

REGULAR MEETING
DELAWARE COUNTY BOARD OF SUPERVISORS
JUNE 28, 2017

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, June 28, 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.

Mr. Marshfield offered the invocation.

Mr. Ellis 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. Taggart who introduced the 2017-18 Dairy Princess Julie Archibald.

Ms. Archibald stated that she is from a long line of farming families in the Town of Franklin. She has gained a great appreciation and respect for farmers and the Dairy Industry having seen firsthand what is involved with dairy farming. Her mission as Dairy Princess is to educate the younger generation. Many young people do not have the opportunity to visit or spend time on a working farm. It is hard to understand what it takes to produce dairy products if you have not had the chance to see firsthand what is involved in dairy farming. She hopes to raise their awareness of the dairy industry by sharing what she has learned. Her experiences have taught her that hard work and dedication is necessary to succeed at any endeavor.

Referencing industry statistics, she advised that about 77 percent of girls and 64 percent of boys ages 12-15 are not meeting their daily-recommended requirement for calcium. Calcium along with eight other essential nutrients is the key ingredients in milk and dairy products that work together to keep our bodies healthy.

Ms. Archibald noted that New York State is among the top five dairy producing states and has increased its milk production by 2 percent each year over the past decade. Siting an example, she said that one cow in 2007 produces as much milk as five cows in 1944. In 2010, there were approximately 10,500 milking cows in Delaware County. Each cow produces about 15,000 pounds of milk per year.

Ms. Archibald invited everyone in attendance to enjoy refreshments she prepared after the meeting. She thanked the Board of Supervisors for inviting her to speak and for their support of farmers and the dairy industry.

Chairman Molé thanked Ms. Archibald for her presentation.

Chairman Molé granted privilege of the floor to Mr. Valente. Mr. Valente thanked the County for approving its \$900 grant application submitted to the Occupancy Tax Grant Program in support of the Town of Davenport Bicentennial Celebration. He introduced Town of Davenport Historical Society Bicentennial Committee members Jennifer Gerster and Virginia Sanford to discuss the upcoming event.

Mrs. Sanford and Ms. Gerster distributed their event brochure and invited the Supervisors and public to attend the town's 200-year celebration (1817-2017) on July 29 and 30.

The women presented a Town of Davenport Bicentennial Banner to Chairman Molé to be gifted to the Delaware County Historical Society.

Chairman Molé granted privilege of the floor to Mr. Rowe who introduced Wendel Team Executive Vice President Gerald Summe and Principal Mark Molnar, PE. to give a PowerPoint presentation on the DPW facility site selection.

Mr. Molnar distributed a handout entitled: *Delaware County DPW Facility Site Selection* to assist in following the presentation. He explained that twelve sites were evaluated in accordance with the site selection process and ranking criteria in order to determine the top three highest ranked sites. The top three sites have similarities that make them conducive to building a development of this scale. The analysis concluded that Site 9, Back River Road, Hamden, Site 1 County Highway 18, Stamford and Site 3, County Highway 18, Delhi ranked as the top three sites. Site 11, State Highway 10, Hamden ranked fourth but was not ranked due to flooding concerns. Mr. Summe added that all of the qualifying sites are outside of prime farmland.

The positive and negative attributes of the four top ranked sites were presented. The positive attributes included a minimum of 12 acres of flat area for development, proximity to the County Office Building, located out of a floodplain, suitable soils for building construction, access and alternate access to the site. The negatives included access acquisition, road reconstruction and bridge requirement, distance to the County Office Building, possible archeological concerns and electric transmission lines.

Mr. Molnar addressed the no-build assessment while discussing Site 7 the current location of the facility. The site meets much of the criteria such as existing utilities, is a good distance to County Office Building, has a flat area for development and is accepted by the neighborhood. However, the site is entirely located in a floodplain with no access during a flood event, there is limited opportunity for grant funding and the site would require extensive capital costs associated with flood mitigation and structural integrity.

Mr. Summe added that mitigating and rebuilding on the existing site is doable, however access during a flood event would remain a concern.

Mr. Molnar advised the Board that they felt additional research was needed as the preliminary data did not define a clear winner. Environmental studies and assessments of the operational costs for each of the top ranked sites would be prudent.

In answer to Mr. Gladstone, Mr. Molnar said that future assessments would include an evaluation of the capital costs vs. the budget.

Commissioner of Public Works Wayne Reynolds noted that the original estimate presented to the Board did not include any available grant funding. He advised that the Catskill Watershed Corporation has committed to funding certain portions of the project. Additionally, there are other grants available for flood mitigation work, however, there needs to be a solid plan prior to applying for any grant funding.

Mr. Davis said it is essential the Board take into account that this is a small County and it cannot burden its residents with a large building project when grant funding is available.

Mr. Summe said the ranking process considered that sites located in a floodplain would likely not qualify for the maximum available grant funding.

