REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

OCTOBER 12, 2022

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, October 12, 2022 at 1:02 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. Davis.

Mr. Marshfield offered the invocation.

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

The minutes of the previous Board meeting and public hearing were accepted as presented.

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

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

RESOLUTION NO. 174

TITLE: 2022 BUDGET AMENDMENT ACCEPTANCE OF DWYER VETERAN PEER-TO-PEER FUNDING DEPARTMENT OF MENTAL HEALTH

WHEREAS, NYS Office of Mental Health has allocated funding for a Veteran Peer-to-Peer Support Program; and

WHEREAS, Delaware County Mental Health will contract with Clear Path for Vets to provide services to Delaware County Veterans who are suffering from PTSD, other combat stress disorders, or having counseling needs; and

WHEREAS, Clear Path for Vets will provide individual and small group peer-to-peer counseling methods in their program; and

NOW, THEREFORE, BE IT RESOLVED that the 2022 Budget be amended as follows:

ESTABLISH REVENUE:

10-14310-43349020

State Aid Veteran P2P

\$100,000.00

ESTABLISH APPROPRIATION:

10-14310-54200038

Veteran Peer-to-Peer

\$100,000.00

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4424, Noes 0, Absent 375 (Davis).

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

RESOLUTION NO. 175

TITLE: 2022 BUDGET AMENDMENT ACCEPTANCE OF HEALTHCARE WORKER BONUS DEPARTMENT OF MENTAL HEALTH

WHEREAS, NYS Department of Health has allocated funding for recruitment and retention bonuses to certain healthcare and mental hygiene workers; and

WHEREAS, Delaware County Community Services is a qualified employer and is required to claim the bonus for their employees; and

WHEREAS, qualified employees must be "front line health care and mental hygiene practitioners, technicians, assistants and aides that provide hands on health or care services to individuals."

NOW, THEREFORE, BE IT RESOLVED that the 2022 Budget be amended as follows:

ESTABLISH REVENUES:

10-14310-43349927	State Healthcare Worker Rev	\$9,688.50
10-14312-43349927	State Healthcare Worker Rev	\$1,614.75
10-14315-43349927	State Healthcare Worker Rev	\$1,614.75
10-14317-43349927	State Healthcare Worker Rev	\$6,459.00
10-14321-43349927	State Healthcare Worker Rev	\$1,614.75

INCREASE APPROPRIATIONS:

10-14310-51000000	Personal Services	\$9,000.00
10-14310-58300000	Social Security Emplr Contrib	\$558.00
10-14310-58900000	Medicare Emplr Contrib	\$130.50
10-14312-51000000	Personal Services	\$1,500.00
10-14312-58300000	Social Security Emplr Contrib	\$93.00
10-14312-58900000	Medicare Emplr Contrib	\$21.75
10-14315-51000000	Personal Services	\$1,500.00
10-14315-58300000	Social Security Emplr Contrib	\$93.00

10-14315-58900000	Medicare Emplr Contrib	\$21.75
10-14317-51000000	Personal Services	\$6,000.00
10-14317-58300000	Social Security Emplr Contrib	\$372.00
10-14317-58900000	Medicare Emplr Contrib	\$87.00
10-14321-51000000	Personal Services	\$1,500.00
10-14321-58300000	Social Security Emplr Contrib	\$93.00
10-14321-58900000	Medicare Emplr Contrib	\$21.75

The resolution was seconded by Mr. Vernold and adopted by the following vote: Ayes 4424, Noes 0, Absent 375 (Davis).

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

RESOLUTION NO. 176

TITLE: 2022 BUDGET AMENDMENT TRANSFER OF FUNDS EQUIPMENT PURCHASE DEPARTMENT OF MENTAL HEALTH

WHEREAS, Delaware County Mental Health requests that Federal Medicaid Admin funds be designated for the purchase of new computers; and

WHEREAS, a transfer of funds from contractual to equipment is necessary.

NOW, THEREFORE, BE IT RESOLVED that the 2022 Budget be amended as follows:

TRANSFER FROM:

10-14310-54427018	Security Contracts	\$20,000.00
TRANSFER TO: 10-14310-52200000	Equipment	\$20,000.00

The resolution was seconded by Mr. Marshfield and Mr. Vernold and adopted by the following vote: Ayes 4424, Noes 0, Absent 375 (Davis).

