

## **REGULAR MEETING**

### **DELAWARE COUNTY BOARD OF SUPERVISORS MAY 11, 2016**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, May 11, 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, Vice Chairman Tina B. Molé presiding.

The Clerk called the roll and all Supervisors were present except Mr. Axtell and Mr. Eisel.

Mr. Marshfield offered the invocation.

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

The minutes of the previous meeting were accepted as presented.

The Clerk read a note from the family of the late Town of Tompkins Supervisor Perry Shelton thanking the Board of Supervisors for their condolences at this difficult time.

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

Vice Chairman Molé granted privilege of the floor to Mr. Triolo. Mr. Triolo introduced Assistant to the Commissioner of Watershed Affairs Molly Oliver to provide an update on the Delaware County Action Plan (DCAP).

Ms. Oliver provided the Supervisors with a copy of the first edition of the DCAP Quarterly Newsletter. This edition focuses on an introduction to DCAP, its partners and its services. Future newsletters will provide information about ongoing projects, programs and the expertise available within Delaware County. The idea for the newsletter developed out of an outreach plan that suggested ways for the Core Group to get their message out to the Board of Supervisors, regulators, funders and others.

Mr. Rowe expressed concern that the New York City Department of Environmental Protection (NYCDEP) takes a lot of credit for what is happening in Delaware County. He agreed the newsletter is a way to spotlight what the Core Group and other agencies are doing to make a difference in water quality.

Mr. Triolo introduced Commissioner of Watershed Affairs Dean Frazier to give an update on the ongoing water supply permit (WSP) negotiations.

Commissioner Frazier said he is happy to report that all agencies are ready to sign off on the second supplemental agreement to the WSP.

All parties are now in agreement with a process to address concerns relating to expanded funding for gaps in partnership programs, language on community owned parcels, design and permitting processes and modifications to the Watershed Rule and Regulations.

A resolution seeking support of the second supplemental agreement will be presented at the next Board of Supervisors meeting. All West of Hudson County Boards must sign the agreement for the WSP to be valid.

Mr. Frazier thanked Middletown Supervisor Carl P. Davis and Director of Planning Nicole Franzese for their contribution to the meeting held with the NYCDEP.

In answer to Mr. Marshfield, Commissioner Frazier said he would send all Supervisors an electronic copy of the second supplemental agreement prior to the next Board of Supervisors meeting.

Commissioner Frazier stated in reply to Mr. Marshfield, that the environmental groups had concerns and expressed their differences but in the end came to an agreement.

Mr. Triolo thanked Mr. Davis and Ms. Franzese for the history and expertise in flood plan management buyouts and easements they brought to the meeting with the NYCDEP. They were able to address issues of concern with great depth conveying an understanding that was necessary to bring about an agreement. We are all partners, he said, the watershed towns will provide the best possible water quality but it will not be done on the backs of the constituents. He pointed out that Delaware County is really the lead with 50 percent of the watershed.

Mr. Davis said that since the signing of the MOA, the towns have been enforcing the watershed rules and regulations. Without that participation, the city and state would find it difficult to keep up with what is happening in the watershed.

For standing committee reports Vice Chairman Molé, speaking as Chairman of the Community Health Committee, thanked Director of Public Health Amanda Walsh and County Epidemiologist Nicole Blanchard for coordinating the New York State Department of Health harm reduction program given by Catholic Charities. Ms. Molé said the program was very informative and thanked the Supervisors who attended the meeting.

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

#### **RESOLUTION NO. 74**

##### **TITLE: 2016 BUDGET AMENDMENT HEAP COOLING ASSISTANCE COMPONENT DEPARTMENT OF SOCIAL SERVICES**

**WHEREAS**, the Delaware County Department of Social Services is the designated local agency to administer the County's Home Energy Assistance Program (HEAP) for 2015-2016; and

**WHEREAS**, New York State has informed Delaware County that additional funding is available for administrative expenses related to the Home Energy Assistance Program Cooling Assistance Component; and

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

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

**INCREASE REVENUE:**

10-16141-44464100 Federal Aid-HEAP \$1,473.00

**INCREASE APPROPRIATION:**

10-16141-54200012 Contracted Services-DELOPP Contract \$1,473.00

The resolution was seconded by Mr. Taggart and adopted by the following vote: Ayes 4470, Noes 0, Absent 329 (Axtell, Eisel).