In response to Mr. Spaccaforno, Mr. Summe explained the concerns associated with the current roof at the patrols building. He noted the recommendation given to the DPW Committee is to be out of that facility prior to snowfall based on the diminished structural capacity of the roof.

Mr. Marshfield opined and Mr. Gregory and Mr. Tuthill agreed that Site 11 should be a candidate for further evaluation. Mr. Summe said they are not averse to considering the site however would like a clear direction from the Board since the evaluation will cost additional money.

In response to Mr. Taggart, Mr. Molnar noted that the Wendel Team is currently building a structure with a parking garage on the bottom and an office structure on top for a client in another state. This type of construction is doable but the capital cost is significant. He pointed out that if a similar structure were built on Site 7 access during a flood event would remain a concern.

Mr. Rowe commented that each of the sites would require road reconstruction and or a bridge. These types of projects can fall under the CHIPS Program and become eligible for reimbursement.

Mr. Tuthill referenced Site 3 and shared that his constituents in the Town of Delhi do not want to see a commercial facility in a residential area. He noted that the town is zoned residential and that a special permit would be required to build on the site. He pointed out that the Town has tried to keep its industry to the south end of the Town. Additionally, the Town of Delhi has designated the property for future village expansion.

Chairman Molé opined that not having a clear winner is very discouraging. She commented on the top ranked sites concluding that more work needed to be done.

In answer to Mr. Valente, Mr. Summe advised that the additional research and evaluation required could cost the County about \$15,000.

Mr. Tuthill made a motion to have the Wendel Team evaluate Site 11 in addition to the existing top three ranked sites. The motion was seconded by Mr. Gregory. The motion carried. Mr. Axtell, Mr. Spaccaforno, Mr. Davis and Mr. Layton were in opposition.

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

RESOLUTION NO. 112

**TITLE: 2017 BUDGET AMENDMENT
STATEWIDE INTEROPERABLE COMMUNICATION GRANT (SICG)
DEPARTMENT OF EMERGENCY SERVICES**

WHEREAS, Delaware County applied for and has been awarded grant funding under the Statewide Interoperable Communication Grant (SICG) from the Division of Homeland Security and Emergency Services and the Office of Interoperable and Emergency Communications; and

WHEREAS, this grant was awarded in the amount of \$447,657 to Delaware County for the purpose purchasing interoperable communications towers and related equipment to support and enhance statewide interoperable communications for first responders throughout New York State.

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

INCREASE REVENUE:

38-13640-43338900/3640388/911	State Interoper Emrg Comm Grant	\$447,657.00
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INCREASE APPROPRIATION:

38-13640-52200001/3640388/911	Equipment Grant	\$447,657.00
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The resolution was seconded by Mr. Spaccaforno and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 113

**TITLE: 2017 BUDGET AMENDMENT
STATE AID FOR OUTREACH
DEPARTMENT OF MENTAL HEALTH**

WHEREAS, the Department of Mental Health has been allocated \$60,000 of additional State Aid for Outreach during 2017; and

WHEREAS the Department will contract with Rehabilitation Support Services, Inc. to provide this program;

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

INCREASE REVENUE:

10-14311-43349454	State – Outreach	\$60,000.00
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INCREASE APPROPRIATION:

10-14311-54458026	MH Outreach – RSS	\$60,000.00
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The resolution was seconded by Mr. Triolo and adopted by the following vote: 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 114

**TITLE: 2017 BUDGET AMENDMENT
SUMMER YOUTH EMPLOYMENT PROGRAM
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Delaware County Department of Social Services is the designated local agency to administer the Summer Youth Employment Program; and

WHEREAS, funding is to be used for summer youth employment and education training for economically disadvantaged youth and is 100% reimbursed.

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

INCREASE REVENUE:

10-16010-44482002	Summer Youth Employment	\$108,162.00
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INCREASE APPROPRIATION:

10-16010-54665002	Summer Youth Employment	\$108,162.00
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The resolution was seconded by Mr. Taggart and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 115

**TITLE: AUTHORIZATION FOR AWARDS
DELAWARE COUNTY DEPARTMENT OF PUBLIC WORKS**

LETTING OF JUNE 8, 2017

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

BE IT RESOLVED, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. 33-17	Cold In Place Recycling to: Gorman Group (American), 200 Church Street, Albany, NY 12202
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Bid Price: See Summary Sheet

Other municipalities in Delaware County may participate in this award.

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.

Mr. Rowe noted that the lowest bidder did not meet specifications and therefore could not be accepted.

Commissioner Reynolds stated the bid is for New York City, however, DPW intends to use it for about one mile on the top of County Road 7.

The resolution was adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 116

**TITLE: AUTHORIZATION FOR AWARDS
DELAWARE COUNTY DEPARTMENT OF PUBLIC WORKS**

LETTING OF JUNE 21, 2017

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

BE IT RESOLVED, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. SW3-17 Transportation and Disposal of Non-Hazardous Mixed Waste Debris to: Casella Waste Management of NY Inc., 49 Lower River Street, Oneonta, NY 13820; Tweedie Construction/Tweedie Enterprises, Inc., 90 Crystal Creek Road, Walton, NY 13856

Bid Price: See Summary Sheet

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 and adopted by the following vote: Ayes 477, Noes 0, Absent 0.

