

## REGULAR MEETING

### DELAWARE COUNTY BOARD OF SUPERVISORS

MAY 10, 2017

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, May 10, 2017 at 4:00 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. Eisel.

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 noted that all communications received have been referred to their respective committees for review. She also announced that the Code of Ethics disclosure forms of the applicable employees are on file in the Office of the Clerk of the Board.

Chairman Molé granted privilege of the floor to Mr. Tuthill to provide an update on the Mental Health building project.

Mr. Tuthill noted that he serves as Chairman of the Capital Projects Committee along with committee members Wayne Marshfield and Mike Spaccaforno. He explained the committee decided to seek a consultant service after several years of discussing and searching for an appropriate location to house the Adult Mental Health Clinic, the Family and Children's Mental Health Unit and the Alcohol and Drug Abuse Services. He stated that the committee was unanimous in its choice of C&S Companies and introduced Managing Architect Eric Witschi and Professional Engineer John Camp to discuss the scope of the project.

Mr. Witschi called the Supervisors attention to their copy of the presentation outline entitled: *Delaware County Mental Health Building Project Scope Summary* and stated the outline follows the presentation.

He explained that the project scope includes three major phases, the programming and site selection, design and bid phase and the construction phase. The preliminary phase, programming and site selection will include the development of a functional building solution. The design and bid phase includes the design of site features, utilities outside of the building and specifications for construction. The building design will proceed in three stages allowing for County review and approval at each stage. The construction phase will include designer-led construction administration and full-time site representation.

In answer to Mr. Gladstone, Mr. Witschi stated that as a site selection has not been made there are no preferences as to the layout or building design.

Mr. Witschi stated in answer to Chairman Molé, that the project is expected to be complete by 2019.

Mr. Camp explained in answer to Mr. Davis that the State Pollution Discharge Elimination System (SPDES) has two sides, industrial and construction. This project is construction and refers to stormwater.

Chairman Molé introduced Community Services Board (CSB) members Walter Keller and Rina Reba, Director of Mental Health Cindy Heaney and Supervisor Art Merrill. She explained that the CSB co-governs with the County in the area of Community Health.

In answer to Mr. Keller, Mr. Witschi said that public hearings are part of the process and attendance is anticipated.

Chairman Molé said this is a needed construction project. Consolidating services and creating one facility has been in discussion for at least ten years with committees actively seeking a solution for the past six years. She thanked Mr. Witschi and Mr. Camp for their presentation.

For standing committee reports Chairman of the Public Works Committee Sam Rowe addressed Resolution No. 3 passed by the Village of Delhi at their Special Meeting of April 27, 2017 concerning the proposed Highway building project.

Mr. Rowe commented on each of the points contained in the resolution as to why the Department of Public Works (DPW) is opposed to rebuilding a new structure at its current location. He emphasized that the New York State Department of Environmental Conservation (NYSDEC) strongly discouraged anyone from building a critical facility, such as a DPW garage, in a floodplain or a floodway. FEMA in its Executive Orders 11988 of 1977 and 13690 of 2015 requires executive departments, to the extent possible, to avoid the long- and short-term adverse impacts associated with occupancy and modification of floodplains. It is true that the Delhi Flood Commission presentation stated by completing two mitigation projects the West Branch of the Delaware River would reduce the back flow up stream on Page Avenue. However, Delhi's local flood analysis is not complete and their consultant is still developing alternatives and identifying the impacts of those alternatives. The County's consulting firm Woidt Engineering in their evaluation of the proposed projects stated that "although these mitigation improvements provide much benefit to the Village and Town of Delhi the DPW facilities will still be inundated with a minimum of several feet of water during a 100-year flood event. As such, a critical facility (DPW) will remain in the floodplain that accordingly could affect emergency response operations. Therefore, the challenges of reconfiguring the DPW site with a new layout would still be highly problematic and challenging even with all the mitigation measures in place."

