

## **REGULAR MEETING**

### **DELAWARE COUNTY BOARD OF SUPERVISORS**

**MARCH 22, 2023**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, March 22, 2023 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. Merrill, Mr. Valente, and Mr. Layton.

Mr. Marshfield offered the invocation.

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

The minutes of the previous Board 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 Supervisor Taggart. Mr. Taggart introduced Graydon Dutcher, Program Coordinator for Delaware County Soil and Water Conservation District. Mr. Dutcher indicated that the Project Advisory Committee meeting is scheduled for next Wednesday, March 29 from 11:00 a.m. to 1:00 p.m. at 44 West Street in Walton. As members of the Project Advisory Committee, he extended an invitation to the Board as well as all other stakeholders. He drew attention to the '2023 Annual Work Plan' as well as the 'East and West Branch of the Delaware River 2023-2025 Action Plan' which had been distributed, emphasizing that these were the latest drafts of these documents. Part of the goal of the upcoming luncheon is to solicit feedback from stakeholders to continue to finalize the plans for the April deadline.

Mr. Dutcher continued that the '2023 Annual Work Plan' contains a detailed explanation including education and outreach and projects planned for the year. Secondly is the 'East and West Branch of the Delaware River 2023-2025 Action Plan' which expands on the annual work plan. Many large-scale restoration projects take 18 months to design and two seasons for construction. Lastly, Mr. Dutcher explained that the 'Stream Program Report 2022' outlines the data, cost, and completion of projects from last year. Currently there are multiple large flood mitigation projects under design, though with permitting time constraints there is only a short 107-day timeframe for performance of work. When considering time for design, permitting approvals, and funding approvals, this short timeframe becomes even more significant.

A notable large project which is currently under design is the 'Andes Central School Stream Corridor Restoration' located in the hamlet of Andes. This project includes removing and replacing failing streambank walls which are undermined along Liddle Brook, laying back

floodplain benches to reduce the 50 year flood elevation through the hamlet, as well as replacing the bridge structure to the school across the brook. The cost of the bridge replacement specifically will be partially funded by the Catskill Watershed Corporation, which will be giving a presentation at the Andes Central School tomorrow night to overview details of the project. Having this project funding sourced from outside sources will be saving the school approximately \$1.5 million and will benefit the entire hamlet with the 50 year flood reduction.

Another notable large-scale project is the restoration bank stabilization to be performed at River Haven Farm owned by Tom Hutson in DeLancey. The project is in excess of 1000 feet of restoration and involves multiple permits and large wetlands to coordinate around.

Mr. Dutcher made note of the information regarding the Stream Management Implementation Grants (SMIP) which are funded by Delaware County. These projects include sewer and waterline protections, retaining wall construction for roadways, and streambed stabilizations. Many of these projects are preemptive maintenance to prevent failures during the next flood event. He hopes that if the Supervisors cannot personally attend, they will send delegates, as the issues brought forth by the Towns are the basis of their priorities and workload.

In response to Mr. Marshfield, Mr. Dutcher confirmed that Town delegates were sent packets, though he did note that those which were mailed are an older draft as updates had been added to the packets which were provided to the Supervisors for the meeting today. The documents are a living draft, so the information becomes more accurate as they proceed.

The Board thanked Mr. Dutcher for his presentation. Mr. Dutcher expressed his gratitude to the Board as well.

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

**RESOLUTION NO. 66**

**TITLE: 2023 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
DEPARTMENT OF PLANNING AND WATERSHED AFFAIRS TO HOST IN  
PARTNERSHIP WITH THE UNITED STATES ARMY RESERVES A MEDICAL  
INNOVATIVE READINESS TRAINING (IRT)**

**WHEREAS**, Delaware County, in partnership with the United States Army Reserves, will host a medical Innovative Readiness Training (IRT) July 10-21, 2023; and

**WHEREAS**, Delaware County is responsible for advertising, supplies for volunteers, commanding a local Emergency Command Center, copying medical forms, providing additional community resources and services and some transportation; and

**WHEREAS**, a budget not to exceed \$60,000 has been prepared, and three grant applications have been prepared and submitted for consideration as follows:

Appalachian Regional Commission - \$30,000.00  
O'Connor Foundation - \$20,000.00  
Southern Tier Community Foundation - \$10,000.00; and

**WHEREAS**, due to the substantial benefit to Delaware County residents being provided with no-cost to the patient medical care it is imperative to fund costs prior to grant award.

