

REGULAR MEETING

**DELAWARE COUNTY BOARD OF SUPERVISORS
MARCH 13, 2019**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, March 13, 2019 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. Spaccaformo.

Mr. Marshfield offered the invocation.

Mr. Vernold 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 the appropriate committees for review.

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

RESOLUTION NO. 36

**TITLE: 2019 BUDGET ADMENDMENT
TRANSFER OF FUNDS
PUBLIC HEALTH SERVICES**

WHEREAS, Public Health Services vehicle 101, a 2019 Chevrolet Malibu, was totaled in a motor vehicle accident; and

WHEREAS, the insurance carrier reimbursed the County for the loss; and

WHEREAS, it is necessary for Public Health Services to appropriate the funding needed to purchase a replacement vehicle.

NOW, THEREFORE, BE IT RESOLVED that the 2019 budget be amended as follows:

INCREASE REVENUE:

| | | |
|-------------------|----------------------|-------------|
| 10-14012-42268000 | Insurance Recoveries | \$16,722.00 |
|-------------------|----------------------|-------------|

INCREASE APPROPRIATION:

| | | |
|-------------------|-----------|-------------|
| 10-14012-52200000 | Equipment | \$16,722.00 |
|-------------------|-----------|-------------|

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Spaccaforo).

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

RESOLUTION NO. 37

**TITLE: 2019 BUDGET AMENDMENT
TRANSFER OF FUNDS
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the cost for the Engineering Autocad Licenses came in higher than anticipated; and

WHEREAS, four-year renewal saves the County over \$7,000; and

WHEREAS, there are funds available in road maintenance line.

NOW, THEREFORE, BE IT RESOLVED that the 2019 budget be amended as follows:

DECREASE APPROPRIATION:

| | | |
|-------------------|--------------------------------|------------|
| 24-15110-54000000 | Road Maintenance - Contractual | \$3,550.00 |
|-------------------|--------------------------------|------------|

INCREASE APPROPRIATION:

| | | |
|-------------------|-----------------------------|------------|
| 24-15020-54580000 | Road Engineering - Software | \$3,550.00 |
|-------------------|-----------------------------|------------|

The resolution was seconded by Mr. Davis.

In answer to Mr. Marshfield, Mr. Haynes stated the total licensing cost is \$23,547; the amount budgeted was \$20,000.

The resolution was adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Spaccaforo).

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

RESOLUTION NO. 38

**TITLE: 2019 BUDGET AMENDMENT
UNEMPLOYMENT BENEFITS
PERSONNEL OFFICE**

WHEREAS, the 2019 Budget has appropriations for unemployment distributed among different departments for reimbursement purposes; and

WHEREAS, the General Fund has an account for undistributed unemployment benefits that is used to pay for any unemployment claims during the year and this modification has been part of the past practice of the county; and

WHEREAS, the remaining balance in the appropriation will be rolled into the Employee Benefit Reserve at the end of the year.

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

FROM:

| | | |
|-------------------|----------------------------|----------|
| 10-11040-58500000 | Clerk of the Board | \$404.00 |
| 10-11165-58500000 | District Attorney | 1,290.00 |
| 10-11185-58500000 | Medical Examiner | 107.00 |
| 10-11325-58500000 | Treasurer | 665.00 |
| 10-11327-58500000 | Fiscal Affairs | 587.00 |
| 10-11340-58500000 | Budget Director | 42.00 |
| 10-11355-58500000 | Real Property Tax | 685.00 |
| 10-11364-58500000 | Tax Acquired Prop | 128.00 |
| 10-11410-58500000 | County Clerk | 1,673.00 |
| 10-11412-58500000 | Records Management | 93.00 |
| 10-11420-58500000 | County Attorney | 1,434.00 |
| 10-11430-58500000 | Personnel | 633.00 |
| 10-11450-58500000 | Elections | 497.00 |
| 10-11620-58500000 | Buildings | 1,940.00 |
| 10-11680-58500000 | Information Technology | 1,868.00 |
| 10-13020-58500000 | Public Safety - 911 | 1,179.00 |
| 10-13110-58500000 | Sheriff - Law Enforcement | 3,303.00 |
| 10-13140-58500000 | Probation | 1,590.00 |
| 10-13145-58500000 | Raise the Age – Probation | 107.00 |
| 10-13150-58500000 | Sheriff Jail | 7,528.00 |
| 10-13315-58500000 | Stop DWI | 10.00 |
| 10-13620-58500000 | Safety Inspections | 143.00 |
| 10-13640-58500000 | Emergency Services | 417.00 |
| 10-14012-58500000 | Public Health | 1,796.00 |
| 10-14059-58500000 | Early Intervention | 548.00 |
| 10-14060-58500000 | Edu Physically Handicapped | 397.00 |
| 10-14310-58500000 | Mental Health Clinic | 3,841.00 |
| 10-14311-58500000 | Community Support | 196.00 |
| 10-14312-58500000 | MH Crisis Serv Prog | 137.00 |
| 10-14315-58500000 | Enh Childrens Serv | 144.00 |

