

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

JANUARY 22, 2020

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, January 22, 2020 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.

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.

Chairman Molé introduced Max Cordella, District Director for New York State Senator Jen Metzger.

Mr. Cordella thanked Ms. Molé for the opportunity to address the Board. He has met several Supervisors already as the Senator represents six towns and two villages located within Delaware County. Mr. Cordella said they will have regular office hours the fourth Wednesday of every month from 10:00 a.m. to 1:00 p.m. in the Chairman's Suite at 111 Main Street, Delhi. They also have mobile office hours in Walton. He encourages constituents to stop by their offices to be heard. If there are issues or questions for the Senator, please let him know. Senator Metzger is always happy to have a direct conversation with Supervisors of the towns in the 42nd District.

Chairman Molé granted privilege of the floor to Mr. Haynes.

Mr. Haynes introduced Commissioner of Department of Public Works Susan McIntyre to give an overview of the proposal for the new Department of Public Works (DPW) complex.

Ms. McIntyre offered a synopsis of what DPW and the Public Works Committee have come up with in the hybrid proposal for the development of new infrastructure to service their maintenance shop and highway patrol shops. At this point, the Committee is proposing to utilize the property on Neale Road adjacent to the Solid Waste Management Center in Walton that was acquired earlier this year as a new home for their mechanic shop. For the record, that particular piece of property on Neale Road was not included as part of the local solid waste management plan long-term development option. The site is small, unfortunately smaller than they would like, however, it is sufficient to accommodate the mechanic shop but not sufficient to

accommodate some of the specialty shops. As a partner location for the highway patrol garage and specialty shops, specifically the sign shop and guide rail crew, a piece of property in the Town of Kortright behind the existing Town Hall in a previously reclaimed gravel bank which is approximately six acres in size to be the host site to serve Delaware North. For administrative offices, they are proposing new construction on the vacant lot on the corner of Main Street and Bridge Street formerly known as the Stoddart lot. The existing buildings that they are currently housed in, the old soap factory and adjoining annex buildings, will be demolished. The remainder of the infrastructure that is currently located on Page Avenue which includes the Wickham Building and current mechanic shops, the two existing highway bridge fabrication and bridge maintenance shops along with the salt shed will remain. DPW will invest in these buildings to improve energy efficiency, make sure the roofs are sound, and assure longevity of the buildings, but otherwise have no new construction associated with those facilities. The mechanic shop which is currently housed in the Wickham Building has a light side that handles cars and gasoline-powered vehicles and the building has a heavy side that accommodates diesel equipment. The diesel equipment (heavy side) is the piece that will get relocated from the property, the light side will remain in Delhi. The other half of the Wickham Building that is currently the home for the heavy side will accommodate a winter satellite station in order for highway patrols to continue to service County Route 14 in the winter time and it will be home for the entire year for the P1 and P2 patrols. When that portion of the Wickham Building is not being used for highway snowplow equipment, it will be available for the large equipment that is currently being handled by the light side. Buses that physically do not fit into the light side of the shop can still be serviced in Delhi.

The entire cost for this particular hybrid proposal, the Stoddart lot, Bloomville, and Neale Road, Walton has an estimated buildout cost of between \$20 and \$21 million which includes the cost of construction along with engineering, permitting, and a 20 percent contingency. This particular buildout proposal allows DPW to go in stages as needed.

In answer to Mr. Marshfield, Ms. McIntyre stated that with the Board's approval, engineering will start right away. It is estimated that engineering and permitting will take all of 2020. This includes all the geotechnical that needs to be done in advance in order to lock in square footages, orientations, and buildout costs.

In reply to Supervisor Eisel, Ms. McIntyre stated 8 mechanics who currently work on the heavy side in Delhi will be relocated to Neale Road in Walton. She said everybody who is currently positioned with the P1 and P2 patrols plus the specialty shops employees will be relocated to Bloomville. It will not be a divided patrol at least for the summer. In the winter because of the geography of County Routes 16, 14, and 2, it makes sense to have them share.

