

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

JUNE 27, 2018

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, June 27, 2018 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. Davis led the Board in the Pledge of Allegiance to the Flag.

Chairman Molé, referencing Mr. Marshfield's invocation noted that on Monday, June 25, 2018 we lost our colleague and friend, Town of Walton Supervisor Charles Gregory. A resolution in his memory will be offered later in the meeting.

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 2018 Dairy Princess Morgan Hungerford.

Ms. Hungerford noted that she is from East Meredith and introduced her Ambassadors, Morgan Kuhn of Grand Gorge, Meredith McCann and Jessica Coleman of Delhi and Chloe Davis of Harpersfield.

Ms. Hungerford shared that agriculture represents New York State's largest single industry and dairy is the largest segment of that industry. Milk contains nine essential nutrients and has a perfect balance of fat. New York State dairy industry statistics show that both production and consumption of dairy products have decreased in recent years. This decline affects not only our dairy farmers but our local communities as well. The Delaware County Dairy Promotion Team works to ensure a future for farming and the local dairy industry in our County. The public can also support local farms by eating a piece of cheese, drinking a glass of milk or enjoying a bowl of ice cream. It is good for your health and helps to support the industry that is so important to our County and state.

She thanked the Board of Supervisors for the opportunity to speak about the benefits of dairy and for their support of the dairy industry. She encouraged their continued efforts to ensure the future of farming and the local dairy industry in our County.

Ms. Hungerford said that she and her Ambassadors will be serving milk punch and refreshments in the lobby later in the meeting.

Chairman Molé thanked Ms. Hungerford for her presentation.

For standing committee reports, Chairman of the Public Works Committee George Haynes noted that the Page Avenue Lead Remediation Project is complete and has gone well. He called on the Commissioner of Public Works Wayne Reynolds to discuss the project further and to provide a timeline for the portion of the building that will be demolished.

Commissioner Reynolds reported that two containers of waste were generated from the lead remediation process. Both containers were tested and neither was found to be hazardous. With that portion of the project complete, the focus moves to the reinforcement of the annex building that houses the Board of Elections, Office for Employment and Training and Veterans Service Agency. The reinforcement work is anticipated to go on through August. Bidding for the demolition of the main shop area will begin in September. The demolition is expected to begin in October.

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

RESOLUTION NO. 111

**TITLE: 2018 BUDGET AMENDMENT
NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY
SERVICES STATEWIDE INTEROPERABLE COMMUNICATIONS GRANT (SICG)
DEPARTMENT OF EMERGENCY SERVICES E911**

WHEREAS, the Department of Emergency Services applied for and was awarded a grant from New York State Division of Homeland Security and Emergency Services Statewide Interoperable Communications Grant (SICG) which allows for the purchase of P25 compliant interoperable communications equipment; and

WHEREAS, the grant award will allow for the purchase of end user UHF mobile radios for all Delaware County fire apparatus and personnel for use with the new communications system; and

WHEREAS, this grant was awarded in the amount of \$480,891 to Delaware County.

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

INCREASE REVENUE:

10-13640-43330500/3640056/911	State Civil Defense	\$480,891.00
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INCREASE APPROPRIATION:

10-13640-52200001/3640056/911	Grant Equipment	\$480,891.00
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The resolution was seconded by Mr. Spaccaferno and adopted by the following vote: Ayes 4241, Noes 0, Absent 0, Vacant 558 (Walton).

Mr. Triolo withdrew Resolution No. 112 entitled: 2018 Budget Amendment Reimbursement of Expenditures under the New York State Office of Community Renewal Agricultural Microenterprise Community Development Block Grant.

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

RESOLUTION NO. 113

**TITLE: 2018 BUDGET AMENDMENT
TRANSFER OF FUNDS
DEPARTMENT OF ECONOMIC DEVELOPMENT**

WHEREAS, the net sum of \$195,914.93 received by the Hotel Occupancy Tax activity during 2017 was set aside and placed into the Restricted Fund Balance as of December 31, 2017 for the purpose of promotion and development of tourism industry in Delaware County; and

WHEREAS, by Resolution No. 54 of 2018 the Board of Supervisors approved the list of projects to be funded with the 2017 Hotel Occupancy Tax revenues and the funding of the approved contracts requires such revenues to be transferred from the restricted fund balance.

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

FROM:

10-00000-34899000	Restricted Fund Balance Hotel Occupancy Tax	\$195,914.93
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TO:

10-16410-54614000	Tourism Development Promotion	\$195,914.93
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The resolution was seconded by Mr. Davis.

In answer to Chairman Molé, Director of Economic Development Glenn Nealis stated that the amount of occupancy tax received is on par with the County's projection.

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

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

RESOLUTION NO. 114

**TITLE: 2018 BUDGET AMENDMENT
TRANSFER OF FUNDS
OFFICE FOR THE AGING**

WHEREAS, the bus for the Delaware County Office for the Aging was involved in a vehicle accident on February 22, 2018 which resulted in damage to the bus; and

WHEREAS, the estimate for repairs on the bus totals \$12,568.60 and actual towing charges for the bus total \$1,501.20; and

WHEREAS, the final bus repair cost is yet uncertain but could be higher than the estimate due to additional findings while the bus was in the repair process; and

WHEREAS, there is not enough money in the Maintenance and Repair Services Vehicle account to cover this cost; and

WHEREAS, there is funding in the personal services account as a staff member resigned the end of 2017 and the position has yet to be filled that can cover the costs of the bus tow and repair.

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

FROM:

10-16772-51000000	Personal Services	\$16,526.00
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TO:

10-16772-54415082/6772020/977	Maintenance Auto Accident Repair	\$16,526.00
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The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4241, Noes 0, Absent 0, Vacant 558 (Walton).

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

RESOLUTION NO. 115

**TITLE: 2018 BUDGET AMENDMENT
TRANSFER OF FUNDS
OFFICE FOR THE AGING**

WHEREAS, the Office for the Aging has been approved to purchase a new vehicle in 2018; and

WHEREAS, there currently is no funding for the purchase of a vehicle in the Agency's 2018 equipment budget; and

WHEREAS, the purchase price of the new vehicle is \$17,572.35.

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

FROM:

10-16772-54200000/6772027/977	General Grant Related Expenses	\$17,572.35
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TO:

10-16772-52200000/6772027/977	Equipment	\$17,572.35
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The resolution was seconded by Mr. Marshfield and Mr. Triolo.

Mr. Marshfield explained that the purchase price of the vehicle will be reimbursed 100 percent by the New York Connects Program. In addition, the department will be removing a vehicle from its inventory.

