

## **REGULAR MEETING**

### **DELAWARE COUNTY BOARD OF SUPERVISORS**

**JUNE 26, 2019**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, June 26, 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. Spaccaforno.

Mr. Marshfield offered the invocation.

Mr. Hynes 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.

Chairman Molé granted privilege of the floor to Mr. Taggart who introduced the 2019 Delaware County Dairy Princess Theresa Cerosaletti. Ms. Cerosaletti is the 17-year old daughter of Paul and Amy Cerosaletti of Davenport Center and her family has roots in the dairy industry here in Delaware County.

Miss Cerosaletti thanked the Board of Supervisors for the opportunity to speak about the dairy industry. In the short time of being Dairy Princess she has already done several school programs teaching young children about the dairy industry where she explains that dairy farmers take good care of their cows and take care of the environment. She has attended Dairy Day at the State Capitol as well as local events such as the Meredith Dairy Fest and the Harpersfield Grange.

We have long known and promoted that milks grows healthy bodies by providing nine essential nutrients including calcium for healthy bones and teeth and protein that builds strong muscles. While this is true, there are more newly discovered health benefits of dairy—specifically dairy with higher milk fat content. Studies have found that higher consumption of dairy, especially higher fat dairy, is associated with reduced risk of cardiovascular disease and can be beneficial in preventing obesity and type 2 diabetes and is also beneficial for the growing brains of children.

Producing this nutritious and high quality milk starts with comfortable, healthy, and happy cows. Dairy farms everywhere continually adopt practices that keep their cows comfortable and healthy. Farmers use tunnel ventilation, sand-bedded stalls, and specialized calf housing in which calves can be kept clean and dry and provided plenty of fresh air. In addition, farmers and their cattle nutrition advisors develop precisely balanced rations for cows to keep

them healthy and productive. Farmers are also involved in proactive disease prevention by regularly vaccinating their animals, working with veterinarians, following herd health protocols, and participating in animal health and wellness programs like the New York State Cattle Health Assurance Program.

Our dairy farmers are working proactively to produce not only healthy milk but also clean water and healthy environments. Delaware County is a leader in New York State in the development and adoption of innovative environmental management programs such as the Watershed Agricultural Council in the New York City Watershed and the New York State Agricultural Environmental Management Program in the Susquehanna and Delaware River Watersheds. Our dairy farmers recognize the importance of participating in these programs as evidenced in an over 90% participation level. Farmers are adopting practices such as reduced- and no-till planting and cover crops which build healthy and productive soils that are more resilient in extreme weather conditions, reduce runoff or flooding, and sequester more carbon.

Dairy farms are the backbone of the agricultural economy in Delaware County. Our dairy farms, as a natural resource-based industry, creates economic activity by taking natural resources such as sunlight, soil and water and turning them into milk which helps sustain local communities by bringing dollars from outside Delaware County into our communities. This economic impact is huge. Milk sales bring twenty-five million dollars into Delaware County each year and is the county's largest agricultural industry. To put this in perspective, the next largest agricultural industry in Delaware County is cattle that is sold for beef which generates six million dollars each year and a significant portion of that money comes from cull dairy cattle which are sold for beef.

Miss Cerosaletti thanked the Board of Supervisors for the opportunity to speak and she invited all in attendance to enjoy milk punch and cheese and crackers in the lobby at the conclusion of the meeting.

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

**RESOLUTION NO. 83**

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

**WHEREAS**, Public Health Services has been awarded opioid grant funding which includes the purchase of laptops for Delaware County medical examiners; and

**WHEREAS**, the laptops purchased were more expensive than originally quoted; and

**WHEREAS**, a transfer of funds is necessary to complete this purchase.

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

**INCREASE APPROPRIATIONS:**

10-14012-52200001/4012017/906	Equipment-Grants	\$524.80
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**DECREASE APPROPRIATIONS:**

10-14012-54327000/4012017/906	General Grant Related Exp	\$524.80
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The resolution was seconded by Mr. Triolo 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. 84**

**TITLE: APPROPRIATION OF SURPLUS  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, there have been unanticipated expenses added to the contractual line of the Road Fund after the budget was approved; and

**WHEREAS**, the estimated cost of the work that must be done in the road maintenance line exceeds the budgeted amount by \$425,150.00; and

**WHEREAS**, the work needs to be done to maintain the integrity of our roads;

**NOW, THEREFORE, BE IT RESOLVED** that the 2019 County Budget be amended as follows:

**DECREASE FUND BALANCE:**

24-00000-34915000	Assigned Unappropriated Fund Balance	\$425,150.00
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**INCREASE APPROPRIATION:**

24-15110-54000000	Contractual Expenses	\$425,150.00
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The resolution was seconded by Mr. Vernold.

