

## REGULAR MEETING

### DELAWARE COUNTY BOARD OF SUPERVISORS APRIL 25, 2018

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, April 25, 2018 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. Hynes who arrived after the roll call.

Mr. Marshfield offered the invocation.

Mr. Haynes 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 Commissioner of Social Services Dana Scuderi-Hunter who introduced Richard Gerace as Employee of the Month.

Mr. Gerace began his employment with the Department of Social Services in 2012 as a Program Specialist. In 2016, he was promoted to Social Services Investigator working in the Welfare Fraud unit.

Commissioner Scuderi-Hunter praised Mr. Gerace's perseverance, dedication and willingness to learn stating these characteristics attributed to his promotion to Social Services Investigator. Among Mr. Gerace's assets are his pleasant demeanor, his commitment and dedication to his work and his respect and appreciation for his colleagues. It is the mission of the Welfare Fraud unit to eliminate welfare fraud thereby maintaining the integrity of the programs designed to assist those who are in a time of need. As a Program Specialist, Mr. Gerace gained an extensive knowledge in the program area and this serves him well in his current position. Commissioner Scuderi-Hunter said that Mr. Gerace is very deserving of the honor of Employee of the Month and thanked him for his dedication and commitment to the agency.

Commissioner Scuderi-Hunter presented Mr. Gerace with a \$50.00 check. Chairman Molé presented him with the Certificate of Employee of the Month and thanked him for his dedicated service.

Mr. Gerace thanked Commissioner Scuderi-Hunter and the Board of Supervisors for his recognition. He stated that he enjoys his work and is grateful for the commitment and camaraderie of his coworkers whom without he could not have achieved this honor. He noted that he has been fortunate to find the work he enjoys doing and lucky to be doing it with good people. He accepted the award on behalf of his coworkers and thanked them for their guidance and commitment to meeting the goals of the agency.

Chairman Molé granted privilege of the floor to Mr. Triolo who introduced Commissioner of Watershed Affairs Dean Frazier to report on issues related to land acquisition.

Commissioner Frazier noted that the discussion relating to the County's alternative land acquisition proposal did not go as anticipated at the April 18 watershed stakeholders meeting. He felt the proposal fell upon deaf ears and expressed concern that the City will be providing their report to the New York State Department of Health (DOH) by April 30 and the report will not contain language referencing an alternative land acquisition focused on water quality rather than open space. The DOH and others felt the alternative proposal should be part of a discussion on the Streamside Acquisition Program. He explained that the Streamside Acquisition Program is a pilot program in Greene County's Schoharie Reservoir watershed. The program is managed by the Catskill Center and funded by the New York City Department of Environmental Protection. The program focuses on preserving lands that are adjacent to streams that feed the City's reservoir system in the Catskills. There is interest in expanding the pilot program into other parts of the watershed. If this is to happen, the water supply permit would have to be reopened. If expanded, the County could negotiate to require that towns are able to opt in rather than be forced to accept it.

Sharing a piece of good news, he said that the Third Supplement Side Agreement is finally complete and will be circulated for signatures in the very near future. A resolution will be presented authorizing the Chairman of the Board to sign the Agreement. The Third Supplement Agreement includes matters that are not appropriate for inclusion in the Filtration Avoidance Determination (FAD) and contains critical contractual issues that are beneficial to Delaware County.

On completing his report, Commissioner Frazier announced his plan to retire. He provided a history of the watershed issues based on his experiences. He emphasized the need to continue to be vigilant about the Land Acquisition Program and its ramifications should it continue in its current form. He stated that the build out analysis prepared for each municipality in response to the DOH is a very sound piece of work and clearly demonstrates the small amount of buildable land remaining in Delaware County. Yet, despite this excellent work, it has not changed the view of the regulators and too many stakeholders want more land acquisition regardless of our data. He opined that this is because many of the stakeholders are only interested in open space not water quality. He did his best to thank past and present Supervisors and the people he worked with over the years for their guidance and support. His last day in the office will be in early June of 2018.

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

## **RESOLUTION NO. 78**

### **TITLE: 2018 BUDGET AMENDMENT ACCEPTANCE OF PUBLIC SAFETY ANSWERING POINTS OPERATIONS GRANT DEPARTMENT OF EMERGENCY SERVICES E911**

**WHEREAS**, the Department of Emergency Services applied for and was awarded a grant from New York State's 2017-2018 Public Safety Answering Points Operations Grant Program (2017-2018 PSAP) which allows for State support to counties for eligible public safety call taking and dispatching expenses; and

**WHEREAS**, the grant award will allow for dispatcher salaries and PSAP equipment maintenance; and

**WHEREAS**, this grant was awarded in the amount of \$170,800 to Delaware County.

**NOW, THEREFORE, BE IT RESOLVED** that the 2018 Budget be amended as follows:

**INCREASE REVENUE:**

10-13020-43330500/3020003/911	State Civil Defense	\$170,800.00
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**INCREASE APPROPRIATION:**