Mr. Rowe referenced the public misconceptions circulating regarding the initial presentation of the DPW building project noting that it has always been the intent of the County to leave the current site "green." The proposed cost of the building project includes the rehabilitation of the current site by DPW with the exception of asbestos abatement which will be outsourced.

He furthered noted that the Public Works Committee would be offering an opportunity to C&S Companies to review the current parameters of the building project. He stated there are now eleven new sites that are currently in the evaluation process.

In conclusion, he stated a memo outlining the current siting parameters was included in the Supervisors' packet and encouraged Supervisors to let the committee know of any additional

parameters they might consider. The suggestions are to be returned to Department of Public Works Commissioner Wayne Reynolds by May 19.

Chairman Molé noted that the Public Works Committee has tried to accommodate the wishes of the Village and Town of Delhi. In response to the outcry from several communities against the proposed location, she said the County believes it is the best site. She said the County prefers not to rebuild in a floodplain and is open to considering other sites. Referencing the issue of transparency, she shared that the County operates by a committee system allowing the background work to be done at the committee level prior to presentation to the full Board of Supervisors. Addressing the Highway Department's reserve, she commented that the Department was wise to save over the years knowing that a new facility was needed. We want the best facility for the taxpayers' money, we want the employees safe and we want the hosting town to be happy.

Mr. Marshfield referenced FEMA DR 4294 Presidential Executive Order Number 11988 and 11990 which states that FEMA is obligated to come and perform an extensive review of the current site if no other location is found to relocate.

Mr. Spaccaforno noted that the Public Works Committee is trying to address public misconceptions and be as transparent about the project as possible. The current building is in dire shape and a new building is critical. Addressing the reserve, he reiterated that the Department has been saving for many years so as not to put the county in fiscal stress.

Mr. Rowe stated that the Committee preferred to keep the Highway Department on the current site however, research proves it does not make sense to rebuild in a flood plain. He asked the public to be patient with the process and know that as soon as all the research is complete the information will be brought to the public.

Chairman Molé noted that these discussions are important and thanked Mr. Rowe for his update.

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

**RESOLUTION NO. 88**

**TITLE: 2017 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 for which funding is routinely collected; and

**WHEREAS**, helmets for all but two members of our Special Response Team were paid for from funding supplied by grants from the New York State Division of Criminal Justice Services as described in Resolution No. 31 dated February 22, 2017; and

**WHEREAS**, two helmets having a threat level equal to those worn by other members of the SRT team are needed to similarly equip all members.

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

**FROM:**

10-00000-34899000                      Forfeiture of Crime Proceeds-Sheriff's Office                      \$1,046.00

**TO:**

10-13110-52200000                      Equipment                      \$1,046.00

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

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

**RESOLUTION NO. 89**

**TITLE: UNEMPLOYMENT BENEFITS BUDGET MODIFICATION  
PERSONNEL OFFICE**

**WHEREAS**, the 2017 Budget has appropriations for unemployment distributed among different departments for reimbursement purposes; and

**WHEREAS**, the General Fund has an account for undistributed unemployment benefits that is used to pay for any unemployment claims during the year and this modification has been part of the past practice of the county; and

**WHEREAS**, the remaining balance in the appropriation will be rolled into the Employee Benefit Reserve at the end of the year.

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

**FROM:**

10-11040-58500000	Clerk of the Board	\$451.00
10-11165-58500000	District Attorney	1,354.00
10-11325-58500000	Treasurer	755.00
10-11327-58500000	Fiscal Affairs	634.00
10-11340-58500000	Budget Director	47.00
10-11355-58500000	Real Property Tax	767.00
10-11364-58500000	Tax Acquired Prop	142.00
10-11410-58500000	County Clerk	2,186.00
10-11412-58500000	Records Management	105.00
10-11420-58500000	County Attorney	1,744.00
10-11430-58500000	Personnel	773.00
10-11450-58500000	Elections	561.00
10-11620-58500000	Buildings	2,205.00
10-11680-58500000	Information Technology	2,127.00
10-13020-58500000	Public Safety - 911	1,179.00
10-13110-58500000	Sheriff - Law Enforcement	3,303.00
10-13140-58500000	Probation	1,757.00
10-13150-58500000	Sheriff Jail	8,141.00

