

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS MARCH 9, 2016

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, March 9, 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, Chairman James E. Eisel, Sr. presiding.

The Clerk called the roll and all Supervisors were present.

Mr. Marshfield offered the invocation.

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

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.

Chairman Eisel granted privilege of the floor to Mr. Hynes who introduced Planning Director Nicole Franzese to comment on the County's Agriculture & Farmland Protection Plan.

Ms. Franzese announced that the County's Agriculture & Farmland Protection Plan was recently updated and a draft has been provided to each Supervisor. Ms. Franzese asked that the Supervisors review the draft plan with specific attention to Section 3.2 entitled Background Studies. There is a segment on each town and she asked that any comments or edits be given in the coming two weeks so that a public hearing date could be set at the April Board meeting.

In answer to Mr. Pigford, Ms. Franzese noted that the Planning Department could provide an electronic copy of the Plan.

Chairman Eisel granted privilege of the floor to Mr. Merrill who introduced Real Property Tax Services Director Mike Sabansky.

Mr. Sabansky gave a presentation on taxation of solar energy panels installed on private property. Under the Real Property Tax Law, solar energy systems are exempt from taxation in New York State.

Solar energy systems are considered real property once they become affixed to land or a structure and increase the assessed value of the property on which they are located. However, unless taxing jurisdictions vote to opt out, real property owners receive a 15-year exemption from taxation on the increase in value that comes from the installation of a solar system.

If landowners get the solar systems installed on their properties before the enactment of legislation opting out of the exemption, no taxes will be generated.

Mr. Sabansky stated that he has been made aware of solar companies soliciting property owners in Delaware County offering contracts to lease land and make annual payments based on

the land used. The County Assessors' Association has been working on the issue for the past several months. A uniform way to deal with the installations and taxes is being worked on. Mr. Sabansky stated that he hoped to present a plan to deal with solar taxation in the next few months.

Mr. Sabansky addressed concerns raised by the Supervisors regarding assessments, the role of the local assessor, restrictions, penalties and lease agreements.

Chairman Eisel thanked Mr. Sabansky for an informative presentation.

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

RESOLUTION NO. 35

**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 trade-in or on-line auction the following items:

| <u>Dept/Vehicle No.</u> | <u>Description</u> | <u>Serial No. /VIN No.</u> |
|-------------------------|---|----------------------------|
| DPW 420 | 2002 Ford Service Truck | 1FDXW46F62EC19367 |
| DPW 424 | 2005 International Utility Truck | 1HTMLAFM45H111459 |
| SWMC (yellow) | 1,000 gallon double contained button tank | 416436 |
| SWMC (white) | 1,000 gallon double contained button tank | 416433 |

The resolution was seconded by Mr. Haynes.

In answer to Mr. Marshfield, Commissioner of Public Works Wayne Reynolds stated these tanks were out of service when the Sidney Center garage was closed and explained that a double contained button tank is a double-walled fuel tank designed for the safe storage of petroleum and other chemicals in above or below ground locations.

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. 36

**TITLE: AUTHORIZATION FOR AWARD
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 314 of 2004 authorized the DPW to enter into a Federal Aid Agreement for the design of County Route 26 over Telford Hollow Brook (BIN 3351950) in the Town of Colchester, PIN 9753.00 for Preliminary Engineering and Right of Way Incidentals in

the amount of \$304,000; and

WHEREAS, Resolution No. 51 of 2009 authorized the DPW to enter into a supplemental agreement No. 1 with the state for the Right of Way acquisition in the amount of \$87,123 which increased the contract amount to \$391,123; and

WHEREAS, Resolution No. 132 of 2009 authorized the DPW to enter into supplemental agreement No. 2 with the state for an increase in the design cost of \$65,000 which increased the contract amount to \$456,123; and

WHEREAS, due to the fact that there has not been any federal construction money available the project has remained dormant since 2009; and

WHEREAS, there is a possibility of obtaining some construction money available for 2016 to advance this project, the plans have to be brought up to current standards; and

WHEREAS, the DPW has followed the federal procedures for selecting an engineer to bring the plans up to current standards.

NOW, THEREFORE BE IT RESOLVED that the Delaware County Department of Public Works is authorized to make award to Modjeski and Masters, P.C., 301 Manchester Road, Suite 102, Poughkeepsie, NY 12603 for professional services of updating the plans and environmental documentation to current standards and preparing bid documents.

Proposal Fee: Maximum Amount Payable \$74,860

The resolution was seconded by Mr. Haynes.

