

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS MAY 24, 2017

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, May 24, 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. Gregory.

Mr. Marshfield offered the invocation.

Mr. Spaccaforo 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. Hynes who introduced Delaware County Cornell Cooperative Extension (CCE-DC) Director Jeannie Darling.

Mrs. Darling advised that over the next two years Delaware County would be working with Tompkins County on a Clean Energy Communities (CEC) Program Grant. The grant targets counties, towns and villages. To assist municipalities throughout the process CCE-DC is hiring a staff educator starting in June. She introduced Cooperative Extension Tompkins County (CCE-TC) Energy Educator Terry Carroll to elaborate on the grant program.

Mr. Carroll distributed a handout entitled: *Clean Energy Communities Program (CEC)* to assist in following the presentation. He explained that the CEC Program Grant is an effort by the New York State Research and Development Authority to encourage New York State communities to implement clean energy actions, save energy costs, create jobs, and improve the environment.

He stated that representatives of New York State approached CCE-TC with the opportunity to administer the CEC Program Grant for the five-county region, Tompkins, Tioga, Broome, Chenango and Delaware County. His role is to work with municipalities as they endeavor to achieve their Clean Energy Community Certification. Grant application is only possible after the municipality achieves its certification.

Interested municipalities are encouraged to begin the certification process as soon as possible as the grants are awarded on a first-come first-serve basis across the Southern Tier Region. He noted that the Southern Tier Region consists of eight counties. Eligibility is based on a selection criteria and the application must receive at least 50 percent of points based on the selection criteria to be eligible for consideration for one of the eighteen CEC Program Grants offered. Municipalities with a population of 40,000 plus are eligible to apply for the two grants in Tier 1 of \$250,000 each and the two grants of \$150,000 each in Tier 2. Small and medium municipalities having a population of fewer than 40,000 are eligible to apply for the four grants in Tier 1 of \$100,000 each and the ten grants of \$50,000 each in Tier 2.

Mr. Ellis shared that the Town of Meredith is working towards the certification process and obtaining one of the grants. Currently the Town is addressing High Impact Action Item 1, Benchmarking, Item 3, LED Street Lights and Item 6, Unified Solar Permit.

In answer to Chairman Molé, Mrs. Darling stated that Tara Donadio would fill the two-year position of Resource Educator beginning June 20. She noted that population density plays a role in the awarding of grants and explained that being part of a regional team allows CCE-DC a greater opportunity to bring in diversity and additional resources to serve communities and people better.

Chairman Molé thanked Mrs. Darling and Mr. Carroll for their informative presentation.

For standing committee reports, Chairman of the Public Works Committee Sam Rowe advised that the property located next to the Public Safety Building was suggested for the DPW building site. The property is not available for purchase and will not be evaluated as the search is restricted to available properties.

Mr. Rowe advised that the majority of Supervisors responding to the Public Works Committee's request for additional site parameters felt the existing parameters were acceptable therefore, the committee decided to move forward using those parameters. The next step is to send the site information to the County's consulting firm for evaluation.

Chairman Molé thanked Mr. Rowe for the update.

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

RESOLUTION NO. 98

**TITLE: 2017 BUDGET AMENDMENT
DEPARTMENT OF EMERGENCY SERVICES - E911**

WHEREAS, the Department of Emergency Services applied for and was awarded a grant from the New York State 2016-2017 Public Safety Answering Points Operations Grant Program (2016-2017 PSAP) which allows for state support to counties for eligible public safety call taking and dispatching expenses; and

WHEREAS, the grant awarded will allow for dispatcher salaries and PSAP equipment maintenance.

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

INCREASE REVENUE:

10-13020-43330500	State Civil Defense	\$162,103.00
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INCREASE APPROPRIATION:

10-13020-51327000/3020002/911	Grant Personnel Services	\$110,000.00
10-13020-54327415/3020002/911	Grant Maintenance & Repair	\$52,103.00

The resolution was seconded by Mr. Spaccaferno and adopted by the following vote: Ayes 4241, Noes 0, Absent 558 (Gregory).

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

RESOLUTION NO. 99

**TITLE: 2017 BUDGET AMENDMENT
TRANSFER OF FUNDS
DEPARTMENT OF EMERGENCY SERVICES – E911**

WHEREAS, the Delaware County Communication dispatchers sit in the chairs provided 24 hours a day, 365 days a year; and

WHEREAS, all communications dispatcher chairs have outlived their useable life and are in a non-repairable state; and

WHEREAS, this is an unexpected equipment purchase that was not budgeted; and

WHEREAS, sound acoustic tiles were budgeted in 2017 to offset some of the echo and sounds in the communications center; and

WHEREAS, we can forgo the purchase of the acoustic tiles this year in order to fund functional chairs for the dispatchers to utilize.

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

FROM:

10-13020-54415000 M&R CAD system \$2,166.00

TO:

10- 13020-52200000 Equipment \$2,166.00

The resolution was seconded by Mr. Davis and adopted by the following vote: Ayes 4241, Noes 0, Absent 558 (Gregory).