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

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

RESOLUTION NO. 116

**TITLE: CHANGE ORDER NO. 1
ARCHITECTURAL AGREEMENT
DEPARTMENT OF MENTAL HEALTH**

WHEREAS, Resolution No. 105 adopted on May 24, 2018 authorized the Chairman of the Board to enter into an agreement with C&S Companies to pay the Preliminary Phase at a stipulated sum of \$63,341; and

WHEREAS, C&S Companies having contracted to provide SEQRA services in Phase II, the Design and Build Phase and not the Preliminary Phase; and

WHEREAS, prior to acquisition and Phase II of the project commencing, SEQRA must be completed; and

WHEREAS, the SEQRA process must be moved to the Preliminary Phase; and

WHEREAS, C&S Companies estimates the SEQRA process costing \$4,594 thus decreasing Phase II by said amount.

NOW, THEREFORE, BE IT RESOLVED the Department of Mental Health is herewith authorized to execute Change Order No. 1 for Resolution No. 105 of 2018 adding the SEQRA process to the Preliminary Phase at a cost of \$4,594.

The resolution was seconded by Mr. Marshfield.

Mr. Tuthill explained that the SEQRA process was intended for Phase I but was inadvertently added to Phase II. This resolution corrects that by removing the expense from Phase II and placing it appropriately in Phase I. The net change is zero.

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

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

RESOLUTION NO. 117

**TITLE: CHANGE ORDER NO. 4 OF PROPOSAL NO. 31-17
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 53 of 2017 authorized the award of Proposal No. 31-17, "Replacement of County Route 26 Bridge over Telford Hollow Brook, PIN 9753.00, BIN 3351950, Town of Colchester" to Sullivan County Paving & Construction Inc. 420 Bernas Road, Cohecton, NY 12726 for the bid amount of \$1,987,598.51; and

WHEREAS, Resolution No. 199 of 2017 authorized the execution of Change Orders Nos. 1 and 2 at no change in the contract amount; and

WHEREAS, Resolution No. 9 of 2018 authorized the execution of Change Order No. 3 at no change in the contract amount; and

WHEREAS, during the course of the construction three force account items were added to complete the construction of the bridge which included:

Item 950.09304 Temporary traffic lights - which provided traffic lights and a variable message board to protect the travelling public for a lump sum cost of \$12,497.81

Item 950.10 Bridge rail anchors - which changed the designed location of the anchors to better protect the travelling public for a lump sum cost of \$801.65

Item 950.11 Bearing shims - which provided specially beveled steel bridge beam bearing shims to ensure that the bridge beams sat at the proper elevation for a lump sum cost of \$24,384.52; and

WHEREAS, the cost of these three new items are to be covered by the reduction of Item 697.03 Field Change Payment in the amount of \$37,683.98 (Reduce from \$103,361.72 to \$65,677.74);

NOW, THEREFORE, BE IT RESOLVED that the Department of Public Works is herewith authorized to execute Change Order No. 4 for Proposal No. 31-17 adjusting the contract items as referenced above at no change to the contract total cost of \$1,987,598.51.

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

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

RESOLUTION NO. 118

**TITLE: AUTHORIZATION TO ENTER INTO A LEASE AGREEMENT TO ACQUIRE
AN INTEREST IN REAL PROPERTY FOR THE REHABILITATION,
REPLACEMENT, MODIFICATION AND EXPANSION OF THE DELAWARE
COUNTY EMERGENCY RADIO
COMMUNICATIONS SYSTEM PISGAH SITE
(GROMMECK ROAD, TOWNS OF ANDES AND BOVINA)
DEPARTMENT OF EMERGENCY SERVICES**

WHEREAS, the Department of Emergency Services is progressing with the project of rehabilitation, replacement, modification and expansion of the Emergency Radio Communications System as previously authorized; and

WHEREAS, a site in the Town of Andes and Bovina at the former Bobcat Ski Center has been identified as being a site which will provide increased and improved coverage to that area of the county as set forth in Resolution No. 136 of 2012 (dated September 26, 2012); and

WHEREAS, the Department of Emergency Services has negotiated with the owners a lease agreement for the erection of an emergency services communications tower and related appurtenances; 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

WHEREAS, the Department of Emergency Services seeks authorization to enter into a lease agreement for a 10 year period with two additional five year terms with the owner; and

WHEREAS, the tower to be constructed by the County will also be used by the New York State Police. The NYSP will pay the rent payable under this lease agreement during the period of time the tower is used by the NYSP.

NOW, THEREFORE, BE IT RESOLVED that the Department of Emergency Services is herewith authorized to enter into a lease agreement, in the name of the County of Delaware, for a rental amount of \$16,390.90 in 2018 which rent shall be adjusted on a yearly basis; and

BE IT IS FURTHER RESOLVED that the Director of the Department of Emergency Services or the Chair of the Board of Supervisors is hereby authorized and directed to execute such documents and take such other and further steps as are necessary to effectuate this resolution.

The resolution was seconded by Mr. Spaccaforno.

Director of Emergency Services Steve Hood noted the tower is located at the former Bobcat Ski Center.

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

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

RESOLUTION NO. 119

TITLE: AUTHORIZATION TO ENTER INTO A LEASE AGREEMENT TO ACQUIRE AN INTEREST IN REAL PROPERTY FOR THE REHABILITATION, REPLACEMENT, MODIFICATION AND EXPANSION OF THE DELAWARE COUNTY EMERGENCY RADIO COMMUNICATIONS SYSTEM DOWNSVILLE SITE (MONEY POINT ROAD, TOWN OF COLCHESTER) DEPARTMENT OF EMERGENCY SERVICES

WHEREAS, the Department of Emergency Services is progressing with the project of rehabilitation, replacement, modification and expansion of the Emergency Radio Communications System as previously authorized; and

WHEREAS, a site in the Town of Colchester has been identified as being a site which will provide increased and improved coverage to that area of the county as set forth in Resolution No. 136 of 2012 (dated September 26, 2012); and

WHEREAS, the Department of Emergency Services has negotiated with the owner (Ronnie L. MacDonald) a lease agreement for the erection of an emergency services

communications tower and related appurtenances on a parcel of property located off of Money Point Road in the Town of Colchester (Tax Map No. 339.-1-6.1); 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

WHEREAS, the Board of Supervisors has previously reviewed the Full Environmental Assessment Form and issued a site specific Negative Declaration for this location; and

WHEREAS, the Department of Emergency Services seeks authorization to enter into a lease agreement for a five (5) year term with eight (8) additional five year extension terms with the owner.

