

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS OCTOBER 25, 2017

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, October 25, 2017 at 1:00 p.m. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York, Chairman Tina B. Molé presiding.

The Clerk called the roll and all Supervisors were present except Mr. Eisel, Mr. Pigford, Mr. Spaccaforno and Mr. Layton.

Mr. Marshfield offered the invocation.

Mr. Gregory 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. Mr. Hynes introduced Planning Director Shelly Johnson-Bennett and Commissioner of Watershed Affairs Dean Frazier to give an update on the County's response to the New York City draft update report entitled: *New York City Watershed Land Acquisition Program – 2017 Town Level Assessments*.

Commissioner Frazier referenced Resolution No. 185 entitled: *Resolution in Support of Delaware County Response to the NYC Watershed Land Acquisition Program 2017 Town Level Assessments* that will be introduced later in the meeting. The resolution supports the contents of the County's report and its proposal to move forward in developing a more effective and sustainable alternative to the current Land Acquisition Program (LAP).

He advised that as part of the 2010 Water Supply Permit, the NYC DEP did an Environmental Impact Study (EIS) to determine whether its LAP was having any significant negative impact on local communities. As part of the EIS, NYC projected the amount of land they could potentially acquire or offer easements on in each watershed town and calculated what they thought to be developable land within those towns. The EIS concluded that their acquisitions and easements would not significantly reduce the amount of land available for development in the watershed towns.

Director Johnson-Bennett called the Supervisors' attention to the booklet saying that the County undertook its own assessments and documented its results in the booklet placed on each Supervisor's desk entitled: *NYC Land Acquisition Town Level Assessment 2017*.

She explained that the County's assessment was identical to the NYC DEP's in some portions, such as removing floodplains and steep slopes from consideration of developable land and areas where the County went further by addressing the day-to-day reality for local municipalities, such as high median home prices, aging population, and constrained infrastructure. The result is an all-inclusive assessment of the difficulties faced by watershed communities and the role that the LAP plays in affecting the sustainability of those communities.

The report includes a position paper entitled: *Beyond Land Acquisition: A proposal for a more focused, effective program*. The proposal offers an alternative to the LAP that would only affect stream, wetland and spring buffers. In municipalities that choose to participate in this program, as opposed to remaining in the standard LAP, the buffers would be subject to short-term, renewable leases instead of permanent acquisition and/or easements and landowners would be compensated throughout the lease term. In this way, water quality can continue to be protected without adversely affecting the sustainability of watershed communities.

Director Johnson-Bennett asked that the Supervisors review their town buildout and contact the Planning Department with any questions or concerns.

Chairman Molé thanked Commissioner Frazier and Director Johnson-Bennett for the update.

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

RESOLUTION NO. 179

**TITLE: FOUR-DAY WORK WEEK
SHERIFF'S OFFICE**

WHEREAS, by Resolution No. 289 of October 27, 1999, the Board of Supervisors approved an agreement with CSEA, Local 1000 AFSCME, AFL-CIO regarding a four-day work week for cooks employed by the Sheriff's Office; and

WHEREAS, said agreement provides for an annual vote by employees assigned to a four-day work week and the Board in order to continue the four-day work week in the following year; and

WHEREAS, the Sheriff's Office employees participating in the four-day work week have voted in favor of continuing the four-day work week; and

WHEREAS, the Sheriff and the Public Safety Committee recommend that the four-day work week continue through 2018.

NOW, THEREFORE, BE IT RESOLVED that continuation of said four-day work week until December 31, 2018, is hereby approved.

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

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

RESOLUTION NO. 180

**TITLE: PUBLIC HEARING
AGRICULTURAL DISTRICT NO. 12
PLANNING DEPARTMENT**

WHEREAS, the Delaware County Agricultural and Farmland Protection Board has presented recommendations for the renewal of Agricultural District No. 12 located in the Towns of Deposit, Masonville, Sidney, Tompkins, and Walton;

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held on Agricultural District No. 12 on Wednesday November 8, 2017 at 12:45 PM in the Board of Supervisors' Room of the County Office Building, 111 Main Street, Delhi.

The resolution was seconded by Mr. Ellis.

Mr. Valente noted that on each Supervisor's desk is an explanation of agricultural districting provided by Chief Planner Kent Manuel.

Chairman Molé said the public hearing on Agricultural District No. 12 will be held on Wednesday November 8, 2017 at 12:45 p.m. prior to the Board meeting.

The resolution was unanimously adopted.

