

**REGULAR MEETING**

**DELAWARE COUNTY BOARD OF SUPERVISORS  
OCTOBER 12, 2016**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, October 12, 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. Eisel and Mr. Davis. Mr. Davis arrived shortly after roll call.

Vice Chairman Molé noted that Mr. Eisel is attending a family wedding out of town.

Mr. Marshfield offered the invocation.

Mr. Hynes 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.

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

**RESOLUTION NO. 157**

**TITLE: 2016 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
SHERIFF'S OFFICE**

**WHEREAS**, funds have been made available to the Sheriff's Office by way of felony drug prosecutions which funding is routinely collected; and

**WHEREAS**, TDU® pants and duty belts with standard supplements are needed for the Special Response Team members conducting police business at incident locations throughout Delaware County.

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

**FROM:**

10-00000-34899000      Forfeiture of Crime Proceeds-Sheriff's Office      \$3,391.50

**TO:**

10-13110-54640000      Uniforms      \$3,391.50

The resolution was seconded by Mr. Valente and adopted by the following vote: Ayes 4266, Noes 0, Absent 533 (Eisel, Davis).

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



**WHEREAS**, the District Attorneys Association of the State of New York (DAASNY), recognizing the automatic nature of these increases and its effect on local county budgets, and further to support the counties' position, requested in correspondences with state officials that the state fund this salary increase as well; and

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

**WHEREAS**, to the extent that the Commission's recommendations do, in fact, supersede the provisions of Judiciary Law section 221-d as applicable to District Attorney's annual salary; and

**WHEREAS**, DAs 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**, for some 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** the Delaware County Board of Supervisors 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; and

**NOW, THEREFORE, FURTHER RESOLVED** the Delaware County Board of Supervisors calls on the state to pay for this increase and any similar state mandated salary increase in future years; 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. Spaccaforno said this resolution is similar to one passed earlier this year however, it is an unfunded mandate by the state and he wants to make sure the matter is front and center of the Assembly and Senate.

The resolution was unanimously adopted.

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

## **RESOLUTION NO. 160**

### **TITLE: RESOLUTION URGING GOVERNOR CUOMO TO SIGN INTO LAW PUBLIC DEFENSE MANDATE RELIEF ACT (S.8114/A.10706)**

**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 cost for this state responsibility; and

**WHEREAS**, the New York State Senate and Assembly have passed historic legislation entitled Public Defense Mandate Relief Act (S.8114/A.10706) which will require New York State to reimburse counties for expenditures made fulfilling the state's obligation to provide representation for those financially unable to afford counsel commencing in 2017 and incrementally reaching 100% by 2023 and thereafter; and

**WHEREAS**, the Delaware County Board of Supervisors thanks the State Senate and the State Assembly for recognizing and addressing this need by passing the Public Defense Mandate Relief Act; and

**WHEREAS**, the Public Defense Mandate Relief Act (S.8114/A.10706) will give the Indigent Legal Service Office the authority to adopt, promulgate, amend or rescind rules and regulations to carry out the provisions of Executive Law Section 832; and

**WHEREAS**, New York State has previously entered into an agreement to settle the *Hurrell - Harring vs. State of New York* class action lawsuit and has begun to expend substantial amounts of State funds to create a more equitable and Constitutional system of representation in only the five settlement counties, therefore creating an unequal system of justice in the remaining counties of the State; and

**WHEREAS**, by entering into such agreement and funding additional services in only the five settlement counties, the State acknowledges that it is constitutionally required to fund public defense services for mandated representation; and

**WHEREAS**, requiring counties subject to a State-imposed tax cap to finance the State's obligation to provide public defense services imposes a significant, uncontrollable financial burden on counties dependent on real property taxes to fund needed services.

