

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS FEBRUARY 25, 2015

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, February 25, 2015 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 James E. Eisel, Sr. presiding.

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

Mr. Marshfield offered the invocation.

Ms. Miller 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 Eisel shared that he spoke with Mr. Axtell this week and he is doing very well. Mr. Axtell said he would not be at today's meeting but hopes to be back for the next meeting.

Chairman Eisel granted privilege of the floor to Mr. Rowe who introduced Commissioner of Public Works Wayne Reynolds to provide an update on the County Route 35 Tributary Relocation - Sidney Center project.

Commissioner Reynolds provided a powerpoint presentation. He explained that due to unstable stream conditions and insufficient hydraulic capacity of both public and private structures located on the tributary, it flooded on a regular basis. The Department of Public Works (DPW) had studied potential projects to mitigate the issues, but financial constraints limited what the department was able to do.

An opportunity to properly mitigate the flooding issues came about when the state agreed to help the county retain the Amphenol plant in Sidney. The site that Amphenol selected for their relocation contained both wetlands and a stream. In order to mitigate the impact that the site development had on those two natural features, mitigation projects needed to be identified and developed. The County Planning Department was aware of the need to mitigate the Amphenol site impact and that money was needed to improve the flooding conditions in Sidney Center.

The Sidney Center project was one of many mitigation projects proposed to the Corps of Engineers (COE). The COE selected the Sidney Center project as the most beneficial as the successful completion of this mitigation project was necessary to prevent Amphenol, a major employer in the area, from moving out of the Village of Sidney after a serious flooding event.

The Amphenol relocation funding allowed county departments along with the Soil and Water Conservation District to develop a stable stream that would minimize the potential for flooding of public and private infrastructure in the Hamlet of Sidney Center. It is suspected that the stream alignment prior to the relocation was not in its natural path although in this case there

are no historical maps to verify that. The mitigation project required the demolition of the DPW patrol garage and affected town property that is used as a playground. However, working in conjunction with county departments, public officials and residents of the area the project was successfully advanced to completion.

In answer to Mr. Taggart Commissioner Reynolds said that the actual channel section was designed for the 1 percent storm, explained, as there is a 1 percent chance of a storm happening every year.

Commissioner Reynolds stated in answer to Mr. Pigford, that the May 20, 2011 storm caused the worst flooding to County Route 35.

In reply to Mr. Hynes, Commissioner Reynolds stated the cost of the project was about \$1.1 million of outside money.

Chairman Eisel noted that there has been instances throughout the county where streams have been relocated to accommodate the need of the property owner. Commissioner Reynolds noted that it is sometimes possible to research back to where the original stream was located. Putting the stream back to its original location has been an effective mitigation method.

Director of Economic Development Glenn Nealis shared that this project was part of the mitigation efforts that the IDA was required to be part of in order to provide a shovel ready site for Amphenol. At that time, the relocation retained over 1,000 jobs. Since then, Amphenol has hired additional employees.

Commissioner Reynolds noted in answer to Mr. Taggart that the County Route 35 tributary relocation was completed with funding from the state and Amphenol.

Chairman Eisel thanked Commissioner Reynolds for a very informative presentation.

For standing committee reports Mr. Spaccaforno addressed the matter of unfunded mandates. He shared specific examples relating to the Office of the County Clerk, the Sheriff's Office, the Board of Elections and the Probation Department. The total cost of the unfunded mandates to counties across New York State is over \$5 million with no end in sight as the state continues to force counties and towns to pay for outrageous mandates they have little to no control over.

Mr. Spaccaforno pointed out that the Probation Department recently lost three employees who left for higher salaries and better benefits. He expressed concern that Supervisors would vote against minimal salary increase for our county department heads.

Mr. Marshfield stated in reply to Mr. Spaccaforno that he stands by his vote. He recognizes and agrees that mandates are a major problem.

Mr. Taggart noted that he suspects these employees may have left the employment of the county regardless of the salary. He understands the salary increase was minimal and that unfunded mandates are a problem. He based his vote on the taxpayers' plight. He pointed out that the salary and benefit packages were negotiated with Union representatives. The Union negotiated and the members voted to approve the contract.

Mr. Spaccaforno stated that his point is that unfunded mandates are the problem not the minimal salary increase. He felt the Board's opposition should be directed to the state and not the department heads. Resolutions calling for the Governor and State Legislature to fund unfunded mandates will be called up later in the meeting.

Mr. Dolph referencing comments regarding contract negotiations stated that those involved with the negotiations were cognitive of the impact salary and benefit increases would have on the taxpayers. Additionally, the county may not always be able to offer the most competitive salaries, there will always be better opportunities, and leaving the county's employ is a personal choice.

Mr. Spaccaforno shared that the Delaware County Mobile Phone application is currently rated number five in New York State and number nine nationwide with ten thousand subscribers. Additionally, the Delaware County Sheriff's Office received a score of 100 percent compliance on their five-year accreditation audit from the New York State Division of Criminal Justice.