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

RESOLUTION NO. 117

**TITLE: 2017 BUDGET AMENDMENT
CHANGE ORDER NO. 1 OF LETTING OF SEPTEMBER 19, 2016
MID-STATE COMMUNICATIONS
DEPARTMENT OF EMERGENCY SERVICES**

WHEREAS, Resolution No. 147 of 2016 authorized the award for construction of reinforced concrete tower foundations (letting of 9-19-16) to Mid-State Communications, 185 Clear Road, Oriskany, New York 13424 for the bid amount of \$67,900; and

WHEREAS, changes had to be made during the installation of the rock anchors on the tower foundation; and

WHEREAS, Mid-State Communications has presented a proposal to provide service and material to install additional concrete, reinforcement bar and grading modifications to ensure that the foundation and rock anchors are installed to necessary specifications.

NOW, THEREFORE, BE IT RESOLVED that the Department of Emergency Services is herewith authorized to execute Change Order No. 1 in the amount of \$14,400 raising the total project cost to \$82,300.

The resolution was seconded by Mr. Spaccaforo.

In answer to Mr. Tuthill, Director of Emergency Services Steve Hood explained that construction on this site has been challenging. It is very difficult to get materials to the site based on its terrain and the location has created additional installation requirements.

In response to Mr. Hynes, Mr. Hood said the project should be completed on time despite the construction difficulties. He noted that the County is collaborating with the Margaretville Telephone Company on this project.

The resolution was adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 118

**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>Dept/Vehicle No.:</u>	<u>Description:</u>	<u>Serial Number/VIN:</u>
DPW 353	1993 White/GMC Dump	V2JCBJF6PR818281

DPW 364	1985 Mack Tractor	1M2P137CXFA013110
DPW 203	1962 Walters	627806
DPW 304	2000 International	1HTGEAHR3YH255427
DPW 72	1996 Trail King Trailer	1TKB0422XTM034919
DPW/SW 815	2003 Terminator C&D Shredder 5000S	181034
DPW/SW 816	1958 Martin Lowboy Trailer	8642
DPW	Diajit Machine Model 6220/23/26	183204
DPW	HP Copier Color Laser Jet 5550dtn	JPSCB808K
DPW/SW	1 Green 40 yard open top	
DPW/SW	1 Blue 40 yard open top	
DPW/SW	1 Maroon Sea-Land Container	

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

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

RESOLUTION NO. 119

TITLE: SALE OF TAX ACQUIRED PROPERTY

RESOLVED that the following described parcels of tax acquired property be sold to the parties 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, upon receipt of cash consideration hereinafter set forth.

DEP12TX.020

ASSESSED TO:

**ALEXSEY NEKRASOV AS TRUSTEE OF THE
NEKRASOV FAMILY TRUST**

TOWN OF:	123001:DEPOSIT
TAX MAP NO:	349.13-4-7
SCHOOL DISTRICT:	034201:DEPOSIT
ACREAGE:	107.00'F x 170.00'D: 0.25A ACRES
CONVEYED TO:	ALEXSEY NEKRASOV, AS TRUSTEE OF THE NEKRASOV FAMILY TRUST 38 MAIN ST DEPOSIT NY 13754
CASH CONSIDERATION:	\$16,664.48
TAX DEFICIT:	\$11,570.93

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 120

**TITLE: OCCUPANCY TAX CONTRACT
APPROVAL & ADMINISTRATION AGREEMENT
DEPARTMENT OF ECONOMIC DEVELOPMENT**

WHEREAS, Local Law No. 13 of 2015 established a Hotel Occupancy Tax in Delaware County for the purpose of promoting the tourism industry in Delaware County; and

WHEREAS, the Law stipulates that revenues derived from the occupancy tax are to be allocated for the promotion and development of the tourism industry in Delaware County; and

WHEREAS, pursuant to the Law, Delaware County established and empowered the Tourism Advisory Board to solicit, review and approve proposals for the use of the funds raised from the occupancy tax for the promotion and development of the tourism industry in Delaware County; and

WHEREAS, the Tourism Advisory Board received and reviewed 32 proposals for use of occupancy tax revenues and has recommended 25 proposals for approval by the Delaware County Board of Supervisors; and

WHEREAS, for issues of substance and convenience the County is interested in utilizing the Delaware County Local Development Corporation for the execution and administration of contracts to the recipients of occupancy tax funds.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors approves the recommendations of the Tourism Advisory Board regarding projects to be funded through occupancy tax revenues, and hereby empowers the Chairman of the Board of Supervisors to enter into an agreement with the Delaware County Local Development Corporation for the execution and administration of contracts to the recipients of occupancy tax funds.

The resolution was seconded by Mr. Spaccaferno.

