

**REGULAR MEETING**  
**DELAWARE COUNTY BOARD OF SUPERVISORS**  
**NOVEMBER 13, 2024**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, November 13, 2024, at 1:05 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.

Chaplain Grenier offered the invocation.

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

County Attorney Amy Merklen requested the Board go into a closed session to confer with counsel.

The meeting reconvened with all Supervisors present.

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. Hinkley offered the following resolution and moved its adoption:

**RESOLUTION NO. 172**

**TITLE: 2024 BUDGET AMENDMENT  
LEGAL AID TO INDIGENTS**

**WHEREAS**, the New York State Office of Indigent Legal Services (ILS) increased 18-B assigned counsel rates effective April 1, 2023; and

**WHEREAS**, ILS has provided for partial reimbursement for increased costs due to the rate change; and

**WHEREAS**, the Public Defender's Office submitted a request for reimbursement for the third quarter of 2024; and

**WHEREAS**, ILS approved the full reimbursement request in the amount of \$38,381.25; and

**WHEREAS**, the County received said reimbursement on October 24, 2024.

**NOW, THEREFORE, BE IT RESOLVED** that the 2024 Budget be amended as follows:

**INCREASE REVENUE:**

10-11170-43302500	State Aid Indigent Legal Services	\$38,381.25
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**INCREASE APPROPRIATION:**

10-11170-54535060	Professional Fees - Attorney	\$38,381.25
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The resolution was seconded by Mr. Vernold and adopted by the following vote:  
Ayes 200, Noes 0, Absent 0.

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

**RESOLUTION NO. 173**

**TITLE: 2024 BUDGET AMENDMENT  
APPROPRIATION OF OPIOID SETTLEMENT FUNDS  
DEPARTMENT OF MENTAL HEALTH**

**WHEREAS**, the Opioid Settlement Fund Advisory Board (OSFAB) of 2021 appropriated funding to counties to assist in the New York State’s efforts for treatment, recovery, harm reduction and prevention efforts; and

**WHEREAS**, Delaware County was awarded a total of \$668,135.00 from New York State Office of Addiction Services and Supports (OASAS) to be used for eligible costs incurred during the period January 1, 2022 and ending on December 31, 2039; and

**WHEREAS**, the Opioid Settlement Funds Committee has done a thorough and impartial review of proposals and has approved the following projects for funding:

- Rehabilitation Support Services to provide Peer Engagement/Diversion Initiative \$107,816.00
- Friends of Recovery of Delaware & Otsego Counties to provide Expansion of Recovery Support Services in Delaware County \$63,207.00

**NOW, THEREFORE, BE IT RESOLVED** that the 2024 Budget be amended as follows:

**INCREASE REVENUE:**

10-11325-43308902/1327890/887	State Aid Other-Opioid Revenue	\$171,023.00
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**INCREASE APPROPRIATIONS:**

10-14310-54586000/1327890/887	MH- Rehabilitation Support Services	\$107,816.00
10-14310-54586000/1327890/887	MH- Friends of Recovery	\$63,207.00

The resolution was seconded by Mr. Vernold and adopted by the following vote:  
Ayes 200, Noes 0, Absent 0.

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

**RESOLUTION NO. 174**

**TITLE: 2024 BUDGET AMENDMENT  
SHERIFF'S OFFICE CORRECTIONAL FACILITY**

**WHEREAS**, funds have been made available to the Sheriff's Office by way of Federal Board-ins, which is over the allocated amount budgeted; and

**WHEREAS**, these funds are to help cover the expense of the Personal Services for the Correctional Facility in 2024.

**NOW, THEREFORE, BE IT RESOLVED** that the 2024 Budget be amended as follows:

**INCREASE REVENUE:**

10-13150-41152501	Prisoner Charges (Federal) JAIL	\$250,000.00
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**INCREASE APPROPRIATION:**

10-13150-51000000	Personal Services Exp- JAIL	\$250,000.00
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The resolution was seconded by Mr. Faulkner and adopted by the following vote: Ayes 200, Noes 0, Absent 0.

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

**RESOLUTION NO. 175**

**TITLE: 2024 BUDGET AMENDMENT  
DESIGNATION OF DELAWARE COUNTY AS LOCAL SPONSOR  
FOR SNOWMOBILE GRANT  
PLANNING DEPARTMENT**

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

**WHEREAS**, applications for grants for such development and/or maintenance of snowmobile trails require a local government sponsor; and

**WHEREAS**, Hamden Hill Ridge Riders, Delaware Valley Ridge Riders, Central Catskill Trail Association, Big Valley Trail Breakers, Maywood Snowriders, Delaware Otsego Chenango Snowriders and the D & D Snowdiggers have applied for said funds for the development and/or maintenance of snowmobile trails in Delaware County.