| | | |
|-------------------|--------------------------------|-------------|
| 10-14317-58500000 | Alcoholism Clinic | 1,272.00 |
| 10-14321-58500000 | Exp Mental Health | 317.00 |
| 10-16010-58500000 | Social Services | 10,963.00 |
| 10-16326-58500000 | Economic Development | 551.00 |
| 10-16510-58500000 | Veterans | 376.00 |
| 10-16610-58500000 | Sealer of Weights and Measures | 123.00 |
| 10-16772-58500000 | Office for the Aging | 1,203.00 |
| 10-17310-58500000 | Youth Bureau | 1,531.00 |
| 10-18020-58500000 | Planning | 1,416.00 |
| 10-18740-58500000 | Watershed Affairs | 500.00 |
| 22-18160-58500000 | Landfill Solid Waste | 3,538.00 |
| 24-19050-58500000 | Public Works | 12,430.00 |
| 62-11710-58500000 | Workers Compensation | 106.00 |
| | Total | \$67,708.00 |

TO:

| | | |
|-------------------|-------------------|-------------|
| 10-19000-42280100 | Interfund Revenue | \$67,708.00 |
|-------------------|-------------------|-------------|

INCREASE REVENUE:

| | | |
|-------------------|-------------------|-------------|
| 10-19000-42280100 | Interfund Revenue | \$67,708.00 |
|-------------------|-------------------|-------------|

INCREASE APPROPRIATION:

| | | |
|-------------------|------------------------|-------------|
| 10-19050-58500000 | Unemployment Insurance | \$67,708.00 |
|-------------------|------------------------|-------------|

The resolution was seconded by Mr. Tuthill and adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Spaccaforno).

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

RESOLUTION NO. 39

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

LETTING OF FEBRUARY 28, 2019

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. 27-19 Purchase of Boom Mower to: Stephenson Equipment Inc.,
3 Industry Drive, Waterford, NY 12188

Bid Price: \$56,959.00

Towns may participate in this bid.

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. Davis.

In answer to Mr. Gladstone, Mr. Haynes stated this is for the boom only as the tractor was purchased last year.

Mr. Davis added this is a second arm attachment for the tractor.

The resolution was adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Spaccaforno).

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

RESOLUTION NO. 40

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

LETTING OF FEBRUARY 28, 2019

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. 28-19 Purchase of Self-Propelled Brooms to: Tracey Road Equipment,
1523 Route 11 N, Kirkwood, NY 13795

Bid Price: \$110,988 (\$55,494.00 each)

Towns may participate in this bid.

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. Davis.

In answer to Mr. Marshfield, Mr. Haynes said the department has four sweepers and this is a replacement for two.

The resolution was adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Spaccaferno).

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

RESOLUTION NO. 41

**TITLE: AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE
CATSKILL WATERSHED CORPORATION FOR MAINTENANCE
OF THE VACUUM TRUCK
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 91 of 2017 authorized the Chairman of the Board of Supervisors to enter into an agreement with the Catskill Watershed Corporation (CWC) for the purchase of a Vacuum Truck; and

WHEREAS, CWC has developed a program to provide for maintenance funding for capital investments made with Stormwater Retrofit funds.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board of Supervisors is herewith authorized to enter into an agreement with CWC for Maintenance of Stormwater Retrofit Measures Funded by the West of Hudson Stormwater Retrofit Program.

The resolution was seconded by Mr. Davis.

In answer to Mr. Marshfield, Mr. Triolo stated that the Catskill Watershed Corporation funds 17.6% of maintenance on the vacuum truck.

Mr. Haynes said \$78,628 is the dollar amount in maintenance funding.

The resolution was unanimously adopted.

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

RESOLUTION NO. 42

**TITLE: AUTHORIZATION FOR DISPOSITION OF PERSONAL PROPERTY
NO LONGER NECESSARY FOR PUBLIC USE
SHERIFF'S OFFICE**

WHEREAS, section 215 of the County Law stipulates that the Board of Supervisors must authorize for the disposition of personal property no longer necessary for public use;

BE IT RESOLVED, that the Sheriff's Office is authorized to sell by trade-in or online auction or dispose of as unserviceable the following items:

| <u>Dept. Vehicle No.</u> | <u>Description</u> | <u>Serial Number/VIN</u> |
|--------------------------|--------------------|--------------------------|
| SHF 69 | 2013 Chevy Impala | 2G1WD5E31D1186522 |

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

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

RESOLUTION NO. 43

TITLE: ESTABLISHING THE OFFICE OF THE PUBLIC DEFENDER

BE IT RESOLVED that pursuant to the authority granted by Section 204 of the County Law, there is hereby established a department to be known as the Delaware County Office of the Public Defender.

BE IT FURTHER RESOLVED that the head and chief executive officer of such department shall be known as the Public Defender. The term of office of the Public Defender shall be set at the time of appointment.