Mr. Rowe referenced Commissioner Reynolds' memo to the Supervisors adding this could be the first Marcheselli Bridge since 2008.

In answer to Chairman Eisel, Commissioner Reynolds explained that the Telford Hollow Brook Bridge project has been around since 2004. Since there has not been any federal construction money available, the project has remained dormant since 2009. The Department is requesting authorization to obtain professional services to update the plans and environmental documentation to current standards because there is the possibility of obtaining construction money for 2016.

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

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

RESOLUTION NO. 37

**TITLE: EXCEPTION TO RESOLUTION NOS. 37 of 1989 AND 115 of 1992
COUNTY AUCTION FOR TAX ACQUIRED PROPERTIES FOR 2016
TREASURER'S OFFICE**

WHEREAS, Delaware County Board of Supervisors Resolution No. 37 of 1989 and Resolution No. 115 of 1992 state that all properties not redeemed by June 30 will be sold by

auction on the second Saturday in July of that year; and

WHEREAS, due to circumstances beyond the Department's control the auction date needs to be changed.

NOW, THEREFORE, BE IT RESOLVED that for this year only the annual county-owned auction be changed from the second Saturday of July to Saturday, September 10, 2016.

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

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

RESOLUTION NO. 38

TITLE: RESOLUTION CALLING FOR AN INCREASE IN THE SHARE OF REVENUE COUNTIES RETAIN FOR PROVIDING STATE DEPARTMENT OF MOTOR VEHICLES (DMV) SERVICES COUNTY CLERK

WHEREAS, 52 of the 62 New York Counties are mandated by the State to operate a local DMV Office; and

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

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

WHEREAS, the remaining 12.7 percent 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 has repeatedly stated that lowering the property tax burden on local residents is a key priority; and

WHEREAS, increasing the County DMV revenue sharing rate will provide counties with needed revenue to continue to provide necessary local government services and reduce pressure on property taxes without increasing costs or fees to local residents; and

WHEREAS, there is a clear inequity present when a county DMV provides all the services, including overhead and staffing needs, to fulfill these DMV services needed for state residents, yet the State takes 87.3 percent of the revenue generated from providing these services; and

WHEREAS, the state Senate recognized this inequity placed on counties and attempted to reduce the burden of local property taxpayers by overwhelmingly passing Senator Patty Richie's bill S.4964, which would raise the 12.7 percent county share up to a 25 percent share; and

WHEREAS, counties recognize the important function of the state DMV in providing both support to counties and residents services; accordingly, any loss in the state DMV

operational budget that occurs from an increased county revenue should be made whole through the State General Fund; and

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 copies of this resolution be sent to the sixty-one counties of New York State encouraging member counties to enact similar resolutions; 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).

The resolution was seconded by Mr. Tuthill.

In answer to Chairman Eisel, County Clerk Sharon O'Dell stated it has been seventeen years since the county's share has been increased.

The resolution was unanimously adopted.

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

RESOLUTION NO. 39

TITLE: RESOLUTION CALLING ON THE STATE TO INCREASE INDIGENT LEGAL DEFENSE SYSTEM FUNDING

WHEREAS, the United States Supreme Court held in Gideon v. Wainwright that the right to counsel for one charged with a crime is fundamental and that it is the state's responsibility to supply lawyers for those unable to afford them; and

WHEREAS, in 1965 the State of New York delegated this state responsibility to counties; and

WHEREAS, the decision to place responsibility at the county level in the State of New York has resulted in a system by which the county and local property taxpayers are burdened with the vast majority of costs for this state responsibility; and

WHEREAS, the shift of costs for this state mandated service has become so imbalanced that the counties of New York now cover over 80% of the cost; and

WHEREAS, the implementation of the constitutional right to counsel under Gideon is a state, not county, obligation; and

WHEREAS, Assemblymember Patricia Fahy and Senator John DeFrancisco recently sponsored a same-as bill (A.6202B/S.6341) recognizing that indigent defense is a State fiscal responsibility and requiring the State, not the county, to pay for such service; and

WHEREAS, we commend Assemblymember Fahy and Senator DeFrancisco for championing a state fiscal takeover of indigent defense services, which will directly lead to improvements to this vital service for residents in need, and provide meaningful fiscal mandate relief for counties and real property taxpayers; and

WHEREAS, the State and multiple counties were sued, and ultimately settled, Hurrell-Harring, et. al v. State of New York, which sought to transform the indigent defense system and called for more government funding to be invested in the system; and