NOW, THEREFORE, BE IT RESOLVED that the Department of Emergency Services is herewith authorized to enter into a lease agreement, in the name of the County of Delaware, for a rental amount of \$6,000 per year, which rent shall be adjusted each term; and

BE IT IS FURTHER RESOLVED that the Director of the Department of Emergency Services or the Chair of the Board of Supervisors is hereby authorized and directed to execute such documents and take such other and further steps as are necessary to effectuate this resolution.

The resolution was seconded by Mr. Spaccaformo and Mr. Davis and adopted by the following vote; Ayes 4241, Noes 0, Absent 0, Vacant 558 (Walton).

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

RESOLUTION NO. 120

TITLE: AUTHORIZATION TO ENTER INTO EASEMENT AGREEMENTS FOR ACCESS TO A TOWER SITE AND, IN THE ALTERNATIVE, TO COMMENCE A DE MINIMIS EMINENT DOMAIN PROCEEDING TO ACQUIRE AN INTEREST IN PROPERTY FOR THE REHABILITATION, REPLACEMENT, MODIFICATION AND EXPANSION OF THE DELAWARE COUNTY EMERGENCY RADIO COMMUNICATIONS SYSTEM MARGARETVILLE SITE (SWART ROAD, TOWN OF MIDDLETOWN) DEPARTMENT OF EMERGENCY SERVICES

WHEREAS, the Department of Emergency Services is progressing with a public use project consisting of rehabilitation, replacement, modification and expansion of the Emergency Radio Communications System as previously authorized: and

WHEREAS, a location in the Town of Middletown has been identified as being a site which will provide increased and improved coverage to that area of the county; and

WHEREAS, the proposed communications tower will be located on lands owned by the County (the "Tower Parcel"). However, access and utilities to the site are over property owned by Reed Clark (Delaware County Tax Map No. 305.0-1-12.113) and Thomas D. Fucignas and

Victor A. Fucignas (Delaware County Tax Map No. 305.0-1-13) (the “Access Parcels”); and

WHEREAS, access to the Tower Parcel originates from Swart Road in the Town of Middletown and generally follows an existing woods road over the Clark parcel and then over the Fucignas parcel before entering the County’s tower parcel; and

WHEREAS, representatives of Delaware County have approached the owners of the Access Parcels and requested an easement for access and utilities generally along the route of the existing woods road; and

WHEREAS, the County has engaged the services of a qualified appraiser to determine the fair market value for the permanent easement across each parcel; and

WHEREAS, Mr. Clark agreed to the easement and has executed the easement and needs to be compensated; and

WHEREAS, the owners of the Fucignas property have been approached and seem willing to execute an easement but are generally not responsive; 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 compliance with the land owners, but the Board of Supervisors acknowledges that voluntary compliance may not be achieved for the necessary acquisitions requiring the County to exercise its powers of Eminent Domain.

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 voluntary compliance to acquire the needed easement from Fucignas in furtherance of the Project for the Margaretville Site is likely not practicable and will prejudice the Project; and

BE IT FURTHER RESOLVED the County of Delaware and its legal agents are authorized to acquire the interest in land by use of Eminent Domain; and

BE IT FURTHER RESOLVED the Board of Supervisors has determined that the contemplated acquisition of the easement over an existing woods road is minor in nature, only affecting a small portion of the property and constitutes a minor amount of land and land interests, and therefore acquisition by Eminent Domain would be *de minimis* in nature so that the public interests will not be prejudiced by the acquisition of those property interests for construction of the Project; 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 land that cannot be practically acquired by voluntary compliance; and

IT IS FURTHER RESOLVED that in the event that the owners of the Fucignas property refuse the offer of reasonable compensation (\$4,157) and fail to promptly execute the required easement and related documentation, that the Department of Emergency Services and the attorneys for the County are hereby directed to commence an eminent domain action to acquire the required easement; and

IT IS FURTHER RESOLVED that with respect to the Reed Clark easement, that has been executed, that the Department of Emergency Services, County Treasurer and the attorneys for the County are hereby directed to make payment of reasonable compensation in accordance with the appraisal report (\$3,400) to Reed Clark; and

IT IS FURTHER RESOLVED that the Department of Emergency Services, County Treasurer 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. Spaccaformo and adopted by the following vote: Ayes 4241, Noes 0, Absent 0, Vacant 558 (Walton).

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

RESOLUTION NO. 121

TITLE: AUTHORIZATION TO ENTER INTO EASEMENT AGREEMENTS FOR ACCESS TO A TOWER SITE AND, IN THE ALTERNATIVE, TO COMMENCE A DE MINIMIS EMINENT DOMAIN PROCEEDING TO ACQUIRE AN INTEREST IN PROPERTY FOR THE REHABILITATION, REPLACEMENT, MODIFICATION AND EXPANSION OF THE DELAWARE COUNTY EMERGENCY RADIO COMMUNICATIONS SYSTEM LOOKOUT SITE (TOWER LANE, TOWN OF TOMPKINS) DEPARTMENT OF EMERGENCY SERVICES

WHEREAS, the Department of Emergency Services is progressing with a public use project consisting of rehabilitation, replacement, modification and expansion of the Emergency Radio Communications System as previously authorized; and

WHEREAS, a location in the Town of Tompkins has been identified as being a site which will provide increased and improved coverage to an area of the county; and

WHEREAS, the proposed communications tower will be located on lands owned by the City of New York (the "Tower Parcel"). However, access and utilities to the site are over property owned by Christopher Pape and Phyllis Pape (Delaware County Tax Map No. 334.-2-3) and The Henry J. and Joyce A. Dester Revocable Trust (Delaware County Tax Map No. 334.-3-13)(the "Access Parcels"); and

WHEREAS, access to the Tower Parcel originates from Tower Lane in the Town of Tompkins and generally follows an existing woods road over the Pape Parcel and then over the Dester Parcel before entering the City of New York's Tower Parcel; and

WHEREAS, representatives of Delaware County have approached the owners of the Access Parcels and requested an easement for access and utilities generally along the route of the existing woods road; and

WHEREAS, the County has engaged the services of a qualified appraiser to determine the fair market value for the permanent easement across each parcel; and

WHEREAS, the Pape's agreed in general to the easement but have not yet executed the easement and will need to be compensated; and

WHEREAS, Dester agreed in general to the easement but has not yet executed the easement and will need to be compensated; and

WHEREAS, bids have been received for the construction of the facility and any delay by Pape or Dester will jeopardize the timing of the construction; 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

WHEREAS, the Board of Supervisors has previously reviewed the Full Environmental Assessment Form and issued a site specific Negative Declaration for this location; 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 compliance with the land owners, but the Board of Supervisors acknowledges that voluntary compliance may not be achieved for the necessary acquisitions requiring the County to exercise its powers of Eminent Domain.

