

**REGULAR MEETING**

**DELAWARE COUNTY BOARD OF SUPERVISORS**

**NOVEMBER 26, 2019**

The regular meeting of the Delaware County Board of Supervisors was held Tuesday, November 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. Tuthill 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 Andes Supervisor Wayland (Bud) Gladstone.

Mr. Gladstone expressed his wholehearted gratitude to all who offered help with the fire in the town's highway department garage. A highway truck caught on fire and was a total loss, however, the highway garage was saved. He thanked Stamford Supervisor Mike Triolo for sending a truck for them to use and he thanked other towns who offered assistance.

Mr. Gladstone emphasized the value of relationships among Towns Board members as well as among highway departments—not just helping through shared services and business as usual, but especially in situations like this.

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

**RESOLUTION NO. 166**

**TITLE: APPROPRIATION OF SURPLUS  
SOLID WASTE OPERATIONS FUND**

**WHEREAS**, the 2019 Solid Waste Budget is insufficient as budgeted due to unforeseen expenses; and

**WHEREAS**, a transfer from the Solid Waste Fund Balance is necessary.

**NOW, THEREFORE, BE IT RESOLVED** that the following budget modification be made to the 2019 budget:

**DECREASE FUND BALANCE:**

22-00000-34915000	Assigned Unappropriated Fund Balance	\$107,500.00
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**INCREASE APPROPRIATION:**

22-18160-54200010	Contracted Services MRF	\$44,000.00
22-18160-54238010	Disposal of C&D	\$46,000.00
22-18160-54238080	Disposal of Tires	\$17,500.00

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

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

**RESOLUTION NO. 167**

**TITLE: DIRECT TOWN TAX**

**BE IT RESOLVED** that pursuant to §233a of the County Law, the nineteen towns of the County be and hereby are charged \$140,572.49 for the assessment rolls, field books, tax bills, etc.; and

**BE IT FURTHER RESOLVED** that the Clerk of the Board of Supervisors be authorized and directed to apportion said sum against the taxable property of the nineteen towns of the County of Delaware and that said sum be incorporated into the County Treasurer's Preliminary Report of charges and credits to the said towns in accordance with the apportionment.

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

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

**RESOLUTION NO. 168**

**TITLE: APPORTIONMENT OF COUNTY SELF INSURANCE BUDGET**

**RESOLVED** that the budget for the County Self Insurance Fund for Workers' Compensation and Volunteer Firemen's Benefits in the total amount of \$1,850,000, as set forth below be accepted as part of the records of this Board.

<u>Participant</u>	<u>Full Value Assessment</u>	<u>Apportioned Amount to Raise</u>
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County of Delaware	5,841,264,649	\$867,465.00
<u>Towns</u>		
Andes	445,046,823	\$66,092.29
Bovina	156,920,609	\$23,303.71
Colchester	841,247,324	\$124,930.58
Davenport	201,628,644	\$29,943.14
Delhi	313,634,361	\$46,576.70
Deposit	336,087,098	\$49,911.07
Franklin	217,867,199	\$32,354.67
Hamden	175,408,907	\$26,049.34
Hancock	448,253,619	\$66,568.52
Harpersfield	150,462,388	\$22,344.62
Kortright	160,942,026	\$23,900.92
Masonville	103,244,949	\$15,332.53
Meredith	142,147,178	\$21,109.76
Middletown	704,074,766	\$104,559.58
Roxbury	439,354,548	\$65,246.95
Sidney	274,324,178	\$40,738.89
Stamford	175,036,640	\$25,994.06
Tompkins	188,059,466	\$27,928.03
Walton	367,523,926	\$54,579.64
<u>Villages</u>		
Delhi	94,140,954	\$13,980.53
Deposit	45,513,854	\$6,759.10
Franklin	19,024,129	\$2,825.20
Hancock	76,034,312	\$11,291.58
	32,581,573	\$4,838.57

