

**ORGANIZATIONAL MEETING**

**DELAWARE COUNTY BOARD OF SUPERVISORS**

**JANUARY 6, 2016**

The Organizational Meeting of the Delaware County Board of Supervisors was held Wednesday, January 6, 2016 at 1:00 p.m. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York.

The Clerk of the Board, Christa M. Schafer, called the meeting to order and read the Notice of Meeting:

**TO ALL SUPERVISORS:**

Pursuant to County Law, §151 and Board Rule 1, the Organizational Meeting of the Delaware County Board of Supervisors will be held in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York on Wednesday, January 6, 2016 at 1:00 p.m.

The meeting is called for the purpose of organizing for the year 2016, including election of a Chairman, Vice Chairman, Clerk of the Board, County Attorney and Budget Officer.

Any other business that may properly be brought before the Board will be conducted.

Christa M. Schafer, Clerk  
Delaware County Board of Supervisors

The Clerk called the roll by towns and the following Supervisors were present:

Wayland Gladstone	P.O. Box 188	Andes
Tina Molé	P.O. Box 6, Bovina Center	Bovina
Arthur Merrill	P.O. Box 321, Downsville	Colchester
Dennis J. Valente	P.O. Box 88, Davenport Center	Davenport
Mark Tuthill	5 Elm Street	Delhi
Thomas Axtell	3 Elm Street	Deposit
Jeffrey Taggart	511 Heathen Hill Road	Franklin
Wayne E. Marshfield	6754 Basin Clove Road	Hamden
Samuel Rowe, Jr.	661 West Main Street	Hancock
James E. Eisel, Sr.	22 Wilcox Road	Harpersfield
George Haynes, Jr.	51971 State Hwy 10, Bloomville	Kortright
Michael Spaccaforno	P.O. Box 313	Masonville
James G. Ellis	4187 Turnpike Road, Delhi	Meredith
Carl P. Davis	P.O. Box 577, 42339 St Hwy. 28	Middletown
Thomas S. Hynes	P.O. Box 277	Roxbury
R. Eugene Pigford	2464 Road 13 Unadilla	Sidney
Michael Triolo	P.O. Box M, Hobart	Stamford
William Layton	P.O. Box 139, Trout Creek	Tompkins
Charles Gregory	82 Stockton Avenue	Walton

Mr. Marshfield offered the invocation.

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

The Clerk requested nominations for Chairman: Mr. Spaccaforo nominated James E. Eisel, Sr. The nomination was seconded by Ms. Molé and unanimously approved.

County Clerk Sharon O'Dell administered the Oath of Office to Mr. Eisel.

Upon a nomination by Mr. Spaccaforo seconded by Mr. Axtell, Tina B. Molé was unanimously re-elected as Vice Chairman.

Upon a nomination by Mr. Valente, seconded by Mr. Hynes, Christa M. Schafer was unanimously re-elected as Clerk of the Board.

Upon a nomination by Mr. Rowe, seconded by Mr. Taggart, Porter Kirkwood was re-appointed as County Attorney.

Upon a nomination by Ms. Molé, seconded by Mr. Spaccaforo, Arthur Merrill was unanimously elected as Budget Officer.

Chairman Eisel thanked the Supervisors for their support. He noted that 2016 would be another challenging year. As in the past, department requests for overtime, travel and authorizations to fill vacancies will be scrutinized in order to do all that can be done to reduce spending and stay within the budget.

Chairman Eisel noted that all oversight committees would remain the same until the January 27 Board meeting and made the following committee appointments:

## **2016 COMMITTEE APPOINTMENTS**

### **AGRICULTURAL AND FARMLAND PROTECTION BOARD**

4-year term ending December 31, 2019

Reappoint:

Supervisor Dennis Valente

Ken Balcom

### **DELAWARE COUNTY INDUSTRIAL DEVELOPMENT AGENCY - IDA**

3-year term ending December 31, 2018

Reappoint:

George Bergleitner

Michael O'Brien

### **HEALTH SERVICES ADVISORY BOARD**

2-year term ending December 31, 2017

Reappoint:

Amanda Walsh

Wayne Shepard

**SOIL & WATER CONSERVATION DISTRICT BOARD**

1-year term ending December 31, 2016

Appoint

Supervisor James Ellis

Reappoint:

Supervisor Jeffrey Taggart

The minutes of the previous meeting were accepted as presented.