Mr. Triolo noted that contracting with the Delaware County Local Development Corporation allows for a quicker distribution of funds to recipients of the Occupancy Tax Grant Program.

Director of Economic Development Glenn Nealis advised that 23 grant applications have closed to date.

The resolution was unanimously adopted.

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

RESOLUTION NO. 121

TITLE: AUTHORIZATION TO OBTAIN AN APPRAISAL AND AN OFFER FOR AN EASEMENT PRELIMINARY TO AN EMINENT DOMAIN PROCEEDING

**HIGHMOUNT SITE
(HALCOTT RIDGE ROAD, TOWN OF SHANDAKEN, ULSTER COUNTY &
TOWN OF MIDDLETOWN, DELAWARE COUNTY)**

DEPARTMENT OF EMERGENCY SERVICES

WHEREAS, the Delaware County Department of Emergency Services is progressing with a public use project consisting of rehabilitation, replacement, modification and expansion of

the Emergency Radio Communications System and Communications Tower, at various sites across this County, also including the above “Highmount Site,” as previously authorized (the “Project”); and

WHEREAS, for the Highmount Site, the proposed communications tower will be located on lands now or formerly owned by Patricia M. Searle and Barbara S. Davis (Delaware County Tax Map No. 288.0-1-14)(the “Tower Parcel”); and

WHEREAS, access to the Tower Parcel originates from Halcott Ridge Road in the Town of Shandaken, Ulster County, along an existing woods road over a parcel of property now or formerly owned by Halcott Ridge 1 LLC (Ulster County Tax Map No. 1.003-2-4.1); and

WHEREAS, representatives of Delaware County have approached a representative of Halcott Ridge 1 LLC and requested a voluntary easement for access and utilities along the route of the existing woods road; and

WHEREAS, the representative of Halcott Ridge 1 LLC was unwilling to grant the requested easement; and

WHEREAS, Delaware County requires an easement for utilities along Halcott Ridge Road from existing pole NYSEG9/NYT9 and an easement 30 feet in width for access and utilities centered along the existing woods road over lands now or formerly of Halcott Ridge 1 LLC; and

WHEREAS, the Board of Supervisors has determined that the rehabilitation, replacement, modification and expansion of the Emergency Radio Communications System is in the best interest of the County and, as a result, that the contemplated acquisition is in the best interests of the health, safety and welfare of the County, as it is in the public's best interest that the Project be properly constructed and maintained; and

WHEREAS, the County has endeavored and will continue to endeavor to acquire the interests in property necessary for the Project by voluntary conveyance with the land owners, but the Board of Supervisors acknowledges that voluntary conveyance may not be achieved for the necessary acquisitions requiring the County to exercise its powers of Eminent Domain; and

WHEREAS, prior to moving forward with any eminent domain proceeding for this matter, the County desires to obtain an appraisal of the easement property to facilitate negotiations with Halcott Ridge 1 LLC by providing a written offer to acquire the easement property by voluntary conveyance for the valuation so established; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE BOARD OF SUPERVISORS OF DELAWARE COUNTY, NEW YORK:

THAT the Board of Supervisors of Delaware County hereby determines that an appraisal is needed to establish the valuation of the necessary easement property in furtherance of the Project for the Highmount Site; and

BE IT FURTHER RESOLVED the County of Delaware and its legal agents are authorized to proceed with ordering an appraisal of the easement property; and

BE IT FURTHER RESOLVED that the Board of Supervisors hereby authorizes the County of Delaware and its legal agents to make an offer of reasonable compensation to acquire the interests in easement property by voluntary conveyance based upon the valuation established by such appraisal; and

IT IS FURTHER RESOLVED that the Department of Emergency Services and the attorneys for the County are hereby directed to take such actions as are necessary to implement this resolution.

The resolution was seconded by Mr. Spaccaforo.

Mr. Triolo expressed concern over the use of eminent domain and said that he cannot vote in favor of this resolution. The County has worked diligently to stop the use of eminent domain by New York City and this contradicts that. In addition, he questioned the use of eminent domain by Delaware County in Ulster County.

Mr. Hood advised that the right-of-way the County desires is located in Delaware County but to access the right-of-way you need to cross a property located in Ulster County. He provided a brief history of the initial negotiations and why Young/Sommer, LLC felt an appraisal and official offer to purchase the right-of-way was necessary. He noted that the County would continue to seek a voluntary easement but eminent domain is cited in the resolution as a last resort for the County in the event the owner is unwilling to provide the right-of-way.

In response to Mr. Eisel, County Attorney Merklen said that the Department has the opinion of Young/Sommer, LLC that it is possible for Delaware County to initiate eminent domain in Ulster County so it is her understanding that the County can move forward with eminent domain if necessary.

Mr. Davis echoed Mr. Hood's concerns noting that the project is a state and federally mandated emergency communication project. Without the easement, there is no access to the site. He noted the easement is for utilities and referenced the unwillingness of the property owner to grant the easement.

