

## REGULAR MEETING

### DELAWARE COUNTY BOARD OF SUPERVISORS APRIL 13, 2016

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, April 13, 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 except Mr. Rowe and Mr. Pigford.

Mr. Marshfield offered the invocation.

Mr. Gregory 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. Merrill who introduced Real Property Tax Services Director Mike Sabansky.

Mr. Sabansky gave a PowerPoint presentation on the types of commercial solar projects that could be constructed in Delaware County. The presentation included slides of the largest solar installation project on the east coast located at the Brookhaven National Laboratory on Long Island and a project in Ithaca, NY. He cited a New York State Public Service Commission white paper renewable energy initiative that calls for 3,929 gigawatts of electric generation in the state by 2020 and ten times that amount by 2030. To reach the 2020 goal, 17,000 acres of solar panels would be needed and 170,000 acres of solar panels to reach the 2030 goal of 39,290 gigawatts.

Currently there is one commercial solar project in the county and another one proposed. One solar company has recently sent out 6,500 solicitations to property owners seeking to rent land to construct solar farms within one mile of three phase electrical lines or electric substations and there is a strong possibility there would be projects constructed in Delaware County. At the present time unless the county, towns, villages and each school district take some action, any project built in the county would be exempt from taxes for a period of 15 years based on Real Property Tax Law.

Mr. Sabansky stated that he has been working with the assessors in Delaware County on a plan to have a uniform procedure to set assessments and valuations for commercial solar farms. The assessors agree there should be a uniform approach to collect some form of tax in exchange for doing business in Delaware County and were asked to consider taxing commercial solar projects based on income per unit of electricity produced.

Mr. Sabansky noted that Resolution No. 60 will be presented later in the meeting and

urged Supervisors to vote in favor of taxing commercial solar farm installations by approving a community host benefit agreement for all new projects constructed in the county. Residential and agricultural solar installations would remain tax exempt.

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

**RESOLUTION NO. 51**

**TITLE: 2016 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
DISTRICT ATTORNEY**

**WHEREAS**, in Resolution No. 23-11 the sum of \$14,438.00 was received and made available to the District Attorney’s Office to assist in the prosecution of offenses committed under New York State Penal Law Article 265 which deals with the possession of certain illegal weapons; and

**WHEREAS**, there is currently still available the sum of \$6,475.03; and

**WHEREAS**, there is a need for the District Attorney’s Office to purchase two filing cabinets.

**NOW, THEREFORE, BE IT RESOLVED** that the following 2016 budget transfer be made:

**FROM:**

10-11165-54465000/1165002/964                      Miscellaneous                      \$675.00

**TO:**

10-11165-52200000/1165002/964                      Equipment                      \$450.00

10-11165-54595320/1165002/964                      Supplies Office                      \$225.00

The resolution was seconded by Mr. Ellis.

In answer to Mr. Taggart, Mr. Spaccaforo stated that the department verified that horizontal filing cabinets were not available from County surplus prior to requesting authorization to purchase the cabinets new.

The resolution was adopted by the following vote: Ayes 3900, Noes 0, Absent 899 (Rowe, Pigford).

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

**RESOLUTION NO. 52**

**TITLE: AUTHORIZATION FOR AWARD  
DEPARTMENT OF EMERGENCY SERVICES**

**LETTING OF FEBRUARY 26, 2016**

**WHEREAS**, notice to bidders has been made, and proposals received, having been filed and the bidding procedures and documents have been approved by the County Attorney.

**NOW, THEREFORE, BE IT RESOLVED** that the Department of Emergency Services is authorized to make award to the bidder meeting the specifications for the Alarm Equipment.

PROPOSAL: Alarm Equipment to:  
DPS Telecom  
4955 E. Yale Ave.  
Fresno, CA 93727-1523

The resolution was seconded by Mr. Haynes.

Director of Emergency Services Steve Hood stated in reply to Chairman Eisel that only DPS Telecom responded to the bid request.

In answer to Mr. Spaccaforno, Mr. Hood noted that all of the requested items are available through DPS Telecom.

The resolution was adopted by the following vote: Ayes 3900, Noes 0, Absent 899 (Rowe, Pigford).

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

**RESOLUTION NO. 53**

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

**LETTING OF APRIL 5, 2016**

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

**BE IT RESOLVED**, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. 34-16      Controlled House Demolition/Asbestos Abatement to:  
Tweedie Construction Services Inc.  
90 Crystal Creek Road  
Walton, NY 13856

Bid Price:      \$44,030.00

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors.

The resolution was seconded by Mr. Haynes.

In answer to Mr. Marshfield, Commissioner of Public Works Wayne Reynolds advised that the demolition is located at 717 Wagner Avenue in the Village of Fleishmanns. Mr. Tweedie is comfortable with the bid pricing. The County will be reimbursed for this project.

The resolution was adopted by the following vote: Ayes 3900, Noes 0, Absent 899 (Rowe, Pigford).