Mr. Davis added that will include 12 employees. Ms. McIntyre confirmed that in all approximately 20 employees will be relocated.

In reply to Mr. Cetta, Ms. McIntyre stated that her predecessor had been working on this project for a number of years. The original property was purchased in 2006 with the intention of having a new garage ultimately one in both locations. Since her appointment as Commissioner at this time last year, she spent the entirety of 2019 in search of reasonable alternate homes for

their DPW building ending in discussions with 8 individuals covering 12 properties. Geography matters so they were picky about who they spoke with. It did not make sense to talk to people who owned property that is not reasonable to build on. In addition to negotiations with property owners, it is very important to have property that is a reasonable size, out of the flood plain, to the best of their ability does not affect agriculture and was a willing buyer and willing seller at or near appraised value. Ms. McIntyre stated that in addition, they vetted the engineering specifics for what it would take to stay in the existing locations.

In answer to Supervisor Tuthill, Ms. McIntyre confirmed the demolition of the old buildings is included in the estimated cost of \$20 and \$21 million.

In reply to Mr. Tuthill, Ms. McIntyre confirmed that they do not propose to take any land that is on the tax rolls. She added that the Neale Road property is currently owned by the County and the parcel in Bloomville is already off the tax rolls.

Mr. Merrill said another important point for people to be aware of is the project has to develop in a number of phases. The money in the reserve is enough to begin the project and the debt for the public safety building will have been completed so there should not be a need to raise taxes.

In answer to Mr. Eisel regarding possible state or federal funding for these critical facilities, Ms. McIntyre said that that is to be determined.

Ms. McIntyre stated they anticipate bringing a resolution to vote upon at the February meeting.

Mr. Taggart thanked the DPW committee, Ms. McIntyre and employees for doing a thorough job. He opined that the Board has put them through a lot of anguish and he believes this is a sound proposal.

In response to Mr. Davis, discussion was had regarding the agricultural benefits of the McFarland property noting that it was prime ag land that is not to be considered.

Mr. Merrill stated that the Board had a vote on the McFarland property two years ago and it was taken off the list. The committee has done an excellent job in honoring that decision. The McFarland property is a dead issue.

Ms. McIntyre said she appreciates the Board's willingness to work with them and for supporting this.

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

RESOLUTION NO. 15

**TITLE: 2020 BUDGET AMENDMENT
TRANSFER OF FUNDS
SHERIFF'S OFFICE**

WHEREAS, funds have been made available to the Sheriff's Office by way of felony drug prosecutions which funding is routinely collected; and

WHEREAS, we are looking to purchase 2 AED units as we have recently had a couple quit working;

THEREFORE, BE IT RESOLVED that the 2020 budget be amended to reflect the purchase of said supplemental items as follows:

ESTIMATED REVENUES:

10-00000-34899000	Forfeiture of Crime Proceeds-Sheriff's Office	\$2,365.00
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ESTIMATED APPROPRIATIONS:

10-13110-52200000	Equipment	\$2,365.00
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The resolution was seconded by Mr. Vernold and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 16

**TITLE: ADJUSTING THE TIPPING FEE SCHEDULE FOR WASTES AT THE
DELAWARE COUNTY SOLID WASTE MANAGEMENT CENTER**

WHEREAS, several waste categories handled at the Delaware County Solid Waste Management Center have tipping fees for acceptance and disposal; and

WHEREAS, the tipping fee schedule is periodically adjusted in response to operating conditions; and

WHEREAS, the demand for management and disposal of industrial solids is increasing the operational and handling costs at the Solid Waste Management Center.

NOW, THEREFORE, BE IT RESOLVED that the tipping fees be adjusted to add a fee for Industrial Solids be included as part of the authorized tipping fee schedule:

Friable Asbestos	\$200 per ton
Box Springs and Mattress	\$10 each
Construction and Demolition Debris	\$87 per ton
Contaminated Soils	\$30 per ton
Industrial Solids	\$30 per ton
NYC Upgrade WWTP Sludge	\$80 per ton
Wood – Clean & Unpainted Lumber	\$25 per ton

BE IT FURTHER RESOLVED that the above tipping fee schedule become effective April 1, 2020.