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

**RESOLUTION NO. 75**

**TITLE: AUTHORIZATION TO ENTER INTO SUPPLEMENTAL AGREEMENTS  
NO. 1 AND NO. 2 FOR PROCESS AIR HANDLING SYSTEM UPGRADES  
AT THE COMPOST FACILITY  
DEPARTMENT OF PUBLIC WORKS SOLID WASTE DIVISION**

**WHEREAS**, the Public Works Committee authorized the Department of Public Works to retain GHD Consulting Services Inc., One Remington Park Drive, Cazenovia, NY 13035 to develop a conceptual plan and initial design services for phase one modifications to the Compost Plant air handling system to address worker safety and health issues for a design fee of \$24,600; and

**WHEREAS**, GHD Consulting Services was selected because they are the firm that acquired Stearns and Wheler Engineering which was a member of the Joint Venture that designed the Compost Facility and they still employ many of the engineers that were involved in the initial design; and

**WHEREAS**, GHD has completed the first phase design and plans were advertised for construction bids; and

**WHEREAS**, it is in the best interest of the County to retain GHD to perform construction phase construction services to ensure adherence to the plans and quality in the completed project; and

**WHEREAS**, the original design services for phase one modifications did not include the redesign and replacement of the three back draft dampers at the bio-filter or the capture and direct treatment of process air emanating from the discharge end of the bioreactor which during the design phase were identified as required additions, it is in the best interest of the County to authorize a supplement to include those elements in the design.

**NOW, THEREFORE, BE IT RESOLVED** that the Public Works Department is authorized to execute supplemental agreement number 1 for phase one construction phase services for a not to exceed value of \$40,000 bringing the contract total not to exceed value to \$64,600; and

**BE IT FURTHER RESOLVED**, that the Public Works Department is authorized to execute supplemental agreement number 2 which covers design effort associated with the back draft dampers and ductwork at the bioreactor discharge hood that was not included in the original

scope of work for a not to exceed value of \$3,490 bringing the contract total not to exceed value to \$68,090.

The resolution was seconded by Mr. Haynes.

Mr. Rowe said the resolution outlines the recommend design modifications to address issues related to air quality. The Department will continue to work on this until the environment is top notch as it takes the well-being of its employees very seriously.

In answer to Mr. Taggart, Commissioner of Public Works Wayne Reynolds explained that the original air handing system is ten years old and has operational and maintenance issues. Phase 1 is the health related phase and phase 2 is the maintenance phase. The Department is asking for authorization to execute supplemental agreement number 2 with GHD Consulting Services Inc. covering the design services associated with the back draft dampers and ductwork at the bioreactor discharge hood. In addition, the Department feels it is in the best interest of the County to retain GHD Consulting Services for phase 1 construction which is covered by supplemental agreement number 1.

In answer to Mr. Marshfield, Commissioner Reynolds noted that funding for the process air handling system is coming from the Solid Waste Sales Tax.

The resolution was adopted by the following vote: Ayes 4470, Noes 0, Absent 329 (Axtell, Eisel).

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

#### **RESOLUTION NO. 76**

#### **TITLE: AUTHORIZATION FOR DISPOSITION OF REAL PROPERTY NO LONGER NECESSARY FOR COUNTY USE DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the Town of Hancock has approached NYSDOT and Delaware County DPW for permission to develop an eagle watch at East Branch; and

**WHEREAS**, NYSDOT has agreed to grant the Town permission to access a very small parcel of property north of the Beaver Kill, east of the East Branch of the Delaware River and south of Exit 90 of NYS Route 17; and

**WHEREAS**, the County has owned a small section of this small parcel since 1913 when it was purchased for the construction of an early version of State Route 17; and

**WHEREAS**, the ownership of the remainder of the parcel is not clear but was at one time a public road and therefore it is in the best interest of the County to quit claim any interest that it has in said parcel; and

**WHEREAS**, the parcel is of no value to the County anymore; and

**WHEREAS**, the Town of Hancock has retained a licensed land surveyor to prepare a map and property description of this parcel, said map being prepared by JHA Companies of

Montrose Pa., is entitled “Boundary Survey Plan prepared for the Town of Hancock”, East Branch Eagle Site and dated April 24, 2016; and

**WHEREAS**, the size of the parcel to be quit claimed to the Town of Hancock is identified as 10,895 square feet or 0.25 acres.