10-13020-54327415/3020003/911	Grant Maintenance & Repair	\$60,800.00
10-13020-51327000/3020003/911	Grant Personnel Services	\$110,000.00

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

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

**RESOLUTION NO. 79**

**TITLE: 2018 BUDGET AMENDMENT  
ACCEPTANCE OF 2018 A. LINDSAY AND OLIVE B. O'CONNOR  
FOUNDATION GRANT  
SHERIFF'S OFFICE**

**WHEREAS**, Delaware County is the recipient of a grant awarded by the A. Lindsay and Olive B. O'Connor Foundation Grant in the amount not to exceed \$5,000; and

**WHEREAS**, the grant, to be administered by the Delaware County Sheriff's Office, was awarded for the specific purpose of the cost of publishing educational materials about bicycle safety, drug abuse, domestic violence, fraud awareness, etc. at the cost not to exceed \$5,000 during the period commencing on April 4, 2018 and ending on April 4, 2021 unless the grant is extended.

**NOW, THEREFORE, BE IT RESOLVED** that the 2018 Budget be amended as follows:

**INCREASE REVENUE:**

10-13110-42270604/3110056/907	Grants from O'Connor	5,000.00
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**INCREASE APPROPRIATION:**

10-13110-54327595/3110056/907	Grant Supplies	5,000.00
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The resolution was seconded by Mr. Spaccaforo and Mr. Davis and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

**RESOLUTION NO. 80**

**TITLE: STATE ENVIRONMENTAL QUALITY REVIEW ACT DETERMINATION  
FOR AUTHORIZATION FOR AWARD OF GROUP BID FOR TOWERS  
DEPARTMENT OF EMERGENCY SERVICES**

**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 for the construction of towers and related facilities for emergency services; and

**WHEREAS**, the matter consists of a group bid for the Radio Site Development Project for locations known as Downsville (Town of Colchester), Fishes Eddy (Town of Hancock), Lookout (Town of Tompkins), Margaretville (Town of Middletown) and Mt. Pisgah (Town of Andes); and

**WHEREAS**, the Board of Supervisors seeks to comply with its obligations under the State Environmental Quality Review Act (“SEQRA”) related to the above-listed sites; and

**WHEREAS**, by Resolution No. 73, dated April 25, 2012, the Board of Supervisors declared its intention to be the Lead Agency under SEQRA for purposes of the overall project; and

**WHEREAS**, by letter dated June 6, 2012, the Board of Supervisors commenced a coordinated review with the other potentially involved and interested agencies; and

**WHEREAS**, by Resolution No. 136 dated September 26, 2012, the Board of Supervisors declared that it would serve as Lead Agency; and

**WHEREAS**, the Board of Supervisors issued a Negative Declaration as its SEQRA determination for the overall project. In the reasoned elaboration adopted in support of the Negative Declaration, the Board of Supervisors identified and evaluated the potential environmental impacts associated with the overall project. At that time the Board of Supervisors also determined to conduct a review to determine whether a specific site development fits within the scope/guidelines of the Negative Declaration and, if not, determined to conduct a site-specific SEQRA review; and

**WHEREAS**, a Negative Declaration was previously issued for the Margaretville site at the time that site was acquired. As a result, the SEQRA review for that site is complete; and

**WHEREAS**, a Negative Declaration for the Mt. Pisgah site was included in the SEQRA determination for the entire project. As a result, the SEQRA review for that site is complete; and

**WHEREAS**, a SEQRA review has not been completed for the three remaining sites in the bid group – Downsville, Fishes Eddy and Lookout; and

**WHEREAS**, the Department of Emergency Services’ environmental consultant has prepared a Long Environmental Assessment Form for the three remaining sites; and

**WHEREAS**, the Department of Emergency Services' environmental consultant has completed a Phase I Environmental Site Assessment of the properties (except for Fishes Eddy which is already owned by the County) and this assessment has not revealed evidence of any recognized environmental conditions on the properties; and

**WHEREAS**, the Department of Emergency Services' environmental consultant has completed a review with the State Historic Preservation Officer (SHPO) who has concurred that there will be no adverse effect on properties listed or eligible for listing on the historic register; and

**WHEREAS**, the Department of Emergency Services' environmental consultant has completed a Wildlife and Vegetation Assessment for each of the three sites and these assessments have revealed that there will be no impact to federally or state listed endangered or threatened species. Further, the consultant opined that no potentially suitable or critical habitat was observed at the properties; and

