

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS NOVEMBER 12, 2014

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, November 12, 2014 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. Marshfield.

Mr. Pigford offered the invocation.

Mr. Axtell 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. Ellis who introduced SUNY Delhi Professors Mathew House and David Krzyston to discuss the NY-Sun Initiative.

A PowerPoint presentation was given explaining the initiative. The NY-Sun Initiative is intended to enable policymakers, code officials, planners, engineers, first responders, and other stakeholders to replicate successful solar practices and gain the tools to reduce soft costs and safely expand local adoption of solar energy. This effort will significantly expand installed solar capacity, attract private investment, enable sustainable development, create well-paying skilled jobs, improve the reliability of the electric grid, reduce air pollution and make solar systems more readily available to consumers.

The goal for New York State (NYS) is to achieve three gigawatts of power by 2023. Currently, NYS is ranked tenth in the nation with 295 megawatts in operation today. That ranking was accomplished through generous tax incentives offered by NYS to reduce the cost of implementing a solar system. The NY-Sun Initiative hopes to stimulate the market place which in turn will reduce costs and get NYS out of the incentive business.

The NY-Sun PV Trainers Network aims to expand the use and lower the cost of solar PV systems throughout NYS. In addition, it is designed to facilitate dialogue that will assist decision makers in identifying market barriers, opportunities, solutions and low-cost resources. The Network will be offering an expert portal, tailored trainings, model documents, case studies, webinars and podcasts. Most of the trainings are offered at low or no cost to enable participation. SUNY Delhi's participation in the program is to assist with the technology portion. The first training at SUNY Delhi will be January 14 and 15, 2015 for fire, first responders and building codes. A list of upcoming trainings, webinars and podcasts can found at

<https://training.ny-sun.ny.gov/training-events-calendar>. Additional information may be obtained by e-mailing Outreach Coordinator Holly Wilson at info@training.ny-sun.ny.gov.

In answer to Mr. Taggart, Mr. Ellis noted that municipalities have adopted varying levels of the National Electric Code for solar installation. Trainings through this initiative are designed to bring all municipalities up to the 2014 National Electric Code for solar installation. Solar systems installed prior to this initiative are grandfathered in.

Chairman Eisel thanked Mr. Ellis, Mr. House and Mr. Krzyston for their informative presentation.

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

RESOLUTION NO. 193

**TITLE: 2014 BUDGET AMENDMENT
RECEIPT OF GRANT
SHERIFF'S OFFICE**

WHEREAS, Delaware County is the recipient of a grant awarded by the Office of the New York State Attorney General in an amount not to exceed \$2,850; and

WHEREAS, the grant, to be administered by the Delaware County Sheriff's Office, was awarded for the specific purpose of reimbursing Delaware County 50% of the cost of purchasing Bullet Proof Vests at a price not to exceed \$2,850 commencing on August 27, 2014 and ending on March 1, 2015.

NOW, THEREFORE, BE IT RESOLVED that the 2014 budget be amended as follows:

INCREASE REVENUES:

10-13110-44432000/3110046/907	inVEST Partnership	\$2,850.00
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INCREASE APPROPRIATIONS:

10-13110-52200001/3110046/907	Equipment Grant-Bulletproof Vests	\$2,850.00
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The resolution was seconded by Mr. Spaccaferno and adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Marshfield).

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

RESOLUTION NO. 194

**TITLE: 2014 BUDGET AMENDMENT
RECEIPT OF GRANT
SHERIFF'S OFFICE**

WHEREAS, Delaware County is the recipient of a grant awarded by the US Department of Justice and administered by the Bulletproof Vest Partnership (“BVP”) in an amount not to exceed \$10,004.24; and

WHEREAS, the grant, to be administered by the Delaware County Sheriff’s Office, was awarded for the specific purpose of reimbursing Delaware County 50% of the cost of purchasing Bullet Proof Vests at a price not to exceed \$10,004.24 during the period commencing on July 28, 2014 and ending on August 31, 2016, unless extended.

