development as well as implementation. In addition, funding is also available to existing fuel service companies desiring to expand their energy products and services, investors to help offset the risk involved with new projects and small business owners to improve or upgrade their energy choice. Homeowners considering alternative energy sources may be able to take advantage of grants and tax credits offered to homeowners to help offset their initial outlay.

The analysis looked at opportunities for improving energy costs. A number of municipalities participated in building energy audits through New York State Energy Research and Development Authority (NYSERDA). Mr. Krone reviewed the common energy improvement areas from the analysis which included small changes such as replacing T-12 fluorescent fixtures with new T-8's, modifying programmable thermostats or installing low flow faucet aerators.

The alternative energy opportunities identified as viable sources for the county are natural gas, biomass, solar, wind, geothermal, micro-hydro and conservation technologies. The Public Safety Building was used as an example to show the amount of savings in electric to the county using an alternative energy source. The example showed that for an initial outlay of \$115,000 to install a 50 Solar Photovoltaic (PV) system at the facility the county would realize an equity payback in 9.1 years and a cumulative savings of up to \$778,000. When factoring in grants or incentive programs like the New York Solar Grant Program, the amount of county outlay is reduced to \$57,500, the equity payback period reduces to 4.6 years and the cumulative savings increases to \$835,000.

Mr. Krone reviewed the steps that would follow throughout the five year action plan and stated in conclusion that using local energy translates into additional revenue and jobs for the county.

In answer to Mr. Marshfield, Mr. Krone stated that the analysis did not consider the use of county wide biomass energy emissions and its affect on air quality.

Ms. Miller remarked that an emissions test was done at the Middletown Town Hall and she learned that biomass emissions produced less of an affect on air quality than fossil fuel.

Mr. Bower agreed and noted that Cornell Cooperative Extension has data on biomass emissions indicating that burning grass pellets produces less of an affect on air quality than fossil fuel.

Mr. Marshfield stated that the Delaware County Electric Cooperative (DCEC) attempted to develop alternative energy sources and for various reasons the programs did not come to fruition. The DCEC tried to develop wind, hydro-electric and landfill gas. He noted that New York State is not allowing fracking in the county and that solar photovoltaic (PV) projects are

extremely costly. He did not feel solar PV would be a viable alternative for the majority of homes or businesses in the county without generous funding to supplement the investment.

Ms. Miller noted that the introduction of alternative energy sources comes with its challenges but, it is essential that the county have a plan around all of the viable energy sources.

Mr. McCarthy stated that he had the opportunity to have solar and turned it down because he is on the north side of the hill. He does know of a resident that has reduced his heating to practically nothing through the use of solar power. His research found that the numbers do not work to make solar or wind a viable source of energy for the greater population of the county.

In answer to Mr. Marshfield, Mr. Krone said that micro-wind turbines are being used in certain applications in New York City. These are smaller units that run on 7.5 mile an hour winds and can be very effective in the right application. A small scale wind project can be affordable and produces little risk. In addition, there are available grant programs to offset the costs.

Mrs. Capouya stated that it may take a combination of energy sources to meet a town's demand but she believed towns needed to generate enough power on its own to pull itself off of the grid. To be beholden to large worldwide companies is not a good position to be in.

Mr. Rowe noted that small changes can make a big difference. The place he works with changed lighting fixtures and installed timers on their lights and exhaust fans for a cost of \$5,300. Through a NYSERDA grant program the company was reimbursed half of its expense. By the end of the second year those small changes resulted in a saving of \$6,000 a year.

Mr. Krone said that he lives in an 1,800 square foot home that cost him \$4,000 a year to heat with fuel oil. He purchased two pellet stoves reducing his fuel cost to \$1,600. There are ways to use alternative energy on a smaller scale and in combination with other energy sources.

In response to Mr. McCarthy, Mr. Krone stated that the energy analysis did not consider ways in which the demand for energy could be reduced. Mr. McCarthy noted that when he was operating his factory it cost \$168 to turn on his compressor. Looking at how factories can reduce their usage is another opportunity for the county.

In response to Chairman Eisel, Mr. Krone believed that convenience was the greatest reason people had not embraced alternative energy choices. For example, it is time consuming and more difficult for people to handle the work involved with burning wood or pellets.

Ms. Miller added that Delaware County has a large elderly population. There are significant drawbacks to burning wood and or pellets.

In response to Mr. Bower, Mr. Krone said that education is essential to overcome the barriers presented by public perception.

Mrs. Capouya commented that solar is used successfully in the North of Scotland which receives less sun than Delaware County.

Mr. Krone commented that studies have shown that today's solar panels work better in a

colder climate than in a warmer climate.

Ms. Miller stated that she is attempting to take advantage of alternative energy grants offered by NYSERDA. She pointed out that although the funding is targeted towards a greater population density, smaller communities are not exempt from applying.

