

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS MARCH 8, 2017

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, March 8, 2017 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 Tina B. Molé presiding.

The Clerk called the roll and all Supervisors were present except Mr. Rowe and Mr. Pigford.

Mr. Marshfield offered the invocation.

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

The minutes of the previous meeting were accepted as presented.

The Clerk noted that all communications received have been referred to their respective committees for review.

Chairman Molé granted privilege of the floor to Mr. Triolo who introduced Commissioner of Watershed Affairs Dean Frazier to provide an update on the Third Supplemental Side Agreement and the 2017 Filtration Avoidance Determination (FAD).

Mr. Triolo stated that the West of Hudson watershed negotiations with New York City for the most part have been very cordial. He introduced West of Hudson Partners in attendance, Catskill Watershed Corporation Attorney Tim Cox, Catskill Watershed Corporation Executive Director Alan Rosa, Chairman Coalition of Watershed Towns Bruce Dolph, Watershed Affairs Attorney Kevin Young, Executive Director Delaware County Soil and Water Conservation District Rick Weidenbach and CORE group members Commissioner of Public Works Wayne Reynolds and Acting Planning Director Shelly Johnson-Bennett.

Commissioner Frazier referred to the Delaware County CORE Group and partners, consisting of Delaware County Departments of Code Enforcement, Economic Development, Emergency Services, Planning, Public Works and Watershed Affairs and outside agencies Cornell Cooperative Extension and the Delaware County Soil and Water Conservation District. He shared the goal of the Delaware County White Paper: *A Road Map for Negotiations as a New Vision for the New York City Watershed* as "using successful partnerships to protect water quality while facilitating business retention and development." He explained the intent of the white paper is to shed light on the fact that partnership programs work best and to identify some of the areas where those programs could be expanded to facilitate better water quality and ease the burden on watershed residents.

Mr. Young gave a more extensive background about the origin of the negotiations and explained that the Supplemental Side Agreement is necessary and acts as a side document to supplement the Memorandum of Agreement. He noted that the impacted parties would be the only signatories to the side agreement. He went on to describe the significant modifications that will be made to septic regulations and noted that these modifications will impact residential, business, not-for-profit, and municipal entities.

Ms. Oliver reviewed the modifications to stormwater and impervious surfaces, requirements for a variance from the Watershed Rules and Regulations, contracting issues, developments regarding land acquisition and changes in the Stream Management Program. She noted that the New York City Department of Environmental Protect (NYCDEP) has been very receptive to the issues raised by the communities and have addressed the vast majority of those concerns.

Supervisors expressed concerns regarding New York City land acquisition. Mr. Young advised that estimated land acquisitions in the 2010 Environmental Impact Statement is currently being evaluated. NYCDEP has hired a consulting firm to do a study to determine what the impact of the land acquisitions have had on several towns in Delaware County. The study is anticipated to be completed as early as April. At that time, each municipality will have 90 days to review the results of the study and comment.

In response to Mr. Young's comment, Chairman of the Coalition of Watershed Towns Mr. Dolph added that the study by New York City would prove very important to Delaware County since it will determine if land acquisition is a water quality issue and if land swapping is a good opportunity for watershed towns.

In closing, Ms. Oliver advised that once the Third Supplemental Side Agreement is finalized a resolution would be brought before the Board for approval.

Chairman Molé thanked Commissioner Fraizer, Mr. Young and Ms. Oliver for a very informative presentation.

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

RESOLUTION NO. 52

**TITLE: 2017 BUDGET AMENDMENT
TRANSPORTATION INITIATIVE PROGRAM
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Delaware County Department of Social Services is the designated local agency to administer the Transportation Initiative Program; and

WHEREAS, the expenditures will be used to meet the transportation needs of individuals eligible under the Temporary Assistance for Needy Families (TANF) program who are employed or participating in other allowable work activities; and

WHEREAS, the expenditures will be 100% reimbursed.

NOW, THEREFORE, BE IT RESOLVED that the 2017 Budget be amended as follows:

INCREASE REVENUE:

10-16010-44461000	Federal Social Services Administration	\$15,298.00
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INCREASE APPROPRIATION:

10-16010-54427013	Transportation Initiative	\$15,298.00
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The resolution was seconded by Spaccaferno and Mr. Hynes and 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 AWARD
DELAWARE COUNTY DEPARTMENT OF PUBLIC WORKS**

LETTING OF FEBRUARY 7, 2017

WHEREAS, notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney; and

WHEREAS, this is a Federal Aid project that has been authorized by Board resolutions 314 of 2004, 51 of 2009 and 132 of 2009; and

WHEREAS, Federal Aid projects have a very detailed procedure that has to be followed and approved by NYS DOT prior to actual award by the County.

NOW, THEREFORE, BE IT RESOLVED that the County Department of Public Works is herewith authorized to make award pending New York State DOT approval to the lowest bidder meeting specifications as follows:

PROPOSAL NO. 31-17	Replacement of County Route 26 Bridge over Telford Hollow Brook, PIN 9753.00, BIN 3351950, Town of Colchester, Delaware County to: Sullivan County Paving & Construction Inc., 420 Bernas Road, Cochection, NY 12726
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Bid Price: \$1,987,598.51

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.

Department of Public Works Commissioner Reynolds stated in answer to Mr. Marshfield that reimbursement is 80 percent Federal, 15 percent State and the County is responsible for the remaining 5 percent.