The Clerk reported all communications received have been referred to their respective committees for review.

For standing committee reports, Chairman of the Legislative Committee Mike Spaccaferno introduced Acting District Attorney John Hubbard. Mr. Hubbard explained that by law as Chief Assistant he becomes Acting District Attorney for one year to fill the position vacated by Richard Northrup’s election to the position of County Court Judge. He noted that he looks forward to working with the Board and his oversight committee.

For standing committee reports, Chairman of the Public Works Committee Sam Rowe advised that Commissioner of Public Works Wayne Reynolds provided the annual fringe benefit survey forms for the towns to each Supervisor. Supervisors were asked to return their completed forms as soon as possible to allow for the Department to disseminate the information in a timely manner.

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

**RESOLUTION NO. 1**

**TITLE: DESIGNATION OF PUBLICATION  
OF LOCAL LAWS AND NOTICES: DEMOCRAT**

**WHEREAS**, the Democratic Party having designated the Deposit Courier for the purpose of publishing notices pursuant to County Law 214 (2);

**NOW, THEREFORE, BE IT RESOLVED** that pursuant to County Law 214 (2) that the Deposit Courier is designated for the calendar year 2016 to publish local laws and notices.

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

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

**RESOLUTION NO. 2**

**TITLE: DESIGNATION OF PUBLICATION  
OF LOCAL LAWS AND NOTICES: REPUBLICAN**

**WHEREAS**, the Republican Party having designated The Walton Reporter, published by Decker Advertising, Inc. for the purpose of publishing notices pursuant to County Law 214 (2);

**NOW, THEREFORE, BE IT RESOLVED** that pursuant to County Law 214 (2) that The Walton Reporter is designated for the calendar year 2016 to publish local laws and notices.

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

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

**RESOLUTION NO. 3**

**TITLE: DESIGNATION OF DEPOSITORY FOR DELAWARE COUNTY FUNDS**

**BE IT RESOLVED**, pursuant to Section 212 of the County Law, as amended and now in force, the bank hereinafter specified is hereby designated as a depository for County Funds, together with the maximum amount that may be kept on deposit therein at any one time, and the County Treasurer is hereby authorized and directed to deposit County monies in the banks herein designated.

**BE IT RESOLVED**, the County Treasurer is authorized to wire funds and use electronic transfer of funds (ACH) from or to each facility.

**BE IT FURTHER RESOLVED**, that one certified copy of the resolution shall be filed in the office of the County Clerk, one in the office of the State Comptroller and two in the office of the County Treasurer by the Clerk of the Board of Supervisors.

NBDC Bank	\$35,000,000.00
The Delaware National Bank of Delhi	\$10,000,000.00
The Delaware National Bank of Delhi (Court and Trust Fund Designated by NYS Comptroller)	\$5,000,000.00
The National Bank and Trust Company	\$50,000,000.00
Community Bank, N.A.	\$30,000,000.00
Key Bank	\$250,000.00

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

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

**RESOLUTION NO. 4**

**TITLE: RE-APPOINTMENT COMMISSIONER  
BOARD OF ELECTIONS - REPUBLICAN**

**BE IT RESOLVED** that William Campbell is hereby re-appointed as the Republican Commissioner of Elections for a term of two years effective January 1, 2016 and ending December 31, 2017 at the salary contained in the budget.

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

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

**RESOLUTION NO. 5**

**TITLE: RE-APPOINTMENT OF DIRECTOR OF ECONOMIC DEVELOPMENT**

**BE IT RESOLVED** that Glenn Nealis is hereby re-appointed as Director of Economic Development for a term of two years effective January 1, 2016 and ending December 31, 2017 at the salary contained in the budget.

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

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

**RESOLUTION NO. 6**

**TITLE: RE-APPOINTMENT COMMISSIONER OF WATERSHED AFFAIRS**

**BE IT RESOLVED** that Dean Frazier is hereby re-appointed as Commissioner of Watershed Affairs for a term of two years effective January 1, 2016 and ending December 31, 2017 at the salary contained in the budget.

