

## REGULAR MEETING

### DELAWARE COUNTY BOARD OF SUPERVISORS SEPTEMBER 23, 2015

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, September 23, 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. Spaccaforo.

Mr. Marshfield offered the invocation.

Mr. Axtell 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 granted privilege of the floor to Mr. Hynes who introduced Cornell Cooperative Extension (CCE) Executive Director Jeanne Darling and Agriculture Team Coordinator Mariane Kiraly.

Mrs. Darling noted that the week of October 4-10 is Cornell Cooperative Extension Week and National 4-H Week. A resolution recognizing the celebration will be presented later in the meeting. The CCE Annual Meeting will be held this Sunday, September 27 at 4-H Camp Shankitunk and on Wednesday, October 14 at 6:30 p.m., a community presentation entitled: *Healthy Communities by Design* will be held at SUNY Delhi Farrell Hall.

Today's refreshments feature foods from farms participating in *Delaware Bounty*, a retail food store now open at the E-Center in Delhi. The store is open Tuesday through Saturday and offers weekly on-line ordering of local meats, eggs, cheese, honey and seasonal produce.

Mrs. Kiraly shared a slide presentation featuring each town in Delaware County and detailing the programs of CCE focusing on activities of agricultural competitiveness and profitability, children and youth, economic sustainability, environmental protection and enhancement, individual, family and community well-being and nutrition, and health and safety.

Mrs. Darling called attention to a handout provided to the Supervisors entitled: *Delaware County Agriculture* and pointed out that there are about 110 dairy farms with an average herd size of 75 cows per farm that shipped milk in 2014. The dairy industry generated \$35 million of the \$48 million the County generated in agricultural income. Additionally, the County is now number three in beef production in the State of New York.

Mrs. Darling thanked the Board of Supervisors, the CCE partners and volunteers who help make these programs possible. She invited everyone in attendance to enjoy refreshments consisting of locally grown and prepared foods.

Chairman Eisel thanked Mrs. Darling and Mrs. Kiraly for their presentation and noted that he looked forward to enjoying the refreshments.

Ms. Molé offered the following resolution and moved its adoption:

**RESOLUTION NO. 149**

**TITLE: 2015 BUDGET AMENDMENT  
ACCEPTANCE OF FUNDING FROM DELAWARE COUNTY SENIOR COUNCIL  
AND PURCHASE OF NEW BUS  
OFFICE FOR THE AGING**

**WHEREAS**, the Delaware County Office for the Aging is in need of purchasing a new bus for the agency's transportation system; and

**WHEREAS**, state contract pricing for a Ford 176" wb dual rear wheel, 24-passenger bus with wheelchair lift is \$58,907.34; and

**WHEREAS**, the Delaware County Senior Council will be gifting the agency with \$58,907.34 to cover full payment for the new bus for the agency's transportation system; and

**WHEREAS**, there will be no County funds involved in the purchase of this bus; and

**WHEREAS**, it is appropriate to approve the purchase of the new bus and revise the 2015 budget to accommodate this purchase.

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

**INCREASE REVENUES:**

10-16772-41197200/6772020/977	Donations	\$58,907.34
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**INCREASE APPROPRIATIONS**

10-16772-52200000/6772020/977	Equipment	\$58,907.34
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The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Spaccaforno).

Ms. Molé offered the following resolution and moved its adoption:

**RESOLUTION NO. 150**

**TITLE: 2015 BUDGET AMENDMENT  
ACCEPTANCE OF MEMORIAL GIFT & DONATIONS  
OFFICE FOR THE AGING**

**WHEREAS**, the Delaware County Office for the Aging provided meals to a client through the Senior Meals program who has since passed away and said client named the Delaware County Office for the Aging as a sole beneficiary in his/her will making his/her

bequest “after having had a long-standing experience with that Agency through the Senior Meals program and recognizing the good work that they do”; and

**WHEREAS**, the bequest states that the monies, in the amount of \$164,529.84, be used solely by Delaware County Office for the Aging to enhance programs and services for the elderly; and

**WHEREAS**, it is appropriate to establish an account to accommodate tracking and administration of this donation; and

**WHEREAS**, use of funds will be authorized by the Delaware County Office for the Aging’s Director and the Agency’s Advisory Board only; and

**WHEREAS**, acceptance and disbursement of this donation shall have no impact on the Delaware County adopted budget for the Office for the Aging activities.

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

**INCREASE REVENUES:**

10-16772-42270500/6772043/977	Gifts & Donations	\$164,529.84
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**INCREASE APPROPRIATIONS:**

10-16772-52200001/6772043/977	Grant Equipment	\$50,000.00
10-16772-54327465/6772043/977	Grant Miscellaneous	\$114,529.84

The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Spaccaforo).

