

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS OCTOBER 10, 2018

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, October 10, 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. Taggart.

Mr. Marshfield offered the invocation.

Mr. Layton 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.

For standing committee reports Chairman of the Public Works Committee George Haynes announced that Commissioner of Public Works Wayne Reynolds has retired.

Mr. Haynes stated that he is proud to have worked with Mr. Reynolds and to have witnessed the accomplishments under his leadership. Under his direction the Department has implemented substantial and unprecedented reconstruction of County bridges, supported efficiencies in road resurfacing and year round maintenance of our highways, provided assistance to other departments and municipalities within the County, revitalized the solid waste program to long-term viability and provided rapid response and reconstruction following storms and flooding. It is in no small part due to Mr. Reynolds' leadership and the commitment of a dedicated staff that the County can stand proudly on the strength of its public infrastructure.

The Public Works Committee and the Department endorse a transition plan that will appoint Director of Solid Waste Management Susan McIntyre as the next Commissioner of Public Works at the 2019 Board of Supervisors Organizational meeting. Until that time, the Department will temporarily operate under the legal authority of Deputy Commissioner Jared Boice along with a support team of individuals, including Senior Civil Engineer Daniel Sanford, Assistant to the Commissioner Lisa Henderson and Solid Waste Management Director Susan McIntyre.

Chairman Molé thanked Mr. Haynes for his fitting comments about Mr. Reynolds and expressed confidence in the transition plan.

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

RESOLUTION NO. 182

**TITLE: 2018 BUDGET AMENDMENT
ACCEPTANCE OF NYS OFFICE OF MENTAL HEALTH FUNDING
ANTI-STIGMA REDUCTION
DEPARTMENT OF MENTAL HEALTH**

WHEREAS, the New York State Office of Mental Health has made available funding for projects to promote stigma reduction; and

WHEREAS, this funding is made available through the NYS Tax checkoff program to promote anti-stigma in mental illness; and

WHEREAS, the Mental Health Clinic applied and was awarded funding.

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

INCREASE REVENUES:

10-14310-43349015/4310002/976	State MH Grant	\$5,000.00
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INCREASE APPROPRIATIONS:

10-14310-54327000/4310002/976	General Grant Related Exp	\$5,000.00
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The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4558, Noes 0, Absent 241(Taggart).

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

RESOLUTION NO. 183

**TITLE: ACCEPTANCE OF GRANT MONEY FROM THE
A. LINDSAY AND OLIVE B. O'CONNOR FOUNDATION, INC.
FOR THE DELAWARE COUNTY PLANNING BOARD'S
TPAS LEGAL DEFENSE FUND
PLANNING DEPARTMENT**

WHEREAS, the Planning Advisory Service Trust Fund (TPAS Legal Fund) was established by the Board of Supervisors Resolution No. 101 of 1975 and maintained as a continuing balance since; and

WHEREAS, Delaware County has received funding from the A. Lindsay and Olive B. O'Connor Foundation, Inc. for the Delaware County Planning Board's Legal Defense Fund.

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

INCREASE REVENUES:

10-18020-42270604/8020012/908	O'Connor TPAS Legal Defense Fund	\$28,000.00
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INCREASE APPROPRIATIONS:

10-18020-54327005/8020012/908 O'Connor TPAS Legal Defense Fund \$28,000.00

The resolution was seconded by Mr. Ellis.

In answer to Mr. Triolo, Planning Director Shelly Johnson-Bennett explained the money in the TPAS Legal Fund is used to help municipalities in need of funding to pursue legal services when issues arise.

The resolution was adopted by the following vote: Ayes 4558, Noes 0, Absent 241(Taggart).

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

RESOLUTION NO. 184

**TITLE: CHANGE ORDER TO PROPOSAL NO. DSS1-G-18
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, Resolution No. 99 of 2018 authorized the award of Proposal No. DSS1-G-18, Authorization for Awards, Department of Social Services to Tweedie Construction Services, Inc., 90 Crystal Creek Road, Walton, NY 13856 for the bid amount of \$41,800; and

WHEREAS, during the course of construction it was determined that the fire place needed to be supported separately from the new wall and a support for the fire place would increase the cost of the project by \$589.

NOW, THEREFORE, BE IT RESOLVED that the Department is herewith authorized to execute Change Order No. 1 for Proposal No. DSS1-G-18 increasing the contract by \$589 resulting in a final contract amount of \$42,389.

The resolution was seconded by Mr. Hynes.

In response to Mr. Merrill, Mr. Marshfield stated that the change order is to complete repairs on a County owned foster home in the Town of Stamford.

The resolution was adopted by the following vote: Ayes 4558, Noes 0, Absent 241(Taggart).

