

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS APRIL 27, 2016

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, April 27, 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. Haynes.

Mr. Marshfield offered the invocation.

Mr. Gladstone 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. Spaccaforno who introduced Bob Schulz founder and Chairman of We the People of New York, Inc. (WTP-NY).

A PowerPoint presentation entitled *Make New York Great Again. The New York State Constitution Convention Question* was given by Mr. Schulz.

Mr. Schulz noted that WTP-NY is working to hold government accountable to the Constitution. The work of the organization is in defense of the State and Federal Constitutions and is dedicated to the rights of the people and the obligations of the government under the First Amendment. Specifically, he referred to the accountability clause, the right to petition government for the redress of grievances. This clause guarantees the right of the people to peacefully hold the government accountable to the Constitution.

He stated that the over-reaching arm of government needs to be addressed and feels the best way to do this is to become a strong voice for a People's Constitutional Convention. The purpose of the Constitutional Convention is to recommend changes to the rules that regulate the behavior of government employees, political parties and lobbyists. It is important to educate the public on the electoral process, the courts and their right to alter the government of New York by revising its Constitution. In order to ensure the public has an opportunity to know the candidates prior to the vote the WTP-NY is developing a website.

In November 2017, the people of New York will have a choice to vote for a Constitutional Convention. If the vote passes, in November 2018, the people will elect the delegates and in April 2019, the delegates will address issues relating to ethics, transparency and accountability in government.

In conclusion, Mr. Schulz shared that he envisions a future that includes enhanced government ethics, transparency and accountability through the people's enforcement of amendments designed to limit government and restore the rights, freedoms and liberties of the people.

Chairman Eisel thanked Mr. Schulz for a very informative presentation.

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

RESOLUTION NO. 62

**TITLE: 2016 BUDGET AMENDMENT
ACCEPTANCE OF GRANT FUNDING
VITAL ACCESS PROVIDER (VAP) SAFETY NET PROGRAM
MENTAL HEALTH CLINIC**

WHEREAS, New York State Office of Mental Health has awarded a three year VAP grant of \$382,750 to Delaware County Community Services; and

WHEREAS, the funding is awarded to mental health providers willing to participate in service consolidation efforts for financial sustainability; and

WHEREAS, the funding is designated to enhance technology capabilities and consolidate mental health and addiction treatment services.

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

INCREASE REVENUES:

10-14310-43349015/4310001/976	State Mental Health	\$191,375.00
10-14310-44449001/4310001/976	Federal Mental Health	\$191,375.00

INCREASE APPROPRIATIONS:

10-14310-52200001/4310001/976	Equipment	\$131,000.00
10-14310-54327465/4310001/976	General Expense	\$251,750.00

The resolution was seconded by Mr. Spaccaforno and adopted by the following vote: Ayes 4631, Noes 0, Absent 168 (Haynes).

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

RESOLUTION NO. 63

**TITLE: 2016 BUDGET AMENDMENT
ENTERING INTO CONTRACT WITH
NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES (OCFS)
YOUTH BUREAU**

WHEREAS, the Delaware County Youth Bureau is the designated local agency to provide programming for youth; and

WHEREAS, the Delaware County Youth Bureau has entered into a contract with OCFS to provide programming for youth that the Court System has sent to the Youth Leadership Academy (YLA); and

WHEREAS, the amount of the contract has been increased by \$20,000 to provide programming.

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

INCREASE REVENUE:

10-17310-43382000	YLA	\$20,000.00
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INCREASE APPROPRIATION:

10-17310-54200000	YLA Program Expenditures	\$20,000.00
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The resolution was seconded by Mr. Hynes and adopted by the following vote: Ayes 4631, Noes 0, Absent 168 (Haynes).

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

RESOLUTION NO. 64

TITLE: APPORTIONMENT OF MORTGAGE TAX

WHEREAS, §261 of the Tax Law makes it mandatory to apportion the mortgage tax semi-annually and a report has been received from the recording officer and the County Treasurer for the period ending March 31, 2016.

NOW, THEREFORE, BE IT RESOLVED that the County Treasurer be directed to pay to the several towns and villages of Delaware County the amounts stated below; the same having been apportioned according to the aforementioned §261; and

BE IT FURTHER RESOLVED that the foregoing statement shall be to the County Treasurer a sufficient warrant for the payment of said monies.