Stamford (Harpersfield)		
Stamford (Stamford)	33,497,451	\$4,974.58
Fleischmanns	38,326,920	\$5,691.79
Sidney	152,913,369	\$22,708.61
Hobart	43,748,371	\$6,496.91
Walton	131,960,217	\$19,596.93
 <u>Fire Districts</u>		
Arena, Hardenburgh	17,782,376	\$2,640.80
Midd.-Hard., Hardenburgh	50,335,884	\$7,475.20
Deposit	38,989,861	\$5,790.20
TOTAL	12,457,378,569	\$1,850,000.00

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

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

**RESOLUTION NO. 169**

**TITLE: APPORTIONMENT OF MORTGAGE TAX**

**WHEREAS**, §261 of the Tax Law makes it mandatory to apportion the mortgage tax semi-annually and a report has been received from the recording officer and the County Treasurer for the period ending September 30, 2019.

**NOW, THEREFORE, BE IT RESOLVED** that the County Treasurer be directed to pay to the several towns and villages of Delaware County the amounts stated below; the same having been apportioned according to the aforementioned §261; and

**BE IT FURTHER RESOLVED** that the foregoing statement shall be to the County Treasurer a sufficient warrant for the payment of said monies.

Town	Amount Allocated to Tax District	Amount Apportioned to Town	Amount Apportioned to Village
Andes	\$18,218.20	\$18,218.20	
Bovina	\$9,634.81	\$9,634.81	
Colchester	\$30,168.50	\$30,168.50	
Davenport	\$16,618.58	\$16,618.58	
Delhi	\$22,110.18	\$18,791.87	\$3,318.31
Deposit	\$7,518.25	\$7,009.18	\$509.07
Franklin	\$12,402.54	\$11,861.05	\$541.49
Hamden	\$5,028.60	\$5,028.60	
Hancock	\$17,406.06	\$15,929.82	\$1,476.24
Harpersfield	\$6,596.32	\$5,882.13	\$714.19
Kortright	\$13,122.57	\$13,122.57	
Masonville	\$4,416.54	\$4,416.54	
Meredith	\$14,627.16	\$14,627.16	
Middletown	\$36,144.03	\$32,833.57 FL	\$983.77
		MV	\$2,326.69
Roxbury	\$22,902.91	\$22,902.91	
Sidney	\$29,394.00	\$21,201.62	\$8,192.38
Stamford	\$13,546.51	\$10,557.39 ST	\$1,296.22
		HO	\$1,692.90
Tompkins	\$4,300.58	\$4,300.58	
Walton	\$22,918.91	\$18,804.37	\$4,114.54
Totals ...	\$307,075.25	\$281,909.45	\$25,165.80

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

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

**RESOLUTION NO. 170**

**TITLE: LEVY OF TOWN ACCOUNTS**

**WHEREAS**, there has been presented to the Board of Supervisors the County Treasurer's 2019 Preliminary Report with the following amounts to be charged to the several towns:

<u>TOWNS</u>	<u>CHARGES</u>	<u>CREDIT</u>
Andes	\$1,973.81	
Bovina	\$3,975.93	
Colchester	\$8,970.44	
Davenport	\$6,691.89	
Delhi	\$8,730.92	
Deposit	\$3,437.30	
Franklin	\$6,873.11	
Hamden	\$2,582.25	
Hancock	\$2,149.29	
Harpersfield	\$4,755.86	
Kortright	\$6,486.65	
Masonville	\$3,659.93	
Meredith	\$5,434.15	
Middletown	\$11,422.21	
Roxbury	\$9,419.96	
Sidney	\$13,830.47	
Stamford	\$3,179.52	
Tompkins		\$5,253.81
Walton	\$3,654.53	

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

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

**RESOLUTION NO. 171**

**TITLE: YEAR-END ACCOUNTING MODIFICATIONS TO THE 2019 BUDGET  
DEPARTMENT OF FISCAL AFFAIRS**

**WHEREAS**, there are many bookkeeping entries that are needed to close out the books for 2019; and

**WHEREAS**, there will be no increase in the actual spending, just a balancing of accounts between personal services, equipment, contractual, employee benefits and undistributed employee benefits; and

**WHEREAS**, an accounting of all transactions will be presented to the Board of Supervisors upon completion of the annual report.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors authorizes the Department of Fiscal Affairs to make the necessary adjustments to the 2019 Budget and to file a written report to the Finance Committee before the books for 2019 are actually closed.