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

RESOLUTION NO. 185

**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 and all spare parts.

<u>Dept/Vehicle No.:</u>	<u>Description:</u>	<u>Serial No./Vehicle ID No.:</u>
DPW / 907	1992 Forklift	A21E24814
DPW / 952	1969 Vermeer Stump Grinder	1611
DPW SW / 898	2000 Bomag Compactor	101570521067
DPW SW /899	2001 Kobelco Excavator	YQ07U0723

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

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

RESOLUTION NO. 186

TITLE: PROCEDURE FOR THE COUNTY TO PURCHASE OR OTHERWISE ACQUIRE PROPERTIES, EASEMENTS OR RIGHT-OF-WAYS

WHEREAS, there are over 20 separate Departments within Delaware County; and

WHEREAS, many Departments within Delaware County must purchase property and/or buildings, easements or right-of-ways in the ordinary course of their business and these purchases are made in the name of Delaware County; and

WHEREAS, prior to this resolution there was no procedure to guide the Departments when purchasing properties, easements or right-of-ways and notifying the Board of Supervisors of said purchases. Delaware County has purchasing procedures in place for when Departments buy anything else, such as office supplies, furniture and the like; and

WHEREAS, there is significant liability and cost attached to the purchase and ownership of property by Delaware County and should be done with consistency from Department to Department and with oversight of the Board.

NOW, THEREFORE, BE IT RESOLVED effective immediately, any purchase of real property, shall be approved first by a Department's oversight committee, then the Finance Committee and then, finally, with the approval of the entire Board of Supervisors; and

BE IT FURTHER RESOLVED prior to any approval to purchase, a Department must use their due diligence to investigate the potential purchase. This shall include contacting the Department of Building and Grounds and getting that Department to do an inspection and a written recommendation in the event there is a structure located on the property. Once a property is acquired, it shall be the Department of Building and Grounds determination as to maintenance and repairs of said structure. Any and all charges accrued and certified by the Department of Buildings and Grounds shall be billed back to the requesting Department.

BE IT FURTHER RESOLVED that once the property is purchased, the Department purchasing shall without delay cause the property to be insured by contacting the Clerk of the Board. Also, the Department purchasing shall ensure that the buildings are not occupied, or if occupied, seller must ensure that occupants are vacated prior to closing unless other arrangements are made.

BE IT FURTHER RESOLVED that the aforesaid resolution does not apply to purchases through the flood buyout program or the Treasurer's tax foreclosure actions.

The resolution was seconded by Mr. Ellis.

In answer to Mr. Marshfield, Mr. Spaccaforno explained that the resolution is to establish a procedure that will allow for a complete and accurate accounting of all properties that are in the County system and to ensure that they are maintained properly. Prior to obtaining a building, the Department of Building and Maintenance will report on whether there are any improvements or construction required to bring the building and/or property up to code.

Mr. Marshfield further commented that it is unclear to him if the resolution includes procedures for properties willed or otherwise obtained by the County and pointed out what appeared to be an inconsistency in a resolution seeking consistency.

Mr. Valente stated that the County does not have to accept bequeaths. The Town of Davenport was bequeathed a piece of property for the expressed purpose of a playground. The town refused the bequeath. For clarification purposes he suggested amending the resolution title to include or properties otherwise acquired.

Mr. Marshfield stated that about 25 years ago a family from the Town of Hamden wanting to help foster children willed their home to the Department of Social Services. The house makes a nice home and has worked extremely well for the County.

In response to Mr. Marshfield's concern of inconsistency within the resolution, County Attorney Amy Merklen stated that the omission of the flood buyout program is because it is covered by a grant program and the omission of the Treasurer's tax foreclosure actions is because there is an existing procedure in place.

The resolution was unanimously adopted.

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

RESOLUTION NO. 187

**TITLE: RATIFICATION OF BAGS LANDFILL
BUDGET FOR 2019**

BE IT RESOLVED that the 2019 budget for the BAGS Landfill in the total amount of \$11,294.00 with \$1,820.35 the apportioned cost to the Town of Sidney be ratified as presented.

The resolution was seconded by Mr. Tuthill and adopted by the following vote: Ayes 4558, Noes 0, Absent 241(Taggart).

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

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

RESOLUTION NO. 188

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

LETTING OF OCTOBER 3, 2018

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. 35-18 Delaware County Bridge Structural Steel Preservation
Project, PIN 9754.33 D035907 to: AMSTAR of Western
New York, Inc., 825 Rein Rd, Cheektowaga, NY 14225

Purchase Price: \$283,000.00

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors.

The resolution was seconded by Mr. Spaccaforno.

In answer to Mr. Merrill, Mr. Haynes stated this project is for two bridges, 44-1 located in the Town of Sidney and the Charles Meddler Bridge located in the Town of Hancock.

The resolution was adopted by the following vote: Ayes 4558, Noes 0, Absent 241(Taggart).

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

RESOLUTION NO. 189

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$1,913,542.57 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	\$923,053.60
OET	\$16,449.25
Public Safety Comm System	\$74,565.80
CAP 97-Main Street	\$0.00

Highway Audits, as Follows:

Weights and Measures	\$222.28
Landfill	\$64,833.19
Road	\$4,448.50
Machinery	\$130,234.12
Capital Road & Bridge	\$698,896.83
Capital Solid Waste	\$839.00

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4558, Noes 0, Absent 241(Taggart).

Upon a motion, the meeting adjourned 1:25 p.m.