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

INCREASE REVENUES:

10-13110-44432000/3110046/907	Federal Crime Control	\$10,004.24
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INCREASE APPROPRIATIONS:

10-13110-52200001/3110046/907	Equipment Grant-Bulletproof Vests	\$10,004.24
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The resolution was seconded by Mr. Haynes.

Sheriff Mills answered in reply to Chairman Eisel that the bulletproof vests need to be replaced every five years.

The resolution was adopted by the following vote: Ayes 4667, Noes 0 Absent 132 (Marshfield).

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

RESOLUTION NO. 195

**TITLE: 2014 BUDGET AMENDMENT
RECEIPT OF GRANT
DEPARTMENT OF EMERGENCY SERVICES**

WHEREAS, Delaware County has been awarded grant funding from the Delaware County Rural Health Care Alliance; and

WHEREAS, this grant was awarded in the amount of \$7,500 to Delaware County Emergency Services for the purpose of creating an Emergency Management App to service Delaware County responders as well as citizens.

NOW, THEREFORE, BE IT RESOLVED that the Department of Emergency Services be authorized to accept this grant funding as described above and that the 2014 budget be amended as follows:

INCREASE REVENUES:

10-13640-42270602/3640049/911	Grants from non-profits	\$7,500.00
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INCREASE APPROPRIATIONS:

10-13640-54327000/3640049/911	General Grant Related Expenses	\$7,500.00
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The resolution was seconded by Mr. Haynes and adopted by the following vote: Ayes 4667, Noes 0 Absent 132 (Marshfield).

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

RESOLUTION NO. 196

**TITLE: 2014 BUDGET AMENDMENT
RECEIPT OF GRANT
DEPARTMENT OF EMERGENCY SERVICES**

WHEREAS, the Department of Emergency Services applied for and was awarded a grant from the New York State's 2014-2015 Public Safety Answering Points Operations Grant Program (2014-2015 PSAP) which allows for State support to counties for eligible public safety call taking and dispatching expenses; and

WHEREAS, the grant award will allow for items including a reverse 911 system, and a phone and radio recording system; and

WHEREAS, this grant was awarded in the amount of \$117,264 to Delaware County.

NOW, THEREFORE, BE IT RESOLVED that the Department of Emergency Services be authorized to accept this grant funding as described above and the 2014 budget be amended as follows:

INCREASE REVENUES:

10-13640-43330500/3640048/911	State Civil Defense	\$117,264.00
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INCREASE APPROPRIATIONS:

10-13640-52200001/3640048/911	Equipment Grant	\$64,264.00
10-13640-54327580/3640048/911	Grant Software	\$53,000.00

The resolution was seconded by Mr. Haynes.

Director of Emergency Services Steve Hood explained in answer to Mr. Valente that the grant is for the purchase of the software to run the Reverse 911 system. The contract comes with a five-year maintenance plan.

In reply to Chairman Eisel, Mr. Hood said this program would replace the New York Alert system that was difficult to use. The Reverse 911 system is very user friendly and can be operational as soon as the contracts are in place.

The resolution was adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Marshfield).

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

RESOLUTION NO. 197

**TITLE: 2014 BUDGET AMENDMENT
RECEIPT OF GRANT
DEPARTMENT OF EMERGENCY SERVICES**

WHEREAS, Delaware County applied for and has been awarded grant funding under the State Homeland Security Program from the New York State Division of Homeland Security and Emergency Services (WM2013 SHSP); and

WHEREAS, this grant was awarded in the amount of \$67,500 to Delaware County for consultant services to develop and/or enhance plans and protocols for the Comprehensive Emergency Management Plan and other emergency plans.

NOW, THEREFORE, BE IT RESOLVED that the Department of Emergency Services be authorized to accept this grant funding as described above and that the 2014 budget be amended as follows:

INCREASE REVENUES:

10-13640-43398900/3640047/911	State Otr Home & Comnty Srves	\$67,500.00
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INCREASE APPROPRIATIONS:

10-13640-543274195/3640047/911	Grant Consultant	\$67,500.00
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The resolution was seconded by Mr. Haynes and Mr. Spaccaferno and adopted by the following vote: Ayes 4667, Noes 0 Absent 132 (Marshfield).

