REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS JANUARY 24, 2018

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, January 24, 2018 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 Tina B. Molé presiding.

The Clerk called the roll and all Supervisors were present except Mr. Pigford.

Mr. Marshfield offered the invocation.

Mr. Tuthill led the Board in the Pledge of Allegiance to the Flag.

The minutes of the previous meeting were accepted as presented.

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

Chairman Molé granted privilege of the floor to Director of Planning Shelly Johnson-Bennett who introduced Spencer DeVaul as Employee of the Month.

Mr. DeVaul began his employment with the Planning Department as an intern and was hired as the County's first Geographic Information System (GIS) Technician in December of 1997. In August of 2000 he was promoted to GIS Analyst and in September of 2007 to his current position as GIS Coordinator.

Mrs. Johnson-Bennett said that Mr. DeVaul is a well-rounded and enthusiastic employee who commits himself fully to the task. He has proven himself capable of working independently or with any project team. As a GIS Coordinator, he works closely with many County departments, private entities and municipalities.

Throughout the years of his employment, Mr. DeVaul has played a key role in many critical programs in the County. In particular, Mr. DeVaul has been the cornerstone in the development of the enhanced GIS program that is considered one of the most advanced in the state. An example of his work is the creation of the *Highway Management Inventory* tool that set the foundation for highway management planning throughout the New York City Watershed. His participation in the development and administration of the County's Community Online Mapping Information Tool (COMIT) was particularly helpful in the development of the 911 addressing system and his direction has helped make significant advances in the way the County has developed the COMIT site for public use.

Mrs. Johnson-Bennett stated that Mr. DeVaul is appreciated and respected by his co-workers, peers and supervisors and is the type of employee we should all strive to be. Presenting Mr. DeVaul as Employee of the Month is a well-deserved and long overdue honor.

Mrs. Johnson-Bennett presented Mr. DeVaul with a \$50.00 check. Chairman Molé presented him with the Certificate of Employee of the Month and thanked him for his dedicated service.

Mr. DeVaul thanked Mrs. Johnson-Bennett, his co-workers and the Board of Supervisors for this honor and stated that he looked forward to continuing his work at the County for many more years.

Chairman Molé granted privilege of the floor to Mr. Hynes and Mr. Triolo who introduced members of the Core Group, Director of Planning Shelly Johnson-Bennett, Assistant to Commissioner of Watershed Affairs Molly Oliver and Cornell Cooperative Extension Senior Resource Educator Mariane Kiraly to give an update on the *Farms in Transition Program*.

The PowerPoint presentation entitled: *Farms in Transition* discussed the proposed language in the Filtration Avoidance Determination (FAD) document relating to the feasibility of a program in partnership with land trusts and stakeholders designed for the protection of transitioning farms with Best Management Practice (BMP) investments. The term "transitioning farms" was defined as agricultural land at risk of foreclosure or farms with retiring farmers. The proposed program would secure an agricultural easement on the farm and transition the farm to new operations consistent with a Whole Farm Plan.

The Core Group was not comfortable with a program that relied solely on conservation easements and would like an opportunity to examine the scope of the problem in Delaware County to determine how best to avoid distressed farm sales. The group has no desire to expand land acquisition in Delaware County and is not comfortable with the potential future expansion of the proposed program. Their evaluation would consider program eligibility, financial planning, transitional planning and what, if any, gaps remain from existing programs designed to assist farms in transition. Their overall opinion of the proposed *Farms in Transition Program* is that it could have a negative impact on Delaware County.

With this in mind, the Core Group felt it was time to approach the Board of Supervisors to determine if they would support the Group in its efforts to develop a local working group that would be an unbiased voice for farmers. The local working group would consist of a representation of impacted local individuals, farmers, outside agencies and municipalities having knowledge of Delaware County and its local conditions. The Group would like the Supervisors' support to advance its plan at the February meeting of the Land Trust Group.

The Supervisors recognized the usefulness of a *Farms in Transition* program and the apprehension expressed by the Watershed Agricultural Council (WAC) for their future financial protection, however, many concerns were raised in opposition of the program currently proposed by the New York City Department of Environmental Protection.

In response to the Group's request for input, Supervisors shared thoughts to aid in future discussions of the *Farms in Transition* program. It was noted that farming in general is transitioning due to retiring full-time farmers, a challenging agricultural environment and high land prices. The proposed program should include an opt-in clause for municipalities that choose not to participate; the program needs to be better defined and structured differently from the current Land Acquisition Program. The use of conservation easements could potentially limit economic development possibilities on large parcels as well as negatively affect agricultural assessments. There needs to be flexibility for future land use whether it is as local agricultural economies or recreational properties.