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

RESOLUTION NO. 32

**TITLE: 2015 BUDGET AMENDMENT
EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG)
DEPARTMENT OF EMERGENCY SERVICES**

WHEREAS, Delaware County has been awarded grant funding under the fiscal year 2012 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 the 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 \$22,527 to Delaware County.

NOW, THEREFORE, BE IT RESOLVED that the Emergency Services office be authorized to accept this grant funding as described above and that the 2015 Budget be amended as follows:

INCREASE REVENUES:

10-13640-43330500/3640052/911	State Civil Defense	\$22,527.00
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INCREASE APPROPRIATIONS:

10-13640-52200001/3640052/911	Equipment Grant	\$22,527.00
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The resolution was seconded Mr. Donnelly and adopted by the following vote: Ayes 4503, Noes 0, Absent 296 (Axtell, Layton).

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

RESOLUTION NO. 33

**TITLE: 2015 BUDGET AMENDMENT
EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG)
DEPARTMENT OF EMERGENCY SERVICES**

WHEREAS, Delaware County has been awarded grant funding under the fiscal year 2013 Emergency Management Performance Grant (EMPG) State Homeland Security Program from the NYS Division of Homeland Security and Emergency Services

WHEREAS, the purpose of the EMPG Program is to make grants to States to assist the 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 \$22,195 to Delaware County.

NOW, THEREFORE, BE IT RESOLVED that the Emergency Services office be authorized to accept this grant funding as described above and that the 2015 Budget be amended as follows:

INCREASE REVENUES:

10-13640-43330500/3640052/911	State Civil Defense	\$22,195.00
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INCREASE APPROPRIATION

10-13640-52200001/3640052/911	Equipment Grant	\$22,195.00
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The resolution was seconded by Mr. Tuthill and adopted by the following vote: Ayes 4503, Noes 0, Absent 296 (Axtell, Layton).

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

RESOLUTION NO. 34

**TITLE: 2015 BUDGET AMENDMENT
TRANSPORTATION INITIATIVE PROGRAM
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Delaware County Department of Social Services is the designated local agency to administer the Transportation Initiative Program; and

WHEREAS, the expenditures will be used to meet the transportation needs of individuals eligible under the Temporary Assistance for Needy Families (TANF) program who are employed or participating in other allowable work activities; and

WHEREAS, the expenditures will be 100% reimbursed.

NOW, THEREFORE, BE IT RESOLVED that the 2015 Budget be amended as follows:

INCREASE REVENUE:

10-16010-44461000	Federal Social Services Administration	\$20,625.00
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INCREASE APPROPRIATION:

10-16010-54427013	Transportation Initiative	\$20,625.00
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The resolution was seconded by Mr. Hynes and adopted by the following vote: Ayes 4503, Noes 0, Absent 296 (Axtell, Layton).

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

RESOLUTION NO. 35

TITLE: BUDGET MODIFICATION OF UNEMPLOYMENT BENEFITS

WHEREAS, the 2015 Budget has appropriations for unemployment distributed among different departments for reimbursement purposes; and

WHEREAS, the General Fund has an account for undistributed unemployment benefits that is used to pay for any unemployment claims during the year and this modification has been part of the past practice of the county; and

WHEREAS, the remaining balance in the appropriation will be rolled into the Employee Benefit Reserve at the end of the year

NOW, THEREFORE, BE IT RESOLVED that the following budget modification be made:

FROM:

10-11040-58500000	Clerk Board	\$837.00
10-11165-58500000	District Attorney	2,253.00
10-11325-58500000	Treasurer	1,409.00
10-11327-58500000	Fiscal Affairs	1,199.00
10-11340-58500000	Budget Office	85.00
10-11355-58500000	Real Property Tax	1,442.00
10-11364-58500000	Tax Acquired Prop	224.00
10-11410-58500000	County Clerk	2,063.00
10-11412-58500000	Records Management	189.00
10-11420-58500000	County Attorney	3,020.00
10-11430-58500000	Personnel	1,440.00

10-11450-58500000	Elections	1,134.00
10-11620-58500000	Buildings	4,072.00
10-11680-58500000	Information Technology	3,979.00
10-13020-58500000	Public Safety - 911	1,392.00
10-13110-58500000	Sheriff -Law Enforcement	6,154.00
10-13140-58500000	Probation	3,345.00
10-13150-58500000	Sheriff Jail	14,637.00
10-13315-58500000	Stop DWI	109.00
10-13620-58500000	Safety Inspections	305.00
10-13640-58500000	Emergency Services	851.00
10-14012-58500000	Public Health	3,673.00
10-14059-58500000	Early Intervention	1,457.00
10-14060-58500000	Edu Physically Handicapped	735.00
10-14310-58500000	Mental Health Clinic	6,814.00
10-14311-58500000	Community Support	378.00
10-14312-58500000	MH Crisis Serv Prog	332.00
10-14315-58500000	Enh Childrens Serv	332.00
10-14317-58500000	Alcoholism Clinic	2,831.00
10-14321-58500000	Exp Mental Health	655.00
10-16010-58500000	Social Services	24,196.00
10-16326-58500000	Economic Development	1,182.00
10-16510-58500000	Veterans' Service Agency	488.00
10-16610-58500000	Sealer of Weights and Measures	254.00
10-16772-58500000	Office for the Aging	2,363.00
10-17310-58500000	Youth	2,698.00
10-18020-58500000	Planning	3,024.00
10-18740-58500000	Watershed Affairs	1,216.00
22-18160-58500000	Landfill Solid Waste	7,477.00
24-19050-58500000	Public Works	27,346.00
62-11710-58500000	Workers Compensation	405.00
	Total:	\$137,995.00
<u>TO:</u>		
10-19050-58500000	Unemployment Insurance	\$137,995.00

The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4503, Noes 0, Absent 296 (Axtell, Layton).