Town	Amount Allocated to Tax District	Amount Apportioned to Town	Amount Apportioned to Village
Andes	\$20,983.42	\$20,983.42	
Bovina	\$6,778.87	\$6,778.87	
Colchester	\$5,766.33	\$5,766.33	
Davenport	\$15,870.88	\$15,870.88	
Delhi	\$154,591.99	\$131,046.11	\$23,545.88
Deposit	\$5,531.90	\$5,161.41	\$370.49
Franklin	\$8,977.87	\$8,587.07	\$390.80
Hamden	\$9,390.45	\$9,390.45	

Town	Amount Allocated to Tax District	Amount Apportioned to Town	Amount Apportioned to Village
Hancock	\$11,057.29	\$10,065.31	\$991.98
Harpersfield	\$5,573.88	\$4,982.55	\$591.33
Kortright	\$11,094.30	\$11,094.30	
Masonville	\$5,419.28	\$5,419.28	
Meredith	\$10,075.58	\$10,075.58	
Middletown	\$41,311.02	\$37,605.17 FL	\$1,141.47
		MV	\$2,564.38
Roxbury	\$15,663.46	\$15,663.46	
Sidney	\$11,180.76	\$7,981.61	\$3,199.15
Stamford	\$10,254.82	\$7,911.50 ST	\$927.81
		HO	\$1,415.51
Tompkins	\$3,328.53	\$3,328.53	
Walton	\$15,100.13	\$12,365.71	\$2,734.42
Totals ...	\$367,950.76	\$330,077.54	\$37,873.22

The resolution was seconded by Mr. Tuthill and adopted by the following vote: Ayes 4631, Noes 0, Absent 168 (Haynes).

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

RESOLUTION NO. 65

TITLE: AUTHORIZATION TO ENTER INTO AGREEMENTS FOR ACCEPTANCE OF SELECT OUT-OF-COUNTY WASTES GENERATED FROM THE VILLAGE OF WALTON WASTEWATER TREATMENT FACILITY DEPARTMENT OF PUBLIC WORKS

WHEREAS, Resolution No. 112 of 2014 authorized the County to accept Out-of-County waste from the Village of Walton Wastewater Treatment plant for a period of one year; and

WHEREAS, Resolution No. 205 of 2015 extended that contract for one year; and

WHEREAS, the Village has requested an extension for a three year period; and

WHEREAS, it is in the best interest of the County to extend for a one year period.

NOW THEREFORE BE IT RESOLVED, that per the terms of Resolution No. 112 of 2014, the Department of Public Works is authorized to accept from the Village of Walton at the Solid Waste Management Center and Compost Facility, the resulting quantity of biosolids generated from the receipt of “Out-of-County” milk based liquid production waste water, subject to the applicable and prevailing tipping fee and capacity availability as established by the Department of Public Works.

BE IT FURTHER RESOLVED, that this extension shall be valid until May 31, 2017.

The resolution was seconded by Mr. Spaccaforo.

Mr. Rowe noted that the Village requested a three year period but the Department of Public Works Committee felt that consideration on a yearly basis was in the best interest of the County.

In answer to Mr. Taggart, Mr. Gregory said that the Village is not bringing waste at this time but expects to in the near future.

The resolution was unanimously adopted.

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

RESOLUTION NO. 66

TITLE: MODIFICATION OF HOST COMMUNITY BENEFIT PROGRAM DEPARTMENT OF PUBLIC WORKS

WHEREAS, Resolution No. 106 of 1994 established a Host Community Benefit Package to compensate the Host Community of the Delaware County Solid Waste Management Center in accordance with Resolution No. 224 of 1992, and

WHEREAS, Resolution No. 99 of 2006 modified the Host Community Benefit Package to include contractual provisions for the acceptance of landfill leachate at the Village of Walton Waste Water Treatment Plant, and

WHEREAS, the Village of Walton, as a named party within the Host Community Benefit Program, seeks to renew the contractual terms to provide disposal services at their Village Waste Water Treatment Plant for nonhazardous leachate generated at the Solid Waste Management Center, and

WHEREAS, the Delaware County Department of Public Works – Solid Waste Division seeks to secure disposal capacity for said leachate.