10-13315-58500000	Stop DWI	12.00
10-13620-58500000	Safety Inspections	163.00
10-13640-58500000	Emergency Services	464.00
10-14012-58500000	Public Health	1,710.00
10-14059-58500000	Early Intervention	683.00
10-14060-58500000	Edu Physically Handicapped	348.00
10-14310-58500000	Mental Health Clinic	3,824.00
10-14311-58500000	Community Support	224.00
10-14312-58500000	MH Crisis Serv Prog	177.00
10-14315-58500000	Enh Childrens Serv	171.00
10-14317-58500000	Alcoholism Clinic	1,379.00
10-14321-58500000	Exp Mental Health	356.00
10-16010-58500000	Social Services	12,255.00
10-16326-58500000	Economic Development	647.00
10-16510-58500000	Veterans	461.00
10-16610-58500000	Sealer of Weights and Measures	140.00
10-16772-58500000	Office for the Aging	1,392.00
10-17310-58500000	Youth Bureau	1,740.00
10-18020-58500000	Planning	1,637.00
10-18740-58500000	Watershed Affairs	583.00
22-18160-58500000	Landfill Solid Waste	4,010.00
24-19050-58500000	Public Works	14,082.00
62-11710-58500000	Workers Compensation	120.00
	Total	\$74,809.00

**TO:**

10-19050-58500000	Unemployment Insurance	\$74,809.00
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The resolution was seconded by Mr. Axtell and Mr. Spaccaforo and adopted by the following vote: Ayes 4641, Noes 0, Absent 158 (Eisel).

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

**RESOLUTION NO. 90**

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

**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.

**NOW, THEREFORE, BE IT RESOLVED** that the Department is authorized to sell by trade-in, on-line auction or for scrape the following items.

<b><u>Car No:</u></b>	<b><u>Description:</u></b>	<b><u>Vehicle Identification No.:</u></b>
386	2005 Chevy Malibu	1G1ND52F25M251281

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

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

**RESOLUTION NO. 91**

**TITLE: AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO  
A CONTRACT WITH THE CATSKILL WATERSHED CORPORATION  
FOR THE PURCHASE OF A VACUUM TRUCK  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the Catskill Watershed Corporation (CWC) administers a Stormwater Retrofit grant program for the implementation of stormwater best management practices; and

**WHEREAS**, DPW has applied to CWC for a \$500,000 grant to replace the 2003 Vacuum truck that was purchased with a CWC grant; and

**WHEREAS**, DPW has successfully used the 2003 Vacuum Truck to efficiently clean and maintain stormwater drop inlets and culverts on the County Highway system as well as for a number of towns and village stormwater systems to maintain system capacity and to improve stormwater water quality emanating from those systems; and

**WHEREAS**, the 2003 truck has become worn with use and is no longer as dependable as it was when new; and

**WHEREAS**, the grant covers the entire cost of the purchase of the new truck less the auction sale proceeds of the 2003 truck which will serve as the local match; and

**WHEREAS**, DPW has been notified by the CWC that the grant application has been approved.

**NOW, THEREFORE, BE IT RESOLVED** that the Department of Public Works is herewith authorized to enter into an agreement with the Catskill Watershed Corporation for the purchase of a Vacuum Truck at a not-to-exceed value of \$500,000.

The resolution was seconded by Mr. Haynes.

Mr. Rowe advised that CWC would provide the purchase price of the vacuum truck upfront.

Mr. Marshfield noted that that several municipalities use the vacuum truck.

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

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

**RESOLUTION NO. 92**

**TITLE: STANDARD WORK DAY AND REPORTING RESOLUTION  
NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM**

**BE IT RESOLVED**, that the County of Delaware hereby establishes the following as standard workdays for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body.