Supervisor Haynes stated this resolution is needed as County Route 44 and County Route 2 true and level repairs were more extensive than anticipated.

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

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

**RESOLUTION NO. 85**

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

**LETTING OF JUNE 6, 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. 29-19      Oxbow Salt Storage Building New Lean-To and New Metal Roof  
and Delhi salt Storage Building New Metal Roof to: Park Lane  
Construction & Development Corp., 10269 Old Route 31 West,  
Clyde, NY 14433

Bid Price:                      \*\$179,150.00

\*An estimated amount of materials was used for the basis of the award. The actual amount paid will be based on the final agreed upon quantities.

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 response to Mr. Marshfield, DPW Commissioner Susan McIntyre stated that Alpine Metal Roofing of Sidney did not submit a bid. Mr. Marshfield commented that his town is bidding out a metal roof for their town hall and Alpine makes sheets in any length.

In answer to Mr. Taggart, Ms. McIntyre confirmed that only one bid was received on this proposal.

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. 86**

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

**LETTING OF JUNE 4, 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. SW1-19 Purchase of Tandem Axle Roll-Off Truck to: Tracey Road  
Equipment, 6803 Manlius Center Rd, East Syracuse, NY 13057

Purchase Price: \$156,232.00 each (\$312,464.00)

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. Vernold and Mr. Davis and adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Spaccaferno).

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

#### **RESOLUTION NO. 87**

#### **TITLE: AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE**

**WHEREAS**, a Project for the replacement of BIN 3352240, Arbor Hill Road over Little Delaware River, P.I.N. 9754.97 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

**WHEREAS**, the County of Delaware desires to advance the Project by making a commitment of 100% of the Federal and non-Federal share of the costs of the Right-of-Way Incidentals work.

**NOW, THEREFORE**, the Delaware County Board of Supervisors, duly convened does hereby

**RESOLVE**, that the Delaware County Board of Supervisors hereby approves the above-subject project; and it is further

**RESOLVED** that the Delaware County Board of Supervisors hereby authorizes the County of Delaware to pay in the first instance 100% of the Federal and non-Federal share of the cost of the Right-of-Way Incidentals work for the Project or portions thereof; and it is further

**RESOLVED** that the sum of \$10,000 is hereby appropriated from 34-15112-54000000 and made available to cover the cost of participation in the above phase of the Project; and it is further

**RESOLVED**, that in the event the full Federal and non-Federal share costs of the Project exceeds the amount appropriated above, the Delaware County Board of Supervisors shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

**RESOLVED**, that the Chairman of the Board of the Delaware County Board of Supervisors be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Delaware with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

**RESOLVED**, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

**RESOLVED**, this resolution shall take effect immediately.

The resolution was seconded by Mr. Tuthill.

In response to Mr. Marshfield, DPW Commissioner Susan McIntyre confirmed that this project is by the golf course in Delhi.

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

Mr. Ellis introduced Local Law No. 22 of 2019 which was seconded by Mr. Merrill.

**INTRO. LOCAL LAW NO. 22 OF 2019**  
**TITLE: A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF 1991 OF THE**  
**DELAWARE COUNTY SELF INSURANCE PLAN**

BE IT ENACTED by the Board of Supervisors of the County of Delaware that Local Law No. 2 of 1991, which amended Local Law No. 1 of 1956, be amended as follows:

1. The Plan of self-insurance provided for in Article 5 of the Workers' Compensation Law is hereby established and shall be known by the name of "Delaware County Self-Insurance Plan."
2. The Plan of mutual self-insurance heretofore adopted pursuant to former Subdivision 3-a of Section 50 of the Workers' Compensation Law is hereby continued.
3. The Plan of self-insurance hereby established shall be under the supervision of a committee of at least three [3] members of the Delaware County Board of Supervisors, who shall be appointed annually by the Chairman at the organizational meeting of the Board of Supervisors.
4. The Committee in charge of said Plan shall appoint an administrator of said Plan. Such administrator may hold another position in the county government and perform the duties of administrator in addition to such other position.
5. The County of Delaware shall be a participant in the Plan, the Delaware County Soil Conservation District, the towns, villages, and fire districts may elect to become participants of said Plan. Any municipality or district electing to become a participant shall file a certified copy of a resolution or ordinance of its governing body electing to become a participant on or before the 15th day of August in any year, with membership to be effective on the 1st day of January following such election. Any participant may withdraw from said Plan by filing a certified copy of a resolution or ordinance of its governing body electing to withdraw upon the condition that it agrees to pay its proportionate share of the estimated liabilities of said Plan at the time of withdrawal, payment of such liability may be either in a lump sum or as they accrue.
6. The annual estimate of expense shall be apportioned among the participants in the proportion that the full valuation of each participant bears to the aggregate full valuation of all the participants.
7. All participants in the Plan shall cooperate fully with the committee in the administration of the Plan, shall render reports as may be requested and/or required by law or regulation, and shall promptly furnish all pertinent information relative to any claim, and aid in the investigation of any claim. If the requested paperwork is not filed timely and the New York State Workers' Compensation Board penalizes the Plan, it is the responsibility of the participant to reimburse said Plan within thirty (30) days from the date of notification by the Plan. If payment is not received within thirty (30) days, the participant may be discharged from said Plan by the Administrator.
8. The amount due from each participating village as its share of the annual estimate of the Plan shall be paid to the County Treasurer within thirty days after the commencement of such participant's fiscal year. The amount due from each town and fire district in the Plan shall be included in the next succeeding tax levy against property taxable by the participant responsible therefor.
9. The violation of any of the provisions of the foregoing sections by any participant shall be grounds for the expulsion of such participant from the Plan, at the discretion of the Administrator.

10. A self-insurance reserve, with a minimum sum of \$500,000, is hereby established for the Plan. Any balance remaining at the close of the fiscal year may be transferred to the reserve hereby created. The specific amount of said reserve shall, from time to time, be determined by the Administrator and the Committee.
11. The Committee, subject to the approval of the Board of Supervisors, may purchase employers' liability and/or excess or catastrophe insurance, the cost thereof to be paid from the funds of the Plan.
12. The County Treasurer shall pay to the claimants Workers' Compensation benefits as provided in Section 25 and medical expenses as provided in Section 13 of the Workers' Compensation Law upon submission by the Administrator. Insofar as benefits may be payable for volunteer firemen, references to Workers' Compensation Law shall be deemed to mean the similar sections of the Volunteer Firemen's Benefit Law. Other payments of the Plan shall be made by the County Treasurer upon vouchers duly audited by the Committee appointed to supervise the Plan.
13. The Committee of the Board of Supervisors appointed to supervise the Plan shall have general supervision of the Plan; shall appoint the administrator and other employees of the Plan; within the limits of the appropriation therefor shall audit all bills or claims against the Plan before payment: [except such sums as may be payable under Workers' Compensation Law, Section 25 and Section 13 and awards of the Workers' Compensation Board's shall have the power to make the necessary rules and regulations to provide for the administration of the Plan; shall have the authority to do any matter in the settlement of any case. The administrator and other employees of the Plan shall receive such salary or other remuneration, payable from the moneys of the Plan, as shall be fixed by the Board of Supervisors.
14. The administrator, including without limitation the administrator's designee or third-party administrator, shall perform such duties as may be necessary to operate the Plan in accordance with the Workers' Compensation Law; shall have the power to authorize necessary medical care which appears from medical reports and information to be justifiable; shall have the authority to purchase supplies, stationery, forms, books, equipment as may be necessary for the operation of said Plan within the limits of the appropriation and subject to the rules of the Board of Supervisors.
15. This Local Law shall take effect immediately.

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

**RESOLUTION NO. 88**

**TITLE: RESOLUTION CALLING FOR A PUBLIC HEARING ON  
PROPOSED LOCAL LAW INTRO. NO. 22 OF 2019**



**WHEREAS**, a proposed Local Law amending Local Law No. 2 of 1991 of the Delaware County Self Insurance Plan has been offered for adoption by the Board of Supervisors.

**NOW, THEREFORE, BE IT RESOLVED** that a public hearing be held on the 24<sup>th</sup> day of July 2019 at 12:45 p.m. in the Supervisors' Room of the County Office Building, 111 Main Street, Delhi, New York.