NOW, THEREFORE, BE IT RESOLVED that the Host Community Benefit Program be modified to include provisions for a negotiated agreement for leachate disposal services between the Village of Walton and Delaware County; terms of which include a \$0.035 per gallon disposal fee payable by the County to the Village, commitment to deliver 75% of leachate disposal volume to the Village, and a three year contract term to expire May 31, 2019.

The resolution was seconded by Mr. Spaccaforno.

Mr. Rowe noted that the Host Community Benefit Agreement has been working very well. It is the shortest haul for the County and is a win-win.

The resolution was adopted by the following vote: Ayes 4631, Noes 0, Absent 168 (Haynes).

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

RESOLUTION NO. 67

**TITLE: RESOLUTION TO APPOINT THE COMMISSIONER OF SOCIAL SERVICES
TO THE POSITION OF PART-TIME EXECUTIVE DIRECTOR OF THE
DELAWARE COUNTY YOUTH BUREAU**

BE IT RESOLVED, that Dana A. Scuderi-Hunter is hereby appointed as part-time Executive Director of the Delaware County Youth Bureau for a term of office effective January 1, 2016 to December 31, 2016

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

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

RESOLUTION NO. 68

**TITLE: RESOLUTION TO SOLIDIFY VETERANS RIGHTS
WHEN SEEKING NON-VA CARE
DEPARTMENT OF VETERANS SERVICES**

WHEREAS, the Veterans Affairs Administration has given veterans emergency care guidance which states that veterans should seek emergency care “if you believe your life or health is in danger;” and

WHEREAS, this guidance is contained in the Non-VA Emergency Care Fact Sheet and states that the veteran, family, friends, or hospital staff should contact the VA as soon as possible, preferably within 72 hours of your emergency, so you are better aware of what services VA may or may not cover; and

WHEREAS, when following the guidance, VA has further pointed out that a VA providers telephonic medical advice to a veteran to seek immediate emergency treatment at the nearest emergency department is not considered an authorization to seek non-VA care at VA expense; and

WHEREAS, the example put forth by the VA states that, “When a veteran calls VA and communicates a symptom, such as chest pain, that may indicate a potential medical emergency.

WHEREAS, in these cases, when a VA provider, Telephone Advice Nurse, or any other clinician speaks to a veteran on the phone, *they are **not** authorizing VA emergency care in the community, but rather advising the Veteran that the information provided **suggests** that seeking emergency treatment (regardless of where it is sought) is in that Veteran's best medical interest;*" and

WHEREAS, the VA further states that the veterans eligibility status for emergency care will be determined **after** necessary medical documentation has been received; and

WHEREAS, determination for seeking emergency medical treatment that may or may not be covered falls under the responsibility of the veteran since the VA will not accept responsibility for authorizing care, even when the veteran seeks guidance for what may constitute a medical emergency; and

WHEREAS, the veteran, as the payee, is held responsible for all payments if the VA determines that emergency treatment did not constitute a medical emergency, even when the veteran had consulted the VA telephonic advice line; and

NOW, THEREFORE, BE IT RESOLVED, that the Delaware County Board of Supervisors hereby respectfully urge the Veterans Affairs Administration to streamline requirements in determining conditions for Non-VA Care when veterans are seeking emergency care based on the following guidelines:

1. That the VA provide a no-nonsense, clearly understood, non-VA care authorization system that ensures the veteran will not be billed for emergency services by non-VA care facilities.
2. That VA should provide payment authorization between the non-VA care provider servicing the veteran and the VA approval authority.
3. Ensure VA continues to improve its non-VA care coordination through the Non-VA Care Coordination (NVCC) program office to improve and standardize their process for referrals to non-VA care.
4. Provide all non-VA providers with full access to VA's Computer Patient Record System (CPRS) to ensure the contracted community provider can review the patient's full history, allow the provider to meet all the quality of care screening and measures tracked in CPRS, and speed up receipt and documentation from the non-VA provider encounter to ensure it's added to the veteran's medical record.
5. Clarify community care for VA staff, and make it easier for community providers to partner with VA.