<u>Title</u>	<u>Name</u>	<u>Standard Work Day (hrs/day)</u>	<u>Term Begin-End</u>	<u>Days Per Month Based on Record of Activities</u>
<b><u>ELECTED OFFICIALS:</u></b>				
Chairman/Supervisor	Tina Molé	6	01/04/17 – 12/31/17	19.39
Acting County Clerk	Debra Goodrich	6	11/09/16 - 12/31/17	26.75
District Attorney	John Hubbard	6	01/01/17 - 12/31/20	28.43

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

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

**RESOLUTION NO. 93**

**TITLE: RESOLUTION URGING THE GOVERNOR AND STATE LEGISLATURE  
TO HOLD COUNTIES HARMLESS FROM ANY LOST FEDERAL MEDICAID  
REIMBURSEMENT IF PROVISIONS OF THE  
AFFORDABLE CARE ACT ARE REPEALED OR FEDERAL MEDICAID  
REIMBURSEMENTS TO STATES ARE CAPPED**

**WHEREAS**, the new President and Congress have indicated they plan to repeal and replace the Affordable Care Act; and

**WHEREAS**, Congress is also considering capping federal Medicaid reimbursements to states through a block grant or per capita cap; and

**WHEREAS**, the Affordable Care Act provides significant fiscal benefits to the state, counties and New York City through expanded Medicaid coverage and enhanced federal Medicaid matching rates; and

**WHEREAS**, counties and New York City are currently saving nearly \$600 million annually from these enhanced federal Medicaid matching payments; and

**WHEREAS**, the Delaware County Board of Supervisors estimates that these savings will continue to grow over the next several years; and

**WHEREAS**, this federal fiscal relief, in conjunction with other state mandate relief initiatives and county actions to lower costs for taxpayers, has enabled more than half the

counties to lower their property tax rates and nearly one-third to lower their property tax levies in recent years; and

**WHEREAS**, if these enhanced federal Medicaid matching funds are lost, every county in the state would experience significant increases in their annual Medicaid costs that would far outstrip their ability to maintain the state imposed property tax cap.

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Board of Supervisors calls on the Governor and State Legislature to hold local taxpayers fiscally harmless from any federal changes to the Affordable Care Act or Medicaid financing so we may preserve the gains that have been made so far due to the enhanced federal Medicaid matching rates available under the Affordable Care Act; and

**BE IT FURTHER RESOLVED** that copies of this resolution be sent to the Governor Andrew Cuomo, the New York State Legislature and all others deemed necessary and proper.

The resolution was seconded by Mr. Merrill.

Mr. Marshfield read from his prepared statement addressing his concerns related to the repeal and revision of the Affordable Care Act. He opined that the bill in its current form would be disastrous to New York and other states. As presented the bill would uninsured about 2.7 million people in New York of which 4,461 are County residents. He hoped that the Senate would revise the bill and produce an amended bill that will continue to insure our people without added costs.

Mr. Spaccaforno noted that if the Senate does not amend the bill this would become another unfunded mandate.

Chairman Molé noted that Congressman Faso has language in a bill that encourages the state to take over the Medicaid payment. If that passes, it will save the County about 40 percent on its tax bill.

The resolution was unanimously adopted.

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

#### **RESOLUTION NO. 94**

**TITLE: RESOLUTION URGING STATE LEGISLATIVE LEADERS TO FOCUS THEIR PROPERTY TAX RELIEF EFFORTS ON FISCAL REFORMS THAT WILL LEAD TO PERMANENT AND HISTORIC PROPERTY TAX REDUCTION BY ASSUMING THE COST OF STATE PROGRAMS THAT COUNTIES ARE CURRENTLY REQUIRED TO PAY FOR UNDER STATE LAW**

**WHEREAS**, State leaders have identified property taxes as the number one fiscal burden for homeowners and small businesses, as well as the largest impediment to economic growth and job creation in Upstate New York; and