A voice vote for the development of a local working group was called by Chairman Molé. The development of the working group was unanimously approved by the Board.

RESOLUTION NO. 14

TITLE: 2018 BUDGET AMENDMENT DEPARTMENT OF EMERGENCY SERVICES

WHEREAS, Delaware County has been awarded grant funding under the Fiscal Year 2017 Emergency Management Performance Grant (EMPG) State Homeland Security Program from the NYS Division of Homeland Security and Emergency Services; and

WHEREAS, the purpose of the EMPG Program is to make grants to states to assist state, local, and tribal governments in preparing for all hazards, as authorized by the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (42 U.S.C. 5121 et seq.). Title VI of the *Stafford Act* authorizes FEMA to make grants for the purpose of providing a system of emergency preparedness for the protection of life and property in the United States from hazards and to vest responsibility for emergency preparedness jointly in the federal government, states, and their political subdivisions. The federal government, through the EMPG Program, provides necessary direction, coordination and guidance, and provides necessary assistance, as authorized in this title so that a comprehensive emergency preparedness system exists for all hazards; and

WHEREAS, this grant was awarded in the amount of \$22,855.00 to Delaware County and will be used to purchase mobile and portable radios and related items to work in conjunction with the new communications system.

NOW, THEREFORE, BE IT RESOLVED that the 2018 Budget be amended as follows:

INCREASE REVENUE:

38-13640-43338900/3640390/911 State Interoper Emrg Comm Grnt \$22,855.00

INCREASE APPROPRIATION:

38-13640-52200001/3640390/911 Equipment Grant \$22,855.00

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

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

RESOLUTION NO. 15

TITLE: PETTY CASH FUND COUNTY CLERK

WHEREAS, an audit conducted by the New York State Comptroller's Office – Department of Motor Vehicles indicated that it is necessary to increase the petty cash fund for the Department of Motor Vehicle Offices (DMV); and

WHEREAS, the County Clerk petty cash fund for the Clerk's Office was established at \$500 and the total for the DMV Offices at \$656 for a grand total of \$1,156; and

WHEREAS, the audit found that the total of the petty cash funds for the DMV Offices must

be increased by \$239.

NOW, THEREFORE, BE IT RESOLVED that any and all resolutions and amendments thereto including but not limited to Resolutions Nos. 85-1989, 304-1989, and 317-1990 be rescinded; and

BE IT FURTHER RESOLVED the following budget amendment is hereby authorized increasing the grand total of the County Clerk's petty cash fund to \$1,395:

FROM:

10-11410-54415020 Maint & Repair Srvcs, Books \$239.00

TO:

10-00000-11121000/1325210/963 Petty Cash – County Clerk \$239.00

Delhi DMV increase from \$56 to \$165 Deposit DMV increase from \$150 to \$200 Margaretville DMV increase from \$150 to \$180 Sidney DMV increase from \$300 to \$350

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

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

RESOLUTION NO. 16

TITLE: AUTHORIZATION FOR AWARD DEPARTMENT OF PUBLIC WORKS

WHEREAS, Resolution No. 209 of 2004 authorized the Department of Public Works to make award for the professional services to design the bridge along with bridges 2-2 and 26-1; and

WHEREAS, Resolution No. 315 of 2004 authorized the Department of Public Works to enter into a Federal Aid Agreement for the design of Arbor Hill Road over the Little Delaware River (BIN 3352240) in the Town of Delhi, PIN 9753.01 for Preliminary Engineering and Right of Way Incidentals in the amount of \$286,000; and

WHEREAS, the project was placed on the deferred list in the fall of 2008 by NYS DOT because of the national financial crash and there has not been any construction money available for the project since that time; and

WHEREAS, NYS DOT has notified the County that they can now put the bridge back on the Federal Aid program; and

WHEREAS, the Department of Public Works has utilized a qualification based consultant selection procedure in accordance with FHWA requirements; and

WHEREAS, the Department of Public Works has negotiated a scope of work and fee for the professional services required to advance the project.

NOW, THEREFORE, BE IT RESOLVED that the Department of Public Works is authorized to make award to Modjeski and Masters, P.C., 301 Manchester Road, Suite 102, Poughkeepsie, NY 12603 for professional services for the preliminary engineering and right of way incidentals for the project.