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

RESOLUTION NO. 36

**TITLE: AUTHORIZATION FOR AWARDS -
DELAWARE COUNTY DEPARTMENT OF PUBLIC WORKS**

LETTING OF JANUARY 22, 2015

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. 1-15 Rental of Construction Equipment to: A. Montano Co., Inc., 571 Route 212, Saugerties, NY 12477; Abele Tractor & Equipment Co., Inc., 72 Everett Road, Albany, NY 12205; Admar Supply Co., Inc., 449 Commerce Road, Vestal, NY 13850; Anderson Equipment Co., 720 E. Franklin St., Endicott, NY 13760; Beck Equipment , Inc., 2090 Preble Rd., Preble, NY 13141; BOTHAR Construction, 170 East Service Road, Binghamton, NY 13901; Boyle Excavating, Inc., 233 Boyle Road, Harpersfield, N.Y. 13786; Clark Companies, Inc., P.O. Box 427, Delhi, N.Y. 13753; Cobleskill Stone Products, Inc., P.O. Box 220 Cobleskill, N.Y. 12043; Delaware Bulldozing Corp., 5700 Co. Hwy. 18, Bloomville, NY 13739; Delhi Rock Drilling, Inc., 20306 State Highway 28, Delhi, N.Y. 13753; Donegal Construction Corporation, 1235 Marguerite Lake Rd., Greensburg, PA 15601; Robert H. Finke & Sons Inc., PO Box 127 Selkirk, NY 12158; LaFever Excavating Inc., 3135 County Highway 6, Bovina Center, NY 13740; Oneonta Equipment Rental and Sales, 532 Co. Hwy. 58, Oneonta, NY 13820; Pawlikowski's Excavating, 1215 Hamden Hill Rd., Delhi, NY 13753; Reclamation Inc. of Kingston, P.O. Box 292, West Hurley, N.Y. 12491; Schulz's Trucking, 1838 Swantak Road, Bloomville, NY 13739; Suit-Kote Corp., 1911 Lorings Crossing Rd., Cortland, N.Y. 13045; Sullivan County Paving & Construction, Inc., 420 Bernas Road, Cocheton, NY 12726; Tri-Town Development Corp., PO Box 237, Sidney, NY 13838; Vantage Equipment, LLC, 5985 Court Street Road, Syracuse, NY 13206; Vestal Asphalt, Inc., 201 Stage Road, Vestal, NY 13850.

Bid Price: See Summary Sheet

PROPOSAL NO. 4-15 Cutting and Trimming Trees to: ASPLUNDH Tree Expert Co., 5154 NY Rt. 26, Whitney Point, NY 13862.

Bid Price: See Summary Sheet

Towns may participate in these bids.

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. Haynes and Mr. Spaccaforo and unanimously adopted.

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

RESOLUTION NO. 37

**TITLE: AUTHORIZATION FOR AWARDS -
DELAWARE COUNTY DEPARTMENT OF PUBLIC WORKS**

LETTING OF JANUARY 22, 2015

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. 5-15 Liquid Bituminous Concrete & Related Equipment Bid to:
Gorman Asphalt DBA American Asphalt, 200 Church
Street, Albany, NY 12202; Central Asphalt Division of
Suit-Kote Corp., 1911 Lorings Crossing Rd., Cortland,
N.Y. 13045; Peckham Materials Corp., 2 Union Street
Ext., Athens, N.Y. 12015; Vestal Asphalt Inc., 201 Stage
Road, Vestal, N.Y. 13850.

Bid Price: See Summary Sheet

Towns may participate in these bids.

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. Haynes and Mr. Spaccaferno and unanimously adopted.

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

RESOLUTION NO. 38

**TITLE: AUTHORIZATION FOR AWARDS -
DELAWARE COUNTY DEPARTMENT OF PUBLIC WORKS**

LETTING OF FEBRUARY 11, 2015

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. 6-15 Stone & Gravel Products to: Carver Sand & Gravel LLC, 494 Western Turnpike,
Altamont, NY 12009; Burton F. Clark, Inc., PO Box 427, Delhi, NY 13753;
Cobleskill Stone Products, Inc., PO Box 220, Cobleskill, NY 12043; Delaware
Bulldozing Corp., 5700 Co. Hwy 18, Bloomville, NY 13739; E&R Popes

Excavating, LLC, 1073 Co. Hwy 1, Mt. Upton, NY 13809; Hanson Aggregates NY LLC, PO Box 513, Jamesville, NY 13078; LaFaver Sand & Gravel, LLC., 3135 County Highway 6, Bovina Center, NY 13740; Masonville Stone Inc., 12999 State Route 8, Masonville, NY 13804; Platterkill Sand & Gravel Inc., 111 Back Road Spur, Gilboa, NY 12076; Schaefer Enterprises of Deposit, Inc., 315 Old Route 10, Deposit, NY 13865; Seward Sand & Gravel, Inc., 532 County Highway 58, Oneonta, NY 13820; Stevens Excavating, 15 Stevens Lane, Otego, NY 13825; Tri City Highway Products Inc., PO Box 338, Binghamton, NY 13862.