BE IT FURTHER RESOLVED, that the Clerk of the Board of Delaware County forward official copies of the resolution to the members of the New York delegation to Congress, the United States Congress, the United States House of Representatives, and the Under Secretary for Health in the Department of Veteran Affairs with the request that this resolution be reviewed and acted upon for the betterment of Delaware County veterans.

The resolution was seconded by Mr. Taggart and Mr. Spaccaforno.

Mr. Marshfield noted that Director of Veterans Service Agency Charles Piper brought this matter to the attention of the Social Services Committee. He explained that current non-VA care authorization system lacks a clear “Yes” or “No” authorization system. This resolution is urging the Veterans Affairs Administration to streamline requirements in determining conditions for non-VA medical care and make it easier for community providers to collaborate with the VA.

Mr. Taggart explained that if the veteran contacts a VA medical facility, no one will state that the veteran is authorized to receive non-VA medical care. Instead, it is left up to the veteran to make the determination if they feel it is an emergency, and then later after the care has been received, the VA makes the determination if they will pay for the services rendered. If they determine that the veteran’s situation did not constitute an emergency, the veteran is responsible for the payment of the medical bills.

Mr. Gregory explained that an individual on active duty would call the military medical insurance number to receive permission to be treated and be fully covered. The system does not work the same for the veterans and often these veterans are billed for their medical services.

The resolution was unanimously adopted.

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

RESOLUTION NO. 69

TITLE: A RESOLUTION CALLING ON THE STATE OF NEW YORK TO FULLY REIMBURSE COUNTIES FOR THE DISTRICT ATTORNEY SALARY INCREASES SET BY THE STATE

WHEREAS, on December 24, 2015, New York State Commission on Legislative, Judicial, and Executive Compensation voted to recommend increasing all state judge salaries in 2016 and 2018; and

WHEREAS, this salary increase recommendation occurred well after all counties set their 2016 budgets in law; and

WHEREAS, the recommended increase placed Supreme Court Judges’ salaries at \$193,000 in 2016 and \$203,000 in 2018 and placed County Court Judges at 95% of a Supreme Court Justice’s salary; and

WHEREAS, on April 1st the state approved the Commission’s recommendation; and

WHEREAS, State Judicial Law 183-a links judicial salaries with County District Attorneys’ (DA’s) salaries to be equal or higher than either the County Court Judge or Supreme Court Judge in a county, depending on full time or part time status; and

WHEREAS, for over 50 years, the state has funded all salary increases that they imposed on the counties, and

WHEREAS, DA's are entitled to the compensation they are owed pursuant to state law for fulfilling the state constitutional and statutory duties related to the enforcement of the state penal law; and

WHEREAS, on April 1, 2016 the State Legislature enacted a \$150 billion State Budget, but did not include the funding for the \$1.6 million in reimbursement costs for the increase in DA salaries; and

WHEREAS, the state has been careful over the past few years to avoid shifting costs to the local tax base, mindful of the impact locally with the state imposed property tax cap; and

WHEREAS, this salary increase is just another unfunded mandate that the state promised to avoid shifting to the counties which will increase the county's property taxes; and

WHEREAS, for many counties this salary increase represents approximately 1/3 of their total allowable property tax growth for all government operation in 2016.

NOW, THEREFORE, BE IT RESOLVED that the County of Delaware calls on the State of New York to immediately pass legislation and pay for this increase retroactive to April 1, 2016, and not pass this unfunded mandate on to local taxpayers.

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. Askshar, 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. Spaccaforno stated that the State's decision to increase the District Attorney's salary by \$30,500 is an unfunded mandate for the County.

Chairman Eisel noted that the New York State Association of Counties suggested that a similar resolution be passed by other counties in the hopes of getting the state budget amended.

The resolution was unanimously adopted.

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

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

RESOLUTION NO. 70

**TITLE: 2016 BUDGET AMENDMENT
ACCEPTANCE OF GRANT FUNDING
MATTER OF BALANCE PROJECT AND TAI CHI FOR ARTHRITIS PROJECT
OFFICE FOR THE AGING**

WHEREAS, the Office for the Aging has been granted \$5,854 from the Rural Healthcare Alliance of Delaware County to train staff for administering the Matter of Balance and Tai Chi for Arthritis programs for the county's older population; and,

WHEREAS, this funding will be used to engage in activities to support health promotion and wellness programming such as fall prevention and stay healthy programs;

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

INCREASE REVENUES:

10-16772-42270602/6772045/977	Grant from Non-Profit	\$5,854.00
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INCREASE APPROPRIATIONS:

10-16772-54327000/6772045/977	Grant Contracted Services	\$3,754.00
10-16772-54327595/6772045/977	Grant Supplies	\$600.00
10-16772-54327625/6772045/977	Grant Travel	\$1,500.00

The resolution was seconded by Mr. Marshfield.