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 voluntary compliance to acquire the needed easements from Pape and Dester in furtherance of the Project for the Lookout Site is likely not practicable and will prejudice the Project; and

BE IT FURTHER RESOLVED the County of Delaware and its legal agents are authorized to enter into the Easements with Pape and Dester or, in the alternative, to acquire the interest in land by use of Eminent Domain; and

BE IT FURTHER RESOLVED the Board of Supervisors has determined that the contemplated acquisition of the easement over an existing woods road is minor in nature, only affecting a small portion of the property and constitutes a minor amount of land and land interests, and therefore acquisition by Eminent Domain would be *de minimis* in nature so that the

public interests will not be prejudiced by the acquisition of those property interests for construction of the Project; 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 land that cannot be practically acquired by voluntary compliance; and

IT IS FURTHER RESOLVED that in the event that the owners of the Pape property refuse the offer of reasonable compensation (\$3,250) and fail to promptly execute the required easement and related documentation, that the Department of Emergency Services and the attorneys for the County are hereby directed to commence an Eminent Domain action to acquire the required easement; and

IT IS FURTHER RESOLVED that in the event that the owners of the Dester property refuse the offer of reasonable compensation (\$2,500) and fail to promptly execute the required easement and related documentation, that the Department of Emergency Services and the attorneys for the County are hereby directed to commence an Eminent Domain action to acquire the required easement; and

IT IS FURTHER RESOLVED that the Department of Emergency Services, County Treasurer 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. Spaccaformo and Mr. Davis and adopted by the following vote: Ayes 4241, Noes 0, Absent 0, Vacant 558 (Walton).

Mr. Hynes offered the following resolution and moved its adoption

RESOLUTION NO. 122

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

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 Probation Department is authorized to sell by trade-in, on-line auction or for scrap the following items:

<u>Dept/Vehicle No.</u>	<u>Description Vehicle</u>	<u>Serial No./Vehicle ID No.</u>
PRO 79	2007 Chevy Malibu	1G1ZS57F37F271157
PRO 25	2009 Ford Fusion	3FAH90GA7AR110225

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

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 No.</u>	<u>Description</u>	<u>Serial No./Vehicle ID No.</u>
DSS 404	2008 Chevrolet Impala	2G1WB58N981279717

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

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

RESOLUTION NO. 124

**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.

NOW, THEREFORE, 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 No./Vehicle ID No.</u>
DPW 92	2009 Ford F-250	1FTSX21519EA84811
DPW 581	2008 Chevrolet Impala	2GIWB58NX81238996

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

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

RESOLUTION NO. 125

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

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

<u>Title</u>	<u>Name</u>	<u>Standard Work</u>	<u>Term Begin-End</u>	<u>Days Per Month</u>
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<u>ELECTED OFFICIALS:</u>		<u>Day</u> <u>(hrs/day)</u>		<u>Based on</u> <u>Record of</u> <u>Activities</u>
Supervisor-Davenport	Dennis Valente	6	01/01/18-12/31/19	12.00
Supervisor-Stamford	Michael Triolo	6	01/01/18-12/31/19	4.97

The resolution was seconded by Mr. Eisel and Mr. Spaccaferno and unanimously adopted.

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

RESOLUTION NO. 126

TITLE: PUBLIC HEARING FOR THE INCLUSION OF AGRICULTURALLY VIABLE LAND INTO CERTIFIED AGRICULTURAL DISTRICTS DURING THE DESIGNATED THIRTY-DAY PERIOD FOR ANNUAL DISTRICT REVIEW PLANNING DEPARTMENT

WHEREAS, the Delaware County Board of Supervisors, in accordance with Chapter 523 of the Laws of 2003 amended NYS Agricultural and Markets Law, designated a thirty-day review period starting on April 1, 2018 and closing April 30, 2018 in which landowners may submit requests for inclusion of predominately viable agricultural land within a Certified Agricultural District prior to the County established review period; and

WHEREAS, the Delaware County Agricultural and Farmland Protection Board has identified each parcel proposed as “viable agricultural land” eligible for inclusion into a Certified Agricultural District as listed below; and

WHEREAS, the Delaware County Board of Supervisors must hold a Public Hearing to consider the requests and recommendations of the County Agricultural Farmland Protection Board concerning the inclusion of land(s) into Agricultural District No.17.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors does hereby schedule a Public Hearing for Wednesday, July 25, 2018 at 3:45 p.m. in the Board of Supervisors Room of the County Office Building, 111 Main Street, Delhi NY.

Davenport: Agricultural District No. 17:

Tax ID #23.-1-19.1 (12.11 ac) Dutch Hill Rd.

Tax ID #24.-1-34.14 (8.6 ac) Dutch Hill Rd.

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

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

RESOLUTION NO. 127

TITLE: RECOMMENDATION NOT TO SUPPORT THE NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION (NYC DEP) FILTRATION AVOIDANCE DETERMINATION (FAD) DELIVERABLE “FARM RESCUE” PLANNING DEPARTMENT

WHEREAS, the New York City Department of Environmental Protection (NYC DEP) is required to develop specific program deliverables to support clean water initiatives as part of the Filtration Avoidance Determination (FAD); and

WHEREAS, the Watershed Agricultural Council (WAC) presented a program proposal called “Farm Rescue” as an in fee purchase for farm lands that have Best Management Practice installations, through WAC programs, and are in financial distress as part of the 2017 FAD; and

WHEREAS, those lands would then be eased and a resale to a viable farmer would be sought; and

WHEREAS, the 2017 FAD stated, “*A focus for this FAD period will be to consider the feasibility of a program, in partnership with land trusts and stakeholders, that will protect the majority of each transitioning farm (for example, a farm that is at risk of foreclosure or farms with retiring farmers).*”; and

WHEREAS, the NYC DEP formed a working group to discuss this and other open space and land acquisition programs; and

WHEREAS, that working group entertained presentations from several land trust organizations that promote open space and agricultural easement programs; and

WHEREAS, Delaware County presented several concerns about the program as proposed in the FAD to the working group, including questioning the need, the scope and the practicality if the program were to be funded and implemented; and

WHEREAS, further discussion with WAC and NYC DEP lent itself to the formation of a local working group, supported by the Delaware County Board of Supervisors to evaluate the FAD proposal; and

WHEREAS, the Delaware County working group, led by the Delaware County Agricultural Farmland Protection Board (AFPB), has evaluated the proposal, completed a Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis and compiled a list of existing programs that assist farmers with transition issues; and