The resolution was seconded by Mr. Vernold.

Mr. Haynes noted industrial solids is the only change from what is currently in effect.

In response to Mr. Eisel and Mr. Marshfield, Mr. Haynes said there was no fee for industrial solids in the past. Industrial solids is a new fee.

In reply to Mr. Marshfield, Mr. Haynes stated there is no tipping fee for white goods.

Commissioner of Public Works Susan McIntyre answered in reply to Mr. Marshfield that approximately 2,000 tons per year is brought in to the Solid Waste Management Center and that number is growing. She concurred that the industrial waste is from one business and that business is aware of the fee. The new fee is specifically applicable to any waste generated that fits this category.

The resolution was unanimously adopted.

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

RESOLUTION NO. 17

**TITLE: PAYMENT OF MACHINERY RENTALS
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, various authorized expenditures from the Machinery Fund are being made, especially for the purchase of new equipment; and

WHEREAS, anticipated rentals earned from the County Road Fund appear insufficient to meet those expenditures during the next several months.

NOW, THEREFORE, BE IT RESOLVED that the County Treasurer is hereby authorized to pay in advance such highway equipment rentals as are necessary to cover the cash needs of the Machinery Fund; and to credit subsequent rental warrants against the amount so advanced, provided that the total advanced and credited shall not exceed the amounts authorized in the budget for 2020.

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

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

RESOLUTION NO. 18

**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 Number/VIN</u>
DSS 401	2008 Chevrolet Impala	2G1WB58N181274768
DSS 402	2008 Chevrolet Impala	2G1WB58N381275789
DSS 403	2008 Chevrolet Impala	2G1WB58N981279071

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

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

RESOLUTION NO. 19

**TITLE: LEGISLATIVE REQUEST FOR CONTINUATION OF
SALES TAX LEVY**

WHEREAS, the Delaware County Board of Supervisors requested the New York State Legislature to extend an increase in the sales tax levy in February of 2017; and

WHEREAS, the New York State Legislature amended the law to allow for the collection of a sales tax at a rate which is one percent additional to the statutory three percent rate authorized by law; and

WHEREAS, current authorization to collect the additional one percent sales tax expires on November 30, 2020; and

WHEREAS, the Board of Supervisors may formally request from the New State Legislature approval to continue with the additional tax every two years; and

WHEREAS, a continuation of the additional one percent sales tax levy was requested by the Board and approved by chapter 314 of the Laws of 2017; and

WHEREAS, the Board believes it appropriate to use the sales tax as a means to help stabilize the county property tax levy.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors formally request that the New York State Legislature amend Section 1210 of the Tax Law to allow Delaware County to continue the collection of the additional one percent sales tax consistent with state approvals in 2005, 2007, 2009, 2011, 2013, 2015 and 2017.

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

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

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

RESOLUTION NO. 20

**TITLE: NEW POSITION
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, there has been recent changes in the distribution of duties and responsibilities within the Department; and

WHEREAS, the Department needs strong leadership in both the Services and Program's divisions of the Department;

NOW, THEREFORE, BE IT RESOLVED that the Department of Social Services recreates a Director of Programs position, Labor Grade 35 (\$62,256-\$68,629).

THEREFORE, BE IT RESOLVED that the following transfers be made:

FROM:

10-16010-52200000	Equipment	\$20,841.00
10-16070-54575000	Services for Recipients	\$61,551.00
10-16102-54200000	MMIS	\$30,000.00

TO:

10-16010-51000000	Personal Services	\$68,629.00
10-16010-58100000	State Retirement System	\$11,907.00
10-16010-58300000	Social Security Employer Contribution	\$4,332.00
10-16010-58550000	Disability Insurance	\$71.00
10-16010-58600000	Hospital & Medical Insurance	\$26,458.00
10-16010-58900000	Medicare Employer Contribution	\$995.00

The resolution was seconded by Mr. Vernold.