Ms. Molé offered the following resolution and moved its adoption:

**RESOLUTION NO. 151**

**TITLE: 2015 BUDGET AMENDMENT  
ACCEPTANCE OF GRANT FUNDING FOR MOBILITY MANAGEMENT  
OF SOUTH CENTRAL NEW YORK  
OFFICE FOR THE AGING**

**WHEREAS**, the Delaware County Office for the Aging operates a non-emergency transportation system through which individuals are assisted with transportation to and from non-emergency medical appointments, obtaining legally authorized prescription medications and obtaining essential medical supplies; and

**WHEREAS**, the Delaware County Office for the Aging has received \$2,176.99 to enhance the agency’s established non-emergency medical transportation program for 2015.

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

**INCREASE REVENUES:**

10-16772-42270602/6772041/977 Grants from Non-Profit \$2,176.99

**INCREASE APPROPRIATIONS:**

10-16772-54327000/6772041/977 Grant Contractual Services \$2,176.99

The resolution was seconded by Ms. Miller and adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Spaccaforo).

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

**RESOLUTION NO. 152**

**TITLE: 2015 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, all Departments are continually asked to reduce spending; and

**WHEREAS**, this Department supports this effort and has started to use more abrasives in the winter to minimize our expenses; and

**WHEREAS**, in order to continue that effort the Department would like to stockpile more abrasives than originally budgeted.

**NOW, THEREFORE, BE IT RESOLVED** that the following transfer be made:

**FROM:**

24-15110-54000000 Contractual \$20,000.00

**TO:**

24-15142-54165000 Cinders and Sand \$20,000.00

The resolution was seconded by Mr. Haynes.

Commissioner of Public Works Wayne Reynolds stated in answer to Mr. Rowe that the Department is using more grit and cutting back on its use of salt to save money.

In reply to Mr. Taggart, Commissioner Reynolds explained that grit is manufactured sand that comes out of a stone quarry. It is cleaner than sand that comes out of a gravel bank and does not leave a residual on the road.

In response to Mr. Triolo, Commissioner Reynolds said that using salt is about two and half times more expensive than using grit.

The resolution was adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Spaccaforo).

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

**RESOLUTION NO. 153**

**TITLE: AUTHORIZATION FOR DISPOSITION OF PERSONAL PROPERTY  
NO LONGER NECESSARY FOR PUBLIC USE  
DEPARTMENT OF BUILDINGS AND GROUNDS**

**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 is authorized to sell by auction or sealed bid or destroy the following items:

<u>Department</u>	<u>Description</u>	<u>Vehicle Identification No.:</u>
Building and Grounds	2002 Chevy Malibu	1G1ND52J12M726211

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

Ms. Molé offered the following resolution and moved its adoption:

**RESOLUTION NO. 154**

**TITLE: AUTHORIZATION FOR DISPOSITION OF PERSONAL  
PROPERTY NO LONGER NECESSARY FOR PUBLIC USE  
OFFICE FOR THE AGING**

**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 is authorized to sell by trade-in or auction the following item:

<u>Department:</u>	<u>Description</u>	<u>Vehicle Identification No.</u>
Office for the Aging	2006 Ford Bus	1FDXE45P26DB23759

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

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

**RESOLUTION NO. 155**

**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>Employer Rec. of Time Worked (Y/N)</u>	<u>Days Per Month Based on Record of Activities</u>
<b><u>ELECTED OFFICIALS:</u></b> Supervisor-Kortright	George Haynes	6	01/01/14 - 12/31/15	N	1.69

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

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

**RESOLUTION NO. 156**

**TITLE: AUTHORIZING THE DELAWARE COUNTY TREASURER TO ADMINISTER THE UPPER DELAWARE RIVER TAILWATERS AND TRIBUTARY COMMUNITIES' TASK FORCE (TASK FORCE) FUNDS DEPARTMENT OF WATERSHED AFFAIRS**

**WHEREAS**, tailwater communities and non-governmental organizations came together to form the Upper Delaware River Tailwaters Coalition with a mission to explore mutually beneficial solutions to the many challenges facing the tailwaters region; and

**WHEREAS**, the involved municipalities, including, but not limited to, the Towns of Colchester, Deposit, Hancock, Tompkins and Walton; the Villages of Deposit and Hancock have formed a Task Force which is a municipal entity authorized by statute under NY General Municipal Law Article 5-G; and

**WHEREAS**, the municipalities in the tailwaters region represent nearly 30% of Delaware County's land base and have experienced major economic losses, both short and long term, due to flooding; and

**WHEREAS**, coordinated efforts for increased flood mitigation, economic development planning and retaining or enhancing the unique wild trout fishery, along with other recreational opportunities and their impact on local communities in the tailwaters regions represents an intelligent approach to sustaining a substantial portion of Delaware County's economic engine; and

**WHEREAS**, the Coalition has no staff to manage or administer their funding, they passed a motion to ask Delaware County to set up accounts to do so at their August 20, 2015 meeting, and, the County Treasurer having agreed, this will greatly assist them in achieving their goals and objectives.