WHEREAS, the results of the SWOT and the program evaluations completed do not support one tool or solution to the more complex discussion of farm transition; and

WHEREAS, the merits of the “Farm Rescue” proposal are only viable as part of a larger more comprehensive transition program that supports all aspects of farm transition, including the secondary economic beneficiaries of the agricultural community; and

WHEREAS, the AFPB has made a recommendation to the Delaware County Board of Supervisors not to support the “Farm Rescue” program as presented, but to continue conversations with WAC, NYC DEP and all agricultural partners to address farm transition in a comprehensive county-wide evaluation that provides for an in depth review of existing programs, economic viability and farmer support.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors does not support “Farm Rescue” as a stand-alone funded program; and

BE IT FURTHER RESOLVED the Delaware County Board of Supervisors supports the continuing efforts of the Delaware County working group in conjunction with all partners, watershed stakeholders and NYS agricultural programs to study, evaluate and provide guidance to decision makers, regulators and legislators regarding farm transition issues, programs and needs; and

BE IT FURTHER RESOLVED the Delaware County Board of Supervisors requests; Delaware County, the Catskill Watershed Towns, WAC, Catskill Watershed Corporation and Delaware County Soil and Water Conservation District be formally included in upcoming NYSDOH, USEPA, NYC DEP & NYS DEC discussions regarding farm transition and opportunities to reshape the “Farm Rescue” concept into a more comprehensive transition program.

The resolution was seconded by Mr. Ellis.

Mr. Hynes called upon Planning Director Shelly Johnson-Bennett to explain the position the County has taken.

Ms. Johnson-Bennett noted that a handout entitled: *Strengths, Weaknesses, Opportunities, Threats (S.W.O.T) Analysis Farm Rescue as Proposed by NYC DEP and WAC Findings* was placed on each Supervisor’s desk earlier in the meeting. She explained that the concept of the program to assist farms in transition is supported by all parties involved. However, the proposal presented in the FAD is too narrowly focused and not developed enough to lend itself as a single tool that could be successful. The recommendation of the working group is to continue the conversations regarding farm transition, to develop a suite of tools that address the issues faced by the industry and to work together as one community that supports our future in agriculture.

The resolution states that upon evaluation of the Farm Rescue Program, the working group concluded that it is not in support of the FAD proposal and is asking that the Board of Supervisors support the group’s continuing efforts to develop a proposal that addresses the many aspects of the industry problems.

Ms. Johnson-Bennett introduced former Town of Meredith Supervisor Frank Bachelor who is a local farmer and a Board member on the Agricultural and Farmland Protection Board. She noted that Mr. Bachelor was a very important part of the S.W.O.T. process. Mr. Bachelor shared that he supports the direction of the working group and was pleased to be part of the process.

Mr. Gladstone commented that WAC’s focus of the Farm Rescue Program was always an attempt to help the farmers inside the watershed and was never meant to be a means of land

acquisition. The evaluation process by the working group created an opportunity for all parties to discuss the many options already available to farmers. The working group desires to develop a proposal that will benefit farms county-wide.

Ms. Johnson-Bennett agreed with Mr. Gladstone and added that prior to the evaluation she was not aware of how many programs exist to help farmers. She further stated that farmers may not be aware of the programs available to them.

Mr. Valente stated in response to Mr. Johnson-Bennett, that the programs are very good and that he toured three successful transitioning farms. However, there has to be a means of steering the farmers toward the program and there has to be a willingness on the part of the farmer to participate.

Mr. Spaccaforno suggested that the towns pass a similar resolution to further support the County's position. Ms. Johnson-Bennett offered to draft a resolution for the use by the towns.

Ms. Johnson-Bennett pointed out that the Farm Rescue Program is titled land acquisition only because of the funding stream it comes from.

The resolution was unanimously adopted.

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

RESOLUTION NO. 128

**TITLE: DELAWARE COUNTY REQUESTS THE SCOPE OF WORK AND THE MAKE-UP OF THE NATIONAL ACADEMY OF SCIENCES AND MEDICINE EXPERT PANEL BE REVISED TO INCLUDE A CONCENTRATION ON HOST COMMUNITY SUSTAINABILITY AS IT RELATES TO THE NYC LONG-TERM WATERSHED PROTECTION PLAN AND THAT A MORATORIUM ON NEW PURCHASE CONTRACTS BE IMPLEMENTED PENDING PUBLICATION OF THE NATIONAL ACADEMY OF SCIENCES AND MEDICINE EXPERT PANEL FINDINGS
PLANNING DEPARTMENT**

WHEREAS, the fundamental principle of the 1997 New York City Watershed Memorandum of Agreement ("MOA") is the following: "[T]he parties recognize that the goals of drinking water protection and economic vitality within the watershed communities are not inconsistent and it is the intention of the parties to enter into a new era of partnership to cooperate in the development and implementation of a watershed protection program that maintains and enhances the quality of New York City drinking water supply and the economic vitality and social character of the watershed communities"; and

WHEREAS, the 1997 MOA also provides: "the parties agree that the City's Land Acquisition Program, the City's watershed regulations, and the other programs and conditions contained in this agreement, when implemented in conjunction with one another, would allow existing development to continue and future growth to occur in a manner that is consistent with the existing community character and planning goals of each of the watershed communities; and that the City's land acquisition goals ensure that the availability of developable land in the

watershed will remain sufficient to accommodate projected growth without anticipated adverse effect on water quality and without substantially changing future population patterns in the watershed communities" (hereinafter "Land Acquisition Principles"); and

WHEREAS, Section 1 of the New York City Water Supply Permit indicates that the "terms and conditions of this permit are authorized by, and designed to ensure that the project is consistent with section 15-1503 (2)... of the Environmental Conservation Law." In 1997, when the permit was issued, Section 15-1503 (2) provided that "before granting a permit, a permit renewal or permit modification pursuant to this section, the Department shall ascertain the probable effect on the health, safety and welfare of the people of the state, and the effect on the natural resources of the state likely to result from the proposed project or work."; and

WHEREAS, the City's Land Acquisition Program is premised on the principle that surface runoff from impervious surfaces and concentrated human activity poses a contamination threat to the City's water supply. In developing the City Land Acquisition Program, the parties were concerned that the vast amount of open space within the West of Hudson Watershed created the potential for new significant adverse development in an unfiltered watershed. The City's Land Acquisition Program was a tool to prevent and control such development; and

WHEREAS, in 1997 when the parties executed the MOA, approximately 11% of the watershed lands within Delaware County were under New York City and/or New York State control. Twenty years later, according to the December 2017 Land Acquisition Report, 27.9% of the watershed lands within Delaware County are under New York City and/or New York State control; and