Chairman Eisel stated that this exercise program is effective and very worthwhile.

Mr. Marshfield noted this is a very popular exercise program and currently has a waiting list.

The resolution was adopted by the following vote: Ayes 4631, Noes 0, Absent 168 (Haynes).

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

RESOLUTION NO. 71

TITLE: RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO APPROVE THE PROPOSED ACTION BY COUNTY OF DELAWARE INDUSTRIAL DEVELOPMENT AGENCY IN CONNECTION WITH A CERTAIN COMMERCIAL PROJECT FOR DRNC REALTY, LLC.

BE IT ENACTED by the Board of Supervisors of Delaware County, as follows:

WHEREAS, pursuant to Article 18-A of the General Municipal Law of the State of New York and Chapter 531 of the Laws of 1971 of the State of New York (herein collectively called the "Act"), the Board of Supervisors of Delaware County, New York (the "Board of Supervisors") has heretofore appointed the Chairman and members of the County of Delaware Industrial Development Agency (the "Agency") and has duly caused to be filed in the office of the Secretary of the State of New York the certificates required by Section 908 of the General Municipal Law of the State of New York; and

WHEREAS, pursuant to the Act, the Agency is authorized and empowered to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving,

maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research and recreation facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct and install one or more “projects” (as defined in the Act) or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, in February, 2016, DRNC Realty, LLC, a New York limited liability company (the “Company”), submitted an application (the “Application”) to the Agency, a copy of which Application is on file at the office of the Agency, which Application requested that the Agency consider undertaking a project (the “Project”) for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in a parcel of land containing approximately 58.73 acres of land and located at 41861 State Highway 10 in the Town of Delhi, Delaware County, New York (the “Land”), together with one existing building located thereon containing approximately 76,900 square feet of space (the “Existing Facility”), (2) the demolition of approximately 30,300 square feet and the reconstruction of the remaining approximately 46,600 square feet of the Existing Facility, (3) the construction of an addition to the Existing Facility to contain an approximately 71,000 square feet of space (the “New Facility” collectively with the Existing Facility referred to as the “Facility”) and (4) the acquisition and installation thereon and therein of certain machinery and equipment located therein and thereon (the “Equipment”) (the Land, the Facility and the Equipment hereinafter collectively referred to as the “Project Facility”), all of the foregoing to constitute an approximately 176 bed nursing facility to be owned and operated by the Company and other directly and indirectly related activities; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real property transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, pursuant to Section 862(2)(a) of the Act, no financial assistance of the Agency shall be provided in respect of any project where facilities or property that are primarily used in making retail sales of goods or services to customers who personally visit such facilities constitute more than one-third of the total project cost, unless certain exceptions apply, one of which is that the predominant purpose of the Project would be to make available services which would not, but for the Project, be reasonably accessible to the residents of Delaware County because of a lack of reasonably accessible retail trade facilities offering such services; and

WHEREAS, pursuant to Section 862(2)(c) of the Act, the Agency may not provide financial assistance to the Project unless the Agency shall, after satisfaction of the public hearing requirements of Section 859 of the Act, make a finding that undertaking the Project will serve the public purposes of the Act by preserving permanent, private sector jobs in the State or increasing the overall number of permanent, private sector jobs in the State; and