Bid Price: See Summary Sheet

PROPOSAL NO. 7-15 Gravel Processing to: Burton F. Clark, Inc., PO Box 427, Delhi, NY 13753; Seward Sand & Gravel, Inc., 532 County Highway 58, Oneonta, NY 13820

Bid Price: See Summary Sheet

Towns may participate in these bids.

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. Spaccaforo.

Chairman Eisel granted Mr. Rowe's request to abstain from voting on the resolution due to a financial interest in Romar Enterprises who leases to Burton F. Clark, Inc.

The resolution was unanimously adopted.

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

RESOLUTION NO. 39

**TITLE: AUTHORIZATION FOR AWARDS -
DELAWARE COUNTY DEPARTMENT OF PUBLIC WORKS**

LETTING OF FEBRUARY 5, 2015

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. 8-15 Transit Mixed Concrete to: Masters RMC, Inc., PO Box 25, Kingsley, PA 18826; Otsego Ready Mix, Inc., 2 Wells Avenue, Oneonta, NY 13820; Saunders Concrete Co., Inc., PO Box A, Nedrow, NY 13120.

Bid Price: See Summary Sheet

- PROPOSAL NO. 10-15 Steel Structural Shapes, Misc. to: Chemung Supply Corp., PO Box 527, Elmira, NY 14902; Steel Sales Inc., PO Box 539, Sherburne, NY 13460; Weitsman Recycling, LLC, 15 West Main St., Owego, NY 13827
- Bid Price: See Summary Sheet
- PROPOSAL NO. 11-15 Used Steel Pipe & New Steel Pipe End Sections to: Allegany Pipe & Tubular, 2954 County Road 22, Andover, NY 14806-9616; Chemung Supply Corp., PO Box 527, Elmira, NY 14902; Steel Sales Inc., PO Box 539, Sherburne, NY 13460.
- Bid Price: See Summary Sheet
- PROPOSAL NO. 12-15 Interlocking Steel Sheet Piling to: Chemung Supply Corp., PO Box 527, Elmira, NY 14902
- Bid Price: See Summary Sheet
- PROPOSAL NO. 13-15 Steel Reinforcing Bars to: Chemung Supply Corp., PO Box 527, Elmira, NY 14902.
- Bid Price: See Summary Sheet
- PROPOSAL NO. 14-15 Epoxy Coated Steel Reinforcing Bars to: Weitsman Recycling, LLC, 15 West Main St., Owego, NY 13827.
- Bid Price: See Summary Sheet
- PROPOSAL NO. 16-15 Gabions to: Chemung Supply Corp., PO Box 527, Elmira, NY 14902.
- Bid Price: See Summary Sheet
- PROPOSAL NO. 17-15 Pressure Treated Timbers to: Pickett Building Materials, 6459 State Highway 23, Oneonta, NY 13820
- Bid Price: See Summary Sheet
- PROPOSAL NO. 18-15 Plain Elastomeric Bridge Bearing Material to: Allied Building Products, 158 Syracuse St., Syracuse, NY 13204.
- Bid Price: See Summary Sheet
- PROPOSAL NO. 19-15 Bridge Deck Membrane to: Allied Building Products, 158 Syracuse St., Syracuse, NY 13204.
- Bid Price: See Summary Sheet

PROPOSAL NO. 20-15 Steel Sign Posts to: Chemung Supply Corp., PO Box 527, Elmira, NY 14902

Bid Price: See Summary Sheet

PROPOSAL NO. 21-15 Lubricating Oils to: Superior Lubricants, 32 Ward Rd., North Tonawanda, NY 14120

Bid Price: See Summary Sheet

Towns may participate in these bids. 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. Haynes and unanimously adopted.

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

RESOLUTION NO. 40

**TITLE: AUTHORIZATION FOR AWARDS -
DELAWARE COUNTY DEPARTMENT OF PUBLIC WORKS**

LETTING OF FEBRUARY 4, 2015

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. 24-15 Hot Mix Asphalt, Vendor Delivered, Municipally Placed:
Regions I & III to Tri-City Highway Products Inc., PO Box 338, Binghamton, NY 13902; **Regions II, IV & V** to Cobleskill Stone Products, Inc., P.O. Box 220 Cobleskill, N.Y. 12043

Bid Price: See Summary Sheet

Towns may participate in these bids.

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. Haynes and unanimously adopted.