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

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

**RESOLUTION NO. 7**

**TITLE: APPOINTMENT OF DELAWARE COUNTY  
FIRE ADVISORY BOARD**

**BE IT RESOLVED**, that the following appointments be made to the Delaware County Fire Advisory Board in accordance with 225-a of the County Law for year 2016:

Chairman: Dale Downin, Franklin  
Vice Chairman: Mike Odell, Masonville  
Secretary: David Briggs, East Meredith

**Voting Departments:**

Andes - Chief Dale Tait  
Arena - Chief Mike Sarrubi  
Arkville - Chief Robert Sweeney  
Bloomville - Chief Mike Pietrantonio  
Bovina - Chief Robert Burgin  
Delhi - Chief Daren Evans  
East Meredith – Chief David Briggs  
Fleischmanns – Chief Todd Wickham  
Franklin – Chief Tom Worden

Hancock – Chief Thomas Rosengrant  
Hobart - Chief Ken Muthig  
Margaretville – Chief Gene Rosa  
Masonville – Chief Gary Mott  
Meridale – Chief Richard Briscoe  
Pindars Corners – Chief Matt Rittlinger  
Sidney - Chief Shawn Sands  
Sidney Center – Chief Dave Gill  
Stamford – Chief AJ Vamosy

Grand Gorge – Chief DJ Speenburgh

Trout Creek – Chief Larry Phoenix

Walton – Chief Bob Brown

**Alternate Departments (in order):**

Downsville – Chief Mark Mattson

Treadwell – Chief Tyler Huyck

Davenport – Chief Fred Utter

Halcottsville – Chief Jeff Slauston

Roxbury – Chief Ken Davie

South Kortright – Chief William Benkert

East Branch – Chief Rod Keesler

Cooks Falls – Chief Matt Murphy

Deposit – Chief Shaun Rynearson

Voting departments were selected based on meeting attendance for the previous year. Alternates are listed in order of their meeting attendance.

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

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

**RESOLUTION NO. 8**

**TITLE: 2015 BUDGET AMENDMENT  
HOME ENERGY ASSISTANCE PROGRAM (HEAP)  
DEPARTMENT OF SOCIAL SERVICES**

**WHEREAS**, the Delaware County Department of Social Services is the designated local agency to administer the Home Energy Assistance Program (HEAP); and

**WHEREAS**, mandated local payments are being made; and

**WHEREAS**, these expenditures will be 100% reimbursed with federal funds.

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

**INCREASE REVENUE:**

10-16141-44464100	FEDERAL AID-HEAP	\$22,329.00
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**INCREASE APPROPRIATION:**

10-16141-54342030	HEAP-PA	\$22,329.00
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The resolution was seconded by Mr. Hynes and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

**RESOLUTION NO. 9**

**TITLE: 2016 BUDGET AMENDMENT  
REIMBURSEMENT OF EXPENDITURES UNDER  
NEW YORK STATE OFFICE OF COMMUNITY RENEWAL  
RURAL AREA REVITALIZATION PROGRAM  
DEPARTMENT OF ECONOMIC DEVELOPMENT**

**WHEREAS**, the Village of Walton was awarded a Rural Area Revitalization Program (RARP) in the amount of \$150,000 from the New York State Office of Community Renewal for the purpose of providing building owners with grant funds to aid in the effort to increase flooding resiliency along Delaware and Bridge Streets in the Village of Walton; and

**WHEREAS**, the Village of Walton entered into a subrecipient agreement with the Delaware County Local Development Corporation (DCLDC), whereby the DCLDC, on behalf of the Village, has assumed responsibility for the delivery and administration of the RARP funds; and

**WHEREAS**, the DCLDC is supported by the Delaware County Department of Economic Development staff; and

**WHEREAS**, the DCLDC will donate funds to the Department of Economic Development to offset the expenditures relating to the administration and delivery of the grant; and

**NOW, THEREFORE, BE IT RESOLVED** that the 2016 budget be amended as follows:

**INCREASE REVENUE:**

10-16326-42238906	Misc Rev Fr DCLDC	\$1,846.00
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**INCREASE APPROPRIATION:**

10-16326-52200000	Equipment	\$1,092.00
10-16326-54421000	Marketing	\$377.00
10-16326-54625010	Travel Department	\$377.00

The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

**RESOLUTION NO. 10**

**TITLE: 2015 BUDGET AMENDMENT  
REIMBURSEMENT OF EXPENDITURES UNDER  
NEW YORK STATE OFFICE OF COMMUNITY RENEWAL  
RURAL AREA REVITALIZATION PROGRAM  
DEPARTMENT OF ECONOMIC DEVELOPMENT**