WHEREAS, by resolution adopted by the members of the Agency on February 26, 2016 (the “Public Hearing Resolution”), the Agency authorized a public hearing to be held pursuant to Section 859-a of the Act with respect to the Project; and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Executive Director of the Agency (A) caused notice of a public hearing of the Agency (the “Public Hearing”) pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the financial assistance being contemplated by the Agency with respect to the Project, to be mailed on March 22, 2016 to the chief executive officers of the county and of each city, town, village and school district in which the Project Facility is to be located, (B) caused notice of the Public Hearing to be posted on March 22, 2016 at the Town Hall in the Town of Delhi, Delaware County, New York and on the Agency’s website, (C) caused notice of the Public Hearing to be published on March 30, 2016 in The Reporter, a newspaper of general circulation available to the residents of Delaware County, New York, (D) conducted the Public Hearing on April 13, 2016 at 5:30 o’clock p.m., local time at 111 Main Street in the Town of Delhi, Delaware County, New York, and (E) prepared a report of the Public Hearing (the “Public Hearing Report”) fairly summarizing the views presented at such Public Hearing and caused copies of said Public Hearing Report to be made available to the members of the Agency; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations (the “Regulations”) adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, “SEQRA”), by resolution adopted by the members of the Agency on April 22, 2016 (the “SEQR Resolution”), the Agency (A) concurred in the determination that the Town of Delhi Planning Board (the “Planning Board”) is the “lead agency” with respect to SEQRA and (B) acknowledged receipt of a negative declaration from the Planning Board issued on October 26, 2015 (the “Negative Declaration”), in which the Planning Board determined that the Project would not have a significant adverse environmental effect on the environment, and therefore, that an environmental statement need not be prepared with respect to the Project; and

WHEREAS, by resolution adopted by the members of the Agency on April 22, 2016 (the "Resolution Making Retail Findings"), the Agency (A) found that although the Project Facility appears to constitute a project where facilities or properties that are primarily used in making retail sales of goods or services to customers who personally visit such facilities may constitute more than one-third of the costs of the Project, the Agency is authorized to provide financial assistance in respect of the Project pursuant to Section 862(2)(a) of the Act because the predominant purpose of the Project would be to make available goods or services which would not, but for the Project, be reasonably accessible to residents of Delaware County, New York, because of a lack of reasonably accessible retail trade facilities offering such goods or services, (B) determined, following a review of the Public Hearing Report, that the Project would serve the public purposes of the Act by increasing the overall number of permanent, private sector jobs in the State of New York, and (C) determined that the Agency would proceed with the Project and the granting of the Financial Assistance; provided however, that no Financial Assistance would be provided to the Project by the Agency unless and until the Chairman of the Board of Supervisors of Delaware County, as chief executive officer of Delaware County, New York, pursuant to Section 862(2)(c) of the Act, confirmed the proposed action of the Agency with respect to the Project; and

WHEREAS, for the sole purpose of allowing the Agency to proceed with the Project, this Board of Supervisors desires to empower the Chairman of this Board of Supervisors, as the chief executive officer of Delaware County, to confirm the proposed action of the Agency with respect to the Project, pursuant to Section 862(2)(c) of the Act; and

WHEREAS, Section 870 of the General Municipal Law of the State of New York specifically provides that no obligation of the Agency shall be a debt of Delaware County, New York, nor shall Delaware County, New York be liable thereon; and

NOW, THEREFORE, BE IT RESOLVED that, for the sole purpose of allowing the Agency to proceed with the Project and the granting of the financial assistance described in the notice of the Public Hearing, the County Board of Supervisors hereby authorizes the Chairman of this Board of Supervisors, as the chief executive officer of Delaware County, New York, to either confirm or refuse to confirm the proposed action of the Agency with respect to the Project, pursuant to Section 862(2)(c) of the Act.

RESOLVED, that, this resolution shall take effect immediately.

The resolution was seconded by Mr. Spaccaforno.

Mr. Triolo stated that the resolution pertains to the new nursing home being constructed in Delhi, the Delhi Rehabilitation and Nursing Center (DRNC). He noted that the matter was brought to the County as soon as the IDA became aware of it and apologized for the resolution being not-prefiled. Mr. Triolo introduced Chairman of the Delaware County IDA Jim Thomson to provide further information.

Mr. Thomson explained that the IDA Board was preparing for the PILOT (payment in lieu of taxes) closing when they learned the State of New York reclassified nursing homes as a retail operation. The retail classification prohibits the IDA Board from entering into a PILOT without the expressed agreement of the County. In order to move forward, the IDA Board along with the County Board of Supervisors must pass a resolution stating they feel this retail service is needed and would be a benefit to the people of the area. The IDA Board has passed a resolution and is asking the Board of Supervisors to pass a similar resolution.

