

## **REGULAR MEETING**

### **DELAWARE COUNTY BOARD OF SUPERVISORS NOVEMBER 24, 2015**

The regular meeting of the Delaware County Board of Supervisors was held Tuesday, November 24, 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. Rowe

Mr. Marshfield offered the invocation.

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

The minutes of the previous meeting were accepted as presented.

Chairman Eisel granted privilege of the floor to Commissioner of Social Services Dana Scuderi-Hunter who presented Sharon Reichert-Morgan as Employee of the Month.

Mrs. Reichert-Morgan began her employment with the County as a per diem Clerk in 2005. In 2006, she was promoted to full-time Typist. In 2008, she was promoted to Senior Typist and then to Social Services Program Specialist Trainee. In 2009, she was promoted to her current position of Social Services Program Specialist.

Commissioner Scuderi-Hunter said Mrs. Reichert-Morgan serves in the Chronic Care Unit working with the County's elderly population in need of nursing home care when they become unable to care for themselves. This type of work takes an individual who is efficient, capable and very caring. Mrs. Reichert-Morgan exemplifies those attributes. Additionally, she has excellent leadership skills and works very well as a team member. Over the past two years, she has taken on many difficult cases and has helped to manage the caseload of staff who have left the department or have been absent on leave.

Commissioner Scuderi-Hunter presented her with a \$50.00 check and said that Mrs. Reichert-Morgan is truly an asset to the Department and the people she assists. Chairman Eisel presented her with the Certificate of Employee of the Month and thanked her for her dedicated service.

Mrs. Reichert-Morgan thanked Commissioner Scuderi-Hunter and the Board of Supervisors for her recognition. She expressed gratitude for her colleagues who have become her work family helping to make impossible days possible. She noted that in 2015 one of her work family, a most giving and loving person lost her battle with cancer and that she will be using her financial recognition to purchase a plaque for the department in memory of her co-worker.

Chairman Eisel granted privilege of the floor to Mr. Triolo who introduced Commissioner of Watershed Affairs Dean Frazier to provide an update on Watershed issues.

Commissioner Frazier discussed various items related to the Flood Mitigation Program (FMP), the changes needed in the Water Supply Permit (WSP) for implementation of portions of the FMP, adjustments needed to the Watershed Rules and Regulations (WRR) for successful implementation of the Flood Mitigation Program and changes needed to the WRR related to enforcement of those regulations.

Referencing a handout, he noted that for the most part there is agreement with the other watershed stakeholders on Categories 1 through 4, however the language in the FMP under Voluntary FMP Buyout Options Category 5 - Individual Buyout Properties – inundation is extremely broad and problematic. The concern is that this would enable the City to purchase properties in the 100-year flood plain with prior significant damage and the term “significant damage,” has not been defined. The current MOA prohibits the City from acquiring improved property. The risk, as the Watershed Affairs (WSA) Committee sees it, is the potential popularity of a buyout program aimed at improved property within hamlet areas.

Commissioner Frazier introduced the County’s Environmental Attorney Kevin Young and Catskill Watershed Corporate (CWC) Council Timothy Cox for further explanation.

Mr. Young elaborated on the successes and failures of the past twenty years of MOA history. As required by law and addressed in the Filtration Avoidance Document and MOA, the WSP is issued by the New York State Department of Environmental Conservation (NYSDEC) and enables the City to acquire lands in the watershed while balancing the impact on local communities. The 2010 WSP negotiations leveraged the County’s agreement to reduce land acquisitions and obtain long-term funding from partnership programs such as the CWC.

As Category 5 is currently written it could be interpreted as including buyouts of improved property within the hamlet areas. The language is extremely broad and has the potential to be problematic for the County. Regardless of the scope of Category 5, the WSP has to be modified to enable buyouts of improved properties. The NYSDEC has indicated a willingness to change the scope of Category 5 language.

The enforcement of the WRR severely restricts the minimal amount of development going on in the watershed in Delaware County. The amount of time required to get a permit from DEP can be multiple years. The permitting process along with the WRR must be adjusted in order to allow for timely relocation of residents who may qualify for a buyout and equally important to enable affordable and timely project permitting and implementation to maintain or enhance a community’s prosperity.

The WSA Committee feels it is in the best interest of the County to address the WRR and the WSP together and is seeking approval and support from the Board of Supervisors.