**WHEREAS**, the Village of Walton was awarded a Rural Area Revitalization Program (RARP) in the amount of \$150,000 from the New York State Office of Community Renewal for the purpose of providing building owners with grant funds to aid in the effort to increase flooding resiliency along Delaware and Bridge Streets in the Village of Walton; and

**WHEREAS**, the Village of Walton entered into a subrecipient agreement with the Delaware County Local Development Corporation (DCLDC), whereby the DCLDC, on behalf of the Village, has assumed responsibility for the delivery and administration of the RARP funds; and

**WHEREAS**, the DCLDC is supported by the Delaware County Department of Economic Development staff; and

**WHEREAS**, the DCLDC will donate funds to the Department of Economic Development to offset the expenditures relating to the administration and delivery of the grant; and

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

**INCREASE REVENUE:**

10-16326-42238906	Misc Rev Fr DCLDC	\$3,360.00
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**INCREASE APPROPRIATION:**

10-16326-54625010	Travel Department	\$3,360.00
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The resolution was seconded by Mr. Spaccaformo and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

**RESOLUTION NO. 11**

**TITLE: ACCEPTANCE OF THE FUNDING AWARD FROM THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL FOR FISCAL YEAR 2016 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING DEPARTMENT OF ECONOMIC DEVELOPMENT**

**WHEREAS**, the County of Delaware has been awarded a Microenterprise Community Development Block Grant in the amount of \$200,000; and

**WHEREAS**, these funds are designed to assist local microenterprise agricultural entrepreneurs and businesses throughout Delaware County which is essential to the County's future economic vitality; and

**WHEREAS**, this program will result in the creation and retention of local jobs; and

**WHEREAS**, a grant agreement has been received by the County and must be executed and returned within 45 days to formalize the acceptance of the funds; and



**WHEREAS**, the County will enter into a sub-recipient agreement with the Delaware County Local Development Corporation (DCLDC), whereby the DCLDC will assume responsibility for the delivery and administration of the CDBG funds on behalf of the County.

**NOW, THEREFORE, BE IT RESOLVED** that the County of Delaware hereby authorizes and directs the County of Delaware Board of Supervisors' Chairman to formalize acceptance of the grant award by taking any and all steps necessary including, but not limited to, executing the NYS Community Development Block Grant Agreement and a sub-recipient agreement with the Delaware County Local Development Corporation, and establishing a non-interest bearing account for the specific use of this grant.

**BE IT FURTHER RESOLVED** that the following budget modifications be made:

**INCREASE REVENUE:**

10-16326-44498900/6326017/972	Other Federal Grant Funds	\$200,000.00
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**INCREASE APPROPRIATION:**

10-16326-54327000/6326017/972	General Grant Related Expense	\$200,000.00
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The resolution was seconded by Mr. Spaccaferno and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

**RESOLUTION NO. 12**

**TITLE: AMENDMENT TO THE ACCEPTANCE OF GRANT MONEY FROM THE NEW YORK STATE OFFICE OF EMERGENCY MANAGEMENT (NYS OEM) AND FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR THE HAZARD MITIGATION GRANT PROGRAM FOR A VOLUNTARY FLOOD BUYOUT PLANNING DEPARTMENT**

**WHEREAS**, the Delaware County Board of Supervisors had previously established with the Delaware County Treasurer's Office an account to receive and dispense monies received from NYS OEM and FEMA; and

**WHEREAS**, the Delaware County Board of Supervisors approved Resolution Number 164 on October 9, 2013 to accept grant monies in the amount of \$4,465,549; and

**WHEREAS**, FEMA and NYS OEM have awarded Delaware County with additional funds for the flood buyout.

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

**ESTIMATED REVENUES:**

10-18020-44496000/8020023/908	FEMA	\$4,734,149.00
10-18020-43396000/8020023/908	SEMO/NYC	\$1,578,049.00

**ESTIMATED APPROPRIATIONS:**

10-18020-54327000/8020023/908

Flood Buyout-2013-14

\$6,312,198.00

The resolution was seconded by Mr. Spaccaformo.

Mr. Rowe commented that this is a significant monetary award and thanked everyone involved in acquiring this for the County.