Proposal Fee: Maximum Amount Payable \$264,113

The resolution was seconded by Mr. Valente.

Chairman Molé granted Mr. Rowe's request to abstain from voting on this resolution as he is employed by the New York State Department of Transportation.

The resolution was adopted by the following vote: Ayes 3900, Noes 0, Absent 577 (Pigford), Abstain 322 (Rowe).

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

RESOLUTION NO. 17

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;

BE IT RESOLVED that the Department of Public Works is authorized to sell by trade-in, on-line auction or for scrap the following items:

Dept/Vehicle Number:	Description:	SN/VIN:

DPW 97 2005 Chevrolet Pickup 1GCEC14VX5E200497 SWM 869 1999 International Rolloff 1HTGLAET4XH557989

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

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

RESOLUTION NO. 18

TITLE: AUTHORIZATION FOR NYS DOT TO USE COUNTY ROUTE 38 AS A DETOUR FOR CONSTRUCTION ON ROUTE 30 DEPARTMENT OF PUBLIC WORKS

WHEREAS, the New York State Department of Transportation proposes to replace a large culvert (C963069) on NYS Route 30 in the Town of Middletown, Delaware County; and

WHEREAS, in conformance with Section 104 and Section 10, Subdivision 19 of the New York State Highway Law, the New York State Department of Transportation proposes to utilize County Route 38 between NYS Route 30 and NYS Route 28 as part of a detour during the period of necessity; and

WHEREAS, the New York State Department of Transportation will erect and maintain detour signs on County Route 38 for the period of necessity.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors does hereby authorize the New York State Department of Transportation to utilize the abovementioned road as a detour; and

BE IT FURTHER RESOLVED that the County of Delaware will continue to maintain the above mentioned road; and

BE IT FURTHER RESOLVED that the Clerk of this Board of Supervisors is directed to provide five (5) certified copies of this resolution to the Department of Public Works for transmission to the State Department of Transportation.

The resolution was seconded by Mr. Spaccaforno.

Chairman Molé granted Mr. Rowe's request to abstain from voting on this resolution as he is employed by the New York State Department of Transportation.

The resolution was adopted by the following vote: Ayes 3900, Noes 0, Absent 577 (Pigford), Abstain 322 (Rowe).

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

RESOLUTION NO. 19

TITLE: BRIDGE DEDICATION FISHS EDDY VETERANS MEMORIAL BRIDGE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Town of Hancock Town Board passed Resolution No. 12052017 on December 7, 2017 requesting that County Bridge Number 28-1, CR 28 over East Branch Delaware River at Fishs Eddy, be named the "Fishs Eddy Veterans Memorial Bridge" in honor of those service members who have given all for our freedom.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors herewith dedicates Bridge Number 28-1, BIN 3352620, CR 28 over East Branch Delaware River in the Town of Hancock as the "Fishs Eddy Veterans Memorial Bridge"; and

BE IT FURTHER RESOLVED that the Department of Public Works is hereby directed to mount a plaque supplied by the Town of Hancock on or directly adjacent to the bridge in honor of Fishs Eddy Veterans.

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

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

RESOLUTION NO. 20

TITLE: STATE FUNDING TO SUPPORT TREATMENT TO INDIVIDUALS WITH SUBSTANCE USE DISORDERS (SUD) WHO ARE INCARCERATED IN THE DELAWARE COUNTY JAIL DEPARTMENT OF MENTAL HEALTH