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

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

**RESOLUTION NO. 172**

**TITLE: RESOLUTION URGING NEW YORK STATE TO DELAY  
IMPLEMENTATION AND TO FULLY FUND ALL COSTS RELATED TO BAIL  
REFORM AND DISCOVERY REFORM**

**WHEREAS**, County Sheriff's Office's, County District Attorney's Offices, and County Probation Departments are an integral part of the Criminal Justice System and operate within the legal framework of the Criminal Procedure Law, the Penal Law and the Family Court Act; and

**WHEREAS**, protecting the people from harm by enforcing the rule of law is the foundational role of government; and

**WHEREAS**, County governments are vested by the State of New York with the responsibility to protect the most vulnerable among us, including the socioeconomically disadvantaged, the disabled, the elderly, and children; and

**WHEREAS**, in the final stages of adopting its FY 2020 budget, the State of New York enacted sweeping criminal justice reforms including the elimination of cash bail for many specific enumerated crimes and the imposition of stringent discovery mandates on police and prosecutors; and

**WHEREAS**, under bail reform, beginning January 1, 2020, judges will be stripped of their discretion to set bail for many specific enumerated crimes, which means those suspected of committing these crimes can no longer be held in jail after their arrest, regardless of the strength of the case against these defendants, or the length of the potential sentence faced by these defendants, or the extent of the harm allegedly caused by these defendants, and instead these defendants will be released back into the general public; and

**WHEREAS**, these crimes include those that result in the deaths of innocent people, including several subcategories of homicide and manslaughter, resulting in those responsible for these deaths being released back into the community of grieving families; and

**WHEREAS**, these crimes include Making a Terroristic Threat and Money Laundering in Support of Terrorism in the Third and Fourth degree, resulting in those alleged to have supported terrorism in this manner, or who have threatened to commit acts of terrorism, being released immediately from police custody; and

**WHEREAS**, these crimes include Promoting an Obscene Sexual Performance by a Child; Possessing an Obscene Sexual Performance by a Child; Failure to Register as a Sex Offender; and Patronizing a Person for Prostitution in a School Zone, resulting in suspected child predators being released and returning into our community; and

**WHEREAS**, these crimes include Aggravated Assault Upon a Person Less than Eleven Years Old; Reckless Assault of a Child by a Daycare Provider; Criminal Sale of a Controlled Substance to a Child; Abandonment of a Child; and Criminal Possession of a Weapon on School Grounds, resulting in those suspected to have physically harmed or endangered children in this manner being free from custody; and

**WHEREAS**, these crimes include Female Genital Mutilation; Stalking in the Second Degree; and Aggravated Harassment, resulting in those suspected of violating victims in this manner being returned to the community of those victims; and

**WHEREAS**, these crimes include Endangering the Welfare of a Vulnerable Elderly Person or an Incompetent or Physically Disabled Person, resulting in the potential for further endangerment of seniors and these defenseless individuals; and

**WHEREAS**, these crimes include Aggravated Cruelty to Animals; Torturing Animals and Injuring Animals, resulting in the immediate release of those suspected of deliberately injuring, torturing and killing animals; and

**WHEREAS**, these crimes include Assault in the Third Degree, Aggravated Vehicular Assault, and other crimes of physical violence against people; and



**WHEREAS**, these crimes include Burglary of a Residence, resulting in the immediate release of these individuals back into the neighborhoods they are suspected of targeting; and