The resolution was adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

**RESOLUTION NO. 13**

**TITLE: IN MEMORY OF JOSEPH A. MADDALONE**

**WHEREAS**, former Town of Sidney Supervisor Joseph A. Maddalone passed away on December 18, 2015; and

**WHEREAS**, he served as Town of Sidney Supervisor from 1998 until 2009; and

**WHEREAS**, he will be remembered with distinction for his hard work and dedication to the County and the Town of Sidney and for his great sense of humor.

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Board of Supervisors extends its sympathy to the family of Joseph A. Maddalone and recognizes with gratitude his contributions to this County, his Town and neighbors.

Chairman Eisel remembered the time he and Mr. Maddalone visited the New York State Commissioner of Corrections to discuss Public Safety matters regarding the new jail. The meeting was quite contentious. As they were leaving the building, Mr. Maddalone turned to him and said, "don't be surprised if we are the first two in the new cells." Mr. Maddalone had quite a sense of humor and was very committed to all he undertook.

Mr. Rowe noted that he served on the Public Safety Committee with Joe Maddalone and former Supervisors Dan Axtell, Frank Bachler and Leonard Utter. There was never a dull moment among these men. He remembered Mr. Maddalone as a wonderful storyteller and a dedicated public servant.

The resolution was unanimously adopted.

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

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

**RESOLUTION NO. 14**

**TITLE: 2016 BUDGET AMENDMENT DESIGNATION OF DELAWARE COUNTY AS LOCAL SPONSOR FOR SNOWMOBILE GRANT PLANNING DEPARTMENT**

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

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

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

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

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

**INCREASE REVENUES:**

10-17989-43388900/7989001/908 State Otr Culture & Recreation \$105,350.00

**INCREASE APPROPRIATIONS:**

10-17989-54555000/7989001/908 Recreation Snowmobile Grant \$105,350.00

The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

**RESOLUTION NO. 15**

**TITLE: CHANGE ORDER NO. 1 OF PROPOSAL NO. 33-15 DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, Resolution 131 of 2015 authorized the award of Proposal No. 33-15, Harrison and Burrowes Bridge Constructors Inc., 22 Hamilton Lane, Glenmont, NY 12077 for the bid amount of \$997,799.77; and

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

**WHEREAS**, there were several line items that came in under the estimated quantities and five items that came in over the estimated quantities resulting in an overall decrease in the contract.

**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 (\$127,221.60) lowering the total project cost to \$870,578.17

The resolution was seconded by Mr. Haynes and Mr. Spaccaforo.

Commissioner Reynolds stated in answer to Mr. Marshfield, that Proposal No. 33-15 is Bridge 26-3 on County Route 26, over Telford Hollow Road in Downsville.

The resolution was adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

### **RESOLUTION NO. 16**

#### **TITLE: PAYMENT OF MACHINERY RENTALS DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, various authorized expenditures from the Machinery Fund are being made, especially for the purchase of new equipment; and

**WHEREAS**, anticipated rentals earned from the County Road Fund appear insufficient to meet those expenditures during the next several months.

**NOW, THEREFORE, BE IT RESOLVED** that the County Treasurer is hereby authorized to pay in advance such highway equipment rentals as are necessary to cover the cash needs of the Machinery Fund; and to credit subsequent rental warrants against the amount so advanced, provided that the total advanced and credited shall not exceed the amounts authorized in the budget for 2016.

The resolution was seconded by Mr. Haynes.

Mr. Rowe explained that the Department charges itself for equipment rental throughout the year. This is annual resolution done at the beginning of the year in order to have the funds available for the construction season.

The resolution was adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

### **RESOLUTION NO. 17**

#### **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.

<b><u>ASSESSED TO:</u></b>	<b><u>PETER FARMER AND PRISCILLA FARMER</u></b>
TOWN OF:	124800:ROXBURY
TAX MAP NO:	158.-2-15
SCHOOL DISTRICT:	124802:ROXBURY
ACREAGE:	5.46A ACRES
CONVEYED TO:	PRISCILLA FARMER 489 WASHINGTON AVE PATCHOGUE NY 11772
CASH CONSIDERATION:	\$3,917.56
TAX DEFICIT:	\$2,763.06

The resolution was seconded by Mr. Hynes and Mr. Triolo and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

### **RESOLUTION NO. 18**

#### **TITLE: REQUESTING A MEETING WITH THE 1954 SUPREME COURT DECREE PARTY PRINCIPALS AND OTHER STAKEHOLDERS OF THE UPPER DELAWARE RIVER BASIN DEPARTMENT OF WATERSHED AFFAIRS**