**NOW, THEREFORE, BE IT RESOLVED** the Delaware County Board of Supervisors commits to supporting the IRT expenses prior to grant awards in an effort to ensure success of the mission; and

**BE IT FURTHER RESOLVED** that the 2023 Budget be amended as follows:

**TRANSFER FROM:**

10-11990-54900000	Contingency	\$60,000.00
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**TRANSFER TO:**

10-18020-54327000-8020028-908	General Grant Related Exp	\$60,000.00
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The resolution was seconded by Mr. Vernold and Mr. Ellis and adopted by the following vote: Ayes 4169, Noes 0, Absent 630 (Merrill, Valente, Layton).

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

**RESOLUTION NO. 67**

**TITLE: AUTHORIZATION FOR AWARDS  
DEPARTMENT OF PUBLIC WORKS**

**LETTING OF MARCH 1, 2023**

**WHEREAS**, DPW has been tasked with the Demolition of the Flood Buyout houses in the Village of 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 substantial additional paperwork and documentation which precludes using our annual bids; and

**WHEREAS**, a certain amount of material is needed to backfill and reclaim properties after demolition; and

**WHEREAS**, Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney.

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

PROPOSAL FB1-23                      Stone & Gravel Products for Flood Buyout Projects in the Village of Sidney to: E&R Pope’s Excavating, LLC, 1073 Co Hwy 1, Mount Upton, NY 13809

Bid Price:                                      See Summary Sheet

The resolution was seconded by Mr. Kosier and adopted by the following vote: Ayes 4169, Noes 0, Absent 630 (Merrill, Valente, Layton).

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

**RESOLUTION NO. 68**

**TITLE: CALLING ON THE GOVERNOR OF NEW YORK STATE TO RECONSIDER PART N OF THE ARTICLE VII REVENUE BILLS WITHIN THE 2024 EXECUTIVE BUDGET**

**WHEREAS**, on February 1, 2023, the Governor of New York State announced her proposed New York State Fiscal Year 2024 Executive Budget (“the Budget”); and

**WHEREAS**, the Budget includes an amendment to Real Property Tax Law 575-b with Article VII, Revenue Bills under which Part N changes the appraisal model previously adopted for valuation of wind and solar projects; and

**WHEREAS**, for purposes of real property tax, electric power plants have historically been based upon reproduction cost less depreciation; and

**WHEREAS**, under the 2019 Climate Leadership and Community Protection Act, the Legislature is requiring all non-renewable power plants to be closed by 2040 and replaced by renewable power plants; and

**WHEREAS**, in order to lower the cost of the electricity to downstate ratepayers purchasing electricity from upstate renewable power plants, the New York State Legislature authorized ORBS to develop a revenue based assessment formula (“Real Property Tax Subsidy Formula”) that would result in a real property tax assessment for renewable power plants substantially less than the historical full value assessment formula used for power plants; and

**WHEREAS**, in developing Real Property Tax Subsidy Formula, ORBS failed to follow the notice and transparency due process procedures required by the NYS State Administrative Procedure Act for promulgating rules that have the effect of law; and

**WHEREAS**, in 2022, Schoharie County (together with impacted towns) commenced an action in the Supreme Court challenging the Real Property Tax Subsidy Formula and asserting that with respect to a renewable power plant in that county, the Real Property Tax Subsidy Formula would result in an assessment (and thus real property tax) that was more than 80% less than full value. The Supreme Court found that there was merit to the challenge and issued a stay Real Property Tax Subsidy Formula; and

**WHEREAS**, rather than litigate the merits of the Real Property Tax Subsidy Formula, the Governor has proposed as part of her budget Part N of Article VII which establish the Real Property Tax Subsidy Formula as law without further notice or inquiry: and

**WHEREAS**, in April, 2022, Delaware County issued a white paper to the DEC, NYSERDA and the Climate Council asserting that the Climate Scoping Plan required by the 2019 Climate Act would have a disproportionate impact on upstate rural communities and requesting the following changes:

*The Legislature should leave the decision in the upstate area whether to change to all electric home or business to the homeowner and business owner The Legislature should leave the decision whether to change to all electric equipment to the homeowner and user*

*With respect to Transportation, the Legislature (and/or the DEC) should focus on enabling the transition to electric vehicles rather than trying to force the transition*

*The Legislature should not impose a carbon tax, a mileage surcharge, increased registration fee for gasoline powered cars, or any additional tax on gas, propane, natural gas or home heating oil or a tax on solid waste; and*

**WHEREAS**, neither NYSERDA, DEC nor the Climate Council responded to Delaware County submission. In December, 2022, the Climate Council issued a final Scoping Plan rejecting (without mentioning) Delaware County proposed amendments; and

**WHEREAS**, in October, 2022, the NYS Power Authority submitted an Article VII Petition for a Certificate of Environmental Compatibility and Public Need to the Clean Path Transmission Line. The Clean Path Transmission Line is a 1300 megawatt high voltage direct current line (175 miles) proceeding south from Delhi through Hamden, Colchester and Hancock all the way to Queens, New York. As part of that project, a converter station (DC 345 kv HVAC) will convert alternate current electric power from 3800 megawatts of upstate renewable projects to direct current electric power for transmission underground to Queens; and

**WHEREAS**, Delaware County is not opposed to the project but has concerns including, but not limited to, the following:

- (1) security and fire protection at the converter and substations;

- (2) real property tax (or payment in lieu thereof) on the new infrastructure (i.e., several years ago, NYSEG transferred the Delhi substations to the Power Authority resulting in a significant loss in real property assessments);
- (3) a guaranteed commitment of access to the \$270,000,000 Community Investment Fund – without a guarantee of funds, the funds (and its Board of Directors) will be (based upon past experience) primarily downstate focused; and
- (4) assurances about future access to affordable renewable electricity (and/or a reliable grid) needed locally to meet the mandatory electrification of transportation and building heating if all new upstate renewable electricity is being directed downstate to meet the needs of New York City; and

**WHEREAS**, the Board of Supervisors, is charged to operate in the best interest of our tax payers through responsible management and administration of revenues, meeting our obligations under the state imposed tax cap annually and providing a high level of government services to the residents of Delaware County;

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Board of Supervisors objects to the Part N of Article VII of the Governor’s Budget Proposal which requires our residents to subsidize the cost of electricity directed to NYC and urges the Governor and the Legislature to find alternative measures that are sustainable and equitable to all New Yorker to ensure affordable renewable electricity; and

**BE IT FURTHER RESOLVED** the Delaware County Board of Supervisors directs Delaware County Planning to file for party status in the Article VII Proceeding brought by NYS Power Authority for a Certificate of Environmental Compatibility and Public Need for the Clean Path Transmission Line; and

**BE IT FURTHER RESOLVED** that the Delaware County Board of Supervisors share this information as correspondence with New York Governor Kathy Hochul, Senator Peter Oberacker, and Assemblymen Christopher Tague, Joe Angelino, and Brian Maher.

The resolution was seconded by Mr. Ellis.

Mr. Taggart introduced Director of Planning Shelly Johnson-Bennett to provide an explanation of the resolution. Mrs. Johnson-Bennett stated that the resolution was originally mirrored off of a similar resolution put forth by Otsego County which objected to the Governor’s executive budget which amends Real Property Tax Law 575-b. She explained that ultimately this amendment is not actually just a change to Real Property Tax Law, but is a deflection of the impact and detriments of the implementation of renewable energy sources which will not benefit our region though are required to meet demand in the City. This is further complicated by measures which prevent our region from gaining any benefits, an example being the power line which is proposed that will affect the towns of Delhi, Hamden, Hancock, and Colchester. This is being implemented by the Power Authority so there are no host community benefits, which is further complicated by the fact that the budget line item which would theoretically mitigate the impact to the community is tied to communities defined as disadvantaged. This definition does

not apply to any upstate communities, so the consequence is that the benefits will go to the communities which are going to receive the energy, not the communities which must host the infrastructure.