**WHEREAS**, these crimes include Bail Jumping and Unlawfully Fleeing a Police Officer in a Motor Vehicle, resulting in release on recognizance of the very individuals who have demonstrated a willingness to evade the law; and

**WHEREAS**, all of the offenders mentioned heretofore are at risk of not showing up for court, thereby placing a burden on public employees who, under this law, are required to send multiple court appearance reminders to these offenders, as well as police officers and District Attorneys who must commit resources to tracking and pursuing those who evade prosecution; and

**WHEREAS**, under bail reform the Delaware County Probation Department shall be required to develop and operate a Pretrial Services program with the entirety of the funding for that program being under the burden of the local taxpayers; and

**WHEREAS**, the discovery mandates imposed by the State of New York will require police and District Attorneys, beginning January 1, 2020, to turn over voluminous trial-related materials to defense attorneys within 15 days, creating a mandate that will inevitably not be achieved in some cases and may result in the inability of the People to properly prosecute cases against criminal defendants; and

**WHEREAS**, discovery reform will also result in an opportunity for defendants to gain access to crime scenes that may include a victim's residence, thereby giving defendants accused of burglaries, assaults, rapes and other crimes committed in victims' homes the right to return to those same homes; and

**WHEREAS**, the issues mentioned heretofore will undeniably impact past, present and future victims of crime in a negative manner, and in so doing, the bail and discovery reforms adopted by the State of New York will themselves further victimize these innocent individuals; and

**WHEREAS**, these bail and discovery laws, in their current form, represent a clear and present danger to society, will tilt the scales of justice in favor of suspected criminals and away from innocent crime victims, and risk reversing decades of bipartisan progress made by the State of New York in reducing crime; and

**WHEREAS**, the fundamental responsibility of governments to protect the vulnerable in society demands that the shortcomings of these laws be remedied prior to their effective date of January 1, 2020.

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Board of Supervisors hereby implores the State of New York to immediately amend or otherwise delay implementation of these laws by convening an emergency session of the State Legislature, or by

emergency executive authority, or by any other means deemed possible by the State, and to do so before December 31, 2019, and be it further

**RESOLVED** that the State of New York provide complete funding to Delaware County for all costs associated with bail reform and discovery reform.

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

Chairman Molé thanked Sheriff Craig DuMond, the Undersheriff, the DA, and all the police agencies that were part of the press conference which was held last week.

The resolution was unanimously adopted.

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

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

**RESOLUTION NO. 173**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$1,798,159.84 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	\$724,817.14
OET	\$37,685.59
Public Safety Comm System	\$733,407.23
CAP 97 Main Street	\$35.24
CAP MH	\$0.00
Highway Audits, as Follows:	
Weights and Measures	\$158.18
Landfill	\$102,085.94
Road	\$137,685.42
Machinery	\$40,870.53
Capital Road & Bridge	\$14,069.57
Capital Solid Waste	\$7,345.00

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

Mr. Ellis recalled Local Law Intro. No. 23 to set the salary of Cindy Heaney, Director Community Mental Health Services at \$98,621. The local law was seconded by Mr. Davis and adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Spaccaforo).

Mr. Ellis recalled Local Law Intro. No. 24 to set the salary of Glenn Nealis, Director Economic Development at \$84,183. The local law was seconded by Mr. Merrill and adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Spaccaforo).

Mr. Ellis recalled Local Law Intro. No. 25 to set the salary of Judith Garrison, Election Commissioner at \$24,278. The local law was seconded by Mr. Davis and adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Spaccaforo).

Mr. Ellis recalled Local Law Intro. No. 26 to set the salary of Stephen Hood, Director of Emergency Services at \$63,591. The local law was seconded by Mr. Axtell and adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Spaccaforo).

Mr. Ellis recalled Local Law Intro. No. 27 to set the salary of Joseph deMauro, Director of Information Technology at \$84,944. The local law was seconded by Mr. Eisel and Mr. Haynes and adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Spaccaforo).