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

RESOLUTION NO. 198

**TITLE: 2014 BUDGET AMENDMENT
RECEIPT OF GRANT
DEPARTMENT OF EMERGENCY SERVICES**

WHEREAS, Delaware County applied for and has been awarded grant funding under the State Homeland Security Program from the New York State Division of Homeland Security and Emergency Services (WM2014SHSP); and

WHEREAS, this grant was awarded in the amount of \$75,000 to Delaware County for the purchase of a prefabricated communications shelter.

NOW, THEREFORE, BE IT RESOLVED that the Department of Emergency Services be authorized to accept this grant funding as described above and that the 2014 budget be amended as follows:

INCREASE REVENUES:

38-13640-43398900/3640387/911 State Interoper Emrg Comm Grant \$75,000.00

INCREASE APPROPRIATION:

38-13640-52200001/3640387/911 Equipment Grant \$75,000.00

The resolution was seconded by Mr. Haynes.

Mr. Rowe shared that the previous grant resolutions represent \$280,000. He thanked the departments for their efforts in seeking grant funding.

In answer to Mr. Valente, Mr. Hood stated that the prefabricated communication shelter will be set on a concrete foundation.

The resolution was adopted by the following vote: Ayes 4667, Noes 0 Absent 132 (Marshfield).

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

RESOLUTION NO. 199

**TITLE: 2014 BUDGET AMENDMENT
TRANSFER OF FUNDS
DEPARTMENT OF PUBLIC HEALTH SERVICES**

WHEREAS, Ebola Virus Disease (EVD) is a rare and potentially deadly disease caused by infection with one of four Ebola virus strains known to cause disease in humans; and

WHEREAS, the Acting Commissioner of Health of the State of New York issued an order for summary action on October 16, 2014; and

WHEREAS, such order requires all diagnostic and treatment centers to provide personal protective equipment (PPE), training and a designated isolation room; and

WHEREAS, Delaware County Public Health Services operates a diagnostic and treatment center pursuant to Article 28 of the PHL.

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

FROM:

10-14059-54360000	Itinerate Providers EI	\$1,500.00
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TO:

10-14012-54595355	Supplies Public Health Preparedness	\$1,500.00
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The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4667, Noes 0 Absent 132 (Marshfield).

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

RESOLUTION NO. 200

**TITLE: 2014 BUDGET AMENDMENT
TRANSFER OF FUNDS
OFFICE FOR THE AGING**

WHEREAS, the Office for the Aging currently has \$1,000 in their budget for the purchase of equipment; and

WHEREAS, the Office for the Aging has unspent funds in the Systems Integration (SI) and Single Point of Entry (SPOE) grants for the 2013-2014 program year; and

WHEREAS, the Office for the Aging's Oversight Committee Chairperson and Chairman of the Board of Supervisors has approved the purchase of two laptop computers, one printer and one copier for the agency using these unspent funds.

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

FROM:

10-16772-54200000/6772039/977	Contracted Services	\$3,000.00
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10-16772-54200000/6772027/977	Contracted Services	\$4,545.31
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TO:

10-16772-52200000/6772039/977	Equipment	\$3,000.00
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10-16772-52200000/6772027/977	Equipment	\$4,545.31
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The resolution was seconded by Mr. Hynes and Mr. Triolo and adopted by the following vote: Ayes 4667, Noes 0 Absent 132 (Marshfield).

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

RESOLUTION NO. 201

**TITLE: 2014 BUDGET AMENDMENT
TRANSFER OF FUNDS
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the county salt facilities were filled to capacity at the conclusion of the spring snow season and there is money remaining in the chemical (salt) line; and

WHEREAS, the department would like to stockpile abrasives for use this winter and that line in the budget is inadequate to do so.