Commissioner Frazier stated that as a resident of the Village of Walton he has always had the convenience of natural gas. In 2011, he compared his consumption of natural gas to the cost of fuel oil and found that if he had heated his home with fuel oil the cost would have increased by nearly \$2,000.

In closing, Commissioner Frazier noted that part of the intent of the energy plan was to identify energy opportunities the county could explore as well as develop local employment opportunities. There are energy companies currently considering investment in our communities however, it is all about the risk and how that risk can be minimized or eliminated.

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

RESOLUTION NO. 146

**TITLE: 2012 BUDGET AMENDMENT
SHERIFF'S OFFICE**

WHEREAS, the Sheriff's Office is in need of two road patrol vehicles and one jail transport van, with necessary striping and accessories; and

WHEREAS, reimbursement from the Department of Social Services for personal services rendered by a Deputy Sheriff in 2011 will be used to totally fund the purchase

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

INCREASE REVENUE

10-13110-42270100	Refunds of Prior Years Expenses	\$80,749.93
-------------------	---------------------------------	-------------

INCREASE APPROPRIATION:

10-13110-52200000	Equipment	\$50,910.32
10-31150-52200000	Equipment	\$29,839.61

The resolution was seconded by Mr. Spaccaforno and adopted by the following vote: Ayes 4591, Noes 0, Absent 208 (Merrill).

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

RESOLUTION NO. 147

**TITLE: 2012 BUDGET AMENDMENT
REIMBURSEMENT OF EXPENDITURES UNDER
NEW YORK STATE OFFICE OF COMMUNITY RENEWAL
COMMUNITY DEVELOPMENT BLOCK GRANT FLOOD RELIEF GRANT FUNDS
DEPARTMENT OF ECONOMIC DEVELOPMENT**

WHEREAS, Delaware County was awarded a Community Development Block Grant in the amount of \$148,975 from the NYS Office of Community Renewal for the purpose of providing local businesses with grant funds to aid in the ongoing recovery from the flooding events of 2011; and

WHEREAS, the County of Delaware entered into a subrecipient agreement with the Delaware County Local Development Corporation (DCLDC), whereby the DCLDC, on behalf of the County will assume responsibility for the delivery and administration of the CDBG funds; and

WHEREAS, the DCLDC is supported by the Delaware County Department of Economic Development staff; and

WHEREAS, the DCLDC will reimburse the Department of Economic Development for expenditures relating to the administration and delivery of the grant.

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

INCREASE REVENUE:

10-16326-42238906	Misc Rev Fm DCLDC	\$22,725.00
-------------------	-------------------	-------------

INCREASE APPROPRIATION:

10-16326-51000000	Personal Services Exp-EcoDev	\$11,775.00
10-16326-52200000	Equipment	\$2,750.00
10-16326-54308000	Future Development	\$5,000.00
10-16326-54415080	Maint & Repair Srvcs Vehicles	\$550.00
10-16326-54421000	Marketing	\$250.00
10-16326-54595320	Supplies Office	\$1,900.00
10-16326-54625010	Travel Department	\$500.00

The resolution was seconded by Mr. Donnelly and adopted by the following vote: Ayes 4591, Noes 0, Absent 208 (Merrill).

Mr. Smith introduced Local Law No.1 which was seconded by Mr. Valente.

INTRO. LOCAL LAW NO. 1 OF 2012

**A LOCAL LAW AUTHORIZING AN INCREASE IN FEES COLLECTED BY THE
COUNTY CLERK FOR THE RECORDING, ENTERING, INDEXING AND
ENDORING A CERTIFICATE ON ANY INSTRUMENT**

BE IT ENACTED by the Board of Supervisors of the County of Delaware as follows:

SECTION 1. Intent

WHEREAS, In accordance with Subparagraph (2) of Paragraph 4 of Subdivision (a) of Section 8021 of the Civil Practice Law and Rules, as amended by Chapter 78 of the Laws of 1989, the Delaware County Board of Supervisors authorizes the Delaware County Clerk to increase the fees charged for certain documents recorded with the County Clerk's Office.

SECTION 2. Fees for recording documents

For recording, entering, indexing and endorsing a certificate on any instrument, the fee is increased from five dollars to twenty dollars and, in addition thereto, is increased from three dollars to five dollars for each page or portion of a page. For the purpose of determining the appropriate recording fee, the fee for any cover page shall be deemed an additional page of the instrument. A cover page shall not include any social security account number or date of birth. To the extent that if the Delaware County Clerk should place an image of such cover page on line, the County Clerk shall make a good faith effort to redact such information.

SECTION 3. Severability

If any section, subsection, sentence, clause, phrase or other portion of this local law is for any reason declared unconstitutional, or invalid or in whole or in part by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidation shall not affect the validity of the remaining portions of this law which remaining portions shall remain in full force and effect.