The resolution was adopted by the following vote: Ayes 3115, Noes 1684 (Merrill, Valente, Hynes, Pigford, Triolo, Layton), Absent 0.

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

RESOLUTION NO. 122

TITLE: LEASE, CONTRACT FOR SALE AND AN EASEMENT WITH RIGHT OF FIRST REFUSAL AGREEMENT OF 97 MAIN STREET, DELHI, NEW YORK OFFICE FOR THE AGING

WHEREAS, the Board of Supervisors in recognition of Delaware County's ever expanding aged population and the necessary services to adequately support the unique challenges facing the senior population; and

WHEREAS, it has been determined that the current site does not meet the needs of the Office for the Aging (OFA) and the County has diligently searched for a site that would provide the necessary space to assist our senior population; and

WHEREAS, the County has identified 97 Main Street, Delhi, New York, as an optimal space to house the Office for the Aging and the Senior Meals Program. This property contains a commercial kitchen, an area for a dining center, office space, additional parking and is handicapped accessible. The space meets the current and potential future needs, for not just OFA but for possibly, other County departments; and

WHEREAS, 97 Main Street is comprised of two (2) contiguous properties. As part of the lease and contract to purchase, the sellers would also agree to give the County the right of first refusal to purchase the contiguous property; and

WHEREAS, the lease to purchase the property would begin July 1, 2017 and run through September 30, 2017. The contract to purchase the property at \$675,000 and right of first refusal would be signed simultaneous with the lease; and

WHEREAS, the Senior Council of Delaware County has agreed to gift the County \$40,000 toward the purchase of the building. The County is grateful for the gift toward the purchase price and it is the intent of the County to maintain 97 Main Street as the home for OFA and senior meals; and

WHEREAS, the Office for the Aging has agreed to match the Senior Council's \$40,000 gift with an additional \$40,000 using funding from the agency's existing bequest account.

NOW, THEREFORE, BE IT RESOLVED that the County in an effort to keep OFA and senior meals centrally located in the County and to have a facility that can provide for the current and future needs of OFA and potentially, other County departments, shall enter into a Lease, a Contract for Sale and an Easement with Right of First Refusal Agreement for the property located at 97 Main Street, Delhi, NY; and

BE IT FURTHER RESOLVED that the Chairman of the Board is hereby authorized to sign any and all documents necessary to effectuate the Lease, a Contract for Sale and an Easement with Right of First Refusal Agreement.

The resolution was seconded by Mr. Marshfield.

Mr. Marshfield explained that in March of this year the Office for the Aging (OFA) received notice from United Ministry Church that the building they are located in has been sold and that the OFA had 90 days from the closing to vacate. From there, the committee diligently searched for a new home for OFA. Fifteen locations in the Towns of Andes, Hamden, Kortright and Walton were considered. One of the fifteen and by far the best selection was 97 Main Street owned by Randy and Kim Shepard. After much negotiation with the Shepard's it was agreed that the County would commence renting the building July 1 at a monthly rent of \$5,160 until the end of September 2017 at which time the County would purchase the building at a price of \$675,000. The County will be leasing and purchasing the two-story portion of 97 Main comprised of about 7,000 square feet.

He further stated that the Delaware County Senior Council, the Delaware County Office for the Aging Advisory Board and Delaware Opportunities, Inc. are responsible for the senior meals program and they support and encourage this purchase. This will be a positive move for the department, its 18 employees and the ever-growing senior population.

Mr. Pigford thanked Mr. Marshfield for his dedication and commitment to this project.

In answer to Mr. Spaccaforno, Mr. Marshfield said that Randy Shepard and Director of the Office for the Aging Wayne Shepard are brothers. Mr. Spaccaforno asked if there was a concern for collusion. Mr. Marshfield said the agreement has been reviewed by the County Attorney.

In response to Chairman Molé, County Attorney Amy Merklen advised that since Wayne Shepard does not have a proprietary interest in the property collusion is not a concern.

Mr. Hynes shared that he is very glad this is happening for OFA. He noted that finding a permanent home for OFA has been a goal of past Committee members for a number of years. Adding it is about time the County provides a permanent location for its services to the elderly.

Mr. Rowe expressed concern that the County is paying \$675,000 for a building that recently sold for \$500,000. Additionally, he understood that an appraisal is required for purchases made with taxpayer's money and he felt that having one would avoid the appearance of impropriety. He hoped that if the County desired to move ahead without an appraisal there would not be a double standard if a similar situation were to arise with DPW.

Mr. Marshfield noted that the Shepard's did not want to sell the building. They finally agreed to sell for \$675,000 and that amount was lower than their request.

County Attorney Merklen noted that the value has already been established based on the recent sale. She further stated that even if an appraisal came in at a value less than \$675,000 the Board of Supervisors could vote to purchase the property at that amount especially in light of the fact that this is the building and location of choice.

Mr. Triolo noted that from his experience when there is a willing buyer and seller the amount of the appraisal is not a consideration. He added that the County has a need to move quickly. It makes good sense to purchase the building at the \$675,000 considering the property is available when we need it and would cost the County about \$2 million to build a similar building assuming a suitable site could be found.