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

RESOLUTION NO. 181

TITLE: CONTINUITY OF TAX DATA RECEIVED FROM ASSESSORS REAL PROPERTY TAX SERVICES

WHEREAS, the Delaware County Real Property Tax Services Office (RPTS) provides services to the taxing entities of Delaware County. These taxing entities include the towns, villages, school districts and special districts contained within Delaware County; and

WHEREAS, it is the obligation of the RPTS to maintain the main file for all tax rolls and provide any and all services to the taxing entities to achieve this obligation; and

WHEREAS, the assessors of said taxing entities must submit all property data information to the RPTS and the data must be submitted by the deadlines set forth by the RPTS; and

WHEREAS, it is necessary that all assessors in Delaware County must provide RPTS with their data in a form and into a system to be determined by RPTS. Failure to use the required system and provide the property data as outlined above, will result in a penalty to be determined by the Delaware County Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED effective immediately, all assessors of said taxing entities within Delaware County shall provide the RPTS with their property data in a form and into a system to be determined by RPTS in an effort to promote continuity, system integrity, data classification, security and efficiency for the taxpayers of Delaware County.

The resolution was seconded by Mr. Marshfield.

Mr. Valente stated that as the operations of the County become more computerized policies like this are required in order to function properly.

Mr. Gregory agreed adding that this is a very important function and continuity and system integrity is essential.

In answer to Mr. Taggart, Director of Real Property Tax Services Mike Sabansky said that the state provides the deadlines.

The resolution was unanimously adopted.

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

RESOLUTION NO. 182

**TITLE: RESOLUTION SUPPORTING NEW YORK STATE FUNDING
FOR THE FULL IMPLEMENTATION OF THE
BELLEAYRE MOUNTAIN SKI CENTER UNIT MANAGEMENT PLAN
DEPARTMENT OF ECONOMIC DEVELOPMENT**

WHEREAS, the Delaware County Board of Supervisors recognizes recreational tourism as a major economic driver for the regional economy; and

WHEREAS, the Belleayre Mountain Ski Center (Belleayre) is a major economic driver for many of our communities, not just within Middletown but throughout Delaware County; and

WHEREAS, Belleayre is operated by the Olympic Regional Development Authority (ORDA), which also operates multiple recreational facilities throughout New York State including Gore and Whiteface Mountains located in the Adirondacks; and

WHEREAS, New York State has recognized the necessity for upgrades and improvements at Belleayre as outlined in the Unit Management Plan (UMP) and approved by the State in 2015; and

WHEREAS, Governor Cuomo highlighted the importance of said improvements in a public announcement on December 13, 2015; and

WHEREAS, long-needed upgrades, repairs and expansions to the existing equipment, infrastructure water and electric services, trail development and lodges at Belleayre, as defined in the UMP, have been hampered for years due to the lack of capital funding; and

WHEREAS, the Governor has reiterated in several statements and visits to our region, his understanding of the importance of Belleayre on the Central Catskills economy, and potential impact on the tourism and winter-sports economy across New York State; and

WHEREAS, the 2017 budget took a step in the right direction by earmarking \$8,000,000 as an initial step to address the long-standing funding shortfall.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors formally requests the Governor continue his commitment to crucial economic development in the oversight of the 2018-19 New York State Budget proposal by providing

capital funding for implementation of the Belleayre Mountain Ski Center Unit Management Plan; and

BE IT FURTHER RESOLVED that the Delaware County Board of Supervisors further requests that the full amount of funding required for the multi-year capital improvement plan embodied in the UMP be allocated within the 2018-19 New York State Budget in order to ensure the effective execution of the plan; 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, Assistant Secretary Brendan Hughes, Senator James Seward, Senator John Bonacic, and Assemblyman Peter Lopez.

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

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

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

RESOLUTION NO. 183

**TITLE: 2017 BUDGET AMENDMENT
TRANSFER OF FUNDS
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the amount appropriated for health insurance is in need of funding in the Solid Waste Budget for 2017; and

WHEREAS, there will be insufficient funds to pay the bills for November and December.

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

FROM:

22-18160-54535000	Professional Services	\$25,000.00
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TO:

22-18160-58600000	Hospital & Medical Insurance	\$25,000.00
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The resolution was seconded by Mr. Haynes and adopted by the following vote: Ayes 3807, Noes 0, Absent 992 (Eisel, Spaccaferno, Pigford, Layton).