**WHEREAS**, the Governor and State Legislature have enacted several laws over the last couple of decades designed to address New York's highest in the nation property taxes,



including the creation of STAR school tax relief, a property tax cap, a temporary two-year property tax freeze program and a new temporary tax rebate check program; and

**WHEREAS**, the Governor has proposed a new “property tax relief” program that requires county officials to design local government shared service programs and/or complete local government consolidations in order to reduce pressure on local property taxes; and

**WHEREAS**, the Governor’s proposal requires county officials to submit such proposals in a referendum to the people for a vote on an annual basis until one is approved; and

**WHEREAS**, counties and other local governments are implementing thousands of shared services projects and other government efficiencies; and

**WHEREAS**, current state law has a process to allow local governments to consolidate subject to voter approval; and

**WHEREAS**, holding additional voting annually will require local governments to incur tens of millions of dollars in unnecessary voting costs; and

**WHEREAS**, the Governor and State Legislature have enacted state tax rebate check programs and tax breaks for select special interest groups and industrial sectors, not including STAR, and state income tax cuts that will exceed \$7 billion on an annual basis – none of which reduce any homeowner’s or small businesses’ property tax bills; and

**WHEREAS**, county elected leaders have strongly advocated in support of ways to lower the property tax burden for homeowners and businesses across the state going back nearly 50 years when the largest state mandate, Medicaid, was first imposed on counties, growing from \$100 million then to over \$7.5 billion today; and

**WHEREAS**, since that time the state has required county taxpayers to finance with local tax dollars dozens of other state programs that, for the most part, counties in other states are not required to finance; and

**WHEREAS**, these state imposed mandates on counties require more than \$12 billion annually in locally raised taxes to be sent to the State Capitol so they can be used by the state in lieu of state raised taxes to pay for state programs and initiatives; and

**WHEREAS**, state elected officials do recognize that mandating local governments to finance state designed and controlled programs does lead to higher property taxes and as a result they have enacted important mandate relief for county property taxpayers including the implementation of two separate caps on the growth in the local share of Medicaid costs and major pension reforms; and

**WHEREAS**, since the enactment of these mandate relief initiatives the growth rate in aggregate county property taxes has slowed dramatically, generally averaging under 2.2 percent per year over the last decade, less than the rate of inflation over that time frame; and

**WHEREAS**, Delaware County officials believe that one of the best ways to improve New York’s economic climate and competitiveness is to not just slow the rate of growth in property taxes, but to actually lower them from today’s levels; and

**WHEREAS**, permanent and historic reductions in property taxes can primarily be achieved through fundamental reforms of the major state mandates that keep driving up local property taxes, in conjunction with realigning how and what level of government pays for these state mandated services; and

**WHEREAS**, recognizing the need for property tax relief is in line with the Governor's and Legislative Leader's call for all governments to be more fiscally accountable to taxpayers; and

**WHEREAS**, Delaware County believes that aligning the cost of the state's human services programs with the governmental entity that defines and controls them will result in a historic and sustainable reduction in county property taxes and a more appropriate and equitable distribution of the cost of the state's human services programs; and

**WHEREAS**, the cost of paying for the state Medicaid program in Delaware County (and counties outside of New York City) equals about one half of the county's property tax levy; and

**WHEREAS**, the benefits, scope and ultimate cost of Medicaid has been set and controlled by the State for nearly 50 years, but not fully financed with state resources, therefore transferring a significant cost burden to local property taxpayers and contributing greatly to the disparity between property taxes in New York State and other states; and

**WHEREAS**, Cornell University researchers have documented in numerous reports how New York's practice of shifting fiscal responsibilities from the state to lower levels of government including counties creates severe imbalances between New York and other states in relation to property taxes; and

**WHEREAS**, the practice of using local revenues to subsidize the State Budget is the number one reason why New York's property taxes are the highest in the nation.