NOW, THEREFORE, BE IT RESOLVED that the 2014 County Budget be amended as follows:

FROM:

24-15142-54160000	Chemicals	\$10,000.00
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TO:

24-15142-54165000	Cinders and Sand	\$10,000.00
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The resolution was seconded by Mr. Haynes.

Department of Public Works Commissioner Wayne Reynolds replied in answer to Mr. Valente that cinders are a stone product.

The resolution was adopted by the following vote: Ayes 4667, Noes 0 Absent 132 (Marshfield).

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

RESOLUTION NO. 202

**TITLE: CHANGE ORDERS NOS. 3, 4, and 5
OF PROPOSAL NO. SW8-13, CONTRACT NO. 4
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 189 of 2013 authorized award of Proposal No. SW8-13, "Material Recovery Facility Building and Site Work - Contract No. 4 Electrical Construction" to NELCORP Electrical Contracting Corp, 2500 Watson Road, Endwell, NY 13760 for the amount of \$395,700; and

WHEREAS, Resolution No. 77 of April 2014 authorized Change Order No. 1 and Change Order No. 2 resulting in net decrease of \$7,628 decreasing the contract amount from \$395,700 to \$388,072; and

WHEREAS, construction observations by the Contractor, the Engineer, and the County's Representative have identified necessary modifications to the original specifications and resulting Change Orders, itemized as follows; and

WHEREAS, Change Order No. 3 provides for required electric baseboards circuits in the office absent in the original contract specifications, for a contract increase of \$519; and

WHEREAS, Change Order No. 4 provides for modification to lighting controls and wiring as requested by the County for improved facility performance and maintenance for a contract increase of \$7,045; and

WHEREAS, Change Order No. 5 provides for branch circuit and wiring for Overhead Door Operators as required by the electrical engineer modification for a contract increase of \$7,950.

NOW, THEREFORE, BE IT RESOLVED that the Department of Public Works is herewith authorized to execute Change Order No. 3, Change Order No. 4 and Change Order No. 5 totaling a net cumulative increase of \$15,514 for all change orders, with a revised contract total of \$403,586.

The resolution was seconded by Mr. Haynes and adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Marshfield).

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

RESOLUTION NO. 203

**TITLE: AUTHORIZATION FOR DISPOSITION OF PERSONAL
PROPERTY NO LONGER NECESSARY FOR PUBLIC USE -
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Section 215 of the County Law stipulates that the Board of Supervisors must authorize for the disposition of personal property no longer necessary for public use.

NOW, THEREFORE, BE IT RESOLVED, that the Department of Public Works is authorized to sell by auction, sealed bid or for scrap the following items:

<u>Vehicle No.</u>	<u>Description</u>	<u>Vehicle Identification No</u>
52	2006 Chevrolet Pickup	1GCHK29U26E262757
301	1998 International Dump	1HTGEAUR0WH552917
571	2006 Ford Taurus	1FAFP53U96A246233
580	2004 Ford Taurus	1FAFP52U74G183354

The resolution was seconded by Mr. Haynes.

Commissioner Reynolds stated in answer to Mr. Taggart that after the first of the year these vehicles would be going through the online auction site.

The resolution was unanimously adopted.

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

RESOLUTION NO. 204

TITLE: AUTHORIZATION FOR DISPOSITION OF PERSONAL PROPERTY NO LONGER NECESSARY FOR PUBLIC USE - DEPARTMENT OF BUILDING AND MAINTENANCE

WHEREAS, section 215 of the County Law stipulates that the Board of Supervisors must authorize for the disposition of personal property no longer necessary for public use.

NOW, THEREFORE, BE IT RESOLVED that the Department of Building and Maintenance is authorized to sell by auction, sealed bid or for scrap the following items:

<u>Description</u>	<u>Vehicle Identification No.</u>
1999 Dodge 250 Pick-up	3B7KF26Z7XM590181
1999 Dodge 250 Pick-up	3B7KC26Z8XM565749

The resolution was seconded by Mr. Axtell, Mr. Rowe and Mr. Spaccaformo and unanimously adopted.

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

RESOLUTION NO. 205

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 September 30, 2014.