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

RESOLUTION NO. 184

**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 374	2005 Chevy Malibu	1G1ND52F15M231698

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

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

RESOLUTION NO. 185

**TITLE: RESOLUTION IN SUPPORT OF DELAWARE COUNTY RESPONSE TO THE
NYC WATERSHED LAND ACQUISITION PROGRAM
2017 TOWN LEVEL ASSESSMENTS
PLANNING DEPARTMENT**

WHEREAS, the 1997 MOA acknowledges that the purpose of the New York City Department of Environmental Protection (NYC) Land Acquisition Program is to protect water quality, while also clearly stating that this should be done while enabling communities to be sustainable and grow responsibly; and

WHEREAS, during negotiations of the 2017 Filtration Avoidance Determination (FAD), NYC agreed to review the town-level assessments completed as part of the 2010 Water Supply Permit Environmental Impact Statement regarding the Land Acquisition Program; and

WHEREAS, NYC released a draft update report in April, entitled “New York City Watershed Land Acquisition Program – 2017 Town Level Assessments.”; and

WHEREAS, Delaware County, as well as other West-of-Hudson Counties with support from the Coalition of Watershed Towns and financial support from the Catskill Watershed Corporation, has conducted an evaluation and response to NYC’s updated town level assessments, entitled “New York Land Acquisition Town Level Assessment 2017: Delaware County Evaluation and Response” (County Response); and

WHEREAS, the County Response illustrates that future development is severely limited in each of the watershed towns due to numerous documented factors, demonstrates that the amount of developable land remaining is very small and represents no risk to the NYC water supply, and indicates that the current Land Acquisition Program poses additional limitations on the continued sustainability of watershed towns and villages; and

WHEREAS, the County Response includes a build-out analysis of remaining vacant land which indicates that if every developable acre were developed, the percentage of impervious surface coverage would remain very low; and

WHEREAS, the Land Acquisition Program has the potential to negatively impact the sustainability and resilience of Delaware County municipalities unless significant changes are made to its implementation and the types of land that it targets; and

WHEREAS, Delaware County and other West-of-Hudson partners agree with an alternative program concept that will refocus the NYC Land Acquisition Program on riparian areas such as floodplains, wetlands, and source waters where landowners are incentivized to participate in a voluntary lease of buffer lands to NYC for a specific renewable timeframe; and

WHEREAS, the County Response, as outlined in the proposed 2017 FAD, is required to be submitted by October 31, 2017.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors supports the submission of the “New York Land Acquisition Town Level Assessment 2017: Delaware County Evaluation and Response,” and a supporting position paper entitled, “Beyond Land Acquisition: A proposal for a more focused, effective program,” which outlines the proposed alternative to the Land Acquisition Program.

BE IT FURTHER RESOLVED that this resolution be sent to New York Governor Cuomo, US Congressman John Faso, NYS Senators, Bonacic, Seward and Akshar; NYS Assemblymen Crouch and Miller, EPA Region 2 Director Peter D. Lopez, NYS DEC Commissioner Basil Seggos, NYC DEP Commissioner Vincent Sapienza and NYSDOH Commissioner Howard A. Zucker, M.D., J.D.

The resolution was seconded by Mr. Ellis

Mr. Gregory shared that the Town of Walton strongly disagrees with the decision reached by New York City (NYC) in their 2017 report. The Town has asked that NYC place a permanent moratorium on the LAP and instead use those funds for flood mitigation efforts in towns throughout the County.

Mr. Davis shared that the Town of Middletown also disagrees with the decision and has pursued the support of our senators and congressional representatives to immediately put an end to the LAP. Additionally, the Town has asked that NYC be required to come to the table to negotiate with watershed towns instead of pursuing tax litigation against the watershed communities.

Chairman Molé thanked Director Johnson-Bennett, Commissioner Frazier and staff for their work in responding to NYC DEP.

The resolution was unanimously adopted.

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

RESOLUTION NO. 186

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,512,371.38 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	\$803,163.41
CAP 97 Main	7,529.27
OET	\$14,601.19
Public Safety Comm System	\$71,694.30
Highway Audits, as Follows:	
Weights and Measures	\$150.88
Landfill	\$112,573.54
Road	\$1,524.79
Machinery	\$59,097.60
Capital Road & Bridge	\$426,998.40
Capital Solid Waste	\$15,038.00

The resolution was seconded by Mr. Gladstone and adopted by the following vote: Ayes 3807, Noes 0, Absent 992 (Eisel, Spaccaforo, Pigford, Layton).