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

RESOLUTION NO. 41

**TITLE: AUTHORIZATION FOR AWARDS -
DELAWARE COUNTY DEPARTMENT OF PUBLIC WORKS**

LETTING OF FEBRUARY 12, 2015

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. SW1-15 Purchase of Telehandler to: Admar Supply Inc., 449
Commerce Road, Vestal, NY 13850

Bid Price: \$67,200.00

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. Haynes.

Mr. Rowe explained that a Telehandler is a 4-wheel drive all-terrain telescopic bucket/forklift for use at the MRF building to access higher elevations. The item was budgeted.

In answer to Mr. Taggaart, Director of Solid Waste Management Susan McIntyre confirmed that the bid came in lower than was anticipated.

The resolution was unanimously adopted.

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

RESOLUTION NO. 42

**TITLE: CHANGE ORDER NO. 9
PROPOSAL NO. SW8-13, CONTRACT NO. 2
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution 189 of 2013 authorized award of Proposal No. SW8-13, "Material Recovery Facility Building and Site Work - Contract No. 2 General Construction" to LaChase Construction Services, LLC, 300 Trolley Blvd., Rochester, NY 14606 for the amount of \$3,534,000.00; and

WHEREAS, Resolution No. 76 of 2014 authorized Change Orders No. 1 and No. 2 resulting in net increase of \$25,987.00 increasing the contract amount from \$3,534,000.00 to \$3,559,987.00; and

WHEREAS, Resolution No. 19 of 2015 authorized Change Orders No. 3 through No. 8 resulting in a net decrease of \$240,100.73 decreasing the contract amount from \$3,559,987.00 to \$3,319,886.27; and

WHEREAS, Change Order No. 9 provides for liquidated damages due to delays in the construction and reimbursement for asphalt removal required due to improper grade preparation for a contract decrease of \$42,644.65.

NOW, THEREFORE, BE IT RESOLVED that the Department of Public Works is herewith authorized to execute Change Order No. 9 decreasing the contract amount by \$42,644.65 to a revised contract total of \$3,277,241.62 and extending the contract completion date to June 1, 2015.

The resolution was seconded by Mr. Haynes.

Mr. Rowe explained the change order is a result of liquidated damages due to delays while building the MRF building. The resolution states the amount negotiated for settlement.

The resolution was unanimously adopted.

Mr. Rowe offered the following resolution

RESOLUTION NO. 43

**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 auction, sealed bid or for scrap the following items:

<u>Dept/Vehicle #</u>	<u>Description</u>	<u>SN/VIN</u>
DPW N-1	Wacker Plate Tamp – Powered By 8HP Honda	N/A
DPW N-2	Wacker Plate Tamp – Powered By 8HP Honda	N/A
DPW	3 - 3 Ton Yale Hoists	N/A
DPW	1 - 1½ ton Tribloc Hoist	N/A
DPW	1 - 5 Ton Harrington Electric Hoist	N/A
DPW 547	2000 Dodge Durango	1B4HS28N8YF264503
SWMC	B AND B Transformer Voltage: 12,470 Delta to 277/480 Volts	0162081
SWMC	B AND B Transformer Voltage: 12,470 Delta to 277/480 Volts	12082
SWMC	B AND B Transformer Voltage: 12,470 Delta to 277/480 Volts	12083
SWMC	J&T Manufacturing, Oshkosh WI, Pow'rGard Generator 120/240v, 1 phase, 40kw, 10hp	774718
SWMC	19 - 2" x 8" steel swivel castor wheels, bolt-on	N/A

SWMC	9 - 36"(l) x 2"(d) steel roller with 1/2" hex shaft rods	N/A
SWMC	19 - 30.5"(l) x 2"(d) steel roller with 1/2" hex shaft rods	N/A
SWMC	22 - 36"(l) x 2"(d) steel roller with 3/4" shaftless Opening - no rods	N/A
SWMC	24 - 37.5"(l) x 5/8"(d) threaded hex rods only	N/A
SWMC	5 - 35"(l) x 2.5"(d) roller with 1/2" hex shaft rod	N/A
SWMC	63 - 24"(l) x 1.5"(d) roller with 1/2" shaftless Opening - no rods	N/A

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

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

RESOLUTION NO. 44

TITLE: LEGISLATIVE REQUEST FOR CONTINUATION OF SALES TAX LEVY

WHEREAS, the Delaware County Board of Supervisors requested the New York State Legislature to extend an increase in the sales tax levy in February of 2013; and

WHEREAS, the New York State Legislature amended the law to allow for the collection of a sales tax at a rate which is one percent additional to the statutory three percent rate authorized by law; and

WHEREAS, current authorization to collect the additional one percent sales tax expires on November 30, 2015; and

WHEREAS, the Board of Supervisors may formally request from the New State Legislature approval to continue with the additional tax every two years; and

WHEREAS, a continuation of the additional one percent sales tax levy was requested by the Board and approved by chapter 314 of the Laws of 2013; and

WHEREAS, the Board believes it appropriate to use the sales tax as a means to help stabilize the county property tax levy.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors formally request that the New York State Legislature amend Section 1210 of the Tax Law to allow Delaware County to continue the collection of the additional one percent sales tax consistent with state approvals in 2005, 2007, 2009, 2011 and 2013.