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.

<u>Town</u>	<u>Amount Allocated to Tax District</u>	<u>Amount Apportioned to Town</u>	<u>Amount Apportioned to Village</u>

Town	Amount Allocated to Tax District	Amount Apportioned to Town	Amount Apportioned to Village
Andes	\$11,822.19	\$11,822.19	
Bovina	\$3,804.14	\$3,804.14	
Colchester	\$7,614.28	\$7,614.28	
Davenport	\$14,269.90	\$14,269.90	
Delhi	\$22,051.77	\$18,702.28	\$3,349.49
Deposit	\$11,237.39	\$10,509.38	\$728.01
Franklin	\$13,122.13	\$12,548.99	\$573.14
Hamden	\$8,737.22	\$8,737.22	
Hancock	\$14,013.86	\$12,740.30	\$1,273.56
Harpersfield	\$6,542.60	\$5,837.78	\$704.82
Kortright	\$6,645.12	\$6,645.12	
Masonville	\$5,945.00	\$5,945.00	
Meredith	\$9,316.52	\$9,316.52	
Middletown	\$28,616.12	\$25,990.77 FL	\$784.53
		MV	\$1,840.82
Roxbury	\$33,163.09	\$33,163.09	
Sidney	\$17,384.77	\$12,292.65	\$5,092.12
Stamford	\$8,614.45	\$6,466.10 ST	\$764.31
		HO	\$1,384.04
Tompkins	\$1,106.69	\$1,106.69	
Walton	\$15,508.11	\$12,698.07	\$2,810.04
Totals ...	\$239,515.35	\$220,210.47	\$19,304.88

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

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

RESOLUTION NO. 206

**TITLE: APPORTIONMENT OF COUNTY
SELF INSURANCE BUDGET**

RESOLVED that the budget for the County Self Insurance Fund for Workers' Compensation and Volunteer Firemen's Benefits in the total amount of \$1,900,000, as set forth below be accepted as part of the records of this Board.

<u>Participant</u>	<u>Full Value Assessment</u>	<u>Apportioned Amount to Raise</u>
County of Delaware	5,604,398,212	\$881,894.69
<u>Towns</u>		
Andes	427,005,031	\$67,192.49
Bovina	139,840,974	\$22,005.04
Colchester	792,058,730	\$124,636.47
Davenport	203,943,782	\$32,092.11
Delhi	335,700,601	\$52,825.04
Deposit	316,939,298	\$49,872.81
Franklin	201,386,452	\$31,689.69
Hamden	161,936,713	\$25,481.97
Hancock	369,676,070	\$58,171.34
Harpersfield	144,389,302	\$22,720.75
Kortright	163,324,312	\$25,700.32
Masonville	101,363,861	\$15,950.37
Meredith	146,760,734	\$23,093.92
Middletown	701,842,577	\$110,440.27
Roxbury	381,881,757	\$60,092.00
Sidney	284,183,722	\$44,718.47
Stamford	173,492,764	\$27,300.41
Tompkins	187,307,609	\$29,474.28

Walton	371,363,923	\$58,436.94
<u>Villages</u>		
Delhi	101,818,671	\$16,021.94
Deposit	42,837,022	\$6,740.73
Franklin	17,525,117	\$2,757.71
Hancock	66,937,077	\$10,533.06
Stamford (Harpersfield)	31,012,512	\$4,880.05
Stamford (Stamford)	30,984,343	\$4,875.62
Fleischmanns	38,795,314	\$6,104.74
Sidney	165,618,293	\$26,061.30
Hobart	51,004,417	\$8,025.93
Walton	134,547,732	\$21,172.11
<u>Fire Districts</u>		
Stamford, Jefferson	31,476,672	\$4,953.08
Stamford, Gilboa	53,611,934	\$8,436.25
Arena, Hardenburgh	16,439,149	\$2,586.83
Midd.-Hard., Hardenburgh	46,154,060	\$7,262.69
Deposit	36,849,670	\$5,798.58
TOTAL	12,074,408,407	\$1,900,000.00

The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4667, Noes 0 Absent 132 (Marshfield).