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

**RESOLUTION NO. 54**

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

**LETTING OF MARCH 31, 2016**

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

**BE IT RESOLVED**, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. 35-16      Purchase Medium Duty Service Truck with Lift Gate to:  
Robert Green Truck Division  
Route 17 E, Exit 107  
Monticello, NY 12701

Bid Price:      \$85,717.00

Other municipalities in Delaware County may participate in this award.

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors.

The resolution was seconded by Mr. Haynes.

In answer to Mr. Taggart, Commissioner Reynolds said that the purchase of lesser quality utility boxes have resulted in the boxes rusting out before the truck has reached its useful life. This utility box is very rugged and prevents having to purchase a new box to put on an old truck.

Commissioner Reynolds advised in answer to Chairman Eisel that the utility boxes are made with a heavy gauge galvanized steel.

In reply to Mr. Gladstone, Commissioner Reynolds said that dealing with Robert Green Truck Division has worked well for the department so far. The company has addressed and resolved all complaints satisfactorily. The department has been very pleased with the performance of the Dodge and decided to purchase a second one. The cost of the Dodge is less than the amount appropriated for the purchase of a new truck.

The resolution was adopted by the following vote: Ayes 3900, Noes 0, Absent 899 (Rowe, Pigford).

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

**RESOLUTION NO. 55**

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

**LETTING OF MARCH 30, 2016**

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

**BE IT RESOLVED**, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. SW2-16 Purchase of Orange Peel Motorized Grab to:  
Mack Manufacturing  
7205 Bellingrath Road  
Theodore, AL 36582

Bid Price with Option 1: \$62,184.00

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors.

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

In response to Mr. Taggart, Commissioner Reynolds explained that the Orange Peel Motorized Grab is a 2 cubic yard mechanical hand attached to a crane that reaches into the pit to grab garbage at the Compositing Facility.

Mr. Valente stated that because this is an essential piece of equipment to the Compost Facility a central piece of the bid was that parts had to be readily available.

In answer to Chairman Eisel Commissioner Reynolds said that the original grab served the county well for fifteen years.

Commissioner Reynolds explained in answer to Mr. Marshfield, that the current grab is a well-made piece of equipment manufactured in Germany. Unfortunately, when there is a need for replacement parts, they ship from Germany. The parts are very costly and it takes a significant amount of time for them to arrive. When the equipment goes down, the facility shuts down so it is essential the parts are on the shelf and available immediately. The new grab is American made. The parts are readily available thus more cost effective.

The resolution was adopted by the following vote: Ayes 3900, Noes 0, Absent 899 (Rowe, Pigford).

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

**RESOLUTION NO. 56**

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

**LETTING OF APRIL 6, 2016**

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

**BE IT RESOLVED**, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. SW3-16 Purchase of Extreme Duty Industrial Vacuum to:  
Northwind Air Systems  
2961 Lyall Street, Montreal  
QC H1N3G8, Canada

Bid Price: \$34,734.23

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors.

The resolution was seconded by Mr. Haynes.

Chairman Eisel stated that this is a worthwhile purchase as it meets the needs of the department and improves the working environment for the employees.

In answer to Mr. Taggart, Commissioner Reynolds explained that this filtered vacuum system would replace the use of brooms. The vacuum will do a much better job in cleaning the equipment and the filter will further reduce the amount of dust particles in the air.

Mr. Valente commented that purchasing this vacuum is a proactive move by the department whose primary interest is the health and safety of their employees.

The resolution was adopted by the following vote: Ayes 3900, Noes 0, Absent 899 (Rowe, Pigford).

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

**RESOLUTION NO. 57**

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

**LETTING OF APRIL 6, 2016**

Notice to bidders and proposals received having been filed and the bidding procedures

and documents having been approved by the County Attorney:

**BE IT RESOLVED**, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. SW4-16 Purchase of Remanufactured Detroit Diesel  $\frac{3}{4}$  Engine MBE  
4000 to:  
WW Williams  
7125 Hubbard Masury Rd,  
Hubbard, OH 44425-9706

Bid Price with Option 1: \$20,650.00

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors.

The resolution was seconded by Mr. Haynes.

In answer to Mr. Marshfield, Solid Waste Director Susan McIntyre said this is a remanufactured Mercedes engine that will be put into one of the roll-off trucks at the Compost Facility.

The resolution was adopted by the following vote: Ayes 3900, Noes 0, Absent 899 (Rowe, Pigford).

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

### **RESOLUTION NO. 58**

#### **TITLE: CHANGE ORDER NO. 1 OF PROPOSAL NO. 27-16 DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, Resolution No. 44-16 authorized the award of Proposal No. 27-16, Purchase of Two Tandem Axle Dumps with Plow, Wing and Spreader to Ben Funk Inc., 3609 Route 9, Hudson, NY 12534 for the bid amount of \$210,733.50; and

**WHEREAS**, the trucks have been ordered and the dealer has made a recommendation that we add a tilt/telescopic steering wheel and a battery disconnect switch; and

**WHEREAS**, this change will require an additional \$461.00 per truck.

**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 \$461.00 increasing the purchase price to \$211,194.50 per truck.