WHEREAS, the Hurrell-Harring settlement requires the parties involved in the suit to provide additional indigent defense services and costly increases including first arraignment counsel, case load caps for public defenders, and additional staff and support for public defenders; and

WHEREAS, the proposed 2015-16 Budget only allocates increased funding to the five counties involved in the Hurrell-Harring lawsuit for expanding indigent defense; and

WHEREAS, the remaining 52 counties need increased funding so that expanded indigent defense services are uniform throughout the State; and

WHEREAS, the Governor has stated recently that the entire New York State justice system needs to be examined to insure it provides the most equitable and fair treatment possible; and

WHEREAS, the state can improve the public defense system by incrementally increasing state funding, designing a cost-effective way to finance the system over time, and relieving counties of a responsibility delegated to them since 1965.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors supports increased state funding to the indigent legal defense system and for the state to ensure counties will not be forced to pay for the additional requirements resulting from the Hurrell-Harring settlement; and

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors shall forward certified copies of this resolution to Governor Andrew M. Cuomo, Senator John Bonacic, Senator James L. Seward, Senator Frederick J. Akshar, II, Assemblyman Clifford W. Crouch, Assemblyman Peter D. Lopez and Assemblywoman Claudia Tenney, other New York Counties, and the New York State Association of Counties (NYSAC).

The resolution was seconded by Mr. Tuthill.

Mr. Spaccaforo noted that indigent defense funding is another unfunded state mandate that has become the responsibility of the counties.

Chairman Eisel added that Assemblymember Patricia Fahy and Senator John DeFrancisco have sponsored a bill calling for a three-year state fiscal takeover of the indigent defense services.

The resolution was unanimously adopted.

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

RESOLUTION NO. 40

TITLE: RESOLUTION OPPOSING THE NEW YORK STATE LABOR COMMISSIONER'S ORDER TO RAISE THE MINIMUM WAGE TO \$15 AN HOUR FOR EMPLOYEES OF FAST-FOOD CHAIN RESTAURANTS IN NEW YORK

WHEREAS, New York State's minimum wage currently stands at \$8.75 an hour and is scheduled to reach \$9 an hour on December 31, 2015; and

WHEREAS, at the request of Governor Andrew Cuomo, a Wage Board was empaneled to study the issue of an increase in the minimum wage and as a result of the Board's recommendations and with the Governor's backing, the State Labor Commissioner issued an order raising the minimum wage to \$15 an hour for employees of fast-food chain restaurants in all of New York State; and

WHEREAS, Governor Cuomo then announced he would propose legislation raising New York's statewide minimum wage to \$15 an hour for all workers, to commence by 2018 in New York City and by 2021 for the rest of the State, as it is the Governor's view that a minimum wage increase is needed to "lift workers out of poverty, improve the standard of living for workers, encourage fair and more efficient business practices, and ensure that the most vulnerable members of the workforce can contribute to the economy; and

WHEREAS, lawmakers across the nation continue to debate the merits of raising the minimum wage to \$15 an hour and although we seek to have our citizens improve their standard of living and for those in poverty to be lifted out, there is credible research to suggest that the potential benefits of raising the minimum wage are greatly offset by the negative consequences of same, especially in the North Country; and

WHEREAS, a recent paper published by the Empire Center and the American Action Forum entitled "*Higher Pay, Few Jobs*," authored by Douglas Holtz-Eakin and Ben Gitis, finds that a \$15 minimum wage ultimately would cost the state at least 200,000 jobs, with proportionately larger employment decreases in the upstate regions; and

WHEREAS, an "across the board" increase in the minimum wage proposed by the Governor fails to consider the differing economic realities between wages and the cost of living between New York City and upstate, rural agriculturally driven counties such as Delaware County. What may be a good, viable policy for the city and greater New York metropolitan workforce may well be detrimental to small, family businesses and small, rural, agriculturally driven counties such as Delaware County; and

WHEREAS, the minimum wage increase to \$15 for fast-food workers in Delaware County may result in the inequitable and negative effect of causing employers to hire part-time instead of full-time because of the additional payroll and other benefit costs to employers with these increased costs; it may cause more reliance upon more automation to operate resulting in fewer new hires, increased work load for remaining staff, and a more selective hiring process. All of these effects may lead to price increases, loss of entry-level jobs for many unskilled workers thereby harming low-income workers for whom the increase is designed to benefit; and