- **WHEREAS,** New York State is engaged in a significant effort to address the rising rate of substance use disorders, including the epidemic of opioid and heroin addiction and the increasing number of deaths due to overdose; and
- **WHEREAS,** the state is taking aggressive steps to address the heroin/opioid epidemic, including the rapid expansion of community-based treatment and support services to create a continuum of care to support the individual and family in their recovery; and
- **WHEREAS,** there remains a significant gap in the treatment and support continuum care being developed by the state and that is the local jail; and
- **WHEREAS,** individuals who suffer from SUDs frequently come into contact with the criminal justice system; and
- **WHEREAS**, the link between offending and SUDs is well established, bringing significant numbers of individuals suffering from addiction into New York State jails. Alcohol and drugs are implicated in roughly eighty (80) percent of offenses, including domestic violence, DWIs, property offenses, drug offenses, and public-order offenses; and
- **WHEREAS**, according to a report conducted by Policy Research Associates on behalf of the NYS Conference of Local Mental Hygiene Directors, County Sheriffs indicated that of the individuals detained in their jail on drug-related charges, sixty-eight (68) percent had been in their jail before; and
- **WHEREAS**, jail incarceration provides a unique opportunity to offer treatment supports during periods when people are clean and sober; and
- **WHEREAS,** in New York State the counties bear the overwhelming portion of the financial burden for supporting SUD services in jails, and it is an ever-increasing burden with substantial unmet need; and
- **WHEREAS,** Delaware County has no funding for substance use disorder treatment services for incarcerated individuals despite strong evidence that these services reduce crime, save money, and save lives; and
- WHEREAS, New York State's own cost-benefit analysis of providing jail-based SUD treatment determined that taxpayers could realize a savings over time of \$2,170 per participant through reductions in recidivism costs which include local and state incarceration costs, community supervision costs, court and prosecutions costs and police/field law enforcement costs; and
- **WHEREAS**, the same New York State analysis determined that SUD treatment in the jails would save \$676 per participant in costs incurred by victims which include medical expenses, mental health care, damage to personal property and lost earnings due to harm or injury; and

WHEREAS, a dedicated state funding stream to counties is desperately needed to provide SUD treatment services in the jails including screening and assessment at entry, education and counseling services, peer support, medication assisted treatment and discharge planning to continue treatment post-incarceration; and

WHEREAS, counties are requesting funding of \$12.8 million annually to the LGUs to address the existing gap in the SUD treatment continuum and support efforts to reduce the human cost of the heroin/opioid epidemic on New Yorkers, and reduce recidivism and victimization.

NOW, THEREFORE, BE IT RESOLVED that Delaware County calls on the Governor and the Office of Alcoholism and Substance Abuse Services to help combat the heroin and opioid epidemic, save lives and reduce the rate of recidivism by providing state funding for the treatment and transition of incarcerated individuals with substance use disorders in our county jails.

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 Frederick J. Akshar, II, Assemblyman Clifford W. Crouch, Assemblyman Brian Miller, Office of Alcoholism and Substance Abuse Services General Counsel Rob Kent and the New York State Association of Counties (NYSAC).

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

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

RESOLUTION NO. 21

TITLE: APPOINTMENT OF DELAWARE COUNTY FIRE ADVISORY BOARD DEPARTMENT OF EMERGENCY SERVICES

BE IT RESOLVED, that the following appointments be made to the Delaware County Fire Advisory Board in accordance with 225-a of the County Law for year 2018:

Chairman: Dale Downin, Franklin Vice Chairman: Daren Evans, Delhi Secretary: David Briggs, East Meredith

Voting Departments:

Andes - Chief Dale Tait
Arena - Chief Mike Sarrubi
Arkville - Chief Robert Sweeney
Bloomville - Chief Mike Pietrantoni
Bovina - Chief Robert Burgin
Delhi - Chief Daren Evans
East Meredith - Chief David Briggs
Fleischmanns - Chief Todd Wickham
Franklin - Chief Tom Worden
Grand Gorge - Chief DJ Speenburgh
Hancock - Rolland Bojo, Jr.

Hobart – Chief Josh Mason
Margaretville – Chief Gene Rosa
Masonville – Chief Gary Mott
Pindars Corners – Chief Matt Rittlinger
Sidney - Chief Shawn Sands
Sidney Center – Chief Dave Gill
Stamford – Chief AJ Vamosy
Treadwell – Chief Anthony DeDominicis
Trout Creek – Chief Chris Kinney
Walton – Chief Bob Brown

Alternate Departments

Cooks Falls – Chief Al Donner Davenport – Chief Fred Utter Deposit – Chief Shaun Rynearson Downsville – Chief Richard Bell East Branch – Chief Rod Keesler Halcottsville – Chief Jeff Slauson Meridale – Chief Brad Hitchcock Roxbury – Chief Ken Davie South Kortright – Chief John Kosier

Voting Departments were selected based on meeting attendance for the previous year.

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

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

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

RESOLUTION NO. 22

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.