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

RESOLUTION NO. 177

TITLE: 2022 BUDGET AMENDMENT APPROPRIATION OF SURPLUS MACHINERY FUND DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Department has received approval to purchase a 50-ton truck mounted crane; and

WHEREAS, the Department has received bids for the crane and is ready to make award; and

WHEREAS, the Department has received quotes from the State Bid to replace three of the outdated fuel pump systems in East Meredith, Kelly Corners and Fishs Eddy; and

WHEREAS, the Equipment line as funded in the 2022 budget does not include these purchases.

NOW, THEREFORE, BE IT RESOLVED that the 2022 Budget be amended as follows:

DECREASE FUND BALANCE: 26-00000-34915000	Assigned Unappropriated Fund Balance	\$682,317.00
INCREASE APPROPRIATION: 26-15130-52200000	Equipment	\$682,317.00

The resolution was seconded by Mr. Kosier.

In reply to Mr. Marshfield, Mr. Haynes explained they initially planned to budget the purchase of a crane next year but because of the timeframe it would take to acquire one, they decided to bid it this year.

The resolution was adopted by the following vote: Ayes 4424, Noes 0, Absent 375 (Davis).

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

RESOLUTION NO. 178

TITLE: AUTHORIZATION FOR AWARDS DEPARTMENT OF PUBLIC WORKS

LETTING OF SEPTEMBER 29, 2022

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. 32-22 Purchase of 50-ton Truck Mounted Crane to: Crane Specialists Inc., 70 E. End Drive, Manheim, PA 17545

Bid Price: \$555,747.00

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. Kosier and adopted by the following vote: Ayes 4424, Noes 0, Absent 375 (Davis).

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

RESOLUTION NO. 179

TITLE: AUTHORIZATION FOR AWARDS DEPARTMENT OF PUBLIC WORKS

LETTING OF SEPTEMBER 28, 2022

WHEREAS, DPW has been tasked with the Demolition of the Flood Buyout houses in Sidney; and

WHEREAS, this project is driven by the New York State Department of Homeland Security & Emergency Services (DHSES) and the Governor's Office of Storm Recovery (GOSR); and

WHEREAS, the procurement policies of these Agencies (DHSES & GOSR) require this work to be done through a Request for Qualified Vendors and subsequently Requests for Proposals sent to these vendors; and

WHEREAS, DPW has followed those guidelines and issued a Request for Proposals for Asbestos Abatement in Sidney that was due back on September 28, 2022; and

WHEREAS, DPW would like to proceed as soon as GOSR has given approval to award the RFP.

NOW, THEREFORE, BE IT RESOLVED that the County Department of Public Works is authorized to make awards to the lowest bidder meeting specifications, once GOSR approval has been received, as follows:

RFP #3 for Asbestos Abatement (30 Properties) in Sidney to:

Abscope Environmental Inc. 7086 Commercial Drive Canastota, NY 13032 Bid Price: \$621,000.00

The resolution was seconded by Mr. Kosier.

Concurring with Mr. Marshfield, Commissioner of Public Works Sue McIntyre stated there are 45 flood buyout houses remaining in Sidney.

The resolution was adopted by the following vote: Ayes 4424, Noes 0, Absent 375 (Davis).

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

RESOLUTION NO. 180

TITLE: TRANSFER OF OWNERSHIP BRIDGE 101P AND BRIDGE 80 DEPARTMENT OF PUBLIC WORKS

WHEREAS, the flood of August 28, 2011 (Irene) destroyed the Lake Switzerland pedestrian bridge over Vly Creek (BR 101P) and the Bridge Street bridge over the Bushkill (BR 80); and

WHEREAS, the Village of Fleischmanns determined that the replacement of these structures as pedestrian bridges was critical to the economic sustainability of the Village and was necessary for the implementation of the Village master plan; and

WHEREAS, in a Resolution dated May 13, 2013, the Village of Fleischmanns committed to assuming complete ownership and maintenance responsibilities for both structures once construction was complete; and

WHEREAS, the Village of Fleischmanns also committed to holding the County harmless of any future costs associated with the ownership and maintenance of the structures; and

WHEREAS, Village of Fleischmanns Resolution No. 011-2019 dated September 9, 2019 reaffirms this commitment; and

WHEREAS, work has been completed on both structures as of October 3, 2022.

NOW, THEREFORE, BE IT RESOLVED that as of the date of this resolution the Village of Fleischmanns is the owner of the pedestrian bridges identified above; and

BE IT FURTHER RESOLVED that the County of Delaware will be held harmless for any future costs associated with ownership and maintenance of the structures.

The resolution was seconded by Mr. Valente and Mr. Kosier and unanimously adopted.