Mr. Marshfield noted that years ago, the department had a director of programs and a director of services, each position was also appointed as a deputy commissioner. The director of programs position was eliminated from the budget years ago. They would like to recreate the position and will, later on in the year, advertise for a deputy commissioner which is already in the budget. This director of programs position is not in the budget and that is why transfers are necessary.

In answer to Mr. Haynes, Mr. Marshfield said MMIS is the Medicaid Management Information System. There was \$8.5 million budgeted in 2019 with \$30,000 remaining at yearend. It is anticipated there will be the same amount remaining at the yearend for 2020.

In reply to Mr. Davis, Mr. Marshfield stated DSS Commissioner Armano is currently holding the roles of commissioner, director of programs, and Youth Bureau director. The next step is to advertise for a deputy to train and work with Ms. Armano and who may someday be eligible to stand in for her.

The resolution was adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 21

**TITLE: 2020 BUDGET AMENDMENT
AMEND FLOOD BUYOUT '16-18 AS ESTABLISHED BY RESOLUTION NO. 89
OF 2018 FOR THE GOVERNOR'S OFFICE OF STORM RECOVERY (GOSR), OFFICE
OF HOUSING AND URBAN DEVELOPMENT (HUD) AND FEDERAL EMERGENCY
MANAGEMENT AGENCY (FEMA) FOR THE HAZARD MITIGATION
GRANT PROGRAM FOR A VOLUNTARY FLOOD BUYOUT IN THE
VILLAGE AND TOWN OF SIDNEY
PLANNING DEPARTMENT**

WHEREAS, in September 2011, the Village of Sidney experienced catastrophic flooding from Tropical Storm Lee, adversely affecting the village; and

WHEREAS, the GOSR assisted the Village of Sidney in the development of a New York Rising Flood Mitigation Plan; and

WHEREAS, the Delaware County Planning Department applied for funding from NYS GOSR, HUD and FEMA for a voluntary flood buyout and home elevation program in accordance with the adopted plan; and

WHEREAS, on or about December 1, 2016, Delaware County was awarded \$18,915,104.00 from HUD to acquire 129 homes and elevate 7 homes; and

WHEREAS, the project is a reimbursable program that would require Delaware County to upfront funding for purchases and payments to contractors before submitting to the GOSR for reimbursement; and

WHEREAS, Delaware County Planning has expended the initial \$2,000,000.00 for purchases and associated expenses; and

WHEREAS, Delaware County has received reimbursement for all moneys invoiced through the GOSR program within the anticipated 30-day period from receipt of proper invoicing; and

WHEREAS, the grant contract has been extended through April 30, 2020 at which time all project deliverables must be completed and invoices submitted for final payments and project closure; and

WHEREAS, the project is considered a 100% reimbursable program with the exception of local expenses including Planning Department staff administration time, local taxes paid at closing and any environmental clean-up that may arise during demolition; and

NOW, THEREFORE, BE IT RESOLVED Delaware County will commit additional funds in the amount of \$2,000,000.00 to be used for purchases and contract payment throughout the duration of the remaining project period; and

BE IT RESOLVED; accounts shall be established as follows:

INCREASE REVENUES:

10-18020-43398901/8020025/908	State OTR Home & Comm Grant	\$2,000,000.00
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INCREASE APPROPRIATIONS:

10-18020-54327000/8020025/908	Gen Grant Related Exp	\$2,000,000.00
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TRANSFER FUNDS:

FROM:

10-11990-54900000	Contingency	\$50,000.00
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TO:

10-18020-54486000/8020025/908	Non-Reimb Flood Buyout Expenses	\$50,000.00
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The resolution was seconded by Mr. Vernold.

Mr. Taggart said this resolution is similar to resolutions that have been done in previous years.