FRA15TX.018

 Assessed To:
 Ernest Gerwald

 TOWN OF:
 123289:FRANKLIN

 TAX MAP NO:
 166.-3-4

SCHOOL DISTRICT: 125601:WALTON ACREAGE: 5.07A ACRES

CONVEYED TO: ESTATE OF ERNEST GERWALD

C/O JAMES A ALLEN 1444 7TH ST WEST BABYLON NY 11704

CASH CONSIDERATION: \$2,047.06 TAX DEFICIT: \$1,587.09

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

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

RESOLUTION NO. 23

TITLE: SUPPORTING A SOLARIZE CAMPAIGN PLANNING DEPARTMENT

WHEREAS, solarize is a short-term, local effort that brings together groups of potential solar customers through widespread outreach and education; and

WHEREAS, this model helps customers choose a solar installation company that is offering competitive, transparent pricing; and

WHEREAS, historically, solarize campaigns lower the cost of solar 10 to 20 percent; and

WHEREAS, residents and businesses who sign up for solar installations by a specific deadline will be able to take advantage of group rates below market prices; and

WHEREAS, the more customers who sign up, the lower the price will be for everyone; and

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) provides technical assistance and other tools and resources to communities in support of solarize campaigns.

NOW, THEREFORE, BE IT RESOLVED that Delaware County supports, endorses, and is committed to participate in a future solarize campaign.

BE IT FURTHER RESOLVED that the Delaware County stands ready to assist with community outreach and education in support of a future solarize campaign.

The resolution was seconded by Mr. Taggart and Mr. Ellis and unanimously adopted.

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

RESOLUTION NO. 24

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$2,238,249.54 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	\$1,616,721.31
CAP 97 Main	\$23,946.84
OET	\$24,368.80
Public Safety Comm System	\$207,595.85
Highway Audits, as Follows:	
Weights and Measures	\$148.09
Landfill	\$72,659.25
Road	\$200,783.88
Machinery	\$57,524.87
Capital Road & Bridge	\$21,223.43
Capital Solid Waste	\$13,277.22

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

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

RESOLUTION NO. 25

TITLE: 2018 BUDGET AMENDMENT DEPARTMENT OF EMERGENCY SERVICES

WHEREAS, Delaware County has been awarded grant funding under the Fiscal Year 2016 Emergency Management Performance Grant (EMPG). State Homeland Security Program from the NYS Division of Homeland Security and Emergency Services; and

WHEREAS, the purpose of the EMPG Program is to make grants to states to assist state, local, and tribal governments in preparing for all hazards, as authorized by the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (42 U.S.C. 5121 et seq.). Title VI of the *Stafford Act* authorizes FEMA to make grants for the purpose of providing a system of emergency preparedness for the protection of life and property in the United States from hazards and to vest responsibility for emergency preparedness jointly in the federal government, states, and their political subdivisions. The Federal Government, through the EMPG Program, provides necessary direction, coordination, and guidance, and provides necessary assistance, as authorized in this title so that a comprehensive emergency preparedness system exists for all hazards; and

WHEREAS, this grant was awarded in the amount of \$22,973.00 to Delaware County and will be used to purchase mobile and portable radios and related items to work in conjunction with the new communications system.

NOW, THEREFORE, BE IT RESOLVED that the 2018 Budget be amended as follows:

INCREASE REVENUE:

38-13640-44498900/3640389/911 Fed Otr Home & Comm Serv \$22,973.00

INCREASE APPROPRIATION:

38-13640-52200001/3640389/911 Equipment Grant \$22,973.00

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

Chairman Molé made the following committee appointments:

DELAWARE COUNTY DEFERRED COMPENSATION COMMITTEE

Supervisor James Ellis Supervisor William Layton Supervisor Arthur Merrill Supervisor Wayland Gladstone

DELAWARE COUNTY PLANNING BOARD

3-year term ending December 31, 2020 Appoint

Travis ODell, Hancock

OLYMPIC REGIONAL DEVELOPMENT AGENCY (ORDA) COMMUNITY ADVISORY PANEL

2-year term ending December 31, 2019

Appoint
Diane Monroe
Reappoint:
Mark Birman

SOIL & WATER CONSERVATION DISTRICT BOARD

3-year term ending December 31, 2020 Reappoint:
Andy Kiraly

1-year term ending December 31, 2018 Reappoint:

Supervisor James Ellis Supervisor Jeffrey Taggart

YOUTH BUREAU BOARD

3-year term ending December 31, 2020 Reappoint:

Diane Oles

Chairman Molé announced that the new committee assignments and listings have been placed on each Supervisor's desk. She pointed out that there are changes in the assignments and listing, noting that the Chamber of Commerce was moved from the oversight of the Planning Committee to the Economic Development/Watershed Affairs Committee.

Upon a motion, the meeting was adjourned at 2:45 p.m.