**WHEREAS**, the 1954 U.S. Supreme Court Decree Party (Decree Party) controls the releases from the Cannonsville and Pepacton Reservoirs and management of the stream flows of the Delaware River Basin; and

**WHEREAS**, the Decree Party is responsible for the management of the Delaware River flows through the Flexible Flow Management Plan (FFMP). The current FFMP poses ramifications for local flooding and the habitat of a nationally recognized wild trout fishery and exceptional recreational region; and

**WHEREAS**, Decree Party decisions currently have a direct and frequent negative impact on the social and economic well-being of Delaware County's Tailwater communities by failing to consider the amount and timing of water released from the dams and how those insufficient or excessive amounts of water released and dramatic increases or decreases in flows over short periods of time have dramatic impacts on the outstanding fishery, the process of sediment flow at the confluence of tributaries with the East and West Branches of the Delaware River, and many other economic and social impacts; and

**WHEREAS**, the economic benefits derived from the fishery and boating activities are well documented in the 2014 Upper Delaware River Cold Water Fishing and Boating Economic Impact Study; and

**WHEREAS**, the Decree Party is not required to hold open meetings, nor to discuss internal negotiations outside their closed door meetings, offering only inadequate listening sessions to the very people they impact, inadvertently or purposely ignoring upper basin concerns and using upper basin concerns as pawns in their internal disagreements; and

**WHEREAS**, Delaware County appreciates the effort of the Delaware River Basin Commission to hold a Regulated Flow Advisory Committee (RFAC) meeting in the upper regions of the basin on December 3, 2015 so that the concerns of the Tailwaters communities could be heard; and

**WHEREAS**, there was a local understanding that the Decree Party Principals would be in attendance to hear our concerns. The absence of the Principals at the December 3, 2015 RFAC meeting only served to continue the negative perception of the Decree Parties and their absence provides more evidence that the interests of the upper Delaware Basin residents are not worthy of the presence of the Decree Party Principals, as the upper Delaware Basin residents do not represent a significantly large enough population to be a cause for concern; and

**WHEREAS**, Decree Party decisions impact not only the Delaware County Tailwaters communities including the Towns of: Colchester, Deposit, Hancock, Tompkins, Hamden, Masonville, Andes, Walton, and Villages of Deposit and Hancock but, the entirety of Delaware County as these communities represent 25% of the County land mass; and

**WHEREAS**, Delaware County supports the Tailwater communities of Delaware County politically and in the form of substantial county staff time to assist the Upper Delaware River Tailwaters Coalition in the pursuit of their goals; and

**WHEREAS**, for the last three years, the RFAC has not met their obligations, as stated in the 1954 Decree, to meet two times per year; and

**WHEREAS**, the Decree Party Principals have essentially been at an impasse for nearly five years; and

**WHEREAS**, while Delaware County acknowledges that changes to the FFMP are complicated and respects the dynamics it must address, it also holds the belief that it is time for the Decree Party Principals to come together collaboratively and openly for the benefit of everyone; and

**WHEREAS**, Delaware County supports the mission of the Upper Delaware River Tailwaters Coalition – “The mission of the UDRTC is to protect the unique cold water ecosystem below the reservoirs to promote economic growth, mitigate flooding impacts, protect aquatic habitat, and maximize recreational opportunities in the Upper Delaware River watershed.”

**THEREFORE BE IT RESOLVED** that the Delaware County Board of Supervisors urgently requests that the Decree Party Principals hold a public meeting with upper Delaware River Basin stakeholders including the Congressional leaders of the Delaware River Basin Task Force, to discuss our concerns in a collaborative and meaningful way, leading upon information and belief, to reasonable solutions that will have a neutral impact on other concerned stakeholders.

**BE IT FURTHER RESOLVED** that this resolution be forwarded to the Decree Party Principals – Governor’s: Andrew Cuomo of New York, Chris Christie of New Jersey, Tom Wolf of Pennsylvania, Jack Markell of Delaware and New York City Mayor Bill De Blasio and be copied to NYC DEP Commissioner Emily Lloyd, Paul Rush of NYC DEP, Kelly Heffner of PADEP, Mark Klotz of NYSDEC, David Kennedy of NJDEP, David Wunsch of DNREC and

Congressional leaders of the Delaware River Basin Task Force, U.S. Congressman Chris Gibson (NY), U.S. Congressman Charlie Dent (PA), U.S. Congresswoman Bonnie Watson Coleman (NJ), U.S. Congressman John Carney (DE).