**NOW, THEREFORE, BE IT RESOLVED** that the Chairman of the Board is herewith authorized to take any action and execute any documents that may be necessary to convey the County’s interest in said parcel of land to the Town of Hancock; and

**BE IT FURTHER RESOLVED** that the Delaware County Department of Public Works is herewith authorized to pay any closing costs that may be required to dispose of this property.

The resolution was seconded by Mr. Haynes.

Vice Chairman Molé granted Mr. Rowe’s request to abstain from voting on this resolution.

Mr. Rowe explained that a small piece of land with an eagle’s nest nearby was noticed during a bridge replacement project in the Town of Hancock near the intersection of the Beaver Kill and East Branch Rivers. The town approached the New York State Department of Transportation (NYSDOT) and the Department of Public Works (DPW) with the thought of developing an eagle watch on the site. The DPW determined the piece of land was no longer of value to the County and was willing to consider it surplus and the NYSDOT agreed to grant the town access from an adjacent parcel making an eagles watch at the East Branch possible. Additionally, local businesses and residents have offered to donate materials and services needed to develop the site into an attraction where people can stop, rest and watch the eagles.

The resolution was adopted by the following vote: Ayes 4148, Noes 0, Absent 329 (Axtell, Eisel), Abstain 322 (Rowe).

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

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

**RESOLUTION NO. 77**

**TITLE: AUTHORIZING THE SUBMISSION OF AN APPLICATION TO NEW YORK STATE OFFICE OF COMMUNITY RENEWAL FOR FISCAL YEAR 2016 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING DEPARTMENT OF ECONOMIC DEVELOPMENT**

**WHEREAS**, the Office of Community Renewal is accepting applications from eligible communities to compete for funds available through the 2016 Community Development Block Grant Program; and

**WHEREAS**, a request for assistance, in the form of a grant, has been received from a local business to aid in their business expansion project; and

**WHEREAS**, K-Tooling LLC is proposing to undertake an expansion project that will result in the creation of eleven new manufacturing jobs within 24 months; and

**WHEREAS**, Delaware County will hold a public hearing to obtain citizens views in relation to the application for funds; and

**WHEREAS**, the NYS Office of Community Renewal application process requires that the governing body of the applicant authorize the submission of the application and related actions.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of the County of Delaware hereby authorizes and directs the Chairman of the Board of Supervisors and the Director of Economic Development to submit an application to the NYS Office of Community Renewal and to act in connection with the submission of the application, including the execution of all required certifications and forms and to provide such addition information as may be required.

The resolution was seconded by Mr. Spaccaforno.

Mr. Triolo apologized for presenting a not-prefiled resolution and asked the Director of Economic Development Glenn Nealis to explain why doing so was necessary.

Director of Economic Development Glenn Nealis explained the State Office of Community Renewal is able to make a determination on the proposed expansion for K-Tooling LLC by July if the final application is submitted by June 10. If the application is not received by that date it would be September or early October before a determination would be made. As a public hearing is required prior to submitting the application, a not-prefiled resolution had to be presented for approval.

In reply to Ms. Molé, Mr. Nealis said that K-Tooling LLC is a components manufacturer located in the Town of Hancock. The company is looking to open a second location in the Town of Sidney.

In answer to Mr. Marshfield, Mr. Nealis said that some of the ninety production workers temporarily laid off from Amphenol earlier this year are back to work. Support from Senator Schumer and Congressman Gibson was helpful.

The resolution was adopted by the following vote: vote: Ayes 4470, Noes 0, Absent 329 (Axtell, Eisel).