In reply to Chairman Eisel, Mr. Young stated that the most prudent way to move forward is to have the City pay for what they regulate. The City does not have absolute discretion when it comes to the regulations, as they have to respond to environmental groups. If the City has to

pay for the regulations they require, there would be greater discernment and thinking that is more rational.

In answer to Mr. Marshfield, Mr. Young said that the regulations are significantly stricter in the watershed area. The permitting and approval process is very difficult and the regulations yield no measurable protection of the water supply. These requirements are a deterrent to new businesses that in some cases have paid more to meet water quality regulation than for the building structure itself.

Mr. Dolph said that the WSA Committee has been addressing these issues for the past two years and felt it is time to bring the matter before the full Board to assure the committee is heading in a direction they would support.

Mr. Triolo stated that challenging Category 5 is about the future sustainability of Delaware County. The County needs to take a position that will allow it to be economically successful in the future. We feel we are the best stewards of our water quality, we understand there needs to be regulations but they have to work and be affordable.

Chairman Eisel commented that many of the existing regulations are obstructing growth and are unreasonable if not tempered with common sense.

Mr. Cox shared several examples of the City's watershed regulations. One example was the conversion of a bank building to a farm stand that is a permitted use under the town's zoning code. Because this conversion is considered a substantial alteration, the City's regulations require an upgrade of the existing septic system. The requirement is unreasonable as professional engineers attest to the fact that there is no failure in the existing system and the change of use will actually reduce use. The CWC can only financially assist when a failure exists. Adding to the frustration is that non-licensed employees in the City's permitting departments are challenging the documentation of licensed professionals.

Mr. Donnelly noted that the population of Delaware County has not changed by more than 10 percent since the Civil War. He commented on the impact of the land acquisition issue and agreed with the direction of the Committee.

In answer to Ms. Miller, Mr. Young said that he was not certain how other counties in the watershed were looking at Category 5. He noted that staff from Green and Ulster Counties has projects they would like to begin and may not be in favor of linking the WSP acceptance and getting WRR changes.

Mr. Dolph commented that these negotiations would govern this County for the next twenty years directly affecting its future economic sustainability.

Chairman Eisel thanked Commissioner Frazier, Mr. Young and Mr. Cox for an informative update and asked the Supervisors for a show of support. In view of the information provided Supervisors unanimously agreed and extended their approval and support.

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

**RESOLUTION NO. 194**

**TITLE: 2015 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
DISTRICT ATTORNEY**

**WHEREAS**, the sum of \$16,880.50 has been made available to the District Attorney by way of felony drug prosecutions, which is currently in the Forfeiture of Crime Proceeds for the District Attorney; and

**WHEREAS**, the office is in need of an Adobe Acrobat Pro DC 2015 software package.

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

**FROM:**

10-00000-34899000	Forfeiture of Crime Proceeds	\$333.00
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**TO:**

10-11165-54580000	Software	\$333.00
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The resolution was seconded by Mr. Tuthill and adopted by the following vote: Ayes 4477, Noes 0, Absent 322 (Rowe).

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

**RESOLUTION NO. 195**

**TITLE: AUTHORIZATION FOR DISPOSITION OF PERSONAL PROPERTY  
NO LONGER NECESSARY FOR PUBLIC USE  
DEPARTMENT OF BUILDING 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:

<b><u>Department</u></b>	<b><u>Description Vehicle</u></b>	<b><u>Identification No.:</u></b>
Building and Grounds	2003 Chevy Malibu	1G1ND52J53M726567

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

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

**RESOLUTION NO. 196**

**TITLE: NYS DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES GRANT - CONTRACT AMENDMENT  
DEPARTMENT OF EMERGENCY SERVICES**

**WHEREAS**, the Department of Emergency Services applied for and was awarded a grant (WM2013 SHSP) from the NYS Division of Homeland Security and Emergency Services in the amount of \$67,500 for the purpose of providing consultant services for the development and enhancement of the Delaware County Comprehensive Emergency Management Plan via Resolution No. 197-2014; and

**WHEREAS**, an authorization for award was awarded to Contingency Management Consulting Group, LLC (CMCG) at a cost of \$47,568; and

**WHEREAS**, there is a remainder of \$19,932 in the grant; and

**WHEREAS**, Contingency Management Consulting Group, LLC has proposed the inclusion of a first generation COOP (Contingency of Operations Plan) as an annex to the CEMP, with a firm fixed price of \$19,000.

**NOW, THEREFORE, BE IT RESOLVED** that the Department of Emergency Services be authorized to enter into agreement with CMCG for completion of the COOP annex at a firm price of \$19,000.