The resolution was seconded by Mr. Haynes and adopted by the following vote: Ayes 3900, Noes 0, Absent 899 (Rowe, Pigford).

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

**RESOLUTION NO. 59**

**TITLE: APPROVAL TENTATIVE AGREEMENT  
BETWEEN THE NEW YORK STATE NURSES ASSOCIATION  
AND DELAWARE COUNTY  
PERSONNEL OFFICE**

**WHEREAS**, the Human Resources Committee has reached a tentative agreement with the New York State Nurses Association for the terms and conditions of employment for the years 2015, 2016, 2017 and 2018.

**NOW, THEREFORE, BE IT RESOLVED** that said tentative agreement is hereby approved as presented to the Board, and the Chairman of the Board is authorized to execute a collective bargaining agreement which incorporates the terms of said tentative agreement.

The resolution was seconded by Mr. Merrill and adopted by the following vote: Ayes 3900, Noes 0, Absent 899 (Rowe, Pigford).

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

**RESOLUTION NO. 60**

**TITLE: RESOLUTION AUTHORIZING ENTRY INTO HOST COMMUNITY BENEFIT  
AGREEMENTS AS PAYMENTS IN LIEU OF TAXES FOR COMMERCIAL SOLAR  
INSTALLATIONS IN DELAWARE COUNTY  
REAL PROPERTY TAX SERVICES**

**WHEREAS**, the County of Delaware wishes to cooperate and partner with the towns, villages and school districts in creating a unified policy to deal with the taxable status of commercial solar installations; and

**WHEREAS**, the real estate parcels that contain those solar installations will fall into overlapping taxing districts; and

**WHEREAS**, New York State Real Property Tax Law Section 487 (9) states that solar, wind and farm waste energy projects are exempt from property taxes for a period of 15 years, but are eligible to contribute to their host community through PILOT agreements; and

**WHEREAS**, the County of Delaware and many of the towns, villages and school districts agree that residential and agricultural solar projects should be tax-exempt, but commercial solar projects should pay their fair share of the costs of municipal expenses; and

**WHEREAS**, residential solar projects are defined as projects located at inhabited dwellings, connected to a single phase grid and no larger than 20 kw in size; and

**WHEREAS**, agricultural solar projects are defined as projects located on lands which qualifies for exemption under Real Property Tax Law § 483; and

**WHEREAS**, commercial solar projects are defined as any projects other than those

defined above as residential or agricultural; and

**THEREFORE**, upon approval of this Resolution, it is understood that the Delaware County Board of Supervisors authorizes Host Community Benefit Agreements being put into place for all new commercial solar installations in the County. It is further understood that taxing districts will need to adopt similar legislation to authorize Host Community Benefit Agreements. In addition, it is expected that the Town will be the lead agency in negotiating and ensuring that Host Community Benefit Agreements are in place; and

**FURTHERMORE**, all commercial solar panel arrays will be subject to Host Community Benefit Agreements (PILOT) to be put into place by the Town and the proceeds of which will be shared by each taxing district on a pro-rated amount (50%, town, 25%, county, 25% school); and

**WHEREAS**, all residential and agricultural solar installations would remain as tax exempt for the 15-year period unless the law changes regarding tax-exempt status. This Resolution only applies to commercial installations; and

**WHEREAS**, under Section 487 (9) of the Real Property Tax Law, the Host Community Benefit Agreement must not exceed the amount of taxes that the entity would have paid on the new array if there were not tax exemption (For example, if a \$100,000 solar farm is built on a \$5,000 plot of land, the agreement cannot exceed what the property taxes would have been on a \$105,000 assessed value); and

**WHEREAS**, it is understood agreements made pursuant to this resolution shall be for 15 years and that the revenue will be divided among the taxing districts as described above.

**NOW, THEREFORE, BE IT RESOLVED** that the County of Delaware, Board of Supervisors is in agreement with this multi-jurisdictional cooperation agreement.

The resolution was seconded by Mr. Gladstone.

Mr. Marshfield stated that Delaware County Electric Co-op has been receiving calls from residents around the County that they service regarding the possibility of placing a solar array on their property. There may be areas that the Co-op will be unable to accommodate.

The resolution was adopted by the following vote: Ayes 3659, Noes 241 (Taggart), Absent 899 (Rowe, Pigford).

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. 61**

### **TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's

office in the amount of \$1,572,070.06 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	\$1,245,147.66
OET	\$18,089.20
Public Safety Comm System	\$0.00
Highway Audits, as Follows:	
Weights and Measures	\$237.98
Landfill	\$36,477.55
Road	\$130,936.02
Machinery	\$79,246.33
Capital Road & Bridge	\$46,184.82
Capital Solid Waste	\$15,750.50

The resolution was seconded by Mr. Spaccaforno and adopted by the following vote:  
Ayes 3900, Noes 0, Absent 899 (Rowe, Pigford).

Upon a motion, the meeting was adjourned at 2:10 p.m.