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

RESOLUTION NO. 207

**TITLE: DETERMINATION OF NO SIGNIFICANCE FOR THE 2014-2015
NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC
PRESERVATION SNOWMOBILE GRANT APPLICATION
PLANNING DEPARTMENT**

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) has made funds available to develop and/or maintain snowmobile trails in New York State; and

WHEREAS, the Delaware County Board of Supervisors has been declared as the local government sponsor; and

WHEREAS, the Delaware County snowmobile clubs combined have proposed the development of 23.15 miles of new snowmobile trails in Delaware County; and

WHEREAS, the application for funding requires a review under the NYS Environmental Quality Review Act Part 617; and

WHEREAS, the Delaware County Board of Supervisors has determined this action to be unlisted; and

WHEREAS, Delaware County has evaluated and mitigated all potential adverse environmental impacts.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors issues a negative declaration for the application to the NYSOPRHP for the purpose of creating and maintaining snowmobile trails in Delaware County

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

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

RESOLUTION NO. 208

**TITLE: AUTHORIZING THE FILING OF AN APPLICATION FOR A STATE
ASSISTANCE FROM THE HOUSEHOLD HAZARDOUS WASTE (HHW) STATE
ASSISTANCE PROGRAM AND SIGNING OF THE ASSOCIATED STATE MASTER
GRANT CONTRACT UNDER THE APPROPRIATE LAWS OF NEW YORK STATE
DEPARTMENT OF PUBLIC WORKS**

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

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

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

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

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

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

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

RESOLUTION NO. 209

**TITLE: RATIFICATION OF BAGS LANDFILL
BUDGET FOR 2015**

BE IT RESOLVED that the 2015 budget for the BAGS Landfill in the total amount of \$7,080.00 with \$1,820.35 the apportioned cost to the Town of Sidney be ratified as presented

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

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

RESOLUTION NO. 210

TITLE: RESOLUTION CALLING ON THE STATE TO DEVELOP A 100 PERCENT STATE FUNDED INDIGENT LEGAL DEFENSE SYSTEM AS A WAY TO PROVIDE MANDATE RELIEF AND LOWER PROPERTY TAXES

WHEREAS, the United States Supreme Court held in *Gideon v. Wainwright* that the right to counsel for one charged with a crime is fundamental and that it is the state's responsibility to supply lawyers for those unable to afford them; and

WHEREAS, in 1965 the State of New York delegated this state responsibility to the counties; and

WHEREAS, the decision to entrench responsibility at the county level in the State of New York has resulted in a system by which the County and local property taxpayers are burdened with the vast majority of the cost of this state responsibility; and

WHEREAS, the shift of costs for this state mandated service has become so imbalanced that the counties of New York now cover more than 80% of the cost burden; and

WHEREAS, implementation of the constitutional right to counsel under *Gideon* is a state, not county, obligation; and

WHEREAS, in 2006 the Kaye Commission on the Future of Indigent Defense Services declared that the New York State System of County-Delivered Indigent Services is in crisis and urged the expeditious establishment of an Independent Public Defense Commission; and

WHEREAS, the State of New York and multiple counties are now defendants, and recently entered into a settlement, in the matter of *Hurrell-Harring, et al. v. State of New York*, a systemic lawsuit similar to many that have been successful across the country seeking to transform the indigent legal defense system; and

WHEREAS, the settlement will have a profound fiscal impact on the state and each and every county therein; and

WHEREAS, the state can both comply with its obligations under the settlement and significantly improve the public defense system by establishing a 100 percent state funded indigent legal defense program; and

WHEREAS, such a state funded system would relieve the counties of this state of the burden imposed upon them since 1965.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors calls upon the State of New York and Governor Cuomo to immediately create a 100 percent state funded indigent legal defense and relieve the counties of this state of the burden imposed upon them since 1965.