The resolution was seconded by Mr. Haynes and Mr. Spaccaforo and adopted by the following vote: Ayes 4477, Noes 0, Absent 322 (Rowe).

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

**RESOLUTION NO. 197**

**TITLE: DIRECT TOWN TAX**

**BE IT RESOLVED** that pursuant to §233a of the County Law, the nineteen towns of the County be and hereby are charged \$152,690.88 for the assessment rolls, field books, tax bills, etc.; and

**BE IT FURTHER RESOLVED** that the Clerk of the Board of Supervisors be authorized and directed to apportion said sum against the taxable property of the nineteen towns of the County of Delaware and that said sum be incorporated into the County Treasurer's Preliminary Report of charges and credits to the said towns in accordance with the apportionment.

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4477, Noes 0, Absent 322 (Rowe).

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

**RESOLUTION NO. 198**

**TITLE: LEVY OF TOWN ACCOUNTS**

**WHEREAS**, there has been presented to the Board of Supervisors the County Treasurer's 2015 Preliminary Report with the following amounts to be charged to the several towns:

<u>TOWNS</u>	<u>CHARGES</u>
Andes	\$5,622.96
Bovina	\$3,690.01
Colchester	\$10,505.64
Davenport	\$9,527.70
Delhi	\$13,198.49
Deposit	\$5,087.88
Franklin	\$8,790.50
Hamden	\$4,371.80
Hancock	\$17,772.57
Harpersfield	\$4,879.13
Kortright	\$6,606.70
Masonville	\$5,277.87
Meredith	\$7,101.39
Middletown	\$13,233.44
Roxbury	\$11,076.51
Sidney	\$36,121.06
Stamford	\$6,939.02
Tompkins	\$4,135.53
Walton	\$8,086.06

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4477, Noes 0, Absent 322 (Rowe).

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

**RESOLUTION NO. 199**

**TITLE: AMENDMENT TO THE DELAWARE COUNTY PROCUREMENT POLICY  
TO AUTHORIZE UTILIZATION OF THE "PIGGYBACK" PROVISION OF  
GENERAL MUNICIPAL LAW § 103 (16)**

**WHEREAS**, General Municipal Law (GML) § 103 (16) authorizes political subdivisions to purchase apparatus, materials, equipment and supplies, and to contract for services related to the installation, maintenance or repair of those items, through the use of contracts let by the U.S., any agency of the U.S., a state, or any other political subdivision or district therein; and

**WHEREAS**, the underlying contract must have been let by one of the governmental entities listed in the statute, let in a manner that is consistent with state competitive bidding laws and must be made available for use by other governmental entities and each proposed procurement must be reviewed to determine whether it falls within GML § 103 (16); and

**WHEREAS**, by Resolution No. 140-2015 the Delaware County Board of Supervisors rescinded its prior Procurement Policies and adopted the current Procurement Policy; and

**WHEREAS**, the current Procurement Policy does not permit the County to take advantage of GML§ 103 (16).

**NOW, THEREFORE, BE IT RESOLVED** that the existing Procurement Policy is hereby amended at Guideline 7 to add a Paragraph (h) as follows:

(h) Goods purchased in compliance with General Municipal Law GML§ 103 (16). It shall be the responsibility of the Department Head, in consultation with the County Attorney's Office, to ensure compliance with GML§ 103 (16) prior to exercising this exception.

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

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

### **RESOLUTION NO. 200**

#### **TITLE: YEAR END ACCOUNTING MODIFICATIONS TO THE 2015 BUDGET DEPARTMENT OF FISCAL AFFAIRS**

**WHEREAS**, there are many bookkeeping entries that are needed to close out the books for 2015; and

**WHEREAS**, there will be no increase in the actual spending, just a balancing of accounts between personal services, equipment, contractual, employee benefits and undistributed employee benefits; and

**WHEREAS**, an accounting of all transactions will be presented to the Board of Supervisors upon completion of the annual report

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors authorizes the Department of Fiscal Affairs to make the necessary adjustments to the 2015 Budget and to file a written report to the Finance Committee before the books for 2015 are actually closed.