BE IT FURTHER RESOLVED that the Public Defender shall, under the direction and authorization of the Board of Supervisors, function as the personal, confidential representative of the Board of Supervisors in a wide variety of matters involving Indigent Legal Defense in Delaware County and shall perform such other duties as may from time to time be assigned by the Board of Supervisors and the Board Committee having oversight responsibility for the Public Defender, currently the Legislative Committee.

BE IT FURTHER RESOLVED that the Public Defender may within the budgetary limitations provided therefore and pursuant to applicable laws, appoint and remove such deputies and other personnel necessary and proper to carry out the activities of the Department; and

BE IT FURTHER RESOLVED that authorization is hereby given for the creation of four (4) support positions in the Office of the Public Defender. The titles and rate of pay for said positions to be determined by the Personnel Office.

BE IT FURTHER RESOLVED that the Delaware County Personnel Office is hereby requested to apply to the New York State Civil Service Commission to have the position of Public Defender, and such support position(s) deemed appropriate, approved in other than the competitive class.

The resolution was seconded by Mr. Valente.

County Attorney Amy Merklen stated that establishment of the Public Defender's Office comes about due to changes at the state requiring counsel at first appearance and there are requirements now for Raise the Age. The County is looking to offer better services for indigents who require assigned legal counsel or require counsel when they cannot afford it.

The establishment of a Public Defender's Office will cover both criminal court and family court defense and hopefully will improve the quality of defense that is given to indigents within the county. There was also an increase of the poverty level of which people qualify for indigent services which will increase the number of people who will be eligible for services. A Public Defender's Office will go a long way to meet all these requirements.

In answer to Mr. Marshfield, Mrs. Merklen stated that the County has received two streams of funding. One source is through the Hurrell-Harring case which was a landmark decision in the state that requires counsel at first appearance along with other quality controls of indigent services. The County is required to meet these state standards and provide these services. The County also receives distributions from the state that go towards indigent legal services which will also be used to fund the Office of the Public Defender.

Chairman Molé indicated that Mrs. Merklen, Mrs. Schafer, Mr. Merrill, members of the Legislative Committee as well as herself have been working closely with the state on the establishment of the Public Defender's Office. The Office will be at 97 Main Street on the second floor. The state has already approved much of the requested funding for the new office.

Mr. Taggart stated that the County already pays out close to a million dollars a year on indigent legal aid and the new office will also cover these expenses in the future. Chairman Molé specified that the million dollars was before the increase in the poverty level.

In response to Mr. Pigford, Mrs. Merklen stated that ideally the budget will come in under what is currently spent. That's yet to be seen as planning is still in the preliminary stages.

In answer to Mr. Cetta on the number of staff for the new office, Mrs. Merklen responded that the potential public defender may have a different idea than what is proposed. A comparison of the County Attorney's Office and the District Attorney's Office would indicate approximately four attorneys with support staff of approximately four. Once a public defender is hired, that person will put together a staff to suit their needs in order to provide this defense.

Mr. Valente opined that the majority of Delaware County residents qualify for these services. He went on to say that the County has been looking at establishing a Public Defender's Office for years. Now the County has additional funding for this office with one source being for five years and renewable. Another source is eight years' worth of funding the County has banked.

In response to Mr. Cetta about a specific timeline, Mrs. Merklen stated that this resolution will allow for the County to go forward with advertising to hire a public defender and someone to help them put the office together. Ideally, by the end of the year, an office will be substantially established but not to say that the office would be taking cases by the end of the year. Some counties take cases incrementally by taking on one town at a time to see what the needs are and then go from there to see how best to proceed. Here the process will be moved along but most important, has to be set up properly.

In answer to Chairman Molé, District Attorney John Hubbard commented that this office is a good idea. Going forward, professionalization of a Public Defender's Office will provide for savings and efficiencies when there is staff dedicated to deal with indigent legal services.

In reply to Mr. Gladstone, Mrs. Merklen confirmed that additional costs for extra employees is included in the setup of the new office.

Chairman Molé stated that timing is very good right now. The County has put the office off for a few years but currently with the new mandates, the state is providing funding.

Mr. Valente stated that the state is being very helpful in giving specific recommendations in the process.

The resolution was unanimously adopted.

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

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

RESOLUTION NO. 44

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,554,743.79 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 | \$1,222,247.49 |
| OET | \$5,706.63 |
| Public Safety Comm System | \$66,978.55 |
| CAP MHC | \$10,000.00 |

Highway Audits, as Follows:

| | |
|-----------------------|--------------|
| Weights and Measures | \$0.00 |
| Landfill | \$47,714.57 |
| Road | \$138,220.53 |
| Machinery | \$63,876.02 |
| Capital Road & Bridge | \$0.00 |
| Capital Solid Waste | \$0.00 |

The resolution was seconded by Mr. Gladstone and Mr. Taggart and adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Spaccaforo).

Chairman Molé announced a Finance Committee meeting will be held directly following the Board meeting.

Upon a motion, the meeting was adjourned at 1:21 p.m.