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

RESOLUTION NO. 100

**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:

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

PROPOSAL NO. 32-17 Replacement of Bridge 216, BIN 3370900, Swart Street
Bridge over Bull Run, Village of Margaretville to: R.
DeVincentis Construction, Inc., One Brick Avenue,
Binghamton, NY 13901

Bid Price: \$731,000.00

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.

In answer to Mr. Marshfield, Commissioner of Public Works Wayne Reynolds said this project is funded by FEMA.

The resolution was adopted by the following vote: Ayes 4241, Noes 0, Absent 558 (Gregory).

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

RESOLUTION NO. 101

TITLE: APPOINTMENT COUNTY PLANNING DIRECTOR

BE IT RESOLVED that Shelly Johnson-Bennett is hereby appointed as County Planning Director for a term of three years from May 24, 2017 through December 31, 2020 at the base salary for the position.

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

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

RESOLUTION NO. 102

TITLE: RESOLUTION TO ESTABLISH POSITIONS IN COMPLIANCE WITH INTERNAL REVENUE SERVICES LAW

WHEREAS, Delaware County is in receipt of the determination of a recent IRS Audit and the findings concluded that the following positions be established as County employees and no longer be paid contractually.

NOW, THEREFORE, BE IT RESOLVED that effective June 4, 2017 the positions of Medical Examiner, Deputy Medical Examiner and Nurse Practitioner (in the Department of Mental Health) are hereby established in accordance with IRS law.

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

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

RESOLUTION NO. 103

**TITLE: LEGAL REPRESENTATION POLICY
OFFICE OF THE COUNTY ATTORNEY**

WHEREAS, pursuant to County Law §501 the County Attorney is the legal advisor to the Board of Supervisors and all its departments; and

WHEREAS, it necessary that all legal matters be brought before the County Attorney for review; and

WHEREAS, due to various circumstances it may be necessary to employ outside counsel to assist in legal matters affecting the County.

NOW, THEREFORE, BE IT RESOLVED it shall be the timely decision of the County Attorney whether or not to employ outside counsel to assist or represent the County in any legal matter.

The resolution was seconded by Mr. Eisel.

In answer to Mr. Marshfield, Mr. Spaccaforno said the intent of the resolution is to ensure that the County Attorney has an opportunity to review all legal matters. Upon review, the County Attorney will then decide if outside council is necessary.

On another matter, Mr. Spaccaforno referenced unfunded mandates and noted that a bill calling on the State of New York to fund the District Attorney Salary increase set by the state passed the Senate and is now in the Assembly.

The resolution was unanimously adopted.

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

RESOLUTION NO. 104

**TITLE: AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST
INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI"
PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID
PROJECT, AND APPROPRIATING FUNDS THEREFORE.
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, a Project for the replacement of BIN 3351950 on CR 26 over Telford Hollow Brook in the Town of Colchester, Delaware County, PIN 9753.00 ("the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of said program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Delaware desires to advance the Project by making a commitment of 100% of the Federal and non-Federal share of the costs of the Preliminary Engineering/Design, Right-of-Way Incidentals, Right-of-Way Acquisition and Construction and Construction Supervision and Inspection.

NOW, THEREFORE, the Delaware County Board of Supervisors, duly convened does hereby

RESOLVE that the Delaware County Board of Supervisors hereby approves the above-subject project; and it is further

RESOLVED that the Delaware County Board of Supervisors hereby authorizes the County of Delaware to pay in the first instance 100% of the Federal and non-Federal share of the cost of Preliminary Engineering/Design, Right-of-Way Incidentals, Right-of-Way Acquisition and Construction and Construction Supervision and Inspection work for the Project or portions thereof; and it is further

RESOLVED that the sum of \$2,598,682.00 is hereby appropriated from 34-15112-54000000 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED that in the event the full Federal and non-Federal share costs of the Project exceeds the amount appropriated above, the Delaware County Board of Supervisors shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED that the Chairman of the Board of the Delaware County Board of Supervisors be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Delaware with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED this resolution shall take effect immediately.

The resolution was seconded by Mr. Spaccaforo.

Chairman Molé granted Mr. Rowe's request to abstain from voting on this resolution based on his employment with the New York State Department of Transportation.

The resolution was adopted by the following vote: Ayes 3919, Noes 0, Absent 558 (Gregory), Abstain 322 (Rowe).

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

RESOLUTION NO. 105

**TITLE: ARCHITECTURAL AGREEMENT FOR
DELAWARE COUNTY MENTAL HEALTH BUILDING**

WHEREAS, it is necessary to retain an architect for the Preliminary Phase for the design and construction of a new Mental Health Building; and

WHEREAS, the Capital Projects Committee issued a Request for Proposals on January 11, 2017, reviewed the responses, interviewed a short list of the most qualified and selected C&S Companies to design the County's facility; and

WHEREAS, the Committee has negotiated with C&S Companies on the required scope of services and corresponding fee; and

WHEREAS, the negotiated contract includes the preliminary engineering required to develop the specific program requirements and site to purchase the property; and

WHEREAS, funds are available to pay for these services;

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board of Supervisors is authorized to enter into an agreement with C&S Companies to pay for the Preliminary Phase at a stipulated sum of \$63,341.