In answer to Mr. Taggart, Director of Planning Shelly Johnson-Bennett confirmed that the total flood buyout program is \$18.9 million. Acceptance is done in \$2 million increments to allow the County to receive reimbursement instead of advancing the total amount of \$18.9 million up front.

The resolution was adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 22

**TITLE: APPOINTMENT OF DELAWARE COUNTY
FIRE ADVISORY BOARD**

BE IT RESOLVED, that the following appointments be made to the Delaware County Fire Advisory Board in accordance with 225-a of the County Law for year 2020:

Chairman: Dale Downin, Franklin
Vice Chairman: Greg Peck, Sr., Sidney
Secretary: David Briggs, East Meredith

Voting Departments:

Andes – Chief Dale Tait	Hobart – Chief Joshua Mason
Arena – Chief Mike Sarrubi	Margaretville – Chief Nelson Delameter
Arkville – Chief Robert Sweeney	Pindars Corners – Chief Matthew Accordino
Bloomville – Chief Micheal Pietrantonio	Roxbury – Chief James Bouton, Jr.
Bovina – Chief Kevin Brown	Sidney – Chief Greg Peck, Sr.
Delhi – Chief Timothy Murray	Sidney Center – Chief David Gill
Downsville – Chief Michael Cazzolla	Stamford – Chief A.J. Vamosy, III
East Meredith – Chief David Briggs	Treadwell – Chief Anthony DeDominicis
Fleischmanns – Chief Todd Wickham	Trout Creek – Chief Chris Kinney
Franklin – Chief Thomas Worden	Walton – Chief Frank Wood

Alternate Departments

Cooks Falls – Chief Chris Jaindl	Hancock – Chief Rolland Bojo, Jr.
Davenport – Chief Phil Gerster	Masonville – Chief Matt Jones
Deposit – Chief – Shaun Rynearson	Meridale – Chief Brad Hitchcock
East Branch – Chief Rodney Keesler	South Kortright – Andrew VanBuren
Halcottsville – Chief Jeff Slauson	

Voting departments were selected based on meeting attendance for the previous year.

The resolution was seconded by Mr. Gladstone and Mr. Vernold and unanimously adopted.

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

RESOLUTION NO. 23

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$1,763,344.66 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	\$1,153,546.04
OET	\$38,551.90
Public Safety Comm System	\$20,646.44
CAP 97 Main Street	\$0.00
CAP MH	\$0.00
Highway Audits, as Follows:	
Weights and Measures	\$1,453.43
Landfill	\$108,465.72
Road	\$237,389.48
Machinery	\$72,316.63
Capital Road & Bridge	\$87,717.37
Capital Solid Waste	\$43,257.65

The resolution was seconded by Mr. Taggart and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

Chairman Molé stated that committee assignments are listed on the roster card which has been placed on each Supervisor’s desk.

Chairman Molé made the following committee appointments:

COOPERATIVE EXTENSION SERVICE

1-year term ending December 31, 2020

Reappoint:

Supervisor Wayland Gladstone

Supervisor Dennis Valente

HEALTH SERVICES ADVISORY BOARD

2-year term ending December 31, 2021

Appoint:

Supervisor Betty Scott

SOIL & WATER CONSERVATION DISTRICT BOARD

1-year term ending December 31, 2020

Reappoint:

Supervisor James Ellis

Supervisor Jeffrey Taggart

3-year term ending December 31, 2022

Reappoint:

Frank Bachler, Chairman

SOUTHERN TIER REGIONAL PLANNING AND DEVELOPMENT BOARD (ST8)

2-year term ending December 31, 2021

Appoint:

Evan Bowker, Delaware County Economic Development Specialist

4-year term ending December 31, 2023

Reappoint:

Supervisor Tom Axtell

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

RESOLUTION NO. 24

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. Eisel and unanimously adopted.

The meeting reconvened in regular session with all Supervisors present.

Upon a motion, the meeting was adjourned at 2:10 p.m.