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

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

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

### **RESOLUTION NO. 89**

#### **TITLE: NOTICE OF LEAD AGENCY FOR SEQR REVIEW PRIOR TO PURCHASE DEPARTMENT OF PUBLIC WORKS – SOLID WASTE DIVISION**

**WHEREAS**, the property at 64 Neale Road has gone back to the bank after foreclosure proceedings; and

**WHEREAS**, the Neale Road property containing 2.2 acres identified as Town of Walton Tax Map #275.-2-25 is contiguous to the Solid Waste Management Center; and

**WHEREAS**, pursuant to Resolution No. 221 of 2017 the Delaware County Board of Supervisors adopted *Final Delaware County Solid Waste Management Plan 2018-2027 and Long-Term Expansion of the Solid Waste Management Center* calls for the continuation of the Solid Waste Management Center at its current location; and

**WHEREAS**, the Public Works Committee believes that the purchase of this property is consistent with the long term solid waste service goals for the County and is in the best interest of the Department; and

**WHEREAS**, based on a review of NYCRR Section 617.4, it has been determined this action is considered an unlisted action for the purposes of the State Environmental Quality Review (SEQR); and

**WHEREAS**, Delaware County was the designated lead agent for SEQR review for the development and adoption of the Local Solid Waste Management Plan (2018 to 2027);

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Board of Supervisors declares themselves lead agency for the purchase of property at 64 Neale Rd.

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

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

**RESOLUTION NO. 90**

**TITLE: AUTHORIZATION TO ENTER INTO AN AGREEMENT  
PURCHASE PROPERTY  
DEPARTMENT OF PUBLIC WORKS – SOLID WASTE DIVISION**

**WHEREAS**, the property at 64 Neale Road has gone back to the bank after foreclosure proceedings; and

**WHEREAS**, the Neale Road property containing 2.2 acres identified as Town of Walton Tax Map #275.-2-25 is directly adjacent to the Solid Waste Management Center; and

**WHEREAS**, the Public Works Committee believes that the purchase of this property is in the best interest of the Department; and

**WHEREAS**, an environmental review shall be performed before assuming ownership of the property;

**NOW, THEREFORE, BE IT RESOLVED** that the Chairman of the Board is hereby authorized to enter into an agreement with Fannie Mae to purchase the property at a price not to exceed \$48,000.00, contingent upon clear title and completion of SEQR review.

The resolution was seconded by Mr. Davis and adopted by the following vote: Ayes 4109, Noes 558 (Cetta), Absent 132 (Spaccaforo).

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

**RESOLUTION NO. 91**

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

**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, 2019 and closing April 30, 2019 during 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; 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 Districts Nos. 6 & 12.

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Board of Supervisors does hereby schedule a Public Hearing for Wednesday, July 24, 2019 at 12:50 p.m. in the Board of Supervisors Room of the County Office Building, 111 Main Street, Delhi, NY.

**Town of Sidney: Agricultural District No. 12**

Tax Map ID# 116.-1-34.2 (3.6 ac.) County Route 23. Hops production/processing.

**Town of Hancock: Agricultural District No. 6**

Tax Map ID# 458.-1-11.1 (145.21 ac.), 458.-1-11.2 (2 ac.) & 458.-1-11.3 (2 ac.) Hoolihan Brook. Hay.

**Town of Colchester: Agricultural District No. 6**

Tax Map ID# 298.-3-4.11 (56.58 ac.) County Route 26. Hay, Berries.

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

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

**RESOLUTION NO. 92**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,022,938.70 were hereby presented to the Finance Committee for approval for payment on June 26, 2019 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	\$959,053.57
OET	\$15,019.10
Public Safety Comm System	\$0.00
Highway Audits, as Follows:	
Weights & Measures	\$0.00
Road	\$379.29
Machinery	\$35,898.22
Capital Road & Bridge	\$0.00
Capital Solid Waste	\$0.00
Solid Waste/Landfill	\$12,588.52

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,433,770.77 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	\$525,279.81
OET	\$19,907.37
Public Safety Comm System	\$148,322.10
CAP 97 Main Street	\$0.00
CAP MHC	\$806.65
Highway Audits, as Follows:	
Weights and Measures	\$82.52
Road	\$154,395.52
Machinery	\$210,200.55
Capital Road & Bridge	\$194,068.26
Capital Solid Waste	\$2,081.49
Solid Waste/Landfill	\$178,626.50

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

Chairman Molé called for a short recess so Supervisors could enjoy the reception and refreshments that Dairy Princess Theresa Cerosaletti offered to the Board.

The meeting reconvened in regular session with all Supervisors present except Mr. Spaccaforo.

Supervisor Ellis requested a confidential meeting regarding a personnel matter which was seconded by Supervisor Merrill. A private and confidential meeting was conducted with the County's attorneys in accordance with the Open Meetings Law section 108(3).

The meeting reconvened in regular session with all Supervisors present.

Upon a motion, the meeting was adjourned at 3:20 p.m.