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

RESOLUTION NO. 181

TITLE: ADOPTION OF STATE ADVISORY EQUALIZATION RATES

BE IT RESOLVED that the following State Equalization Rates be adopted for the apportionment of the 2023 County Tax Levy pursuant to Title 2 of Article 8 of the Real Property Tax Law:

ANDES	100.00
BOVINA	19.50
COLCHESTER	2.82
DAVENPORT	60.58
DELHI	48.85
DEPOSIT	3.71
FRANKLIN	94.00
HAMDEN	100.00
HANCOCK	10.83
HARPERSFIELD	24.00
KORTRIGHT	81.00
MASONVILLE	84.83
MEREDITH	81.00
MIDDLETOWN	85.50
ROXBURY	81.00
SIDNEY	64.28
STAMFORD	22.80
TOMPKINS	3.51
WALTON	85.00

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

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

RESOLUTION NO. 182

TITLE: RATIFICATION OF BAGS LANDFILL BUDGET FOR 2023

BE IT RESOLVED that the 2023 Budget for the BAGS landfill in the total amount of \$8,401.23 with \$1,820.35 the apportioned cost to the Town of Sidney be ratified as presented.

The resolution was seconded by Mr. Tuthill and adopted by the following vote: Ayes 4424, Noes 0, Absent 375 (Davis).

Mr. Eisel introduced Local Law Intro. No. 16 of 2022 to authorize a County Registry for Domestic Partners. The local law was seconded by Mr. Vernold.

LOCAL LAW INTRO. NO. 16 TO AUTHORIZE COUNTY REGISTRY FOR DOMESTIC PARTNERS

BE IT ENACTED by the Board of Supervisors of the County of Delaware, State of New York as follows:

Section 1. Board Intent

This Board hereby finds and determines that the American tradition of equal opportunity and the exercise of individual rights protects all citizens against discrimination.

This Board also finds that many couples who live together often have personal relationships and bonds that are as strong as married couples and who nurture and care for one another in sickness and health.

This Board hereby determines that the COVID-19 Pandemic demonstrated the need to provide domestic partners in committed relationships with a means to legally establish that relationship because there are situations in which one partner was disabled or killed and the partner has been denied the ability to collect insurance, reside in the partner's residence, claim next of kin benefits, or even to visit their hospitalized partner.

Therefore, the purpose of this law is to establish a Delaware County registry for domestic partners of county residents and/or employees.

Section 2. Definitions

- A. "Domestic partners" shall mean persons who have a registered domestic partnership, including any partnership registered pursuant to this law.
- B. "Registry of domestic partnerships" shall mean the registry maintained by the County Clerk pursuant to this law, including all domestic partnerships registered.

C. "Affidavit of domestic partnership" shall mean an affidavit prepared by the office of the County Clerk in accordance with the rules adopted by the County Clerk.

Section 3 Domestic partnership registration

- A. Domestic partnership registration: A domestic partnership may be registered by two people who meet all of the following conditions:
 - 1. Either (a) both persons are residents of Delaware County, or (b) at least one partner is employed by the County of Delaware on the date of registration;
 - 2. Both persons are eighteen (18) years of age or older and mentally competent to execute a contract;
 - 3. Neither of the persons is legally married to a third party;
 - 4. Neither of the persons is a party to another domestic partnership, or has been a party to another domestic partnership within the six months immediately prior to registration;
 - 5. The persons are not related to each other by blood in a manner that would bar their marriage in the State of New York;
 - 6. The persons have a close and committed personal relationship, live together, and have been living together on a continuous basis for a least one (1) year;
 - 7. The persons return a completed domestic partners affidavit provided by the County Clerk, notarized and signed by both parties;
 - 8. The proposed partners submit at least two (2) items of proof evidencing their financial interdependence from among the following list:

JOINT BANK ACCOUNT -Statement with both names -Check with both names -Passbook with both names

JOINT CREDIT CARD -Statement with both names

<u>JOINT OBLIGORS ON LOAN</u> -Note or other loan origination document with both names

JOINT OWNERSHIP OF RESIDENCE

-Deed or other sale/transfer document with both names -Property or water tax document with both names -Mortgage Agreement

JOINT TENANTS ON LEASE

-Lease with both names

COMMON HOUSEHOLD EXPENSES

-Utility/telephone bill with both names -Public assistance document with both names

JOINT CUSTODY OF A CHILD

JOINT VEHICLE OWNERSHIP

Title in both names

JOINT WILLS

-Copy of will or wills, with each party naming the other as beneficiary and/or executor