SECTION 4. Effective date

This local law shall take effect January 1, 2013.

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

RESOLUTION NO. 148

**TITLE: PUBLIC HEARING ON LOCAL LAW NO. 1 OF 2012
COUNTY CLERK'S OFFICE**

BE IT RESOLVED, that a public hearing be held on Local Law No. 1 of 2012 entitled, A Local Law authorizing an increase in fees collected by the County Clerk for the recording, entering, indexing and endorsing a certificate on any instrument, on Wednesday, October 24, 2012, at 12:45 p.m. in the Board of Supervisors' Room of the County Office Building, 111 Main Street, Delhi, N.Y.

The resolution was seconded by Ms. Miller.

Chairman Eisel noted that there will be a public hearing for Local Law No. 1 on October 24th and 12:45 p.m. prior to the Board of Supervisors' meeting

The resolution was unanimously adopted.

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

RESOLUTION NO. 149

**TITLE: RESOLUTION SEEKING BENEFITS FROM THE PROPOSED
CONSTITUTION PIPELINE
WATERSHED AFFAIRS/ECONOMIC DEVELOPMENT**

WHEREAS, Williams Pipeline Company is seeking approval from the Federal Energy Regulatory Commission (FERC) to build the Constitution Pipeline; and

WHEREAS, the proposed route that passes primarily through Delaware County would involve eight towns in Delaware County; and

WHEREAS, permit authority to build the pipeline resides with the FERC; and

WHEREAS, those communities and its residents where the pipeline crosses, should realize host benefits from the pipeline; and

WHEREAS, the benefits of low cost natural gas would enable county businesses to be more competitive with regions that currently have access to natural gas inside and outside the County to keep their energy costs lower, which in turn would help retain jobs, create more jobs and provide more job security while strengthening the tax base; and

WHEREAS, Delaware County has the second fastest aging population in New York State and a median house hold income equal to 60% of the state's median household income; and

WHEREAS, residents, municipalities and institutions (i.e. schools) that could access natural gas would save thousands of dollars per year in energy costs; and

WHEREAS, millions of dollars in tax revenue from the pipeline would help offset increasing state and federal mandates that drive up real property taxes for county residents hence providing much needed financial relief.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors supports access to the proposed Constitution Pipeline to establish distributions lines for the benefit of businesses, residents and communities and supports efforts to assure host town benefits through grants or other funding mechanisms to offset the impacts on their communities to assure local infrastructure, public health and safety are protected; and

BE IT FURTHER RESOLVED, the Delaware County Board of Supervisors, supports the use of safe and clean energy sources that have less impact on the environment which includes natural gas and therefore would support the proposed Constitution Pipeline location involving the eight affected towns, providing the County, affected landowners, and community needs are addressed; and

BE IT FURTHER RESOLVED, should FERC grant the Williams Pipeline Company

permission to construct the pipeline, that the Board of Supervisors authorizes the Chairman to seek those benefits on its behalf; and

BE IT FURTHER RESOLVED, that this resolution be forwarded to FERC and all elected state and federal representatives of Delaware County.

The resolution was seconded by Mr Rowe.

Mr. McCarthy noted that the Town of Sidney is interested in getting involved with the Constitution Pipeline for Amphenol. Also, there is the thought of reopening the Jennison plant in Bainbridge.

Mrs. Capouya stated that the Constitution Pipeline is an open access line which makes it possible for a company to tie in a compressor which in her opinion is a precursor to fracking. Fracking she feels is a great mistake as the process has not been proven safe and a problem could be costly to the residents and their land. She noted that she is not in favor of this resolution, there are many residents in the Town of Meredith against pipeline companies coming into the county.

Mr. McCarthy pointed out that he has four New York State Electric and Gas right-of-ways across his property. He does not want them on his property but if he did not allow the right of ways there would be people in this county without electric. He would prefer the pipeline as they are less intrusive.

Ms. Miller noted that the decision to allow the pipeline project is ultimately the responsibility of FERC. Her role as a Supervisor is to be informed and available to listen to her constituents. She is in favor of the economic benefits to the county and therefore will support this resolution. In her opinion the determination as to whether or not the pipeline should come to a particular town is the decision of the town.

Mr. Bracci stated that natural gas is essential to the Town of Delhi. There are two plants and a college looking for economically viable energy sources. Natural gas can provide a substantial savings to the facilities which in turn would increase employment and revenue to the county.

Chairman Eisel commented that these are hard times for our residents and anything that can be done to increase jobs and revenue in the form of assessments is something the county needs to look at. Unfortunately there is an element of risk in anything new.

Mr. Marshfield remarked that the DCEC supports natural gas and explored options for businesses in the area. There were many businesses interested in exploring the savings provided by the use of natural gas. The plants Mr. Bracci was speaking of were looking at a savings in excess of \$1 million a year by converting from propane to natural gas.