WHEREAS, the past 20 years of post-MOA activity have demonstrated that despite the vast amount of open space in the watershed lands within Delaware County (due in large part, to topography, climate and general economic and social realities), there is little or no potential for new significant adverse development in the watershed lands within Delaware County; and

WHEREAS, during negotiations of the 2017 Filtration Avoidance Determination (FAD), New York City Department of Environmental Protection (NYC) agreed to reevaluate the 2010 Water Supply Permit Environmental Impact Statement conclusions regarding whether the City's Land Acquisition Program "would allow existing development to continue and future growth to occur in a manner that is consistent with the existing community character and planning goals of each of the watershed communities; and [whether] the City's land acquisition goals ensure that the availability of developable land in the watershed will remain sufficient to accommodate projected growth without anticipated adverse effect on water quality and without substantially changing future population patterns in the watershed communities" ("NYC 2017 Individual Town Assessment"); and

WHEREAS, on October 31, 2017 as provided for in the 2017 FAD and in response to NYC 2017 Individual Town Assessment, Delaware County and the other West of Hudson Counties, with support from the Coalition of Watershed Towns and financial and technical support from the Catskill Watershed Corporation, conducted an evaluation of the impacts from the City's Land Acquisition Program. Delaware County issued the following report: *New York Land Acquisition Town Level Assessment 2017: Delaware County Evaluation and Response* ("*Delaware County 2017 Report*"); and

WHEREAS, *Delaware County 2017 Report* concluded and demonstrated that in a substantial number of Delaware County towns the actual amount of developable land remaining is insufficient to "allow existing development to continue and future growth to occur in a manner that is consistent with the existing community character and planning goals" of those communities; and thus the "City's land acquisition goals for those communities did not ensure... the availability of developable land ... will remain sufficient to accommodate projected growth" and thus the continuation of City's land acquisition could "substantially change future population patterns..."; and

WHEREAS, at page 36 the 2017 FAD, DOH/EPA required a two-step review to the land acquisition program. The first review is in 2018 and applies to updating the 2012-2022 Long-Term Land Acquisition Plan. The 2017 FAD provides as follows:

The City provided new or updated Town Level Assessments for 21 WOH towns to NYSDOH, USEPA, NYSDEC, and WOH stakeholders. Following the release of those assessments, the City will accept stakeholder comments for 180 days. Based on the updated Town Level Assessments and its review of comments received, the City will evaluate the need for modification of its 2012-2022 Long-Term Land Acquisition Plan and discuss its conclusions with NYSDOH, USEPA, and NYSDEC. The City will share any proposed modifications to its solicitation plan, or the basis for a conclusion that no modifications are warranted, with the WOH stakeholders. During the period between February 14, 2017 and the City's adoption of a modified solicitation plan or conclusion that no modifications are necessary, the City agreed to limit solicitations in certain towns; and

WHEREAS, the second more comprehensive review begins in 2022 and requires the City to develop a new Long-Term Land Acquisition Plan for the period 2023-2033:

The FAD requires the City to develop a new Long-Term Land Acquisition Plan, which will cover the period 2023-2033 and will consider the findings of the National Academies of Science and Medicine Expert Panel review of the City's Watershed Protection Program. It is anticipated that the long-term plan and the Expert Panel findings will also help inform the conditions of the next WSP; and

WHEREAS, the 2017 FAD calls for the continuation and robust funding for the City's Land Acquisition Program through 2027. In its consent to the 2017 FAD, in a letter dated December 27, 2017 to Howard Zucker, Commissioner New York State Department of Health, from Peter D. Lopez, Region 2 Administrator, EPA stressed as important the "City and state efforts" in "the ongoing review of town -level assessments" and "City and state efforts" "to refine the program so as to ensure the City is soliciting parcels that will provide the highest value of watershed protection as well as address other important objectives in the watershed"; and

WHEREAS, given the findings and conclusion above, in April 2018, Delaware County Board of Supervisors passed Resolution No. 74 demanding that as part of the 2018 update to the 2012-2022 Long-Term Land Acquisition Plan, for those communities where the City's land acquisition goals do "not ensure ... the availability of developable land ... will remain sufficient to accommodate projected growth" and/or where the continuation of City's land acquisition could "substantially chang[e] future population patterns...(Special Condition 2, Water Supply Permit)", some form of relief should be provided; and

WHEREAS, in order to provide that relief, with the assistance of the Coalition of Watershed Towns and CWC, Delaware County developed an Alternative Land Acquisition Program Option; and

WHEREAS, the alternative program is designed for those communities where the DEP Open Space Land Acquisition Program (intended to prevent development) has little or no water quality benefit and to substitute a program focused on protecting and enhancing lands sensitive to water quality that would not otherwise be protected with the cooperation and participation of the local community; and

WHEREAS, in response to Resolution No. 74, in consultation with DOH, the DEP denied Delaware County's request; although it was agreed the proposal has merit and deserves further discussion. The government stakeholders concurred that the appropriate opportunities for the further discussion will be provided in the proceeding to amend the Water Supply Permit to expand the Stream Buffer Program and the City's development of a new Long-Term Land Acquisition Plan, which will cover the period 2023-2033 and will consider the findings of the NASMEP; and

WHEREAS, the final scope of work for the NASMEP released on April 19, 2018 (together with a request for expert nominations) stated "An ad hoc committee of the National Academies will review and evaluate the NYC DEP's watershed protection program-- with the goal of determining whether the current suite of individual programs is appropriate and adequate to comply with the Surface Water Treatment Rule into the future. Key questions include: (1) Are individual program elements (e.g., agriculture and stormwater best management practices, wastewater technologies, requirements for streamside buffers) based on the most relevant and up-to-date science? (2) Can the various watershed protection components (e.g., operational controls, regulatory programs and their enforcement, voluntary programs, and partnership programs) be better balanced to be more effective and sustainable? It was further stated the study would be carried out by a committee of volunteer experts. Examples of expertise needed included "Social sciences (land management, land use planning, economics, water policy)"; and

WHEREAS, in reliance on that scope and request for expertise, the West of Hudson communities nominated several experts for consideration, including experts in land management, land use planning and economics who could help ensure the following two key questions were addressed: (1) Can the [land acquisition program] ... be better balanced to be more effective and sustainable; (2) Are the land acquisition program elements based on the most relevant and up-to-date science?; and