**WHEREAS**, the Department of Emergency Services' environmental consultant has completed a Visual Impact Assessment Report for the three properties. The reports indicate that the proposed towers will be visible from certain locations in the surrounding area. The environmental consultant indicates that the proposed towers will not adversely affect the overall visual/aesthetic character or quality of the surrounding landscape within a 5 mile radius.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Delaware County hereby determines that the erection of the new communications structures is considered an action subject to SEQRA; and

**BE IT FURTHER RESOLVED** that the Board of Supervisors hereby determines that the three Sites (Downsville, Fishes Eddy and Lookout) fit within the scope and guidelines of the initial Negative Declaration for the overall project and to the extent that they do not;

**BE IT FURTHER RESOLVED** that the Board of Supervisors hereby adopts a Negative Declaration as its SEQRA determination for each of the sites. In the reasoned elaboration adopted in support of the Negative Declaration, the Board of Supervisors has identified and evaluated the potential environmental impacts associated with the sites; and

**BE IT FURTHER RESOLVED** that the Board of Supervisors of Delaware County directs the Director of Emergency Services, all other County agencies and Attorney for the County along with the various consultants who have been retained to circulate a copy of this resolution and the attached Negative Declaration and such other information to the extent required under SEQRA; and

**BE IT FURTHER RESOLVED** that the Director of Emergency Services, all other County agencies and Attorney for the County along with the various consultants who have been retained are directed to take any such other actions as are necessary and appropriate in this matter to give effect to this resolution.

The resolution was seconded by Mr. Davis.

Director of Emergency Services Steve Hood stated in reply to Mr. Eisel that this resolution completes the tower system.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 81**

**TITLE: AUTHORIZATION FOR AWARD OF BID  
DEPARTMENT OF EMERGENCY SERVICES**

**LETTING OF APRIL 17, 2018  
RADIO SITE DEVELOPMENT**

**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; and

**WHEREAS**, the Board of Supervisors has previously reviewed the Full Environmental Assessment Form and issued a Negative Declaration as its SEQRA determination for the overall project and has made site-specific SEQRA determinations where required.

**NOW, THEREFORE, BE IT RESOLVED** that Delaware County Department of Emergency Services is authorized to make award to the bidder meeting the specifications for the group of radio sites consisting of: Downsville, Fishes Eddy, Lookout, Margaretville and Mt. Pisgah.

**PROPOSAL:** Group Bid – Radio Site Development  
Downsville (Town of Colchester)  
Fishes Eddy (Town of Hancock)  
Lookout (Town of Tompkins)  
Margaretville (Town of Middletown)  
Mt. Pisgah (Town of Andes)

**COMPANY:** Sky Climber Tower Solutions, LLC  
1800 Pittsburgh Drive  
Delaware, OH 43015

**BID PRICE:** \$1,220,610.00

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

In answer to Mr. Marshfield, Mr. Hood stated that this proposal is part of the bond.

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

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

**RESOLUTION NO. 82**

**TITLE: AUTHORIZATION FOR AWARD  
DEPARTMENT OF EMERGENCY SERVICES**

**LETTING OF APRIL 17, 2018  
POLE BARN**

**WHEREAS**, Delaware County has been awarded grant funding under the State Homeland Security Program from the New York State Division of Homeland Security and Emergency Services (WM2015 SHSP) for equipment.

**WHEREAS**, construction of an equipment storage building to house equipment obtained through grant funding was approved. The grant award was approved in Resolution 20 of 2016

**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 Delaware County Department of Emergency Services is authorized to make award to the lowest bidder meeting specifications as follows:

PROPOSAL: Pole Barn

COMPANY: DJ BENDER GENERAL CONTRACTOR, LLC  
Donald J. Bender  
9590 County Highway 14  
Delhi, NY 13753

BID PRICE: \$49,000.00

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

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

**RESOLUTION NO. 83**

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

**LETTING OF APRIL 20, 2018**

**WHEREAS**, 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. 30-18      Lead Remediation Project DPW Garage, Page Avenue, Delhi to:  
NRC NY Environmental Services, Inc.,  
6392 Deere Road, Syracuse, NY 13206

Bid Price:      \$299,732.00

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. Spaccaforno and adopted by the following vote:  
Ayes 4799, Noes 0, Absent 0.

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

### **RESOLUTION NO. 84**

#### **TITLE: AUTHORIZATION FOR DISPOSITION OF REAL 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 real property no longer necessary for public use; and

**WHEREAS**, in 1912 the County purchased property on behalf of the State of New York to improve a portion of State Highway 5384 (NYS Route 30) in the Town of Middletown; and

**WHEREAS**, in 1933 the County purchased additional property on behalf of the State of New York to relocate a portion of State Highway 5384 in the Town of Middletown; and

**WHEREAS**, in 1998 the State abandoned maintenance jurisdiction to the County for portion of the property that was purchased in 1912; and

**WHEREAS**, the property identified in the 1998 abandonment is no longer necessary for the public good; and

**WHEREAS**, Liselotte Puberl has requested that the portion of parcel identified as Map 4-A in the 1912 acquisition that protrudes into her property (Town of Middletown Tax Map Number 284.-1-27) be sold to her.