**NOW, THEREFORE, BE IT RESOLVED** that Delaware County is hereby declared as the Local Sponsor for this application under the New York State Office of Parks, Recreation and Historic Preservation Snowmobile Grant Program; and

**BE IT FURTHER RESOLVED** that the 2024 Budget be amended to receive and dispense these moneys in compliance with the requirements of the Preservation Snowmobile Trails Grant Program as follows:

**INCREASE REVENUE:**

10-17989-43388900/7989009/908	State Otr Culture & Recreation	\$121,133.00
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**INCREASE APPROPRIATION:**

10-17989-54555000/7989009/908	Recreation Snowmobile Grant	\$121,133.00
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The resolution was seconded by Mr. Hinkley and adopted by the following vote: Ayes 200, Noes 0, Absent 0.

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

**RESOLUTION NO. 176**

**TITLE: 2024 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
MEDICAL EXAMINER**

**WHEREAS**, the Medical Examiner’s Department is in need of additional funds for the remainder of the year necessitating a transfer from Contingency.

**NOW, THEREFORE, BE IT RESOLVED** that the 2024 Budget be amended as follows:

**TRANSFER FROM:**

10-11990-54900000	Contingency	\$25,000.00
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**TRANSFER TO:**

10-11185-51000000	Personal Services	\$19,200.00
10-11185-54115000	Autopsy Review	\$1,700.00
10-11185-54620020	Transportation Medical	\$2,100.00
10-11185-54625000	Travel	\$380.00
10-11185-58100000	State Retirement	\$550.00
10-11185-58300000	Social Security	\$870.00
10-11185-58900000	Medicare	\$200.00

The resolution was seconded by Mr. Vernold and adopted by the following vote: Ayes 200, Noes 0, Absent 0.

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

**RESOLUTION NO. 177**

**TITLE: 2024 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
DEPARTMENT OF PLANNING AND WATERSHED AFFAIRS**

**WHEREAS**, the Delaware County Board of Supervisors passed Resolution No. 128 on July 27, 2022 in support of increasing the Watershed Affairs Professional Services budget for legal expenses associated with the new negotiations to address the NASEM recommendations as part of a new water supply permit and Filtration Avoidance Determination application to be submitted to the Environmental Protection Agency; and

**WHEREAS**, the beginning budget for these expenses as of January 1, 2024 was \$45,000.00; and

**WHEREAS**, Resolution No.104 dated June 26, 2024 increased the budget with an additional \$30,000.00; and

**WHEREAS**, those funds have been expended and more funds are needed to replenish the account to continue paying legal expenses associated with the on-going negotiations; and

**WHEREAS**, the Planning and Watershed Affairs Director has requested and the Planning, Recreation, Culture and Community Committee in conjunction with the Finance Committee and Budget Officer, have agreed that additional funding of appropriations is needed at this time for the additional legal services needed during this time of negotiations regarding the NYC Water Supply Permit and the review of the Revised 2017 FAD and Water Supply Permit.

**NOW, THEREFORE, BE IT RESOLVED** that the 2024 Budget be amended as follows:

**TRANSFER FROM:**

10-18740-51000000	Personal Services	\$20,000.00
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**TRANSFER TO:**

10-18470-54535060	Professional Service (WSA)	\$20,000.00
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The resolution was seconded by Mr. Ellis and adopted by the following vote: Ayes 200, Noes 0, Absent 0.

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

**RESOLUTION NO. 178**

**TITLE: ESTABLISHING A CAPITAL PROJECT FUND FOR  
SOLID WASTE IMPROVEMENT PROJECTS  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, it has been determined that there are two major improvement projects at the Solid Waste Management Center/Compost Facility; and

**WHEREAS**, the Department has been preparing for these projects.

**NOW, THEREFORE, BE IT RESOLVED** that funding for these Capital Projects be appropriated from the Solid Waste Capital Fund Balances be authorized as follows:

**TRANSFER FROM:**

32-00000-34899000	Restricted Fund Balance Other	\$11,000,000.00
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**TRANSFER TO:**

32-18161-59990044	Operating Transfer Out	\$11,000,000.00
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**ESTABLISH REVENUE ACCOUNT:**

44-18161-45503100	Interfund Transfer	\$11,000,000.00
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**ESTABLISH EXPENSE ACCOUNT:**

44-18161-54000000	Contractual Expense	\$11,000,000.00
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The resolution was seconded by Mr. Cetta.