WHEREAS, the wage increase to \$15 per hour in the fast-food industry will have the effect in our rural, agriculturally driven labor force of having skilled employees earning less than unskilled, entry level workers in the fast food industry. According to the Bureau of Labor statistics from May 2014, the median hourly wage for “all occupations” in Delaware County is \$15.59. This statistic holds true for many employees of the County as well. The inevitable result will be a heightened pressure on small businesses (and public employers in the county) to increase wages to their skilled employees in order to retain a qualified workforce. This may then lead to higher prices, closed businesses, job losses to the existing labor pool, and/or an increase in property taxes to meet the financial cost to municipalities because of an increase in wages in the public workforce; and

WHEREAS, the Delaware County Board of Supervisors is cognizant of the nature of the workforce in Delaware County, the desire to lower the unemployment rate and provide a community in which all residents can prosper and enjoy a decent standard of living. The Delaware County Board of Supervisors believes, however that instead of this proposed increase in wages, the State should be working together with county and other local municipalities to lower unfunded mandates, support job creators, lessen the payroll burdens on employers and businesses in New York State, and create a regional economic environment where businesses can establish themselves and offer good paying, competitive wages to skilled and unskilled workers reflective of the local economy.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. The Delaware County Board of Supervisors calls for the immediate withdrawal of the Order to increase the minimum wage to \$15 for fast-food chain businesses in New York State.

Section 2. The Delaware County Board of Supervisors calls on the Governor, his Wage Board, the State Labor Commissioner and the State Legislature to reconsider this misguided recommendation.

Section 3. The Delaware County Board of Supervisors calls upon the Governor, his Wage Board, the State Labor Commissioner and the State Legislature to have further analysis and input with and from local governments and private, small business proprietors, including those in rural counties, as to the actual effects and impacts that a large raise in the minimum wage may have on local businesses, the local economy and those in low-income families in the North Country.

Section 4. The Delaware County Board of Supervisors hereby records its opposition to an increase in the minimum wage of \$15 proposed, and directs that a copy of this resolution be forwarded to Governor Andrew Cuomo, State Senate and Assembly Majority Leaders, State Senator Joseph A. Griffo, State Assemblyperson Kenneth Blankenbush, and all Legislative bodies in the sixty-one counties in the State of New York.

The resolution was seconded by Mr. Tuthill.

Mr. Marshfield stated he would be supporting this resolution. The resolution notes the negative points of an increase to the minimum wage very well but there are some good points worth noting. His research found that an increase in the minimum wage would pull about 100,000 people statewide out of the poverty level. Since the recession minimum wage

employment has become permanent employment, sixty percent of fast food workers have at least one family member on public assistance, and about fifty percent of these workers are woman with one child.

Mr. Valente opined that \$15 an hour is not commensurate with the cost of living in upstate New York.

Mr. Gregory shared his concern for future long-term impacts already seeing self-service terminals pushing people out of jobs, reducing positions from full-time to part-time and skilled workers earning less than entry-level workers do.

Chairman Eisel remarked that minimum wage positions were meant to be a stepping-stone for young adults entering the job market not permanent positions.

Mr. Pigford felt that the resolution did not define what a fast-food restaurant is noting that it makes it difficult to determine how an increase in minimum wage would affect the smaller independent restaurant.

Mr. Taggart stated that minimum wage began as a way for young entry-level workers to gain experience and opined that \$15 an hour is too high of a starting salary.

Mr. Gladstone commented on the unfairness of raising the minimum wage for only one industry. He noted that entry-level positions with tremendous responsibility such as medical positions are not beginning at that wage.

Mr. Spaccaforno opined that entry-level police officers are not earning that wage.

Mr. Rowe said it can cost up to \$10,000 to obtain a CDL license and the individual pays the fee for the license. The minimum wage for an entry-level worker in this field is less than \$15 an hour.

Mr. Hynes noted that employees of fast-food chain restaurants typically do not receive benefits or tips.

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. Merrill offered the following resolution and moved its adoption:

RESOLUTION NO. 41

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,139,159.29 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 | \$897,607.52 |
| OET | \$2,197.49 |
| Public Safety Comm System | \$1,460.00 |
| Highway Audits, as Follows: | |
| Weights and Measures | \$73.71 |
| Landfill | \$14,062.45 |
| Road | \$104,761.49 |
| Machinery | \$76,244.63 |
| Capital Road & Bridge | \$3,290.00 |
| Capital Solid Waste | \$39,462.00 |

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

Upon a motion, the meeting was adjourned at 2:25 p.m.