The resolution was seconded by Ms. Miller.

Chairman Eisel noted that at the March 11th meeting a resolution will be brought forward asking the legislature to do away with the 2-year process.

The resolution was unanimously adopted.

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

RESOLUTION NO. 45

**TITLE: REQUEST THAT FOR THE PROTECTION OF DELAWARE COUNTY'S
NATURAL RESOURCES THE NYS DEPARTMENT OF ENVIRONMENTAL
CONSERVATION FULLY REVIEW THE PROPOSED CONSTITUTION PIPELINE
BEFORE ISSUING PERMITS
DEPARTMENTS OF ECONOMIC DEVELOPMENT/WATERSHED AFFAIRS**

WHEREAS, the Federal Energy Regulatory Commission has approved the construction of the 124-mile Constitution Pipeline for natural gas transmission; and

WHEREAS, this 30-inch pipeline is proposed to be constructed in a right-of-way approximately 100 feet wide and 44 miles in length crossing over open fields, forests, wetlands as well as crossing streams in the Towns of Davenport, Franklin, Harpersfield, Masonville, and Sidney in Delaware County; and

WHEREAS, the New York State Department of Environmental Conservation has the review and permitting authority for several air and water quality permits required for its construction; and

WHEREAS, NYSDEC relies on an open and transparent process for the public to comment both verbally and in writing to ensure issues relating to its construction are addressed as conditions of the permits; and

WHEREAS, it appears the Constitution Pipeline project is moving forward with what appears as lax oversight with regard to municipal, natural resources and landowner protections than projects of much smaller scale, for example:

- Landowners are being served with notices of eminent domain before the appropriate environmental permits have been issued.
- Stream crossings lack the design standards necessary to withstand a 50-year storm event to minimize the risk of scouring.
- There are no engineering designs for each individual stream crossing and wetlands that will ensure minimum impact.

WHEREAS, the Delaware County Board of Supervisors recognizes the importance of our natural resources and have a long history of protecting these resources dating back to 1946 when they enacted legislation to form the Delaware County Soil and Water Conservation District that implements practices to protect our water and soil resources.

NOW, THEREFORE, BE IT RESOLVED the Delaware County Board of Supervisors respectfully requests that, like any local project, engineering designs must be completed and be reviewed for each individual stream crossing by the appropriate regulatory agency. Furthermore, all stream crossings should be designed to withstand a 50-year storm event rather than the 10-year event as proposed in the Environmental Impact Statement approved by FERC.

BE IT FURTHER RESOLVED that this resolution be forwarded to NYSDEC Division of Permits, Stephen M. Tomasik, NYS DEC Commissioner Joe Martens, New York State Senator John Bonacic, New York State Senator James Seward, New York State Assemblyman Clifford Crouch and New York State Assemblyman Peter Lopez.

The resolution was seconded by Ms. Miller.

Mr. Tuthill shared that the proposed pipeline is very important to his constituents and expressed concern that the tone of the resolution seems to indicate that the Board of Supervisors is against the pipeline coming through the county.

In reply to Mr. Tuthill, Mr. Triolo stated that the intent of the resolution is to ensure that Constitution Pipeline follows the established protocol of the NYSDEC when their projects take them into wetlands and/or crossing streams in Delaware County.

Mr. Valente noted that the resolution advocates only for due process. The Board of Supervisors recognizes the importance of protecting the county's natural resources and the need to advocate for the county. The resolution is simply stating that the Constitution Pipeline be required to do their due diligence prior to coming into the municipalities. Recent attention to the activities of the Constitution Pipeline is due only to their moving into wealthier neighborhoods; Delaware County is not going get that attention. He shared that recent legislation from the Association of Towns is seeking to protect the interests of the counties/towns impacted by the incoming pipeline but not benefiting from it.

Mr. Taggart believed the pipeline would be coming through regardless of whether or not the Board of Supervisors was in opposition to it. However, their project is no different from any other local project and they should expect to follow the same set of protocols. He supports the resolution because it advocates for the protection of the constituents in the municipalities the pipeline is coming through.

Mr. Spaccaforno shared he recently received a set of cross-sections for roads from Constitution Pipeline.

In answer to Mr. Donnelly, Mr. Triolo noted that the resolution is asking that the Constitution Pipeline do what is necessary to protect the water supply. Eminent domain is also a concern.

Mr. Valente, referring to the bullet in the resolution on eminent domain stated that the Constitution Pipeline project is moving forward without regard for the municipality's natural resources. He opined that the proper environmental research should be included in the original process. The resolution represents the county's concerns during the Public Comment Period that expires February 27th.

In answer to Mr. Pigford, Mr. Valente noted that to its credit the NYSDEC has shown a willingness to defend their position on environmental impact exclusive of big financial interests.

Chairman Eisel noted that representatives of the Tennessee Pipeline will be addressing the Board at a future meeting. He noted that he was waiting for the presentation prior to sending

a letter on behalf of the county to FERC. Among the concern is that the pipelines are coming through our county and we are not being compensated appropriately.