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

### **RESOLUTION NO. 78**

#### **TITLE: RESOLUTION DECLARING "MAYDAY FOR MANDATE RELIEF" AND URGING THE NEW YORK STATE LEGISLATURE AND GOVERNOR TO COMMIT TO THEIR PROMISE AND ADDRESS UNFUNDED MANDATES THAT USE LOCAL TAX DOLLARS TO FUND STATE AND FEDERAL PROGRAMS AND SERVICES**

**WHEREAS**, many municipalities in New York State are still facing significant fiscal challenges that are amplified by a slow economic recovery and a state imposed mandates on local revenues; and

**WHEREAS**, in most instances the county fiscal challenges are directly tied to state imposed unfunded mandates and reduced state reimbursement; and

**WHEREAS**, counties play a central role in delivering state services, due to the state mandated role in the administration and financing of a wide variety of state programs; and

**WHEREAS**, in 2013, the state enacted Medicaid reforms to assume all of the growth in spending from the local taxpayers by 2015; and

**WHEREAS**, local taxpayers still continue to fund \$8.4 billion of Medicaid costs; and

**WHEREAS**, the New York State Association of Counties has identified ten (10) state mandates that consume 90 percent of the county property tax levy statewide. These mandates include: Medicaid, Public Assistance/Safety Net, Child Welfare, Preschool Special Education, Early Intervention, District Attorney's salary increase, increases in Indigent Defense cost, Probation, Youth Detention, and Pensions.

**NOW, THEREFORE, BE IT RESOLVED** that Delaware County Board of Supervisors hereby declares the month of May to be "Mayday for Unfunded Mandate Relief" to raise awareness that decisions made in Albany have a direct impact on the property tax levy and local community services here in Delaware County; and

**BE IT FURTHER RESOLVED** that Delaware County strongly encourages the Governor and State Legislature to work together to address the underlying causes of fiscal stress facing so many localities; and

**BE IT FURTHER RESOLVED** that it is fiscally impossible to maintain an allowable tax cap increase of less than ½ of 1% without decreasing the county and town reserve funds which creates additional fiscal stress at those levels; and

**BE IT FURTHER RESOLVED** that Delaware County believes the State must make a commitment to abide to their promises to work diligently to enact "A No New Unfunded Mandates" law and constitutional protections against future unfunded mandates; and

**BE IT FURTHER RESOLVED** that the Governor and State Legislature adhere to their promise to reduce the existing Unfunded Mandates to all counties in New York State; and

**BE IT FURTHER RESOLVED** that the Clerk of the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature, the New York State Association of Counties (NYSAC) and all others deemed necessary.

The resolution was seconded by Mr. Tuthill.

Mr. Spaccaforno said that the Board of Supervisors passed a similar resolution a few years ago. He noted that the New York State Senate overwhelmingly passed legislation, S.3411, requiring the state to fully fund the cost of new mandates placed on local governments. The senate bill passed the Senate by a vote of 52 to 6.

Mr. Pigford referenced the fourth *Be It Further Resolved* and suggested that identifying the promises made by the state would make the resolution more effective.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 79**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$990,699.73 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	\$784,162.85
OET	\$18,938.27
Public Safety Comm System	\$11,053.87
Highway Audits, as Follows:	
Weights and Measures	\$93.58
Landfill	\$53,705.38
Road	\$36,738.52
Machinery	\$71,123.72
Capital Road & Bridge	\$13,766.79
Capital Solid Waste	\$1,116.75

The resolution was seconded by Mr. Gladstone and adopted by the following vote: Ayes 4470, Noes 0, Absent 329 (Axtell, Eisel).

In reply to Vice Chairman Molé, Commissioner of Social Services Dana Scuderi-Hunter called the Supervisors’ attention to their Summer Youth Employment Program (SYEP) packet. The program this year is focusing on community programming and the enhanced SYEP is referred to as “Youth Giving Back” SYEP. Eligible youths will have the opportunity to participate in community programming that might include working at a food bank, nursing facility or soup kitchen.

However, any community program that serves youth, veterans, the elderly or the physically challenged would fit very nicely into the new SYEP. The completed participation sheet is to be returned to the Department of Social Services Youth Program Director Lara Yambor by May 13.

Mr. Rowe referenced Senate bill S6478A and Assembly bill A9211 calling for insurance companies to provide at least ninety days of inpatient rehabilitation services to an insured upon a doctor’s prescription. He asked that the proper committee consider bringing a resolution forward in support of this.

Upon a motion, the meeting was adjourned at 1:50 p.m.