Mr. Ellis recalled Local Law Intro No. 2 to set the 2018 salary of Stephen Hood, Director of Emergency Services at \$60,916. The local law was seconded by Mr. Axtell and adopted by the following vote: Ayes 3807, Noes 0, Absent 992 (Eisel, Spaccaforo, Pigford, Layton).

Mr. Ellis recalled Local Law Intro No. 3 to set the 2018 salary of Joseph de Mauro, Director of Information Technology at \$81,711. The local law was seconded by Mr. Merrill and adopted by the following vote: Ayes 3807, Noes 0, Absent 992 (Eisel, Spaccaforo, Pigford, Layton).

Mr. Ellis recalled Local Law Intro No. 4 to set the 2018 salary of Michael Sabansky, Director of Real Property Tax Services II at \$63,625. The local law was seconded by Mr. Marshfield and adopted by the following vote: Ayes 3807, Noes 0, Absent 992 (Eisel, Spaccaforo, Pigford, Layton).

Mr. Ellis recalled Local Law Intro No. 5 to set the 2018 salary of Wayne Reynolds, Commissioner of Public Works at \$96,167. The local law was seconded by Mr. Gladstone and Mr. Rowe and adopted by the following vote: Ayes 3295, Noes 512 (Tuthill), Absent 992 (Eisel, Spaccaforo, Pigford, Layton).

Mr. Ellis recalled Local Law Intro No. 6 to set the 2018 salary of Judith Garrison, Election Commissioner at \$23,142. The local law was seconded by Mr. Hynes and adopted by the following vote: Ayes 3807, Noes 0, Absent 992 (Eisel, Spaccaforo, Pigford, Layton).

Mr. Ellis recalled Local Law Intro No. 7 to set the 2018 salary of Dana Scuderi-Hunter, Commissioner of Social Services at \$92,439. The local law was seconded by Mr. Marshfield

and adopted by the following vote: Ayes 3807, Noes 0, Absent 992 (Eisel, Spaccaferno, Pigford, Layton).

Mr. Ellis recalled Local Law Intro No. 8 to set the 2018 salary of Amanda Walsh, Public Health Director at \$85,587. The local law was seconded by Mr. Merrill and adopted by the following vote: Ayes 3807, Noes 0, Absent 992 (Eisel, Spaccaferno, Pigford, Layton).

Mr. Ellis recalled Local Law Intro No. 9 to set the 2018 salary of Shelly Johnson-Bennett, County Planning Director at \$75,519. The local law was seconded by Mr. Hynes and adopted by the following vote: Ayes 3807, Noes 0, Absent 992 (Eisel, Spaccaferno, Pigford, Layton).

Mr. Ellis recalled Local Law Intro No. 10 to set the 2018 salary of Wayne Shepard, Director Office for the Aging at \$71,637. The local law was seconded by Mr. Marshfield and adopted by the following vote: Ayes 3807, Noes 0, Absent 992 (Eisel, Spaccaferno, Pigford, Layton).

Mr. Ellis recalled Local Law Intro No. 11 to set the 2018 salary of Charles Piper, Director Veterans' Services Agency at \$46,275. The local law was seconded by Mr. Marshfield and adopted by the following vote: Ayes 3807, Noes 0, Absent 992 (Eisel, Spaccaferno, Pigford, Layton).

Mr. Ellis recalled Local Law Intro No. 12 to set the 2018 salary of Linda Pinner, Personnel Officer at \$66,676. The local law was seconded by Mr. Gladstone and adopted by the following vote: Ayes 3807, Noes 0, Absent 992 (Eisel, Spaccaferno, Pigford, Layton).

Mr. Ellis recalled Local Law Intro No. 13 to set the annual salary effective April 1, 2016 of John Hubbard, District Attorney at \$183,350. The Local Law was seconded by Mr. Davis.

Mr. Valente noted that he would not support a mandated salary by the state and would be voting against this Local Law.

The Local Law was adopted by the following vote: Ayes 3510, Noes 297 (Valente), Absent 992 (Eisel, Spaccaferno, Pigford, Layton).

Mr. Ellis recalled Local Law Intro No. 14 to set the annual salary effective November 1, 2016 of Debra Goodrich, Acting County Clerk at \$64,292. The local law was seconded by Mr. Davis and adopted by the following vote: Ayes 3807, Noes 0, Absent 992 (Eisel, Spaccaferno, Pigford, Layton).

Chairman Molé appointed Matt Gray to the Delaware County Planning Board.

Upon a motion, the meeting was adjourned at 1:45 p.m.