In answer to Mr. Pigford, Chairman Eisel stated that upon the passing of the resolution it would be sent to the Governor and State Legislature putting the county on record.

The resolution was adopted by the following vote: Ayes 3991, Noes 512 (Tuthill), Absent 296 (Axtell, Layton).

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

RESOLUTION NO. 46

TITLE: RESOLUTION CALLING TO INCREASE THE SHARE OF REVENUE COUNTIES RETAIN FOR PROVIDING STATE DMV SERVICES COUNTY CLERK

WHEREAS, 51 of the 62 New York Counties are mandated by the State to operate a local Department of Motor Vehicles (DMV) Office; and

WHEREAS, this local DMV operation is one of many examples of shared services that counties provide for the state; and

WHEREAS, under current law the State of New York takes 87.3% of all fees collected from the work performed by the county operated DMV's; and

WHEREAS, the remaining 12.7% county share has not been increased since 1999, yet the amount of work required by the local DMV offices has increased in that same time period; and

WHEREAS, the Governor and the State Legislature have repeatedly stated that lowering the property tax burden on local residents is a key priority; and

WHEREAS, increasing the county DMV revenue sharing rate with the state will not result in any increased costs or fees to local residents or taxpayers and will provide counties with needed revenue to continue to provide the necessary local government services; and

WHEREAS, there is a clear inequity present, when a county DMV provides all the services, including the overhead and staffing required to fulfill the DMV services for state residents, yet the state takes 87.3% of the revenue generated from providing said service.

NOW, THEREFORE, BE IT RESOLVED the Delaware County Board of Supervisors calls on Governor Andrew M. Cuomo and members of the State Legislature to require a substantial increase of the county DMV revenue share with the state; and

BE IT FURTHER RESOLVED that the Delaware County Board of Supervisors shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Senate Majority and Minority Leaders and the New York State Assembly Majority and Minority Leaders, and the New York State Association of Counties (NYSAC)

BE IT FURTHER RESOLVED that copies of this resolution be sent by the New York State Association of Counties (NYSAC), to the sixty-two of New York State County Chairs, encouraging member counties to enact similar resolutions.

The resolution was seconded by Ms. Molé.

Mr. Valente shared that there is a movement in New York State under the current administration to see Motor Vehicles as a licensing agency, i.e. pesticide licenses, professional, etc. This has the potential to increase the volume of work at the County Clerk's Office.

Mrs. O'Dell noted that online renewals have a threshold of about \$354,000 prior to the county becoming eligible to receive revenue back from the state. Currently, the county is receiving 2 percent, which is a decrease from previous years. The past few years the county has passed the threshold because of the number of registrations done online in November and December.

In answer to Mr. Taggart, Mrs. O'Dell advised that the county does not receive any revenue from renewals mailed to Albany.

Mr. Marshfield noted that the renewals received by mail promote using the online system and the return envelopes have the state address on them.

The resolution was unanimously adopted.

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

RESOLUTION NO. 47

TITLE: RESOLUTION URGING NEW YORK STATE TO FUND PROBATION DEPARTMENTS 100% FOR COSTS RELATED TO RAISING THE AGE OF CRIMINAL RESPONSIBILITY TO 18 YEARS OF AGE PROBATION DEPARTMENT

WHEREAS, Governor Cuomo signed Executive Order 131 on April 9, 2014 to establish the Commission on Youth, Public Safety and Justice instructing the Commission to develop a concrete plan to raise the age of criminal responsibility in New York State and make specific recommendations on how the juvenile and criminal justice systems can better serve youth, improve outcomes and protect communities; and

WHEREAS, the Commission completed its report on December 31, 2014 recommending raising the age of criminal responsibility from age 16 to age 18 over a two year period to be completed in a phased in approach; and

WHEREAS, the Council of Probation Administrators supports the Commission's report and believes that youth will be better served by raising the age of criminal responsibility to age 18 and that the diversion services provided by Probation will provide positive benefit; and

WHEREAS, the Division of Criminal Justice Statistics reveal the number of arrests among 16 and 17 year olds statewide in calendar year 2013 was 33,347 and that under the

proposed change these youth will now be shifted from the criminal courts to local Probation Departments for Intake and Diversion services; and

WHEREAS, the Governor’s proposal recommends that the violation level offenses of Harassment 2nd and Disorderly Conduct shall also be diverted to Probation Departments for Intake and Diversion services, thus adding a previously unseen population to the workload of Probation staff; and

WHEREAS, the Governor’s proposal recommends Probation Departments hire Family Engagement Specialists and provide a continuum of diversion services that range from minimal intervention for low risk youth and evidence based service for high risk youth; and

WHEREAS, Probation Departments will not be able to absorb the influx of youth requiring Intake and Diversion services at current staffing levels and will require additional staff to perform these duties; and

WHEREAS, counties cannot absorb the financial cost associated with raising the age without 100% funding of the additional staff and services required by the Governor’s proposal; and

WHEREAS, the Governor’s proposed language of funding for Probation citing “The Commissioner (DCJS) shall, subject to an appropriation made available for such purpose, establish and provide funding to Probation Departments”; and