**NOW, THEREFORE, BE IT RESOLVED** the Delaware County Board of Supervisors strongly urges Governor Cuomo to sign the Public Defense Mandate Relief Act (S.8114/A.10706) when it is delivered to him, fulfilling the State's obligation under *Gideon vs. Wainwright*, 372 U.S. 335, while also providing fiscal relief for local property taxpayers; 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. Spaccaforno noted that similar resolutions have been passed this year on this unfunded mandate. The legislation has passed the Assembly and Senate and is awaiting Governor Cuomo to act.

Ms. Molé stated that this is a very timely resolution, as the Governor has to act either way by December 31, 2016.

Mr. Marshfield commented that it might seem redundant to put these resolutions through multiple times but the issues are important and it is good to keep them front and center. He noted that the Department of Social Services would be presenting unfunded mandate resolutions at the next Board of Supervisors meeting similar to ones passed earlier this year for the same reason. He pointed out that the New York State Association of Counties (NYSAC) recommended these resolutions for adoption.

Ms. Molé noted that the NYSAC provides resolutions addressing the issues faced by the counties and encourages these resolutions to be passed by County Boards.

The resolution was unanimously adopted.

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

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

**RESOLUTION NO. 161**

**TITLE: 2016 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
PLANNING DEPARTMENT**

**WHEREAS**, the Planning Director has requested and the Planning, Recreation, Culture and Community Committee in conjunction with the Finance Committee and Budget Officer, have agreed that additional funding of appropriations is needed at this time to purchase a plotter for the Geographic Information System.

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

**FROM:**

10-18020-51000000	Personal Services	\$ 10, 948.09
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**TO:**

10-18020-52200000	Equipment	\$ 10, 948.09
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The resolution was seconded by Mr. Taggart and adopted by the following vote: Ayes 4641, Noes 0, Absent 158 (Eisel).

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

**RESOLUTION NO. 162**

**TITLE: SALE OF TAX ACQUIRED PROPERTY**

**RESOLVED** that the following described parcels of tax acquired property be sold to the party indicated for the price herein stated and the County Treasurer is authorized to execute and deliver deed, therefor, and to cancel all Delaware County tax liens thereon.

<b><u>ASSESSED TO:</u></b>	HAN14TX.168
TOWN OF:	<b><u>JOHN C STEWART</u></b>
TAX MAP NO:	123689:HANCOCK
SCHOOL DISTRICT:	454.-1-14.2
ACREAGE:	484802:SULLIVAN WEST
CONVEYED TO:	9.86 ACRES
	JOHN C STEWART
	147A DEKALB AVE APT 2
	JERSEY CITY NJ 07306
CASH CONSIDERATION:	\$15,942.47
TAX DEFICIT:	\$13,064.58

The resolution was seconded by Marshfield and adopted by the following vote: Ayes 4641, Noes, 0 Absent 158 (Eisel).

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

**RESOLUTION NO. 163**

**TITLE: DESIGNATION OF DELAWARE COUNTY CHAMBER OF COMMERCE  
AS TOURISM PROMOTION AGENCY FOR DELAWARE COUNTY  
DEPARTMENT OF ECONOMIC DEVELOPMENT  
PLANNING DEPARTMENT**

**BE IT RESOLVED** that the Delaware County Chamber of Commerce be designated as the Tourism Promotion Agency for Delaware County, for the purpose of making applications for and receiving grants under Section 100[6] of the Economic Development Law, with the Chamber of Commerce to provide the required local matching funds for the "I Love New York" tourism promotion 2017 program.

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

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

**RESOLUTION NO. 164**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,300,120.63 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	\$1,087,855.72
OET	\$57,153.19
Public Safety Comm System	\$10,008.90
Highway Audits, as Follows:	
Weights and Measures	\$50.85
Landfill	\$21,443.26
Road	\$3,435.85
Machinery	\$37,403.29
Capital Road & Bridge	\$82,769.57
Capital Solid Waste	\$0.00

The resolution was seconded by Mr. Taggart and adopted by the following vote: Ayes 4641, Noes 0, Absent 158 (Eisel).

Upon a motion, the meeting adjourned at 1:15 p.m.