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

RESOLUTION NO. 54

**TITLE: AUTHORIZATION FOR DISPOSITION OF PERSONAL
PROPERTY NO LONGER NECESSARY FOR PUBLIC USE
DEPARTMENT OF PROBATION**

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 Probation is authorized to sell by trade-in, on-line auction or for scrap the following item:

<u>Vehicle No.</u>	<u>Description</u>	<u>SN/VIN</u>
74	2006 Ford Taurus	1FAFP53U87A137621

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

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

RESOLUTION NO. 55

**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, on-line auction or for scrap the following items:

<u>Vehicle No.</u>	<u>Description</u>	<u>SN/VIN</u>
	HP Design Jet 800 PS	DK65211015/DK650C203X
	HP Photosmart 8450	CN4982113X
382	2001 Mack Tractor	1M2AD62Y31W011051
520	2002 Chrysler Minivan	1C4GJ25352B646099
	7000 lb Weaver AFH-70	4FG-214

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

Commissioner Reynolds stated in answer to Mr. Taggart that the Weaver AFH-70 is a small equipment trailer.

The resolution was unanimously adopted.

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

RESOLUTION NO. 56

**TITLE: BRIDGE DEDICATION
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Town of Hancock Town Board passed Resolution No. 02072017A on February 7, 2017 requesting that County Bridge Number 106, Bridge Street over Beaver Kill River at East Branch, be named the “East Branch Veterans Memorial Bridge” in honor of those service members that have given all for our freedom;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors herewith dedicates Bridge Number 106, BIN 3352660, Bridge Street over Beaver Kill in the Town of Hancock as the “East Branch Veterans Memorial Bridge”; and

BE IT FURTHER RESOLVED that the Department of Public Works is hereby directed to mount a plaque supplied by the Town of Hancock on or directly adjacent to the bridge in honor of East Branch Veterans.

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

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

RESOLUTION NO. 57

**TITLE: DMV FEE RETENTION INCREASE
DEPARTMENT OF MOTOR VEHICLES**

WHEREAS, 51 of 62 New York Counties are mandated by the State to operate a local Department of Motor Vehicles Office; and

WHEREAS, local DMV offices process many no fee transactions on behalf of the state and provide numerous customer services; and

WHEREAS, under current law, the Delaware County Clerk pays 87.3% of all fees collected from the work performed by the County DMV to the New York State Motor Vehicles Department; and

WHEREAS, the remaining 12.7% county share has not been increased since 1999, yet the amount of work required by the County DMV office has increased in that same time period; and

WHEREAS, increasing the County DMV revenue sharing rate with the State will not result in any increased cost or fees to local residents or taxpayers and will provide counties with the needed revenue to continue to provided necessary local government services; and

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

WHEREAS, Senate Bill S1908 and Assembly Bill A3397 provide a more equitable distribution of fees that would require 75% of all fees for in-office transactions to be forwarded to the State with the county retaining 25% of these fees, with the exception that the amount of county retention of the fee for Enhanced Driver’s Licenses would increase from 30% to 60% and the counties would retain 8% of the total fee for internet transactions processed for their perspective county residents; and

WHEREAS, counties recognize the important function of the State DMV in providing both support to counties and resident services; accordingly any loss the State DMV operational budget that occurs from increasing county revenue should be made whole through the State General Fund.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Legislature calls upon Governor Andrew M. Cuomo and members of the State Legislature to pass and approve Senate Bill 1908 and Assembly Bill 3397; and

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Executive Deputy Commissioner of Motor Vehicles, and Delaware County representatives of the New York State Legislature.

The resolution was seconded by Mr. Eisel.

Mr. Spaccaforo pointed out that this is an underfunded mandate from New York State.

The resolution was unanimously adopted.

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

RESOLUTION NO. 58

TITLE: IN MEMORY OF WANITA (WHITAKER) LEWIS

WHEREAS, Wanita (Whitaker) Lewis passed away on February 10, 2017, having served as the Town of Delhi Supervisor from 1974 until 1977; and

WHEREAS, she worked in the Delaware County Clerk's Office for 11 years and in 1969 became the Deputy County Treasurer then was appointed in 1970 as the Interim County Treasurer by Governor Nelson Rockefeller and in 1973 was the first elected woman to hold the position of Town Supervisor in the history of Delaware County; and

WHEREAS, she is recognized for her hard work, distinguished service and dedication to the Town of Delhi and to Delaware County;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors extend their sincere sympathy to her family and recognizes with gratitude her years of loyal service and contribution to the Delaware County Board of Supervisors and the many residents of this County.

The resolution was seconded by Mr. Eisel and Mr. Spaccaforo and unanimously adopted.

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. 59

TITLE: AUTHORIZATION FOR DISPOSITION OF PERSONAL PROPERTY NO LONGER NECESSARY FOR PUBLIC USE DEPARTMENT OF ECONOMIC DEVELOPMENT

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 Economic Development is authorized to sell by trade-in, on-line auction or for scrap the following item:

<u>Vehicle No.</u>	<u>Description</u>	<u>SN/VIN</u>
50	2007 Ford Taurus	1FAFP53UX7A137622

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

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

RESOLUTION NO. 60

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$2,232,159.42 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	\$741,298.84
OET	\$23,569.15
Public Safety Comm System	\$1,174,605.58
Highway Audits, as Follows:	
Weights and Measures	\$0.00
Landfill	\$50,147.28
Road	\$194,304.49
Machinery	\$47,839.08
Capital Road & Bridge	\$395.00
Capital Solid Waste	\$0.00

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 2:36 p.m.