

REGULAR MEETING
DELAWARE COUNTY BOARD OF SUPERVISORS
OCTOBER 11, 2023

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, October 11, 2023 at 1:04 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. Tuthill 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.

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

RESOLUTION NO. 175

TITLE: 2023 BUDGET AMENDMENT
TRANSFER OF FUNDS
DEPARTMENT OF EMERGENCY SERVICES

WHEREAS, Delaware County communications towers are an integral part of the emergency communications system; and

WHEREAS, a defective roof structure at the communications tower in Davenport caused water intrusion into the building and onto the equipment; and

WHEREAS, the damage was severe enough to create the need for immediate repairs; and

WHEREAS, an insurance claim was submitted, approved, and paid to the county.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Department of Emergency Services be authorized to transfer \$99,694.60 from Contingency to Maintenance & Repair Communications System to cover the cost of radio tower repairs and that the 2023 Budget be amended as follows:

TRANSFER FROM:

10-11990-54900000	Contingency	\$99,694.60
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TRANSFER TO:

10-13640-54415079	M&R Communications System	\$99,694.60
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The resolution was seconded by Mr. Axtell.

In response to Mr. Taggart and Mr. Marshfield, Director of Emergency Services Steve Hood explained that the insurance payment was received, and the payment had covered the damage in full.

In response to Mr. Hood, Clerk of the Board Penny Bishop explained that some of the insurance had been received in 2022 and the remaining received in 2023. Because the monies were deposited in the Insurance Recovery account for a 2022 claim, it must now be transferred from Contingency. Payment for the repairs had been made from the M&R Communications System account in July. Mr. Merrill added that because the monies had not been encumbered, the transfer is needed.

In response to Mr. Marshfield, Mr. Hood explained that the building which had needed repairs was not an old building. It had been originally constructed in 2015, and it is believed by the manufacturer and consultants who inspected the damage that it is the result of a defect in materials used for the roof. The crack in the roof structure was not visible to the naked eye, and it is speculated that the damage occurred in the wintertime during freeze and thaw weather events. The only time there was water damage to the structure was in the wintertime.

In response to Mr. Gladstone, Mr. Hood confirmed that all structures which have a roof constructed of the same material have been sealed and coated according to manufacturer specifications.

The resolution was 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: 2023 BUDGET AMENDMENT
TRANSFER OF FUNDS
EQUIPMENT PURCHASE
DEPARTMENT OF MENTAL HEALTH**

WHEREAS, Delaware County Mental Health requests that funds be designated for the purchase of new scanner for the Supported Housing Program; and

WHEREAS, it is necessary to transfer funds from contractual to equipment; and

WHEREAS, Community Services State Aid allows for this purchase.

NOW, THEREFORE, BE IT RESOLVED that the 2023 Budget be amended as follows:

TRANSFER FROM:

10-14311-54458053/4311001	MH Supported Housing Program	\$1,000.00
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TRANSFER TO:

10-14311-52200000	Equipment	\$1,000.00
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The resolution was seconded by Mr. Marshfield 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: APPROPRIATION OF SURPLUS
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the auditors found an error in our year-end accounting; and

WHEREAS, there were two invoices totaling \$108,340.00 that were listed as accounts payables; and

WHEREAS, these invoices should have been listed as encumbrances.

NOW, THEREFORE, BE IT RESOLVED that the 2023 Budget be amended as follows:

DECREASE FUND BALANCE:

24-00000-34915000	Assigned Unappropriated Fund Balance	\$108,340.00
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INCREASE APPROPRIATION:

24-15110-54000000	Contractual Expenses	\$108,340.00
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The resolution was seconded by Mr. Cetta and Mr. Kosier and adopted by the following vote: Ayes 4424, Noes 0, Absent 375 (Davis).

Mr. Gladstone recalled Local Law Intro. No. 21 of 2023 for the proposed lease of a portion of certain real property owned by the County for the benefit of the County to Cellco Partnership d/b/a Verizon Wireless. The local law was seconded by Mr. Ellis.

In response to Mr. Taggart, Scott Olson of the Young/Sommer LLC law firm confirmed that the lease would be between Delaware County and Verizon Wireless, and that the lease has a five-year term with two renewals totaling 15 years. He furthered that Verizon Wireless and the County have exchanged information regarding all County-owned towers, and Verizon would love the opportunity to lease other towers.

Mr. Taggart noted that the Town of Franklin has a communication tower which Verizon Wireless may be interested in leasing, and expressed the arrangement would be mutually beneficial. Mr. Olson stated that because the tower in Franklin is County owned, it is already included in the discussion of further communication tower leases between the County and Verizon Wireless.

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

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. 178

**TITLE: 2023 BUDGET AMENDMENT
TRANSFER OF FUNDS
REAL PROPERTY TAX SERVICES**

WHEREAS, new computers needed to streamline the tax mapping process have been approved by the Finance Committee; and

WHEREAS, these new computers are not included in the 2023 Budget; and

WHEREAS, additional funds are needed to cover the cost of purchasing the new computers.

NOW, THEREFORE, BE IT RESOLVED that the 2023 Budget be amended as follows:

TRANSFER FROM:

10-11990-54900000	Contingency	\$9,000.00
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TRANSFER TO:

10-11355-52200000	Equipment	\$9,000.00
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The resolution was seconded by Mr. Vernold and Mr. Kosier and adopted by the following vote: Ayes 4424, Noes 0, Absent 375 (Davis).

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

RESOLUTION NO. 179

**TITLE: STANDARD WORK DAY AND REPORTING RESOLUTION
NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM**

BE IT RESOLVED that the County of Delaware hereby establishes the following as standard workdays for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body.

<u>Title</u>	<u>Name</u>	<u>Standard Work Day (hrs/day)</u>	<u>Term Begin-End</u>	<u>Days Per Month Based on Record of Activities</u>
<u>ELECTED OFFICIALS:</u>				
Supervisor-Davenport	Patricia Valente	6	4/18/23-12/31/23	2.33
Supervisor-Harpersfield	Lisa Driscoll	6	2/17/23-12/31/23	1.28
<u>APPOINTED OFFICIALS:</u>				
District Attorney	Shawn Smith	6	1/01/23-12/31/23	30.71

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

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

RESOLUTION NO. 180

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,815,990.24 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	\$929,631.85
OET	\$5,793.66
Public Safety Comm System	\$8,397.50
Insurance Risk	\$0.00
CAP 97 Main	\$0.00
CAP MH	\$0.00
CAP DSS	\$706.23
Highway Audits, as Follows:	
Weights & Measures	\$0.00
Solid Waste/Landfill	\$70,059.00
Road	\$6,876.96
Machinery	\$56,376.24
Capital Solid Waste	\$5,500.00
Capital Road & Bridge	\$724,458.98
CAP DPW Complex	\$8,189.82

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

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

RESOLUTION NO. 181

TITLE: EXECUTIVE SESSION

BE IT RESOLVED that the Delaware County Board of Supervisors convene in executive session to discuss a criminal investigation.

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

The meeting reconvened in regular session with all Supervisors present except Mr. Davis.

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

RESOLUTION NO. 182

TITLE: EXECUTIVE SESSION

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

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

The meeting reconvened in regular session with all Supervisors present except Mr. Davis.

Upon a motion, the meeting was adjourned at 2:25 p.m.