WHEREAS, on June 12, 2018, the NASM announced the members of the Expert Panel which does not include any of the individual members nominated by the West of Hudson communities and has informally indicated that the impact of watershed programs on community sustainability is not specifically considered as a primary focus of the scope of review for the expert panel; and

NOW, THEREFORE, BE IT RESOLVED the Delaware County Board of Supervisors respectfully requests that the expert panel consider an addition of one or more members with a concentration in community sustainability and land use management; and

BE IT FURTHER RESOLVED the Delaware County Board of Supervisors respectfully requests that expert panel give serious consideration to the following two reports:

New York Land Acquisition Town Level Assessment 2017: Delaware County Evaluation and Response ("Delaware County 2017 Report") and A New Vision for the New York City Watershed: Using Successful Partnership Programs To Protect Water Quality While Facilitating Business Retention and Development (March 2015) in addition to serious consideration to the following issues: the history of development in Delaware County; the real or imagined threat of significant adverse development; the actual realities and challenges to community sustainability; the adverse impacts from random open space land acquisition; and the local agencies achievements in water quality protection; and

BE IT FURTHER RESOLVED that this resolution be sent to Governor Andrew M. Cuomo, Congressman John Faso, Senator John Bonacic, Senator James L. Seward, Senator Frederick J. Akshar II, Assemblyman Clifford W. Crouch, Assemblyman Brian Miller, Assemblyman Chris Tague, Environmental Protection Agency Region 2 Director Peter D. Lopez, New York State Department of Environmental Conservation Commissioner Basil Seggos, New York City Department of Environmental Protection Commissioner Vincent Sapienza and New York State Department of Health Commissioner Howard A. Zucker, M.D., J.D.

The resolution was seconded by Mr. Ellis.

In response to Mr. Hynes, Ms. Johnson-Bennett shared that the MOA turned 20 years old in 2017. The stakeholders felt it was time to bring the National Academy of Sciences and Medicine Expert Panel (NASMEP) back to the table. She noted that Delaware County has made great strides in land use and management and have proven to be good stewards of the land as it pertains to the protection of the New York City water supply. However, what we've learned is that land acquisition issues are preventing the growth and economic success of our towns. The County provided its study to the New York City stakeholders who have asked us to wait to present this study to the NASMEP. The NASMEP list and agenda was released and did not include the County's issues.

This resolution is objecting to the selection list and the deletion of land use consideration. She stated that six experts in the field of land management and land use planning and economics were nominated by the West of Hudson communities and submitted to the NASMEP to consider. When NASMEP announced the list of members on the Expert Panel it did not include any of the experts nominated by the West of Hudson communities. The reason for this as indicated by NASMEP is that the impact of watershed programs on community sustainability is not in their scope of review.

In answer to Mr. Marshfield, Ms. Johnson-Bennett stated that a similar resolution is being drafted for the towns. Mr. Marshfield referenced land acquisition by New York City in the Town of Hamden saying that the City is taking 200 acres subdivided into 10 parcels because a small portion of the land qualifies and the parcels are contiguous. He stated that he will be formalizing his objection in the near future.

Mr. Davis expressed concern that the best interest of the County might not be considered if the NASMEP does not select one or more of the experts recommended. He felt strongly that the NASMEP needed to base their study on the same criteria that the County used in its report.

In response to Mr. Davis, Ms. Johnson-Bennett noted that the working group plans to bring these experts into the discussion if the NASMEP does not put one or more members on the panel.

The resolution was unanimously adopted.

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

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

RESOLUTION NO. 129

**TITLE: 2018 BUDGET AMENDMENT
NEW YORK STATE GOVERNOR'S TRAFFIC SAFETY COMMITTEE
STOP-DWI**

WHEREAS, STOP-DWI (Special Traffic Operations Program-Driving While Intoxicated) is empowered to coordinate and execute local efforts to reduce alcohol and drug related traffic accidents; and

WHEREAS, STOP-DWI is funded entirely through fines collected from convicted drunk driving offenders and is not funded from any tax source; and

WHEREAS, the crime of Driving While Intoxicated has severe and lasting effects on the victims and on the residents of Delaware County; and

WHEREAS, the New York State Governor's Traffic Safety Committee allocated \$22,500 to the Delaware County STOP-DWI Program for education and enforcement efforts; and

WHEREAS, STOP-DWI supports the efforts of Delaware County affiliates providing vital educational programming intended to reduce the occurrence of DWI to support safer roads in the community.

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

INCREASE REVENUE:

10-13315-43338900	State Other Public Safety	\$22,500.00
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INCREASE APPROPRIATION:

10-13315-54183000	Community Outreach & Education	\$17,500.00
10-13315-52200000	Equipment	\$5,000.00

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

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

RESOLUTION NO. 130

**TITLE: CLIMATE SMART COMMUNITIES TASK FORCE/COORDINATOR
PLANNING DEPARTMENT**

WHEREAS, Delaware County has pledged to be a Climate Smart Community; and

WHEREAS, climate change certification is an ongoing effort of tasks and accomplishments that require periodic updates and regular discussion; and

WHEREAS, an oversight board and County staff structure can provide organizational and administrative support to ongoing Climate Smart Certification efforts; and

WHEREAS, the Climate Smart Communities Coordinator can provide updates on related efforts to the designated task force; and

WHEREAS, the Delaware County Planning Board represents an assemblage of regional representation from throughout the County and provides oversight to the County Planning Department; and

IT IS HEREBY RESOLVED that the Delaware County Planning Board serve as the Climate Smart Communities Task force, and

BE IT FURTHER RESOLVED that the Delaware County Planning Department Director serve as the Climate Smart Communities Coordinator for Delaware County.

The resolution was seconded by Mr. Ellis.

Chairman Molé stated that this is another step in the process of becoming a Climate Smart Community.

The resolution was unanimously adopted.

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

RESOLUTION NO. 131

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$990,847.48 were hereby presented to the Finance Committee for approval for payment on June 22, 2018 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	\$792,876.64
OET	\$33,316.33
Public Safety Comm System	\$0.00
Capital 97 Main	\$0.00

Highway Audits, as Follows:	
Weights & Measures	\$16.23
Road	\$152.16
Machinery	\$143,386.01
Capital Road & Bridge	\$0.00
Capital Solid Waste	\$0.00
Solid Waste/Landfill	\$21,100.11

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$1,475,154.44 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	\$582,964.49
OET	\$20,092.00
Public Safety Comm System	\$407,954.59
Capital 97 Main	\$3,094.06

Highway Audits, as Follows:	
Weights and Measures	\$145.23
Road	\$73,038.30
Machinery	\$65,055.51
Capital Road & Bridge	\$181,443.95
Capital Solid Waste	\$49,729.25
Solid Waste/Landfill	\$91,637.06

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

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

RESOLUTION NO. 132

TITLE: IN MEMORY OF CHARLES F. GREGORY

WHEREAS, former Town of Walton Supervisor Charles F. Gregory passed away on June 25, 2018; and

WHEREAS, he served as Town of Walton Supervisor from 2016 until June 25, 2018; and

WHEREAS, he will be remembered with distinction for his hard work, distinguished service and dedication to the County and the Town of Walton.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors extends its sympathy to the family of Charles F. Gregory and recognizes with gratitude his contributions to this County, his Town and neighbors.