Mrs. Johnson-Bennett explained that as with the opposition put forth to the Climate Leadership and Community Protection Act (CLCPA), the opposition is not to renewable energy itself, but rather to the fact that our voices are not being heard and that demand is being placed in our region in order to meet the needs of the larger market in the City without any ability to gain benefits locally whatsoever. An example being the objection Schoharie County made to a renewable power plant which was to be imposed upon them, and when taking into account the Real Property Tax Subsidy Formula would result in an assessment that was more than 80% less than full value after implementation. The removal of valuable developable land is a major detriment to our community, and when it cannot be assessed at full value, our communities cannot be made whole. This is one of the many reasons these changes to the Real Property Tax Law put our communities at an unfair disadvantage. It is important to note that this is not an objection to the development of renewable energy nor is it an objection to doing our part to fight climate change.

Mr. Ellis furthered that he perceived this action to be yet another attempt of the larger government to pull away from the ability of the local communities to effectively rule themselves. He reiterated that this is not opposition to improving the environment but based in the inability of communities to get the full value of properties in assessments. He indicated that the Meredith Town Board also put forth a resolution to the same affect at their most recent meeting and encouraged the other Supervisors to support this resolution in a show of solidarity for our communities.

In agreement with Mr. Ellis, Mr. Marshfield made the following statement:

“As a bit of background information, the Clean Path Transmission line is running from Delhi to Colchester for several miles through the Town of Hamden. This is a dc underground line, following the existing overhead transmission line and part of the 178-mile trek to NYC. This is only one upgrade of three transmission lines in the Town of Hamden, the other two being 115,000 ac lines owned by NYSEG, one coming in from the north and one coming in from the west. All of these lines are coming in and out of the Hamden Hill Substation in the Town of Delhi, for this lower carbon power to be sent to New York City. Of course, the Clean Path line will not be adding to our tax base and for the time being the other two NYSEG lines will be adding to our tax base. Based on this resolution for lower assessments on renewables, I’m waiting for the real property tax law to be changed, giving those transmission lines feeding Hamden Hill to qualify for tax exemptions because they are adding to the renewable portfolio!

I chuckled when I read that DEC, NYSERDA and the Climate Change Council didn’t acknowledge the white paper written to them in April of 2022 by Delaware County. The Hamden Town Council also wrote a white paper to those same agencies in June of 2022 and we too weren’t given any recognition of them receiving the documents. More specifically, the Hamden Board document specified that we distinctly opposed the mandate approach to require all homes to install electric heating regardless of cost. I personally have a heat pump in my

house, it worked fine this winter, but I am here to tell you it will be cost prohibitive for most people in Delaware County. This air heat pump system with current rebates is 3 to 4 times more costly than a conventional fossil fired heating system. Additionally, the Hamden white paper stated that we did not support the mandated approach to force consumers to purchase electric cars. I can't imagine what our local distribution utilities are going to do with all this added electric loads from heat pumps and electric cars. Retiring from the distribution utility side, I can tell you once a utility exceeds their purchased power allotment in their current portfolio, they have to go out on the market to shop for more expensive sources of power to supply this now forced load on their systems. This extra source of power will be many times higher than their negotiated current allotments. What happens then, it gets passed to the consumer, our county residents and businesses. The Hamden paper also opposed any suggestions of mileage surcharges, increased registration fees, added taxes on gas, propane, home heating fuel, or a tax on solid waste. I personally wonder, in a large power outage, how do we charge our cars to get to work, to the stores, and yes to the hospitals! To me not a lot of thought was given to the entire scope of the ramifications.

Indian Point Nuclear Plant on Long Island was closed down in 2021 and it fed 25% of the power to the NYC area. Now we have to bring massive electric transmission lines to that same area to make up the difference with their renewable energy portfolio. What happens when the wind doesn't blow and the sun don't shine? Our utilities are held responsible to still supply power of some sort to their consumers. It is not saving our local utilities, because they still have to plan on alternative energy sources. From the New York System Operators, 1/3 of the power used in the state comes from upstate of which is 90% carbon emissions free, while the downstate and their 2/3 of the usage is 90% fossil dependent. So, the City is dependent on us supplying them fossil free energy because of the State's poor decisions on mandates that we should not have. I said it before and I will say it again, if the State wants us to convert to electric heating and hot water heating and transportation to name a few, let them put their money where their mouths are! To this date, they are not doing that. They want to build these huge transmission lines in Delaware County, then let them supply us with part of a community investment fund. Let them pay a fee in lieu of a property tax, let them pay us for converting our home heating systems, let them pay us for driving electric cars. But most of all leave our oil furnaces, our gas-powered vehicles alone and without added surcharges. We need to support our County in filing for a party status in the Article VII Proceeding brought by the Power Authority and the Clean Path Transmission Line. To me this provision attacks home rule! It makes it impossible to even question or challenge anything. This is also opposed by the New York Association of Counties as it removes the right of municipalities to assess taxes for large scale solar, wind and battery storage projects. We must oppose Part N of the Article VII Executive Revenue Bill as contained in the Governor's Budget proposal."