Mr. Ellis recalled Local Law Intro. No. 28 to set the salary of Terri Whitney, Director Office for the Aging at \$69,725. The local law was seconded by Mr. Triolo and adopted by the following vote: Ayes 4535, Noes 132 (Marshfield), Absent 132 (Spaccaforo).

Mr. Ellis recalled Local Law Intro. No. 29 to set the salary of Linda Pinner, Personnel Officer at \$72,272. The local law was seconded by Mr. Davis and adopted by the following vote: Ayes 4535, Noes 132 (Marshfield), Absent 132 (Spaccaforo).

Mr. Ellis recalled Local Law Intro. No. 30 to set the salary of Shelly Johnson-Bennett, County Planning Director at \$81,631. The local law was seconded by Mr. Davis and adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Spaccaforo).

Mr. Ellis recalled Local Law Intro. No. 31 to set the salary of Joseph Ermeti, Public Defender at \$106,000. The local law was seconded by Mr. Eisel and adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Spaccaforo).

Mr. Ellis recalled Local Law Intro. No. 32 to set the salary of Amanda Walsh, Public Health Director at \$91,987. The local law was seconded by Mr. Davis and adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Spaccaforo).

Mr. Ellis recalled Local Law Intro. No. 33 to set the salary of Susan McIntyre, Commissioner of Public Works at \$94,683. The local law was seconded by Mr. Haynes and Mr. Davis and adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Spaccaforo).

Mr. Ellis recalled Local Law Intro. No. 34 to set the salary of Charles Piper, Director Veterans Service Agency at \$50,178. The local law was seconded by Mr. Marshfield and Mr. Davis and adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Spaccaforo).

Mr. Ellis recalled Local Law Intro. No. 35 to set the salary of Debra Goodrich, County Clerk at \$69,614. The local law was seconded by Mr. Eisel and Mr. Davis and adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Spaccaforo).

Mr. Ellis recalled Local Law Intro. No. 36 to set the salary of Sheriff Craig DuMond at \$87,807. The local law was seconded by Mr. Eisel and Mr. Davis and adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Spaccaforo).

Mr. Ellis recalled Local Law Intro. No. 37 to set the salary of Beverly Shields, County Treasurer at \$69,614. The local law was seconded by Mr. Vernold and Mr. Davis and adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Spaccaforo).

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

#### **RESOLUTION NO. 174**

##### **TITLE: ADOPTION OF 2020 DELAWARE COUNTY BUDGET**

**WHEREAS**, the Tentative Budget for the year 2020 has been presented to the Board by the Budget Officer and duly discussed and a public hearing having been held thereon as required by law.

**NOW, THEREFORE, BE IT RESOLVED** that pursuant to §360 of the County Law, the Tentative Budget, as amended, for 2020 be adopted.

The resolution was seconded by Mr. Gladstone.

Chairman Molé opined that this is a great budget and thanked Finance Committee Chairman Arthur Merrill.

Mr. Merrill stated the final tax levy increase is 1.7682% over last year. He thanked the Finance Committee for all their hard work on this budget.

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

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

**RESOLUTION NO. 175**

**TITLE: APPROPRIATION RESOLUTION**

**WHEREAS**, this Board by Resolution No. 174 dated November 26, 2019 adopted a budget for the fiscal year 2020;

**RESOLVED** that the several amounts specified in the column, "Adopted" be and hereby are appropriated for the objects and purposes specified effective January 1, 2020.

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

Mr. Merrill moved to meet in Executive Session.

**RESOLUTION NO. 176**

**TITLE: EXECUTIVE SESSION**

**BE IT RESOLVED** that the Delaware County Board of Supervisors convene in executive session to discuss the negotiation of a proposed acquisition of real property.

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

Chairman Molé announced a Legislative Committee meeting will be held immediately following the Board meeting.

Ms. Molé thanked everybody for attending and wished everyone a very nice Thanksgiving.

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

Upon a motion, the meeting was adjourned at 1:48 p.m.