Mr. Thompson said that the Delhi Town Board supports the PILOT that provides the nursing home with a tax break of \$1.9 million over a ten-year period. It is expected that the facility will generate \$4.2 million in new taxes to the taxing entities.

Chairman Eisel added that the facility will create 175 new jobs and will not adversely affect any other retail establishment.

The resolution was unanimously adopted.

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

RESOLUTION NO. 72

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,284,541.45 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	\$946,926.01
OET	\$9,668.53
Public Safety Comm System	\$30,577.78
Highway Audits, as Follows:	
Weights and Measures	\$259.27
Landfill	\$97,873.20
Road	\$83,029.83
Machinery	\$74,102.12
Capital Road & Bridge	\$31,614.71
Capital Solid Waste	\$10,490.00

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4631, Noes 0, Absent 168 (Haynes).

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

RESOLUTION NO. 73

TITLE: IN MEMORY OF PERRY W. SHELTON

WHEREAS, former Town of Tompkins Supervisor Perry Shelton passed away on April 22, 2016; and

WHEREAS, he served as Town of Tompkins Supervisor from 1958 until 1993 and again from 2004 until 2007; and

WHEREAS, he also served as Delaware County Budget Officer from September 9, 1970 until December 31, 1993; and

WHEREAS, he will be remembered with distinction for his hard work, dedication and community service to the County and the Town of Tompkins.

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

The resolution was seconded by Mr. Marshfield.

Chairman Eisel pointed out that Mr. Shelton served as Supervisor for the Town of Tompkins for 39 years and as the County's Budget Officer for 23 years. His dedication to his Town, the County, the Coalition of Towns and the Catskill Watershed Corporation (CWC) was commendable. Mr. Shelton fought hard for what was right in all he endeavored and will be remembered as a truly dedicated public servant.

Mr. Layton commented that you always knew where you stood with Mr. Shelton. His thoughts were direct and honest. Mr. Layton shared that when he was a Council Member for the Town of Tompkins it was decided that the old schoolhouse the town owned would be painted. Thinking he could make some extra money, he offered to paint the schoolhouse. Mr. Shelton told him he was welcome to paint the schoolhouse but as a Councilman, he would not be paid for his work. Mr. Shelton always had the best interest of the Town of Tompkins in mind. He would not spend money unless there was no other way. Mr. Shelton was very dedicated to all he did and was an honorable man.

Mr. Marshfield shared that he and his wife often visited Mr. Shelton at the nursing home. He always enjoyed talking about what was going on around the County. Mr. Shelton was not one to talk about his accomplishments, noting that he only learned that Mr. Shelton was co-founder of the Sidney Federal Credit Union after his passing. Mr. Shelton was committed to all he undertook and it was a privilege to know and serve with him.

Mr. Triolo said that he was the President of the CWC while Mr. Shelton was serving on the CWC Loan Committee. Mr. Shelton attended every meeting prepared and ready for business. He was very committed to his work. Mr. Shelton accomplished many commendable things in his lifetime and will be remembered as a dedicated public servant.

Mr. Rowe shared that Mr. Shelton told him after his town received emergency funding of \$8 million to address 2006 flooding issues that as a Supervisor Mr. Rowe spends a million dollars like Mr. Shelton would spend 10 cents. Mr. Rowe talked about his summers as a youth working on the farm in Meredith with Mr. Shelton. He noted that while traveling last summer he noticed that many stretches of highways, roads or buildings were named after someone. Mr. Shelton has his fingerprints all over Delaware County. Mr. Rowe suggested the Board of Supervisors consider remembering Mr. Shelton by dedicating his name to the County in some way. Mr. Shelton was a war veteran and a dedicated public servant. It was truly a privilege to know and serve with him.

Mr. Hynes remembered the many long hours spent serving on the Regional CWC Board with Mr. Shelton. Mr. Shelton was a dedicated Supervisor and as Budget Officer was fiscally responsible while always considerate of the employees. Mr. Shelton was a gentleman of gentleman and it was a privilege to serve with him.

The resolution was unanimously adopted.

Upon a motion, the meeting was adjourned at 2:16 p.m.