POWER OF ATTORNEY

-Copy of Powers of Attorney with each party naming the other party and no limitation on the term of the documents

HEALTH CARE PROXY

-Copy of health care proxies/living wills, with each party giving the other party the power to make health care/non-resuscitation decisions upon incapacitation

LIFE INSURANCE

-Copy of policy with one party naming the other as beneficiary

RETIREMENT BENEFITS

-Copy of beneficiary designation form with one party designating the other as beneficiary

TAX RETURNS

JOINT MEMBERSHIP

-Church -Family organization

REGISTRATION

-Domestic partnership filed in a different state or municipality which recognizes such partnerships

DAYCARE

-Joint responsibility for childcare as evidenced by school documents or guardianship

JOINT INVESTMENTS

-Investment securities with both names-Mutual fund statements with both names-Brokerage account statements with both names

AFFIDAVIT

-By a creditor or other person able to testify to partner's financial interdependence

COUNTY CLERK

-Other proof establishing economic interdependence, as determined by the County Clerk

- B. In order to register, persons shall execute an affidavit of domestic partnership and submit it to the County Clerk, who shall maintain a registry of domestic partnerships. Both parties to the partnership shall be present when the affidavit is submitted.
- C. Except when one of the parties is confined to a prison, in a hospital or other healthcare facility, or is unable to travel to the office of the County Clerk because of a physical disability, the affidavits shall be submitted to the County Clerk at the office of the County Clerk.
- D. The County Clerk may adopt such rules and filing fees as are necessary to implement this domestic partnership registration program which shall include provisions necessary to provide for the registration of domestic partners when one of the partners is in prison or unable to travel, which shall be comparable to (no more restrictive) to the rules applicable to persons in such circumstances who apply for a marriage license.

Section 4. Termination of domestic partnership

- A. If either party or both parties to a registered domestic partnership determines that the partnership has terminated, one of the partners shall file a termination statement with the County Clerk. The person filing the termination statement shall declare that the domestic partnership is terminated and, if the termination statement has not been signed by both domestic partners, proof that the other domestic partner has been notified of such termination by registered mail, return receipt requested.
- B. A domestic partnership shall terminate whenever one of the parties to the partnership marries a third party.
- C. A domestic partnership shall terminate upon the death of one of the parties.

Section 5. Confidentiality of domestic partnership information

- A. The County Clerk shall establish procedures and filing fees to ensure the confidentiality of information in the registry of domestic partnerships. In the ordinary course of business, such records shall be released only:
 - 1. To the parties to the domestic partnership;
 - 2. To individuals presenting written authorization, duly notarized, from one of the parties to the domestic partnership; and
 - 3. To attorneys in cases where such records are required as evidence in an active pending legal proceeding.
- B. The following restrictions shall not apply to records that are at least fifty (50) years old, or to records where both parties to the domestic partnership are deceased:
 - 1. Where a party to the domestic partnership sends a third party to obtain their domestic partnership record without a letter of authorization, the third party may make the request and pay any applicable fee if the third-party consents to have the record mailed directly to the party to the domestic partnership;
 - 2. If a person requires information concerning the prior history of domestic partnerships of a person who is that person's domestic partner or spouse or prospective domestic partner or spouse, the office of the County Clerk shall, upon receiving adequate assurance that such person's interest is as described in this paragraph, payment of the appropriate fee, and the furnishing of an approximate date of the registration of the partnership and sufficient information to search under at least one party's name, confirm only the fact of a prior domestic partnership by a "yes" or "no" answer.
- C. Nothing herein shall be construed to prohibit the publication of statistics pertaining to domestic partnerships which have been registered by the County Clerk, provided that appropriate measures are taken to prevent identification of persons registered.

Section 6. Certificate of domestic partnership registration

- A. The County Clerk shall issue a Certificate of Domestic Partnership Registration to persons who have registered pursuant to this law. Such a certificate shall constitute notice of a registered domestic partnership when persons apply for rights or benefits available to domestic partners.
- B. The application fee for the processing of the request for such a Certificate of Domestic Partnership Registration shall be Twenty and 00/100 (\$20.00) Dollars and must be paid before any such certificate may be issued.

C. The fee for such a Certificate of Domestic Partnership Registration or certified copy thereof shall be Twenty and 00/100 (\$20.00) Dollars

Section 7. Benefits

As a matter of County policy,

- A. Nothing in this law shall be deemed to supersede, alter, affect or conflict with any applicable state or federal statutes, laws, regulations, or rules. Nor shall anything in this law be construed to confer any right, privilege, or benefit not explicitly provided for herein.
- B. Nothing in this local law requires, or is intended to require, any religious or denominational institution or organization operated for charitable or educational purposes to recognize or provide health benefits to domestic partners.