Mr. Taggart noted that there is time for an appraisal since the closing is three months away. He opined that if there is a rule requiring an appraisal when spending taxpayers' money then that is what should be done as bypassing the rule at this time might open the door for trouble in the future.

The resolution was adopted by the following vote: Ayes 3139, Noes 1660 (Valente, Taggart, Rowe, Haynes, Spaccaforno, Davis, Layton), Absent 0.

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

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

RESOLUTION NO. 123

**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 of Social Services is authorized to sell by trade-in, on-line auction or for scrap the following items:

<u>Dept/Vehicle</u>	<u>Description</u>	<u>Serial No./Vehicle ID NO.</u>
DSS 393	2007 Chevy Malibu	1G1ZS57F97F272488
DSS 400	2008 Chevy Impala	2G1WB58NX81273540

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

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

RESOLUTION NO. 124

**TITLE: SALE OF TAX ACQUIRED PROPERTY
TREASURER'S OFFICE**

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.

DAV15TX.024

ASSESSED TO:

MICHAEL J SCHUMAKER

TOWN OF:

122600:DAVENPORT

TAX MAP NO:

8.-1-17.1

SCHOOL DISTRICT:

122601:CHARLOTTE VALLEY

ACREAGE:

34.30A ACRES

CONVEYED TO:

MICHAEL SCHUMAKER
26 MEADOWBROOK RD
WATERVELIET NY 12189

CASH CONSIDERATION:

\$5,916.33

TAX DEFICIT:

\$4,898.08

DAV15TX.025

ASSESSED TO:

PATRICK R SHULTIS AND EILEEN M SHULTIS

TOWN OF:

122600:DAVENPORT

TAX MAP NO:

22.-1-8.2

SCHOOL DISTRICT:

122601:CHARLOTTE VALLEY

ACREAGE:

0.40A ACRES

CONVEYED TO:

PATRICK R & EILEEN M SHULTIS

664 COUNTY HWY 11
ONEONTA NY 13820

CASH CONSIDERATION: \$260.80
TAX DEFICIT: \$73.88

DAV15TX.026

ASSESSED TO:

PATRICK R SHULTIS AND EILEEN M SHULTIS

TOWN OF: 122600:DAVENPORT
TAX MAP NO: 22.-1-71.2
SCHOOL DISTRICT: 122601:CHARLOTTE VALLEY
ACREAGE: 1.40A ACRES
CONVEYED TO: PATRICK R & EILEEN M SHULTIS
664 COUNTY HWY 11
ONEONTA NY 13820

CASH CONSIDERATION: \$669.31
TAX DEFICIT: \$406.27

DEL15TX.006

ASSESSED TO:

THOMAS W CASEY

TOWN OF: 122801:DELHI
TAX MAP NO: 149.20-1-7
SCHOOL DISTRICT: 122801:DELAWARE ACADEMY
ACREAGE: 60.00'F x 154.00'D ACRES
CONVEYED TO: THOMAS CASEY
266 RADIO AVE
MILLER PLACE NY 11764

CASH CONSIDERATION: \$7,318.81
TAX DEFICIT: \$6,092.14

DEP15TX.003

ASSESSED TO:

JOSEPH M BUX, CHRISTOPHER BUX AND ELAINE PACCIONE

TOWN OF: 123001:DEPOSIT
TAX MAP NO: 367.5-1-16
SCHOOL DISTRICT: 034201:DEPOSIT
ACREAGE: 73.3'0F x 115.9'D: 0.13A ACRES
CONVEYED TO: JOSEPH M BUX, CHRISTOPHER BUX AND ELAINE PACCIONE
1500 MACE AVE APT 5
BRONX NY 10469-5944

CASH CONSIDERATION: \$3,169.84
TAX DEFICIT: \$2,566.75

FRA15TX.010

ASSESSED TO:

THOMAS CASEY

TOWN OF: 123201:FRANKLIN
TAX MAP NO: 97.8-3-20
SCHOOL DISTRICT: 123201:FRANKLIN
ACREAGE: 98.00'F x 130.00'D: 0.25A ACRES
CONVEYED TO: THOMAS CASEY
266 RADIO AVE

MILLER PLACE NY 11764

CASH CONSIDERATION: \$10,589.74
TAX DEFICIT: \$8,893.68

HAN15TX.069

ASSESSED TO: **JAMES V THOMAS AND ALEJANDRINA THOMAS**

TOWN OF: 123689:HANCOCK
TAX MAP NO: 434.-1-10
SCHOOL DISTRICT: 484401:ROSCOE
ACREAGE: 3.69A ACRES
CONVEYED TO: JAMES V THOMAS AND ALEJANDRINA THOMAS
46 SUNSET ST
HUMACAO PR 00791