The resolution was seconded by Mr. Spaccaforo.

In response to Mr. Triolo, Commissioner Dean Frazier explained that since this is an open court case the Decree Party Principals are not required to hold open meetings, nor to discuss internal negotiations with others. It was thought that the Decree Party Principals would attend the December 3, 2015 Regulated Flow Advisory Committee meeting arranged by the Delaware River Basin Commission to discuss the concerns of the Tailwaters communities. Their absence from the meeting and decision to send proxies in their place is further evidence that they are not interested in the concerns of the residents of the Upper Delaware Basin. The intent of this resolution is to get the Decree Party Principals to hold a public meeting to discuss these concerns in a collaborative and meaningful way.

In answer to Mr. Rowe, Commissioner Frazier said that the relationship among the Decree Party Principals is not cohesive. They have been arguing among themselves over larger issues essentially holding us hostage and using us as pawns. There has been no change to the Flexible Flow Management Plan (FFMP) in four years.

Mr. Rowe remarked that the Decree Party Principals will not share their science with us nor will they agree with anyone else's science. The need for a better water release program has been documented. The tourists that come here spend a great deal of money in the local area and they will not come if the conditions are not good for their choice of recreational activity. He opined that the aqueduct is in need of repair and leaks more water than is being asked for.

Chairman Eisel stated that he understands that changing the FFMP is complicated. However, the bottom line is their unwillingness to address our concerns greatly affects Delaware County. Timely releases in larger amounts are needed for the Tailwaters. He opined that it is time the Decree Party Principals recognize and move forward on our concerns.

Commissioner Frazier added that talking sessions with the Decree Party Principals is what is needed.

Mr. Merrill expressed concern that the attitude of the Decree Party Principals seems to be that they are better than we are. The Principals were expected to attend the December 3 meeting and people were very irate that proxies were sent in their place.

In answer to Chairman Eisel, Commissioner Frazier noted that any decision of the Decree Party Principals has to be unanimous. A special request requires the signature of each of the Principals and that could take up to three days. If one of the Principals is out of town, the request may go unanswered or be too late to address the issue, even if they agree.

In reply to Mr. Davis, Commissioner Frazier said the FFMP is the tool used by the Decree Party to manage flows. The current FFMP requires updates to address issues relating to local flooding and economic benefits derived from boating and fishing. The findings of the 2014 Upper Delaware River Cold Water Fishing and Boating Economic Impact Study clearly document the economic benefit to the area, yet the Decree Party Principals have done nothing to address these concerns.

Commissioner Frazier stated in reply to Mr. Spaccaferno, that many people of high standing attended the meeting in hopes of communicating their concerns directly to the Decree Party Principals. It was clear by the tone of the discussion that the people were very angry that the Decree Party Principals were not in attendance.

In answer to Mr. Gladstone, Commissioner Frazier said it is hard to know fully what the NYC Commissioner of DEP Emily Lloyd knows given the amount of responsibilities she has. He noted that Deputy Commissioner of NYC DEP Paul Rush and Commissioner Lloyd recently met with the newly formed Upper Delaware River Business Coalition in the Tailwaters in an effort to improve communication and find ways to work together.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 19**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,231,990.24 were hereby presented to the Finance Committee for approval for payment on December 31, 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	\$626,467.32
OET	\$6,823.51
Public Safety Comm System	\$47,551.91
Highway Audits, as Follows:	
Weights & Measures	\$1,035.25
Road	\$47,037.58
Machinery	\$192,141.22
Capital Road & Bridge	\$184,040.76
Capital Solid Waste	\$34,336.12
Solid Waste/Landfill	\$92,556.57

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$741,392.32 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	\$703,493.13
OET	\$6,881.94
Public Safety Comm System	\$11,004.99



Highway Audits, as Follows:

Weights and Measures	\$0.00
Road	\$0.00
Machinery	\$16,598.44
Capital Road & Bridge	\$863.82
Capital Solid Waste	\$0.00
Solid Waste/Landfill	\$2,550.00

The resolution was seconded by Mr. Hynes and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

Upon a motion, the meeting was adjourned at 1:58 p.m.