In response to Mrs. Driscoll, Solid Waste Coordinator Tyson Robb explained that there are 2 large capital projects that will be managed out of the Fund 44 account. The first is the first phase of Cell 1 reclamation and redevelopment. This project has been in the works since 2010 and will create new capacity in that area and eventually add 20 years of life to the landfill once completed. This phase is limited in scope to moving the old unlined 1970s waste onto a lined footprint. The next phase, not included in the current scope, will include the design and construction of a new landfill liner over the excavated area. The second project involves the replacement of a large rotating drum in the compost facility that has reached the end of its service life and is in dire need of replacement. The compost facility, although not without potential issues, has served our county well and this capital project is needed to maintain service in the same manner we have for the past 20 years.

Mr. Marshfield commented that the composting facility is a gem to be admired from anywhere. It has been a Godsend for the county. Adjacent counties that are struggling with their solid waste programs still haven't got a grip on things. He stated that a certain amount of the sales tax revenue goes to fund that facility and it's worth every penny. It is a good operation.

Mr. Vernold added that he had toured the facility, it is very impressive and very clean. He would highly recommend to anyone who has not taken the tour to do so.

The resolution was adopted by the following vote: Ayes 200, Noes 0, Absent 0.

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

**RESOLUTION NO. 179**

**TITLE: AUTHORIZATION FOR AWARDS  
DEPARTMENT OF PUBLIC WORKS  
SOLID WASTE DIVISION**

**LETTING OF OCTOBER 23, 2024**

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. SW2-24	Reclamation of Existing Cell 1 to: Byler Excavating, LLC, 745 Martin Hill Road, Harpursville, NY 13787
	Bid Price: Base Bid only \$2,477,940.00

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. Vernold and Mr. Kosier and adopted by the following vote: Ayes 200, Noes 0, Absent 0.

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

**RESOLUTION NO. 180**

**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 on-line auction or scrap the following items and all spare parts:

<u>Dept. Vehicle No.</u>	<u>Description</u>	<u>SN/VIN</u>
DPW 434	2014 International Utility	1HTJSSKK4EH754376

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

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

## **RESOLUTION NO. 181**

### **TITLE: PUBLIC HEARING 2025 TENTATIVE BUDGET**

**BE IT RESOLVED** that the budget, with the changes discussed, be adopted as the 2025 Tentative Delaware County Budget and a public hearing be held on the 26<sup>th</sup> day of November 2024 at 1:00 p.m. in the Board of Supervisors' Room of the County Office Building, 111 Main Street, Delhi, New York.

The resolution was seconded by Mr. Ellis.

Mr. Merrill explained that the General Fund contribution from Reserves has been increased by \$500,000 bringing the total to \$7,354,100. This was taken from fund balance to cover projects with the towers that are taken care of by the Department of Emergency Services. This does not change the bottom line. The tax levy is under 2% again for eight years in a row. The tax levy is 1.8356%. Mr. Merrill acknowledged that there is a concern that they did not put anything in the budget for sharing sale tax with towns and villages. He said they are a bit reticent about that as sales tax revenues, for the first time in a couple of years, are declining. As you can see from today's resolution, \$11,000,000.00 that will be used for projects at Solid Waste is an accumulation from sales tax over the years, otherwise that would have raised the budget by 22%. It is those kinds of projects that sales tax has been earmarked for to keep the budget down so every citizen of the County receives the same exact share of sales tax revenue by not having to pay more taxes. The Finance Committee has discussed this at length and would be open to revisiting it at another time. They would like to see what kind of revenues are generated from programs such as Traffic Diversion and how that will affect villages and towns. Mr. Merrill said sharing sales tax is not a dead issue but is not being entertained at this point in this budget.

The resolution was unanimously adopted.

Ms. Molé stated that the public hearing will be held at the next Board of Supervisors meeting on Tuesday, November 26 at 1:00 p.m.

Mr. Ellis recalled Local Law Intro. No. 21 to set the salary of Maria Kelso, Election Commissioner at \$62,550. The local law was seconded by Mr. Vernold and adopted by the following vote: Ayes 200, Noes 0, Absent 0.

Mr. Ellis recalled Local Law Intro. No. 22 to set the salary of Amy Merklen, County Attorney at \$171,000. The local law was seconded by Mr. Vernold and adopted by the following vote: Ayes 140, Noes 47(Gladstone, Boukai, Marshfield, Faulkner), Absent 13 (Kelso).

Mr. Ellis recalled Local Law Intro. No. 23 to set the salary of Sherri Falcone, Director of Real Property Tax II at \$95,000. The local law was seconded by Mr. Haynes and adopted by the following vote: Ayes 187, Noes 0, Absent 13 (Kelso).