The resolution was seconded by Mr. Marshfield.

Mr. Marshfield noted that he served on several committees with Mr. Gregory. Mr. Gregory was a true gentleman and always went above the level of resource needed. He was an asset to the Town of Walton and the County. Unfortunately, Mr. Gregory served too short a time.

Chairman Molé shared that Mr. Gregory was always willing to accept a challenge, did his homework and was prepared to speak to his decisions. He felt strongly about meeting face to face to ensure his communications were clear and that he was always transparent. He will be missed.

Mr. Pigford commented that he had sent a thank you note to Mr. Gregory for his assistance on a certain matter. He shared the note Mr. Gregory sent back to him “I love to take credit for stuff but it is God’s grace and guidance that keeps me going. I am just his worker bee.”

Upon a motion, the meeting adjourned for a short recess. Chairman Molé invited everyone in attendance to enjoy refreshments in the lobby served by the Delaware County Dairy Princess and her Ambassadors.

The meeting reconvened in regular session with all Supervisors present.

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

RESOLUTION NO. 133

**TITLE: CONTROL OF SNOW AND ICE ON COUNTY HIGHWAYS
BY TOWN FORCES
SECTION 135-A OF THE HIGHWAY LAW
DEPARTMENT OF PUBLIC WORKS**

BE IT RESOLVED, that pursuant to Section 135-a of the Highway Law, the Board of Supervisors of Delaware County hereby authorizes the Delaware County Commissioner of Public Works to enter into an agreement with the Town Highway Superintendents of the Towns of Colchester, Harpersfield, Kortright, Masonville, Middletown, Roxbury, Stamford and Tompkins for the performance, by the Towns, of the work of control of snow and ice on the County Roads within the boundaries of the County, upon terms and regulations as are contained in such agreements for a five year period from September 1, 2018 – August 31, 2023.

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

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

RESOLUTION NO. 134

**TITLE: CONTROL OF SNOW AND ICE ON NEW YORK CITY ROADS
BY TOWN FORCES
DEPARTMENT OF PUBLIC WORKS**

BE IT RESOLVED, that pursuant to an agreement between New York City and the County of Delaware, and by Resolution No. 46 of 1991, Delaware County hereby authorizes the Delaware County Commissioner of Public Works to enter into agreements with the Town Highway Superintendents of the Towns of Andes, Colchester, Middletown, Roxbury, Tompkins and Walton for the performance, by the Towns, of the work of control of snow and ice on the New York City Roads within the boundaries of the County, upon terms and regulations as are contained such agreements for a five year period from September 1, 2018 – August 31, 2023.

BE IT FURTHER RESOLVED that if the City at any time does not renew its contract with the County, the County's contracts with the Towns for the plowing of the City roads will also be terminated.

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

Mr. Ellis offered the following resolution and moved its adoption

RESOLUTION NO. 135

TITLE: EXECUTIVE SESSION

BE IT RESOLVED that the Delaware County Board of Supervisors convene in executive session to discuss matters of collective negotiations.

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

The meeting reconvened in regular session with all Supervisors present.

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

RESOLUTION NO. 136

TITLE: EXECUTIVE SESSION

BE IT RESOLVED that the Delaware County Board of Supervisors convene in executive session to discuss the proposed acquisition, sale or lease of real property.

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

The meeting reconvened in regular session with all Supervisors present.

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

RESOLUTION NO. 137

**TITLE: AUTHORIZATION TO INITIATE THE EMINENT DOMAIN PROCEEDURE
PROCESS ON SITE # 11, DEPARTMENT OF PUBLIC WORKS
DEPATMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 69 of 2018 authorized the Public Works Committee to proceed with the Hybrid Option for the reconstruction of the DPW facility; and

WHEREAS, the Public Works Committee had requested the County Attorney's Office to obtain an appraisal of Site #11 which includes Town of Hamden tax map parcels numbered: 254.-1-11.41, 254.-1-9, and 254.-1-11.2 and said combined parcels appraised for \$400,000; and

WHEREAS, the County Attorney's Office has contacted the owners attorney and made an offer for the purchase of the parcels and the offer was not accepted; and

WHEREAS, the Attorney for the owners has indicated that the sale price for the property is set at \$1,200,000 and an option for the purchase of the property which will allow the Department to perform the onsite investigations in order to satisfy SEQRA is an additional \$120,000 per year; and

WHEREAS, the County Attorney has encouraged the owners attorney to have the owners obtain their own appraisal to be used as a point of negotiations however the owners have denied to pursue a second appraisal; and

WHEREAS, the County Attorney has advised the Public Works Committee that it is not prudent or acceptable to pay such a significant amount over the appraised value; and

WHEREAS, the Public Works Committee has authorized the County Attorney to obtain a second appraisal to ensure that the offered price is fair and reasonable but the owners have not agreed to a time when the second appraiser can visit their property; and

WHEREAS, the Eminent Domain Procedure Law is clear that law cannot be used to acquire any more than just the required amount of property necessary to complete the proposed property; and

WHEREAS, the minimum amount of property cannot be identified until the necessary environmental and onsite investigations into geotechnical and storm water studies can be performed; and

WHEREAS, the Eminent Domain Procedure Law does allow for the municipality to access the property after the required notification for the required investigations while ensuring that any damage done has to be repaired; and

WHEREAS, the SEQRA process for the entire option cannot be started without being able to identify the issues at Site #11 it is imperative that the investigation work proceed ahead.

NOW, THEREFORE, BE IT RESOLVED that the Public Works Committee and the County Attorney are herewith granted authorization to proceed under the Eminent Domain Procedure Law to perform the necessary onsite investigations for Site #11.

The resolution was seconded by Mr. Taggart and adopted by the following vote: Ayes 2175, Noes 2066 (Gladstone, Molé, Merrill, Axtell, Marshfield, Vernold, Eisel, Spaccaforno, Davis, Hynes, Layton), Absent 0, Vacant 558 (Walton).

Upon a motion, the meeting adjourned at 7:00 p.m.