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Board of Supervisors authorize the Delaware County Treasurer to establish the necessary accounts to administer Task Force funds.

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

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

**RESOLUTION NO. 157**

**TITLE: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF DELAWARE INCREASING TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, ON OCCUPANCY OF HOTEL ROOMS AND ON AMUSEMENT CHARGES PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK**

Be it enacted by the Board of Supervisors of the County of Delaware, as follows:

SECTION 1. Section 4-A of Resolution No. 144, enacted by the Board of Supervisors of the County of Delaware on June 13, 1990, imposing sales and compensating use taxes, as amended, is amended to read as follows:

SECTION 4-A. Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional one percent rate of such sales and compensating use taxes, for the period beginning December 1, 2003, and ending November 30, 2017. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 2. Paragraph (C) of subdivision (1) of section 11 of Resolution No. 144, enacted by the Board of Supervisors of the County of Delaware on June 13, 1990, imposing sales and use taxes, as amended, is amended to read as follows:

(C) With respect to the additional tax of one percent imposed for the period beginning December 1, 2003, and ending November 30, 2017, in respect to the use of property used by the purchaser in this county prior to December 1, 2003.

SECTION 3. This enactment shall take effect December 1, 2015.

The resolution was seconded by Mr. Triolo.

Chairman Eisel explained the language in this resolution comes directly from New York State. The resolution allows the county to continue to collect the extra 1 percent sales tax.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 158**

**TITLE: DESIGNATION OF DELAWARE COUNTY CHAMBER OF COMMERCE  
AS TOURIST PROMOTION AGENCY FOR DELAWARE COUNTY  
DEPARTMENT OF ECONOMIC DEVELOPMENT**

**BE IT RESOLVED** that the Delaware County Chamber of Commerce be designated as the Tourism Promotion Agency for Delaware County, for the purpose of making applications for and receiving grants under Section 100[6] of the Economic Development Law, with the Chamber of Commerce to provide the required local matching funds for the “I Love New York” tourism promotion 2016 program.

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

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

**RESOLUTION NO. 159**

**TITLE: 2015 CORNELL COOPERATIVE EXTENSION WEEK  
& NATIONAL 4-H WEEK**

**WHEREAS**, Cornell Cooperative Extension of Delaware County is dedicated to growing healthy families, confident youth, successful farms and stronger communities; and

**WHEREAS**, Cornell Cooperative Extension represents a statewide system of partnerships working with federal, state and county governments; and

**WHEREAS**, the heart of Cooperative Extension is found in the strength of its 3,000 volunteers who give their time, expertise and enthusiasm as members of boards, as 4-H club leaders, and in Extension’s educational outreach; and

**WHEREAS**, Cornell Cooperative Extension has served Delaware County for 102 years since 1913; and

**WHEREAS**, Cornell Cooperative Extension is proud of the 88 years of youth camping programs at 4-H Camp Shankitunk and the 8<sup>th</sup> year of 4C Camp for seniors; and

**WHEREAS**, Cornell Cooperative Extension of Delaware County continues to offer programs that link university-based research with the talents, enthusiasm and goals of our community; and

**WHEREAS**, Cornell Cooperative Extension of Delaware County has reached families, farmers, youth, consumers, gardeners, and agencies with excellent programs on agriculture and food systems sustainability, positive youth development, community and economic development, environment and natural resources education, nutrition, health, and safety; and

**WHEREAS**, Cornell Cooperative Extension of Delaware County will continue to work closely with its many local partners to offer educational programs that promote healthful eating, access to local foods, quality health care, safe housing, active living, confident youth, profitable agriculture, productive businesses, healthy families and communities.



**NOW, THEREFORE, BE RESOLVED** that the Delaware County Board of Supervisors hereby designates the week of October 4-10, 2015 as Cornell Cooperative Extension Week and National 4-H Week in Delaware County.