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

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

**RESOLUTION NO. 201**

**TITLE: AUTHORIZATION OF FOUR-DAY WORK WEEK  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, Resolution No. 55 of 1993, as modified, authorizes a four ten-hour-per-day work week in the Public Works Department which is subject to annual approval by the County and Public Works employees,

**NOW, THEREFORE, BE IT RESOLVED** that subject to approval of the Public Works employees, four-day work schedules for 2016 are hereby approved in the Public Works Department as follows:

- 1.) January 1, 2016 to March 26, 2016: Bridge Crews only.
- 2.) March 27, 2016 to October 22, 2016: All Public Works employees, except those employees specifically excluded from the four-day workweek by agreement with the union, i.e. landfill employees, certain engineering staff, etc.
- 3.) November 20, 2016 to December 31, 2016: Bridge Crews only.

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

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

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

**RESOLUTION NO. 202**

**TITLE: SALE OF TAX ACQUIRED PROPERTY**

**RESOLVED** that the following described parcels of tax acquired property be sold to the parties 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.

<b><u>ASSESSED TO:</u></b>	<b><u>LEONARD DAINO AND CAROLINA DAINO</u></b>
TOWN OF:	124000:KORTRIGHT
TAX MAP NO:	65.-2-9
SCHOOL DISTRICT:	125202:SOUTH KORTRIGHT
ACREAGE:	46.00A ACRES
CONVEYED TO:	LEONARD AND CAROLINA DAINO 30 MYRTLE LANE

KOR12TX.008



	CORAM NY 11727
CASH CONSIDERATION:	\$59,410.30
TAX DEFICIT:	\$46,271.87

The resolution was seconded by Mr. Spaccaforno and adopted by the following vote:  
Ayes 4477, Noes 0, Absent 322 (Rowe).

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

**RESOLUTION NO. 203**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$1,584,792.43 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	\$745,735.06
OET	\$30,603.36
Public Safety Comm System	\$6,353.88
Highway Audits, as Follows:	
Weights and Measures	\$163.84
Landfill	\$101,602.21
Road	\$77,993.50
Machinery	\$265,913.70
Capital Road & Bridge	\$356,426.88
Capital Solid Waste	\$0.00

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4477, Noes 0, Absent 322 (Rowe).

Mr. Triolo recalled up Local Law Intro. No. 30 entitled: A Local Law Imposing hotel/motel occupancy tax in the County of Delaware, and seconded by Ms. Miller.

Mr. Marshfield said that to his knowledge only two counties have not implemented an occupancy tax. He noted that the Hamden Town Board is split on the matter. He did not think the percentage was excessive and felt it fair that 85 percent of the revenue raised would be going to tourism, 10 percent would go to the County Treasurer and 5 percent retained by lodging owners to offset their administration costs. In response to reporting concerns, he obtained model registration certificate and quarterly reporting forms. He found them to be easily understood and simple to prepare. He stated that he would be supporting the local law as it is a benefit to the County to be on an equal playing field with its surrounding counties and to the residents as it has

the potential to significantly raise sales tax revenue which will help offset the dependency on property tax.

Mr. Valente said that he would not be supporting the occupancy tax as he sees it as an additional tax and another reporting regiment. He further stated that he is not convinced the County will see the benefits suggested in the promotion of the local law.

Mr. Donnelly noted that the lodging owners in the Town of Andes and the majority of the Andes Town Board are in favor of the occupancy tax and therefore he would be supporting the local law. He feels the local law is good for the County and its residents.

Mr. Merrill said that his constituents and the Colchester Town Board are not in favor of the occupancy tax and he would not be supporting the local law. He stated the following concerns: the tax applies to only one segment of the industry, possible continual increases in percentage, and if the revenue would actually be used to benefit the industry.

Mr. Axtell noted that he would not be supporting the local law. The lodging businesses in the Town of Deposit are not in favor of an occupancy tax and he is not convinced there would be a significant influx of tourists into the communities based on tourism promotions.

Mr. Tuthill said that he would be supporting the local law. He commented that if the Board of Supervisors wanted to see the County survive it has to do something to entice people into the County. The occupancy tax is a way of raising revenue and opportunity for the County that would not create a burden on our residents.

Mr. Dolph pointed out that there are counties who are permitted to use their occupancy tax revenue to offset their budgets, however, the occupancy tax revenue raised in Delaware County is required to be used for tourism promotion in the County. There are no guarantees an occupancy tax is the answer to our revenue deficit but it benefits all of us and is in the best interest of the County and its future.

Mr. Triolo said he supports the occupancy tax. He further stated that he views the occupancy tax as a means of significantly increasing sales tax revenue that in turn will help reduce the property tax burden on our residents. The County, town and villages offer a variety of events and recreational activities that right now are advertised only to us. Promoting the County through the revenue raised from the occupancy tax benefits local communities, increases sales tax revenue which helps reduce dependency on property tax, and creates an economic boost to local business. He opined that he believes this tax is in the best interest of the County.