The resolution was seconded by Mr. Marshfield.

In response to Chairman Molé, Mr. Tuthill noted that the contract with C&S Companies has been reviewed by the County Attorney.

The resolution was adopted by the following vote: Ayes 4241, Noes 0, Absent 558 (Gregory).

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

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

RESOLUTION NO. 106

**TITLE: 2017 BUDGET AMENDMENT
TRANSFER OF FUNDS
MEDICAL EXAMINER**

WHEREAS, as a result of an IRS audit the positions of Medical Examiner and Deputy Medical Examiner will no longer be contractual positions; and

WHEREAS, it is necessary to transfer funds.

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

FROM:

10-11185-54535000	Professional Fees	\$35,705.00
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TO:

10-11185-51000000	Personal Services	\$30,000.00
10-11185-58100000	Retirement	\$2,194.00
10-11185-58300000	Social Security	\$1,755.00
10-11185-58600000	Health Insurance	\$1,756.00

The resolution was seconded by Mr. Eisel and adopted by the following vote: Ayes 4241, Noes 0, Absent 558 (Gregory).

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

RESOLUTION NO. 107

**TITLE: 2017 BUDGET AMENDMENT
TRANSFER OF FUNDS
DEPARTMENT OF MENTAL HEALTH**

WHEREAS, as a result of an IRS audit the Psychiatric Nurse Practitioner position will change from a contracted position to a permanent part-time County position; and

WHEREAS, it is necessary to transfer funds.

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

FROM:

10-14310-54195115	Contracted PNP Services	\$35,050.00
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TO:

10-14310-51000000	Personal Services	\$35,050.00
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The resolution was seconded by Mr. Ellis and adopted by the following vote: Ayes 4241, Noes 0, Absent 558 (Gregory).

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

RESOLUTION NO. 108

**TITLE: 2017 BUDGET AMENDMENT
TRANSFER OF FUNDS
TREASURER'S OFFICE**

WHEREAS, the IRS conducted an audit of federal employment tax returns for the years 2014, 2015 and 2016; and

WHEREAS, the findings of the audit determined that three positions paid contractually need to be employees of the County; and

WHEREAS, the IRS has fined the County and further penalties will be issued if the County is not in compliance by July 1, 2017; and

WHEREAS, the County has agreed to comply with said findings.

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

FROM:

10-11990-54900000	Contingency	\$17,576.92
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TO:

10-11325-54500001	Penalty – IRS	\$17,576.92
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The resolution was seconded by Mr. Ellis.

Mr. Marshfield noted the Finance Committee agreed that paying the penalty was the best action for the County to take.

Chairman Molé stated that the IRS was fair in its assessment as the penalty reflects one year of taxes as opposed to the possibility of a penalty for the three-year span of the audit.

The resolution was adopted by the following vote: Ayes 4083, Noes 158 (Eisel), Absent 558 (Gregory).

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

RESOLUTION NO. 109

**TITLE: AUTHORIZATION FOR AWARD
DELAWARE COUNTY EMERGENCY SERVICES**

LETTING OF MAY 22, 2017

WHEREAS, notice to bidders has been made, and proposals received, having been filed and the bidding procedures and documents have been approved by the County Attorney.

NOW, THEREFORE, BE IT RESOLVED that the Department of Emergency Services is authorized to make award to the bidder meeting the specifications for Grand Gorge Tower Erection.

PROPOSAL: Grand Gorge Tower Erection:

COMPANY: Mid-State Communications.
185 Clear Road
Oriskany, NY 13424

BID PRICE: \$63,480.00

The resolution was seconded by Mr. Davis.

In answer to Chairman Molé, Director of Emergency Services Steve Hood said there is no grant funding involved, this is a County Capital Project fully funded by the County.

The resolution was adopted by the following vote: Ayes 4241, Noes 0, Absent 558 (Gregory).

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

RESOLUTION NO. 110

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,549,568.88 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	\$634,603.00
OET	\$30,471.33
Public Safety Comm System	\$24,824.89
Highway Audits, as Follows:	
Weights and Measures	141.99
Landfill	\$114,856.08
Road	\$26,151.01
Machinery	\$75,724.35
Capital Road & Bridge	\$623,246.23
Capital Solid Waste	\$19,550.00

The resolution was seconded by Mr. Spaccaformo and adopted by the following vote: Ayes 4241, Noes 0, Absent 558 (Gregory).

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

RESOLUTION NO. 111

TITLE: EXECUTIVE SESSION

BE IT RESOLVED that the Delaware County Board of Supervisors convene in executive session to discuss the proposed acquisition of real property because publicity would substantially affect the value of the property.

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

The meeting reconvened in regular session with all Supervisors present except Mr. Gregory.

Upon a motion, the meeting was adjourned at 5:34 p.m.