Section 8. Applicability

This law shall apply to domestic partners who apply for a domestic partnership registration on or after the effective date of this law.

Section 9. Severability

If any clause, sentence, paragraph, subdivision, section or party of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 10. Penalties

Any person who willfully makes a material misrepresentation under Section 3 of this law shall be guilty of a violation punishable by a fine not to exceed Five Hundred Dollars (\$500.00).

Section 11. SEORA Determination

It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 NYECL Section 0101 et seq. and its implementing regulations, Part 617 of 6 NYCRR, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(25) and (26) of 6 NYCRR, and, accordingly, is of a class of action which do not have a significant impact on the environment and no further review is

required. [6 NYCRR Section 617.5(c)(25)(26) apply to "(25) official acts of a ministerial nature involving no exercise of discretion, including building permits and historic preservation permits where issuance is predicted solely on the applicant's compliance or noncompliance with the relevant local building or preservation code(s); (26) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment."].

Section 12. Effective Date

This law shall take effect on the 60th day after filing in the office of the Secretary of State.

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

RESOLUTION NO. 183

TITLE: PUBLIC HEARING ON PROPOSED LOCAL LAW INTRO. NO. 16 OF 2022 TO AUTHORIZE A COUNTY REGISTRY FOR DOMESTIC PARTNERS

WHEREAS, a proposed Local Law to authorize a County Registry for Domestic Partners has been offered for adoption by the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held on October 26, 2022 at 1:00 p.m. in the Supervisors' Room of the County Office Building, 111 Main Street, Delhi, New York.

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

Chairman Molé noted that the public hearing will be held at the next Board meeting on October 26, 2022 at 1:00 p.m.

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

RESOLUTION NO. 184

TITLE: IN MEMORY OF WALTER B. GLADSTONE

WHEREAS, Walter B. Gladstone passed away on October 4, 2022 having served as Town of Andes Supervisor from 1974 until 1979 and again from 1986 until 1987; and

WHEREAS, he served with distinction and will be remembered for his dedication to the community and hard work;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors extends its sympathy to the family of Walter B. Gladstone and recognizes with gratitude his contributions to this County, his Town and neighbors. The resolution was seconded by Mr. Marshfield.

Mr. Gladstone expressed that Mr. Walter Gladstone was a true gentleman and you could take his word over his signature. Different municipalities have greatly benefited from his and his wife's generosity. They gave much to benefit 4-H Camp Shankitunk in Delhi. He and his wife built the swimming pool in Andes approximately 50 years ago and funded renovations about 15 years ago. He had a big heart and was a good man.

Mr. Marshfield said he has talked politics with Mr. Gladstone many times.

Mr. Gladstone clarified that Mr. Walter Gladstone served as Town Supervisor for several terms over different time periods.

Ms. Molé remembers Mr. Walter Gladstone being very proud of and very dedicated to 4-H Camp Shankitunk. She noted in her first year as Chairman, he was driving his car by the Farmers' Market and saw her and he pulled his car right over, got out to congratulate her, and made her promise that as long as she was on the Board to make sure they take care of 4-H Camp.

Mr. Gladstone conveyed that for quite a few years, Mr. Walter Gladstone funded a particular program that helps pay for underprivileged children to attend 4-H camp.

Ms. Molé stated that Mr. Walter Gladstone sponsored the construction of some of the buildings at the camp. He will be missed.

The resolution was unanimously adopted.

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

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

RESOLUTION NO. 185

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$809,251.63 are hereby presented to the Board of Supervisors for approval of payment;

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

General Fund OET Public Safety Comm System Insurance Risk CAP 97 Main CAP MH	\$588,662.65 \$6,681.55 \$2,400.00 \$0.00 \$219.25 \$0.00
CAP DSS	\$0.00
Highway Audits, as Follows: Weights & Measures Solid Waste/Landfill Road Machinery Capital Solid Waste Capital Road & Bridge CAP DPW Complex	\$88.78 \$43,853.31 \$49,859.89 \$41,926.91 \$19,448.42 \$56,110.87 \$0.00

The resolution was seconded by Mr. Gladstone and adopted by the following vote: Ayes 4424, Noes 0, Absent 375 (Davis).

Upon a motion, the meeting was adjourned at 1:17 p.m.