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

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

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

**RESOLUTION NO. 160**

**TITLE: CHANGE ORDER NO. 1 OF PROPOSAL NO. 32-15  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, Resolution 122 of 2015 authorized the award of Proposal No. 32-15, "Controlled House Demolition/Asbestos Abatement" to Abscope Environmental, Inc., Po Box 487, Canastota, NY 13032 for the bid amount of \$38,550; and

**WHEREAS**, the project is completed and the final quantities have been measured and computed; and

**WHEREAS**, the linear feet of transit sanitary sewer lateral was less than estimated.

**NOW, THEREFORE, BE IT RESOLVED** that the Department of Public Works is herewith authorized to execute Change Order No. 1 (Final) in the amount of (\$2,625) lowering the total project cost to \$35,925.

The resolution was seconded by Ms. Miller and adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Spaccaforo).

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

**RESOLUTION NO. 161**

**TITLE: SALE OF TAX ACQUIRED PROPERTY**

**Resolved** that the following described parcels of tax acquired property be sold to the party indicated for the price herein stated and the County Treasurer is authorized to execute and deliver deed, therefor, and to cancel all Delaware County tax liens thereon.

**ASSESSED TO:**

TOWN OF:

TAX MAP NO:

SCHOOL DISTRICT:

ACREAGE:

CONVEYED TO:

KOR12TX.034

**MARIO F P RUTELLA**

124000:KORTRIGHT

37.-2-18

125202:SOUTH KORTRIGHT

20.24A ACRES

MARIO F P RUTELLA

CASH CONSIDERATION:  
TAX DEFICIT:

21 KALINA DR  
SAUGERTIES NY 12477  
\$4,846.92  
\$3,770.88  
KOR12TX.033

**ASSESSED TO:**

TOWN OF:  
TAX MAP NO:  
SCHOOL DISTRICT:  
ACREAGE:  
CONVEYED TO:

**MARIO F P RUTELLA**  
124000:KORTRIGHT  
37.-2-12  
125202:SOUTH KORTRIGHT  
5.13A ACRES  
MARIO F P RUTELLA  
21 KALINA DR  
SAUGERTIES NY 12477

CASH CONSIDERATION:  
TAX DEFICIT:

\$5,403.01  
\$4,221.17

The resolution was seconded by Mr. Marshfield and adopted by the following vote Ayes 4667, Noes, 0 Absent 132 (Spaccaforo).

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

**RESOLUTION NO. 162**

**TITLE: POW/MIA RECOGNITION DAY  
VETERANS' SERVICE AGENCY**

**WHEREAS**, each year, the third Friday in September is set aside to honor the commitment and the sacrifices made by this nation's Prisoners of War and those who are still Missing in Action, as well as their families; and

**WHEREAS**, this year, National POW/MIA Recognition Day was observed on Friday, September 18, 2015; and

**WHEREAS**, there are currently 73,515 persons unaccounted for from World War II, 7,841 from the Korean War, 1,626 from the Vietnam War, 126 from the Cold War and 6 from Iraq and other conflicts, for a total of 83,114 soldiers either held as Prisoners of War or classified as Missing in Action; and

**WHEREAS**, Delaware County wishes to honor these soldiers and their families by joining with the federal government in designating the third Friday in September 2015, and every year thereafter, as POW/MIA Recognition Day in Delaware County;

**NOW, THEREFORE, BE IT RESOLVED** that beginning September 18, 2015, and continuing on the third Friday of September every year thereafter, POW/MIA Recognition Day shall be designated in Delaware County to honor those brave men and women, and their families, who have made sacrifices for their country.

The resolution was seconded by Ms. Miller and Mr. Rowe.

Mr. Marshfield noted that although the official date has passed it is appropriate to recognize our prisoners of war, missing in action and their families.

Chairman Eisel, on behalf of the Board of Supervisors, expressed sincere appreciation to these soldiers and their families for their sacrifices.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 163**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$611,611.78 were hereby presented to the Finance Committee for approval for payment on September 18, 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	\$450,629.22
OET	\$9,305.02
Public Safety Comm System	\$0.00
Highway Audits, as Follows:	
Weights & Measures	\$0.00
Road	\$27,427.34
Machinery	\$80,594.05
Capital Road & Bridge	\$13,525.84
Capital Solid Waste	\$728.00
Solid Waste/Landfill	\$29,402.31

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,524,294.32 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	\$1,229,109.04
OET	\$4,108.25
Public Safety Comm System	\$65,123.32
Highway Audits, as Follows:	
Weights and Measures	\$302.18
Road	\$31,277.38
Machinery	\$39,881.06
Capital Road & Bridge	\$100,351.79
Capital Solid Waste	\$0.00

The resolution was seconded by Mr. Taggart and adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Spaccaforo).

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

**RESOLUTION NO. 164**

**TITLE: EXECUTIVE SESSION**

**BE IT RESOLVED** that the Delaware County Board of Supervisors convene in executive session to discuss matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

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

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

Upon a motion, the meeting was adjourned at 1:57 p.m.