**NOW, THEREFORE, BE IT RESOLVED** the Delaware County Board of Supervisors calls on the Governor and State Legislature to focus on enacting a phased-in state takeover of the costs of its own mandated human services, starting with Medicaid, that would provide immediate, permanent and measurable property tax reduction helping to narrow the negative tax gap with our competitor states; and

**BE IT FURTHER RESOLVED** the Delaware County Board of Supervisors supports shared services and has been ever vigilant in the search for increased operational efficiencies at all levels of government. Our goal is the reduction of property taxes in New York State, but in order for a realistic discussion to take place, school taxes and how public education is funded must be a part of the solution. School taxes account for approximately 60% of local property tax bills, and county taxes account for about 20% of that annual tax bill. Furthermore, of the 20% county share, NY State mandates are responsible for almost all of that tax bill. Shared services and consolidation efforts, while laudable, are simply not the answer to the much larger issue of high property taxes in this state. Any solution to that problem must include the addressing of school taxes and all unfunded state mandates. The Delaware County Board of Supervisors therefore rejects the consolidation plan and referendum proposal as presented by the Governor as being incomplete in its scope.

**BE IT FURTHER RESOLVED** that copies of this resolution be sent to the Governor Andrew Cuomo, the New York State Legislature and all others deemed necessary and proper.

The resolution was seconded by Mr. Triolo.

Mr. Spaccaforno said the purpose of this initiative is to reduce property tax. He opined that if the state would take over what they are mandating the County to do it would reduce property taxes enormously.

Mr. Gregory referenced with concern the WHEREAS that states “these state imposed mandates on counties require more than \$12 billion annually in locally raised taxes to be sent to the State Capitol so they can be used by the state in lieu of state raised taxes to pay for state programs and initiatives.” He shared that he questioned a state representative at a recent event as to why New York City is exempt from this mandate and was told, “they are already doing it.” When he asked why Delaware County could not get credit for what they are already doing his response was “we want new initiatives.”

Mr. Marshfield noted that he has received similar comments from state officials at past events. He said the general feeling of the counties is that the Governor could save more money with one stroke of his pen.

Chairman Molé explained that as Chairman of the Board of Supervisors she is required to assemble a panel of the 19 town supervisors and the 10 village mayors to create a County-Wide Shared Services Plan. The process, which will include three public hearings, must be completed by August 1, 2017. She advised that the kick-off meeting is scheduled for Wednesday, May 31, 2017 at 2:00 p.m. in the Board Room of the County Office building and invitations have already been sent.

In answer to Mr. Valente, Chairman Molé said the meeting is a public meeting.

The resolution was unanimously adopted.

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

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

**RESOLUTION NO. 95**

**TITLE: AUTHORIZATION TO ENTER INTO A CONTRACT ON AN EMERGENCY BASIS FOR PROFESSIONAL SERVICES WITHOUT A REQUEST FOR PROPOSAL PLANNING DEPARTMENT**

**WHEREAS**, New York City has given Delaware County 90 days from April 28, 2017, to assess the amount of developable land remaining in the seventeen (17) Watershed Towns in order to rebut New York City’s report regarding the amount land that is developable in Delaware County; and

**WHEREAS**, the Delaware County Planning Department has less than 90 days to assess the amount of developable land remaining in the Watershed Towns; and

**WHEREAS**, the amount of developable land is directly related to Delaware County's economic sustainability; and

**WHEREAS**, the Delaware County Planning Department does not have the staff resources nor the available technological resources to perform such a study within the 90 days allotted; and

**WHEREAS**, the Delaware County Planning Department must engage professional services on an emergency basis to assist with the assessment; and

**WHEREAS**, the Delaware County Planning Department currently contracts with VHB, a geographical information systems company and as such, VHB is familiar with Delaware County. There are very few geographical informational system companies who perform this work; and

**WHEREAS**, the Delaware County Planning Department estimates that the cost of such a contract would be between \$25,000 to \$30,000 approximately; and

**WHEREAS**, Resolution No. 86 of 2017 authorized the Delaware County Planning Department to enter into contract with the Catskill Watershed Corporation (CWC) to pay for this work and that contract was approved by the CWC Board on May 2, 2017.