CASH CONSIDERATION: \$6,183.89
TAX DEFICIT: \$5,265.47

MAS15TX.007

ASSESSED TO: **JANE ANN FORDYCE AS TRUSTEE F/B/O JANE ANN FORDYCE**
CREATED UNDER WILL OF GAILLON CORWIN FORDYCE

TOWN OF: 124200:MASONVILLE
TAX MAP NO: 245.-1-12.4
SCHOOL DISTRICT: 082201:BAINBRIDGE-GUILFORD
ACREAGE: 54.00A ACRES
CONVEYED TO: JANE ANN FORDYCE AS TRUSTEE F/B/O JANE ANN FORDYCE
CREATED UNDER WILL OF GAILLON CORWIN FORDYCE
16 GREENE ST UNIT 6S
NEW YORK NY 10013

CASH CONSIDERATION: \$6,257.67
TAX DEFICIT: \$4,937.91

MAS15TX.008

ASSESSED TO: **JANE ANN FORDYCE AS TRUSTEE F/B/O JANE ANN FORDYCE**
CREATED UNDER WILL OF GAILLON CORWIN FORDYCE

TOWN OF: 124200:MASONVILLE
TAX MAP NO: 245.-1-12.5
SCHOOL DISTRICT: 082201:BAINBRIDGE-GUILFORD
ACREAGE: 15.00A ACRES
CONVEYED TO: JANE ANN FORDYCE AS TRUSTEE F/B/O JANE ANN FORDYCE
CREATED UNDER WILL OF GAILLON CORWIN FORDYCE
16 GREENE ST UNIT 6S
NEW YORK NY 10013

CASH CONSIDERATION: \$5,442.45
TAX DEFICIT: \$4,274.48

ROX15TX.023

ASSESSED TO: **JAMES E MYERS III AND LISA A MYERS**

TOWN OF: 124800:ROXBURY

TAX MAP NO:	221.-1-30.1
SCHOOL DISTRICT:	124802:ROXBURY
ACREAGE:	8.10A ACRES
CONVEYED TO:	JAMES E MYERS III AND LISA A MYERS 497 JAMES WAY WYCKOFF NJ 07481
CASH CONSIDERATION:	\$12,331.55
TAX DEFICIT:	\$9,802.75

ROX15TX.037

ASSESSED TO:

ALLAN VANDYKE

TOWN OF:	124800:ROXBURY
TAX MAP NO:	157.2-1-1
SCHOOL DISTRICT:	124802:ROXBURY
ACREAGE:	225.00'F x 270.00'D: 0.50A ACRES
CONVEYED TO:	ALLAN VANDYKE 109 MAPLE RD ROXBURY NY 12474
CASH CONSIDERATION:	\$10,183.22
TAX DEFICIT:	\$8,439.54

WAL15TX.026

ASSESSED TO:

JOHN KOWATCH AND RANDY VONBERNEWITZ

TOWN OF:	125601:WALTON
TAX MAP NO:	273.8-1-28
SCHOOL DISTRICT:	125601:WALTON
ACREAGE:	61.00'F x 102.00'D: 0.13A ACRES
CONVEYED TO:	JOHN KOWATCH & RANDY VONBERNEWITZ PO Box 666 MARGARETVILLE NY 12455
CASH CONSIDERATION:	\$5,683.17
TAX DEFICIT:	\$4,697.41

The resolution was seconded by Mr. Gladstone and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 125

**TITLE: AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH
FISCAL ADVISORS & MARKETING, INC.
OFFICE OF THE COUNTY TREASURER**

WHEREAS, the County is need of hiring a financial advisor to provide services relating to the issuance of Serial Bonds for the Emergency Communications Tower Project and future capital projects; and

WHEREAS, Fiscal Advisors & Marketing, Inc. of Syracuse, New York provides a professional service that is unique and specific to the issuance of Serial Bonds; and

WHEREAS, Fiscal Advisors & Marketing, Inc. has the experience and knowledge to provide financial advisory services to Delaware County and currently is the municipal advisor serving 35 counties, a number of towns, and school districts in New York State.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby authorizes County Treasurer Beverly Shields to enter into a Financial Advisory Services Agreement with Fiscal Advisors & Marketing, Inc.

The resolution was seconded by Mr. Marshfield

In answer to Mr. Gregory, County Treasurer Beverly Shields said the Bond amount is \$6 million and the financial advisory services will cost about \$14,500. She added in response to County Attorney Merklen, that other services in the contract might require additional expenditures.