Mr. Ellis recalled Local Law Intro. No. 24 to set the salary of Carrara Knoetgen, Personnel Officer at \$96,218. The local law was seconded by Mr. Vernold and adopted by the following vote: Ayes 187, Noes 0, Absent 13 (Kelso).

Mr. Ellis recalled Local Law Intro. No. 25 to set the salary of Stephen Hood, Director of Emergency Services at \$77,879. The local law was seconded by Mr. Gladstone and adopted by the following vote: Ayes 187, Noes 0, Absent 13 (Kelso).

Mr. Ellis recalled Local Law Intro. No. 26 to set the salary of Douglas Elston, Director of Community Mental Health Services at \$114,124. The local law was seconded by Mr. Merrill and adopted by the following vote: Ayes 187, Noes 0, Absent 13 (Kelso).

Mr. Ellis recalled Local Law Intro. No. 27 to set the salary of Keith Weaver, Commissioner of Social Services at \$111,510. The local law was seconded by Mr. Vernold and adopted by the following vote: Ayes 187, Noes 0, Absent 13 (Kelso).

Mr. Ellis recalled Local Law Intro. No. 28 to set the salary of Shelly Johnson-Bennett, Commissioner of Planning, Parks, and Watershed Affairs at \$125,327. The local law was seconded by Mr. Haynes and adopted by the following vote: Ayes 187, Noes 0, Absent 13 (Kelso).

Mr. Ellis recalled Local Law Intro. No. 29 to set the salary of Glenn Nealis, Director of Economic Development at \$102,038. The local law was seconded by Mrs. Driscoll and adopted by the following vote: Ayes 187, Noes 0, Absent 13 (Kelso).

Mr. Ellis recalled Local Law Intro. No. 30 to set the salary of James Thomas, Commissioner of Public Works at \$120,371. The local law was seconded by Mr. Vernold and adopted by the following vote: Ayes 187, Noes 0, Absent 13 (Kelso).

Mr. Ellis recalled Local Law Intro. No. 31 to set the salary of Amanda Walsh, Public Health Director at \$120,442. The local law was seconded by Mr. Merrill and adopted by the following vote: Ayes 187, Noes 0, Absent 13 (Kelso).

Mr. Ellis recalled Local Law Intro. No. 32 to set the salary of Craig DuMond, Sheriff, at \$115,000. The local law was seconded by Mr. Haynes and adopted by the following vote: Ayes 187, Noes 0, Absent 13 (Kelso).

Mr. Ellis recalled Local Law Intro. No. 33 to set the salary of Beverly Shields, County Treasurer at \$84,574. The local law was seconded by Mr. Vernold and adopted by the following vote: Ayes 113, Noes 74 (Gladstone, Merrill, Boukai, Smith, Marshfield, Faulkner, Kosier), Absent 13 (Kelso).

Mr. Marshfield told the board that he had looked at a survey of county salaries as they are reported to the New York State Association of Counties. He encouraged the Board to look at the survey to see where our County is compared to other counties in the state. Mr. Marshfield said from what he looked at there are two department that were higher than other counties, but most were closer in the middle depending on the location.

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. 182**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$3,758,788.23 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	\$1,965,787.80
OET	\$13,521.96
Public Safety Comm System	\$68,705.74
CAP DSS	\$1,429.67
Highway Audits, as Follows:	
Solid Waste/Landfill	\$138,300.87
Road	\$768,255.78
Machinery	\$42,479.81
Capital Solid Waste	\$8,634.14
Capital Road & Bridge	\$712,489.88
CAP DPW Complex	\$39,182.58

The resolution was seconded by Mr. Ellis and adopted by the following vote: Ayes 187, Noes 0, Absent 13 (Kelso).

Mr. Marshfield offered an apology to anyone who may have been offended by his prayer. He has done the prayer for 17 years and has patterned his prayer mainly after Walter Johnson of Sidney and Martin Donnelly of Andes. He has said 300 prayers for this county and gave it his all. The memories that he has from the prayers will stick with him forever and he hoped they will stay with the Supervisors. He said he believes the Chaplin is a good choice.

Mr. Gladstone thanked Mr. Marshfield for the many years of doing the prayer. Mr. Layton commended Mr. Marshfield for doing a good job with it.

Mr. Cetta gave a shout out to Sheriff Craig Dumond and the Deputy Sheriffs. There was a significant motor vehicle accident in Walton recently which resulted in a double fatality. He thanked the Sheriff's Office for their professional actions and for implementing traffic reconstruction at the scene. It was efficient and timely. Mr. Cetta stated that the reconstruction team is a great asset to the County.

Sheriff Dumond thanked Mr. Cetta, said they are here to serve the Board and the citizens of Delaware County. He thanked the Board for their support.

Upon a motion, the meeting was adjourned at 2:30 p.m.