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Planning Department is hereby authorized to enter into a contract with VHB on this emergency basis for professional services. The contract shall limited to the purpose of assessing the amount of developable land within the Watershed Towns in order to rebut the New York City study of same.

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

Acting Planning Director Shelly Johnson-Bennett noted that CWC would be paying for the cost associated with this service as per County Resolution No. 86-2017.

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

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

#### **RESOLUTION NO. 96**

**TITLE: REQUEST TO THE 1954 DELAWARE RIVER DECREE PARTY MEMBERS TO MAKE NEEDED CHANGES TO THE FLEXIBLE FLOW MANAGEMENT PLAN (FFMP) AND AVOID A RETURN TO REVISION I STATUS  
DEPARTMENT OF WATERSHED AFFAIRS**

**WHEREAS**, as demonstrated at the February 16, 2017, Delaware River Basin Commission's Regulated Flow Advisory Committee, the 1954 Decree Parties are at an impasse regarding the extension of the FFMP for another year on June 1, 2017; and

**WHEREAS**, at this meeting, the State of New Jersey stated that they will not vote for an extension of the existing FFMP until their demands are met; and

**WHEREAS**, as of the date of this resolution no changes have been made; and

**WHEREAS**, the extension of the existing FFMP while not satisfactory, in and of itself, it is far superior than returning to the prior decision making process under Revision I; and

**WHEREAS**, reverting to Revision I will result in less flood protection for life and property, potentially causing tremendous harm and a highly detrimental release program that will have a direct negative economic impact on the Towns of Colchester, Deposit and Hancock along with the Villages of Deposit and Hancock; and

**WHEREAS**, Delaware County, like many affected communities, has consistently asked for improvements to the FFMP for the past several years to no avail; and

**WHEREAS**; the clear lack of transparency by the Decree Parties and apparent lack of concern for those not allowed to be part of the Decree Party discussion leaves these communities completely void of any information with regard to what to expect and therefore unable to plan accordingly.

**NOW, THEREFORE, BE IT RESOLVED** the Delaware County Board of Supervisors, which has exhibited respect, courtesy and patience with the ongoing multiyear FFMP extension devoid of any significant changes and are now at risk of a default to Revision I which is undesirable to all stakeholders, now strongly requests that the needs of the communities directly impacted by the private negotiations of the Decree Party, be given as high a priority as the interests of the Decree Party members and that the Decree Party members seek equitable solutions for their differences so as not to imperil life and property of affected towns and villages

**BE IT FURTHER RESOLVED** this resolution also be forwarded to the Decree Party Members (Governors of PA, NY, NJ and DE, NYC Mayor), Decree Party Principals, Delaware River Congressional Task Force, US Senators Schumer and Gillibrand, the Delaware River Basin Commission and Executive Director, NYS Assembly and Senate members representing Delaware County.

The resolution was seconded by Mr. Valente.

Mr. Merrill noted that the FFMP is very important to the towns below the reservoir. The return to Revision I could potentially cause a highly detrimental release program that will negatively affect the Towns of Colchester, Deposit and Hancock along with the Villages of Deposit and Hancock.

Mr. Triolo noted that Resolution No. 95 addressed issues affecting communities within the watershed and Resolution No. 96 addresses issues affecting communities outside of the watershed.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 97**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$3,195,640.73 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	\$2,980,125.26
OET	\$12,931.98
Public Safety Comm System	\$1,214.19
Insurance Risk Retention	\$30,000.00
Highway Audits, as Follows:	
Weights and Measures	\$86.62
Landfill	\$17,353.78
Road	\$3,301.37
Machinery	\$54,358.42
Capital Road & Bridge	\$19,674.26
Capital Solid Waste	\$76,594.85

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 was adjourned at 5:05 p.m.