NOW, THEREFORE, BE IT RESOLVED the Delaware County Board of Supervisors calls on the State Legislature to support this Board’s recommendations to use state resources to cover 100% of all new costs associated with changing the age of criminal responsibility to avoid additional financial burden on counties; and

BE IT FURTHER RESOLVED that language in the Governor’s proposal be changed to reflect the state’s commitment to fund 100% of all costs that will be incurred by county Probation Departments associated with raising the age of criminal responsibility; and

BE IT FURTHER RESOLVED that language be included to set aside designated funds from which counties can draw, eliminating the need for counties to exceed their 2% tax cap; and

BE IT FURTHER RESOLVED that copies of this resolution be delivered to the Governor, the Senate Majority and Minority Leaders and the Assembly Majority and Minority Leaders, NYSAC, and County Chairs.

The resolution was seconded by Mr. Marshfield.

Director of Probation Scott Gleuckert explained the Executive Order would significantly increase the number of youth sent to the Probation Department for Intake and Diversion services. The department has two employees handling about 15 juvenile cases each. The anticipated increase due to the change in age could bring that number up to 40 cases each. To accommodate that case load the department would need to hire at least two additional Probation Officers. The Governor’s proposed language cites no commitment to a level of funding.

Mr. Marshfield shared that the Social Services Committee was aware of this and has been

discussing how to move forward. The Department of Social Services (DSS) recognizes that they will have to work closer with other county departments and agency partners to develop programs to reduce the impact on any one county department or agency. He referenced the Youth Court Program that at one time was successful and suggested a variation of that program might be an option.

He opined that he believes raising the age of criminal responsibility is the correct way to go but as it is an added expense the state must reimburse for it.

Mr. Glueckert noted that the DSS was written into the Executive Order and their program costs would be 100 percent reimbursable. The Probation Department was not given that protection.

Commissioner of Social Services Dana Scuderi-Hunter suggested that the county departments collaborate in their efforts to develop programs that could be 100 percent reimbursable by the state.

In answer to Chairman Eisel, Mr. Glueckert explained that over the course of time the Youth Court Program became unmanageable.

The resolution was unanimously adopted.

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

RESOLUTION NO. 48

TITLE: RECOGNIZING NEW YORK STATE ASSOCIATION OF COUNTIES 90 YEARS OF DEDICATED SERVICE TO NEW YORK COUNTIES

WHEREAS, the New York State Association of Counties (NYSAC) was organized in 1925 dedicated to the improvement of all county governments in the Empire State; and

WHEREAS, NYSAC is the only statewide association representing the elected and appointed interests of New York State's 62 counties, including the 5 boroughs of New York City; and

WHEREAS, NYSAC's major objectives are to strengthen New York's system of local government, and to make county government an efficient, economic, and dynamic part of that system; and

WHEREAS, in order to achieve this aim, NYSAC represents New York counties before federal, state, and local officials on matters germane to county government and informs its membership and the public at large on issues of importance to county government; and

WHEREAS, NYSAC further strives to educate, train, and provide research on public policies affecting counties; and

WHEREAS, NYSAC has consistently represented the best interests of all of its members, rural, urban, or suburban and their respective priorities; and

WHEREAS, 2015 will mark NYSAC's ninetieth year as the counties' official voice in Albany; and

WHEREAS, it is the intention of this legislative body to recognize NYSAC's 90 years of continuous and dedicated service on behalf of the counties of the Empire State, and to applaud the organization's expertise, spirit of cooperation and commitment to good government.

NOW, THEREFORE, BE IT RESOLVED that the Chair of the Board of Supervisors hereby recognizes the ninetieth anniversary of the New York State Association of Counties and on behalf of the Delaware County Board of Supervisors extend our admiration, respect, and profound gratitude for the extraordinary achievements and important service to Delaware County Supervisors and its residents.

The resolution was seconded by Ms. Molé and unanimously adopted.

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

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

RESOLUTION NO. 49

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,341,429.64 were hereby presented to the Finance Committee for approval for payment on February 20, 2015 prior to presentation to the Board of Supervisors;

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	\$699,498.78
OET	\$51,295.98
Public Safety Comm System	\$0.00
Highway Audits, as Follows:	
Weights & Measures	\$0.00
Road	\$335.90
Machinery	\$43,452.43
Capital Road & Bridge	\$0.00
Capital Solid Waste	\$537,594.48
Solid Waste/Landfill	\$9,252.07

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,809,256.74 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	\$ 1,290,050.54
OET	\$3,624.18
Public Safety Comm System	\$0.00
Highway Audits, as Follows:	
Weights and Measures	\$663.82
Road	\$258,832.15
Machinery	\$73,645.97
Capital Road & Bridge	\$40,635.11
Capital Solid Waste	\$24,633.75
Solid Waste/Landfill	\$117,171.22

The resolution was seconded by Mr. Donnelly and adopted by the following vote: Ayes 4503, Noes 0, Absent 296 (Axtell, Layton).

Upon a motion, the meeting adjourned at 2:35 p.m.