Chairman Eisel noted that the occupancy tax in his opinion is worthwhile. The tax does not come from our residents and is in the best interest of the County. He said in response to concerns regarding the amount of revenue the occupancy tax is anticipated to raise that Director of Economic Development Glenn Nealis confirmed that the County could anticipate between \$160,000 and \$190,000.

Mr. Taggart noted that he would support the local law as the imposition of the occupancy tax does not place a tax burden on our residents. Additionally, promoting what the County has to offer visitors to the County will help support local business and increase sales tax revenue.

The Local Law passed by the following vote: Ayes 3570, Noes 907 (Molé, Merrill, Valente, Axtell, Haynes), Absent 322 (Rowe).

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

### **RESOLUTION NO. 204**

#### **TITLE: ADOPTION OF 2016 DELAWARE COUNTY BUDGET**

**WHEREAS**, the Tentative Budget for the year 2016 has been presented to the Board by the Budget Officer and duly discussed and a public hearing having been held thereon as required by law;

**NOW, THEREFORE, BE IT RESOLVED** that pursuant to §360 of the County Law, the Tentative Budget, as amended, for 2016 be adopted.

The resolution was seconded by Mr. Marshfield.

In reply to Mr. Pigford, Clerk of the Board Christa Shafer said that the 2016 Budget is about \$800,000 over the allowable tax cap. The amount is due mostly to mandates, pointing out that there are many departments who face state hiring requirements and services regulated by law which is also a form of mandate. A report of mandated services and requirements is being compiled for the Board.

Mr. Dolph stated that counties who have consistently worked to bring their budgets in under the state tax cap have been meeting the deficit with the use of their fund balance surplus or have increased revenues. There are many factors considered when putting a budget together, mandates are only one. In 2016, the County will have to fund the Emergency Communications 911 Center, increased health and retirement costs as well as declining sales tax revenue. The Finance Committee in conjunction with the departments has worked to achieve a budget that is reasonable and fiscally responsible.

Chairman Eisel noted that this Board's "pay as you go" philosophy has kept the County in good fiscal shape, adding that bonding, using significant amounts of fund balance surplus and layoffs to meet the state's tax cap has not worked for other counties.

Mr. Marshfield provided his Annual Report to the Board. He noted that sales tax revenue collections thus far are down over \$1 million which affects the County's Fund Balance. There was \$975,000 less appropriated from the General Fund Reserve to balance the 2016 Budget. In total there was \$9.3 million taken from all reserve funds to offset the tax levy.

He explained some of the increases and decreases in revenues and expenditures and listed some of the departments that were able to reduce their budgets for 2016.

He referenced Governor Cuomo's proposal encouraging shared services agreements between counties, towns and villages. He expressed concern over the New York State Police's decision to pass the Emergency Communications 911 Center to the County, without that, the budget might have come in under the state's tax cap.

In conclusion, he opined that with all considered this is a good budget.

Chairman Eisel stated that although the budget did not come under the .73 percent tax cap set by the state, it is a good budget. The process was not an easy one but in the end, the County has a budget that takes into consideration a declining General Fund Balance and maintains essential services without cutting staff. The Finance Committee will continue to review equipment purchases, travel requests and authorizations to fill vacancies. Additionally, the Finance Committee will work with departments to help address increasing costs and declining revenue. The Board has always taken a conservative approach and this philosophy will help the County remain financially solvent through 2016 and beyond.

The resolution was adopted by the following vote: Ayes 4477, Noes 0, Absent 322 (Rowe).

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

**RESOLUTION NO. 205**

**TITLE: APPROPRIATION RESOLUTION**

**WHEREAS**, this Board by Resolution No. 204, dated November 24, 2015 adopted a budget for the fiscal year 2016;

**RESOLVED** that the several amounts specified in the column, "Adopted" be and hereby are appropriated for the objects and purposes specified effective January 1, 2016.

The resolution was seconded by Mr. Spaccaforno and adopted by the following vote: Ayes 4477, Noes 0, Absent 322 (Rowe).

Chairman Eisel thanked Director of Planning Nicole Franzese for providing the homemade Italian Pizzelle Cookies and wished everyone a very Happy Thanksgiving.

Upon a motion, the meeting was adjourned at 2:41 p.m.