DCEC looked at bringing natural gas to Delhi however the cost to do so was prohibitive. The Constitution Pipeline could be a substantial help to this area. He felt Supervisors needed to listen to the residents who were in favor of the pipeline as well as those in opposition.

Chairman Eisel referred to Mr. Krone's presentation stating that county energy cost are over \$2 million dollars. Pointing out the example of the Public Safety Building he said that

pursuing alternative energy opportunities such as natural gas, biomass and solar is what has to happen to significantly decrease the county's energy expense.

Mr. Axtell referenced a recent article in the Binghamton Press stating that most property owners in the Windsor Central School District would see a tax rate decrease of 5.8 percent. The reason for this is a nearly \$30 million addition to the school district's tax base as a result of the Laser Pipeline. The Laser Pipeline takes natural gas produced in Susquehanna County to a compressor station in Windsor, PA.

Mr. McCarthy commented that New York State mandated that schools have dual fuel sources. To his knowledge most schools are already set up to use natural gas.

Mr. Donnelly stated that he supports the work of the Delaware County Industrial Development Agency and the Chairman of the Board of Supervisors in their efforts to keep Amphenol in the county. He noted that he will support this resolution but stated that his support of this resolution should not be interpreted as a vote for fracking. He felt additional information on the Constitution Pipeline was needed but he recognizes the many economic benefits from the low cost of natural gas.

Mr. Dolph noted that the Town of Walton has the benefit of natural gas. He did a comparison of energy cost between the Walton Central School and the Delhi Central School that showed a savings of over \$80,000 to the Delhi Central School if natural gas were available in Delhi. He pointed out that he maintains an office in the Towns of Delhi, Sidney and Walton. The Walton office is the largest and the least expensive to run because of natural gas. He bases his hiring for the three offices on the cost of running the business. Homeowners will also see a substantial savings over fuel oil. Alternative heating sources such as coal, pellets or wood may not be practical for some homes. Natural gas is a viable alternative. He stated that he will support this resolution.

Mr. Valente noted that the Town of Davenport may be the most impacted by the proposed route. He has chosen to remain unbiased on the issue and has established himself as a facilitator aiding residents seeking information. He is very much in support of natural gas but feels this resolution is more in support of the Constitution Pipeline and therefore in keeping with his decision to remain unbiased he would be in opposition of this resolution.

Mr. Rowe noted that FERC determines the safety of alternative fuel sources through science and research, their determination is not based on politics but on whether or not there is a need.

He noted that in 2001 when the Millennium Pipeline enlarged their lines in the Town of Hancock it provided a huge economic boom in the form of local employment and spending in local businesses. The pipeline offers job possibilities for the youth who can graduate and find local employment. In 2011 the tax revenue generated by the pipeline was \$158,000 shared between the county, school and town. This revenue comes without services from the town and in his opinion is a gift that keeps on giving.

As for host community benefits, the Delaware County Industrial Development Agency negotiated \$1.1 million paid in 10 yearly installments. The Millennium Pipeline has given generously to the Town of Hancock's fire department, library and youth programs. He believes

the Constitution Pipeline would be a good neighbor as well.

He shared that Proctor & Gamble Corporation nationwide has committed to powering their plants with 100 percent renewable energy sources. Their vision is that all energy powering their plants will be come from on-site renewables sources or power from a grid that is generated by renewable sources.

Mr. Rowe stated that Pennsylvania is booming and in his opinion the county is missing out on the economic benefits of natural gas. Natural gas runs cleaner than most commonly used energy sources and there is no data that says it is unsafe. The natural gas out of Pennsylvania is the cleanest around. The way they do business in Pennsylvania is very different from how it is done out west.

The resolution was adopted by the following vote: Ayes, 3973, Noes 618 (Valente, Bower, Capouya), Absent 208 (Merrill)

Chairman Eisel waived Board Rule10 to permit the introduction without objection of the following not-prefiled resolutions.

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

RESOLUTION NO. 150

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$1,162,755.45 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	\$810,517.97
OET	\$ 29,282.15
Highway Audits, as Follows:	
Weights and Measures	\$153.96
Landfill	\$70,451.07
Road	\$18,822.04
Machinery	\$43,999.97
Capital Road & Bridge	\$176,257.52
Capital Solid Waste	\$13,270.77

The resolution was seconded by Mr. Marshfield and by the following vote: Ayes 4591, Noes 0, Absent 208 (Merrill).

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

RESOLUTION NO. 151

TITLE: EXECUTIVE SESSION

BE IT RESOLVED that the Delaware County Board of Supervisors convene in executive session to discuss the hiring of personnel.

The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4591, Noes 0, Absent 208 (Merrill).

Upon a motion, the meeting adjourned at 2:22 p.m.