The resolution was adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 126

TITLE: RESOLUTION CALLING ON GOVERNOR CUOMO TO IMMEDIATELY CONVENE A SPECIAL SESSION OF THE NEW YORK STATE ASSEMBLY AND, IF NECESSARY, THE NEW YORK STATE SENATE AND TO KEEP SAID BODY IN SESSION UNTIL SUCH TIME AS IT TAKES UP AND PASSES HOME RULE MESSAGES FOR ALL 53 COUNTIES RELIANT UPON SALES TAX EXTENDERS TO FUND THE STATE-IMPOSED MEDICAID BURDEN

WHEREAS, the state Legislative calendar currently calls for adjournment of the 2017 session this week; and

WHEREAS, the county governments of 53 counties are reliant upon sales tax revenue generated under provisions of Section 1 Clause 29 of Subparagraph (i) of § 1210 of the Tax Law, and has required passage of biennial extenders acting upon home rule messages submitted by the legislative bodies of those 53 counties impacted; and

WHEREAS, the Senate has taken up and passed S.4785 and various other Home Rule bills authorizing the passage of sales tax extenders for an additional two years, but the Assembly has failed to bring the same to the floor for a vote due to a political fight over New York City mayoral control of said city's schools; and

WHEREAS, the State of New York has imposed a funding structure for Medicaid which is reliant upon partial payments by county governments of the bills arising from individuals deemed eligible for this taxpayer-financed program; and

WHEREAS, the 2017 Delaware County Budget included \$8.4 million in projected expenditures for Medicaid which may be quantified as 27% of the County's property tax levy of \$31.2 million; and

WHEREAS, the Delaware County Board of Supervisors biennially seeks to relieve the tax burden placed on property tax payers in Delaware County via a one-cent-per-dollar “Medicaid Penny” sales tax which ensures that the cost of the state’s unfunded Medicaid mandate does not fall solely on the property tax payers, as do 52 other counties; and

WHEREAS, the State of New York has substantially adds to the cost of Medicaid by mandating various services not mandated under federal law, and requiring property taxpayers to fund this mandate via county property taxes; and

WHEREAS Delaware County must urge the Assembly in the strongest possible terms to take up and pass home rule authorization of the sales tax extender as not doing so could have potentially catastrophic impacts on the budgets of the 53 counties utilizing this tax revenue, as, in the case of Delaware County alone the resultant shortfall would be approximately \$5.4 million each year and would require an estimated 17% increase in the property tax levy to maintain the current level of spending, which is largely driven by state-mandated programs and to maintain the current level of service provided by this government including such non-mandated programs as Sheriff’s road patrol and continued maintenance of county highways and bridges; and

WHEREAS, the lack of home rule authorization of the sales tax extender would impose a significant hardship on those county and municipal governments that are currently preparing Fiscal Year 2018 budgets and will lack accurate information upon which to generate revenue forecasts;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors does hereby call upon Governor Andrew M. Cuomo to recall the New York State Assembly for a Special Session, and require said Legislative body to remain in Albany until such time as all 53 counties’ sales tax extenders have been enacted; and

BE IT FURTHER RESOLVED that the Delaware County Board of Supervisors does hereby call upon the Senate Temporary President to should it become necessary to enact legislation in the Senate arising from modification of the state Tax Law in relation to the sales tax extender or the home rule requests of the 53 counties that shall occur in addition to those bills already passed by the Senate, recall the Senate for a Special Session to take up said legislation; and

BE IT FURTHER RESOLVED that the Delaware County Board of Supervisors does hereby admonish the Assembly for its disruptive actions potentially adversely impacting the taxpayers of the entire state in pursuit of policy outcomes relevant only to New York City; 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, Senate Temporary President John J. Flanagan, Senator John Bonacic, Senator James L. Seward, Senator Frederick J. Akshar, II, Assemblyman Clifford W. Crouch, Assemblyman Peter D. Lopez, Assemblyman Brian Miller and the New York State Association of Counties (NYSAC).

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

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

RESOLUTION NO. 127

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$1,059,818.12 were hereby presented to the Finance Committee for approval for payment on June 23, 2017 prior to presentation to the Board of Supervisors;

THEREFORE, the County Treasurer was directed to pay said expenditures as listed below and this Board now approves of said payment as follows:

General Fund	\$961,343.03
OET	\$43,221.85
Public Safety Comm System	\$7,260.35
Highway Audits, as Follows:	
Weights & Measures	\$13.80
Road	\$593.18
Machinery	\$29,696.83
Capital Road & Bridge	\$0.00
Capital Solid Waste	\$0.00
Solid Waste/Landfill	\$17,689.08

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$1,420,444.47 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	\$429,293.12
OET	\$10,131.86
Public Safety Comm System	\$6,992.50
Highway Audits, as Follows:	
Weights and Measures	\$338.22
Road	\$101,768.46
Machinery	\$190,449.83
Capital Road & Bridge	\$556,463.61
Capital Solid Waste	\$23,909.93
Solid Waste/Landfill	\$101,096.94

The resolution was seconded by Mr. Spaccaforno and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

Chairman Molé made the following appointments:

AGRICULTURAL AND FARMLAND PROTECTION BOARD

Appoint:

Shelly Johnson-Bennett, Director, Delaware County Planning
James Gray, New Kingston

DELAWARE COUNTY DEFERRED COMPENSATION COMMITTEE

Appoint:

Linda Pinner, Personnel Officer
Wayland Gladstone, Andes Town Supervisor

Upon a motion, the meeting was adjourned at 6:00 p.m.