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Board of Supervisors herewith authorizes the sale of the property being a portion of Map 4-A of the 1912 acquisition that protrudes into her property (Town of Middletown Tax Map Number 284.-1-27); and

**BE IT FURTHER RESOLVED** that the Chairman of the Board is herewith authorized to take any action and execute any documents that may be necessary to convey the County's interest in said parcel of land to Liselotte Puberl at a cost consideration of Ten Dollars.

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



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

**RESOLUTION NO. 85**

**TITLE: REQUEST OF NYS DEPARTMENT OF TRANSPORTATION (DOT) TO  
ADDRESS THE CONDITION OF STATE ROUTE 10  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, in the absence of any interstate roadways that access the interior portions of the County, the State roads are critical to provide that service; and

**WHEREAS**, the County depends on good roads to support local businesses, tourism, safe transportation for our school children and for the residents commute to and from work; and

**WHEREAS**, the County is desirous of maintaining some sort of economic vitality; and

**WHEREAS**, NYS Route 10 through the Towns of Stamford, Harpersfield, Kortright, Delhi, Hamden, Walton, Tompkins and Deposit is generally in need of improvements and repairs to the road driving surface.

**NOW, THEREFORE, BE IT RESOLVED** that the County Board of Supervisors herewith requests that the NYS Department of Transportation develop and implement a plan for the reconstruction/resurfacing of the NYS Route 10 corridor in the County; and

**BE IT FURTHER RESOLVED** that the Board requests that the Region 9 Office of the DOT arrange for a meeting with the affected Towns to inform them of the Region's intent to accomplish the request; and

**BE IT FURTHER RESOLVED** that certified copies of this resolution be sent to the NYS DOT Acting Commissioner Paul Karas and the Region 9 Director Jack Williams.

The resolution was seconded by Mr. Spaccaforno.

Mr. Merrill stated that he fully supports this resolution and encouraged future resolutions for other roads in the County that are also in deplorable condition.

Mr. Marshfield stated in reply to Mr. Merrill, that he asked for a resolution from the Department of Public Works to assist him in his efforts to have the DOT recognize the condition of NYS Route 10.

Chairman Molé stated that this resolution is very timely as the DOT will be in receipt of the resolution prior to her meeting with the Village of Walton Mayor, Mr. Gregory and the DOT in the beginning of May.

The resolution was unanimously adopted.

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

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

**RESOLUTION NO. 86**

**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.

<b><u>ASSESSED TO:</u></b>	STA15TX.022
TOWN OF:	<b><u>ANTHONY J GOODNOW</u></b>
TAX MAP NO:	125289:STAMFORD
SCHOOL DISTRICT:	108.-3-25
ACREAGE:	125202:SOUTH KORTRIGHT
CONVEYED TO:	3.09A ACRES
	ANTHONY J GOODNOW
	574 WASHINGTON AVE
	BEACON NY 12508
CASH CONSIDERATION:	\$1,483.02
TAX DEFICIT:	\$1,018.29

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

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

**RESOLUTION NO. 87**

**TITLE: PUBLIC HEARING ON EIGHT-YEAR REVIEW OF  
AGRICULTURAL DISTRICT NO. 14  
PLANNING DEPARTMENT**

**WHEREAS**, the Delaware County Agricultural and Farmland Protection Board and the Delaware County Planning Board have presented recommendations for the modification of Agricultural District 14 located in the Towns of Franklin & Meredith during the scheduled 8-year review period;

**NOW, THEREFORE, BE IT RESOLVED** that a public hearing be held by the Delaware County Board of Supervisors on the proposed modifications to Agricultural District 14 on Wednesday, May 9, 2018 at 12:45 p.m. in the Board of Supervisors’ Room of the County Office Building at which time all interested parties will be given an opportunity to be heard.

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

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

**RESOLUTION NO. 88**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$1,329,239.74 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	\$878,995.90
OET	\$10,135.38
Public Safety Comm System	\$24,150.00
CAP 97-Main Street	\$0.00
Highway Audits, as Follows:	
Weights and Measures	\$116.00
Landfill	\$88,615.81
Road	\$62,205.83
Machinery	\$62,667.46
Capital Road & Bridge	\$197,820.36
Capital Solid Waste	\$4,533.00

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

Chairman Molé appointed Joe Kelly to the Olympic Regional Development Agency (ORDA).

Chairman Molé announced that Mr. Haynes has been appointed Chairman of the Public Works Committee and Mr. Davis and Mr. Gregory have been added increasing the committee from five to seven members.

Upon a motion, the meeting adjourned at 1:55 p.m.