In further agreement with Mr. Ellis and Mr. Marshfield, Mr. Tuthill indicated that this issue had been discussed decades ago when NYSEG sold most of their interests to the Power Authority. This sale took millions of dollars of taxable properties off the Town of Delhi's tax rolls. There are now three substations, one of which is preexisting, before the second was built a few years ago. During the construction of the second substation, Hamden Hill Road was destroyed and the Town had to fight to get the Power Authority to pay to fix the road. After this incident, a road use permit was put in place so that during the construction of the third substation

a performance bond was required.

Mr. Tuthill further explained that the construction of the new dc line will require the conversion of the existing lines from ac to dc as well as the construction of an additional building. The process of conversion is understood to be very unsafe, and people are prohibited from being in this building. This begs the question of why anyone would want to even live near such a building if it is too unsafe to be in. In conversations he has had in regards to these buildings, the final question he has asked is who will have ownership of these structures. The answer of ownership always is the Power Authority, which once again means the local community gets nothing in return. The argument from the Power Authority continues to be that there will be millions allocated to go back into projects which can be proved as necessary. The contingency of qualification for those funds continues to be that the money can only go to communities defined as disadvantaged, a definition which does not apply to upstate communities and therefore will all be allocated to communities in New York City. He expressed appreciation for those who are assisting in objecting to these changes and hope that the greater government would listen to the objections, though he also expressed doubt that anyone would listen.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 69**

**TITLE: APPROVAL TENTATIVE AGREEMENT  
CSEA, LOCAL 1000 AFSCME, AFL-CIO**

**WHEREAS**, the Human Resources Committee has reached a tentative agreement with the Delaware County CSEA, Local 1000 AFSCME, AFL-CIO for the terms and conditions of employment for the years 2023, 2024, 2025, 2026 and 2027.

**NOW, THEREFORE, BE IT RESOLVED** that said tentative agreement is hereby approved as presented to the Board, and the Chairman of the Board is authorized to execute a collective bargaining agreement which incorporates the terms of said tentative agreement.

The resolution was seconded by Mr. Axtell and Mr. Vernold and unanimously adopted.

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

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

**RESOLUTION NO. 70**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's

office in the amount of \$1,521,046.85 are hereby presented to the Board of Supervisors for approval of payment;

**THEREFORE**, the County Treasurer was directed to pay said expenditures as listed below and this Board now approves of said payment as follows:

General Fund	\$1,081,367.28
OET	\$22,498.22
Public Safety Comm System	\$0.00
Insurance Risk	\$0.00
CAP 97 Main	\$569.99
CAP MH	\$0.00
CAP DSS	\$9,350.11
Highway Audits, as Follows:	
Weights & Measures	\$25.00
Solid Waste/Landfill	\$53,382.19
Road	\$224,958.51
Machinery	\$74,195.54
Capital Solid Waste	\$28,690.51
Capital Road & Bridge	\$0.00
CAP DPW Complex	\$26,009.50

The resolution was seconded by Mr. Tuthill and Mr. Marshfield and adopted by the following vote: Ayes 4169, Noes 0, Absent 630 (Merrill, Valente, Layton).

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

**RESOLUTION NO. 71**

**TITLE: EXECUTIVE SESSION**

**BE IT RESOLVED** that the Delaware County Board of Supervisors convene in executive session to discuss contract negotiations.

The resolution was seconded by Mr. Vernold and adopted by the following vote: Ayes 4169, Noes 0, Absent 630 (Merrill, Valente, Layton).

The meeting reconvened in regular session with all Supervisors present except Mr. Merrill, Mr. Valente, and Mr. Layton.

Upon a motion, the meeting was adjourned at 2:14 p.m.