BE IT FURTHER RESOLVED, that the Clerk of the Board of Supervisors shall forward certified copies of this resolution to Governor Andrew M. Cuomo, Senator John Bonacic, Senator James L. Seward, Senator Thomas W. Libous, Assemblyman Clifford W. Crouch, Assemblyman Peter D. Lopez and Assemblywoman Claudia Tenney, other New York Counties, and the New York State Association of Counties (NYSAC).

The resolution was seconded by Ms. Miller.

Chairman Eisel noted that the cost of the program is increasing and the state's contribution is decreasing.

Mr. Spaccaforno noted that this program has become another unfunded mandate to the counties.

The resolution was unanimously adopted.

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

RESOLUTION NO. 211

TITLE: IN MEMORY OF LEVON TELIAN

WHEREAS, former Delaware County Sheriff Levon Telian passed away on Tuesday, November 4, 2014 after having served as Sheriff from 1968 to 1986; and

WHEREAS, Levon Telian will be remembered for his years of distinguished service and dedication to the county and his community.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors hereby expresses its deepest sympathy and appreciation to the family of Levon Telian.

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

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

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

RESOLUTION NO. 212

**TITLE: 2014 BUDGET AMENDMENT
TRANSFER OF FUNDS
SHERIFF'S OFFICE**

WHEREAS, funds are needed to purchase a replacement patrol vehicle that was lost due to a motor vehicle accident on October 29, 2014; and

WHEREAS, this vehicle needs to be replaced as it was a full-time patrol vehicle and a transfer of funds is necessary.

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

FROM:

10-11990-54900000	Contingency	\$22,816.75
10-13150-52200000	Jail Equipment	\$5,000.00

TO

10-13110-52200000	Sheriff Equipment	\$27,816.75
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The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4667, Noes 0 Absent 132 (Marshfield).

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

RESOLUTION NO. 213

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,874,166.57 are hereby presented to the Board of Supervisors for approval of payment;

NOW, THEREFORE, BE IT RESOLVED that the County Treasurer be directed to pay said expenditures as listed below:

General Fund	\$1,443,687.89
OET	\$25,640.59
Public Safety Comm System	\$66,641.62
Highway Audits, as Follows:	
Weights and Measures	\$54.82
Landfill	\$128,062.06
Road	\$27,472.73
Machinery	\$105,098.53
Capital Road & Bridge	\$31,527.07
Capital Solid Waste	\$45,981.26

The resolution was seconded by Ms. Molé and Mr. Spaccaferno and adopted by the following vote: Ayes 4667, Noes 0 Absent 132 (Marshfield).

Budget Director Bruce Dolph thanked everyone involved in the budget process for their continued efforts to reduce the county levy. He provided a copy of changes to the 2015 Tentative Budget reducing the tax levy to 5.9654 percent. Mr. Dolph felt this budget with an increase of 5.9654 percent is the best that can be done and now it needs to be moved to the public hearing.

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

RESOLUTION NO. 214

**TITLE: PUBLIC HEARING
2015 TENTATIVE BUDGET**

BE IT RESOLVED that the budget, with the changes discussed, be adopted as the Tentative 2015 Delaware County Budget and a public hearing be held on the 25th day of November, 2014 at 12:30 p.m. in the Supervisors' Room of the County Office Building, 111 Main Street, Delhi, New York.

The resolution was seconded by Mr. Donnelly.

Chairman Eisel noted that prior to Board of Supervisors meeting on Tuesday, November 25th there will be a Public Hearing at 12:15 p.m. on Local Law Intro. No. 1 of 2014 to override the tax levy limit followed by the Public Hearing for the 2015 Tentative Budget scheduled for 12:30 p.m.

The resolution was unanimously adopted.

Mr. Rowe referenced Public Health employee Amanda Walsh's presentation on the Ebola virus given at the October 8th Board of Supervisors meeting and thanked Director of Public Works Bonnie Hamilton for recognizing the importance of providing the update.

Chairman Eisel introduced the Board to Dana Scuderi-Hunter as the Assistant to the Commissioner of Social Services.

Upon a motion, the meeting adjourned at 2:15 p.m.