

**REGULAR MEETING**

**DELAWARE COUNTY BOARD OF SUPERVISORS**

**MAY 13, 2020**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, May 13, 2020 at 1:00 p.m. through videoconferencing using Zoom, Chairman Tina B. Molé presiding.

The Clerk called the roll and all Supervisors were present except Mr. Axtell.

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. 79**

**TITLE: 2020 BUDGET ADMENDMENT  
RECEIPT OF COVID-19 GRANT FUNDING  
PUBLIC HEALTH SERVICES**

**WHEREAS**, on January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern; and

**WHEREAS**, on January 31, 2020, United States Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the entire United States to aid the nation's healthcare community in responding to COVID-19; and

**WHEREAS**, Delaware County is addressing the threat that COVID-19 poses to the health and welfare of its residents and visitors; and

**WHEREAS**, local health departments are responsible to minimize the incidence of communicable disease by maintaining a communicable disease surveillance, reporting, and control program; and

**WHEREAS**, New York State Department of Health is providing emergency funding to local health departments for Coronavirus (COVID-19) response activities;

**NOW, THEREFORE, BE IT RESOLVED** that the 2020 budget be amended as follows:

**INCREASE REVENUES:**

10-14012-43345001/4012019/906 State PH Grants \$95,373.00

**INCREASE APPROPRIATIONS:**

10-14012-51327000/4012019/906 Personal Services-Grants \$ 69,373.00  
10-14012-58332700/4012019/906 Social Sec Emplr Cont-Grant \$15,120.00  
10-14012-58932700/4012019/906 Medicare Emplr Contrib-Grant \$7,880.00  
10-14012-54327000/4012019/906 General Grant Related Exp \$3,000.00

The resolution was seconded by Mr. Taggart.

In reply to Mr. Marshfield, Public Health Director Amanda Walsh stated that the funding will be used for reimbursement of salary including overtime for existing employees for investigations and contact tracers. Requests for reimbursement for COVID-19 expenses will first be submitted to the grant, then for state aid and then FEMA.

The resolution was adopted by the following vote: Ayes 4628, Noes 0, Absent 171 (Axtell).

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

**RESOLUTION NO. 80**

**TITLE: 2020 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
DEPARTMENT OF ECONOMIC DEVELOPMENT**

**WHEREAS**, the net sum of \$230,128.65 received under the Hotel Occupancy Tax during 2019 was set aside and placed into the Restricted Fund Balance as of 12/31/2019 for the purpose of promotion and development of the tourism industry in Delaware County; and

**WHEREAS**, by Resolution No. 70 of 2020 the Board of Supervisors approved the list of tourism promotion and development and TPA grant projects to be funded through the 2019 Hotel Occupancy Tax revenues and the funding of the approved contracts requires such revenues to be transferred from the restricted fund balance.

**NOW, THEREFORE, BE IT RESOLVED** that the 2020 Budget be amended as follows:

**INCREASE REVENUE:**

10-00000-34899000 Restricted Fund Balance - Hotel Occupancy Tax \$222,035.00

**INCREASE APPROPRIATION:**

10-16410-54614000 Tourism Development Promotion \$222,035.00

The resolution was seconded by Mr. Eisel and adopted by the following vote:  
Ayes 4628, Noes 0, Absent 171 (Axtell).

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

**RESOLUTION NO. 81**

**TITLE: 2020 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
COUNTY INSURANCE**

**WHEREAS**, it is necessary to fund the County Insurance account to cover premiums on purchased policies for 2020 incidental liability claims, administrative costs and continued funding of the insurance reserve account,

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

**FROM:**

10-11010-54350200	Board of Supervisors	\$6,706.00
10-11040-54350200	Clerk of the Board	2,081.00
10-11165-54350200	District Attorney	3,228.00
10-11171-54350200	Public Defender	2,732.00
10-11325-54350200	County Treasurer	4,212.00
10-11327-54350200	Fiscal Affairs	1,916.00
10-11355-54350200	Real Property Tax Services	2,560.00
10-11410-54350200	County Clerk	9,021.00
10-11420-54350200	County Attorney	3,000.00
10-11430-54350200	Personnel	2,496.00
10-11450-54350200	Board of Elections	2,167.00
10-11620-54350200	Buildings	18,337.00
10-11670-54350200	Printing	55.00
10-11680-54350200	Information Technology	16,521.00
10-11185-54350200	Medical Examiner	\$706.00
10-13110-54350200	Sheriff	42,052.00
10-13140-54350200	Probation	17,988.00
10-13150-54350200	Jail	86,323.00
10-13620-54350200	Code Enforcement	567.00
10-13640-54350200	Emergency Services	12,354.00
10-14012-54350200	Public Health Services	13,845.00
10-14310-54350200	Mental Health Clinic	32,204.00
10-14317-54350200	Alcoholism	15,045.00
10-14321-54350200	Expanded Mental Health Programs	1,185.00
10-16010-54350200	Social Services	59,309.00
10-16326-54350200	Economic Development	1,873.00
10-16510-54350200	Veteran's Service Agency	2,175.00

10-16610-54350200	Sealer of Weights & Measures	791.00
10-16772-54350200	Office for Aging	6,719.00
10-17510-54350200	County Historian	148.00
10-18020-54350200	Planning Department	3,628.00
10-18740-54350200	Watershed Affairs	1,108.00
22-18160-54350200	Solid Waste	79,828.00
26-15130-54350200	Highway Department	<u>155,893.00</u>
	Total:	\$608,773.00

**TO:**

10-19000-42280100	Interfund Revenue Insurance	\$608,773.00
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**INCREASE REVENUE:**

10-19000-42280100	Interfund Revenue Insurance	\$608,773.00
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**INCREASE APPROPRIATION:**

10-11910-54350200	Unallocated County Insurance	\$608,773.00
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**BE IT FURTHER RESOLVED** that any unexpended year-end balance in account 10-11910-54350200 Unallocated County Insurance be transferred to 10-19901-59990200 Operating Transfer (out) for transfer to the Insurance Reserve Fund.

The resolution was seconded by Mr. Eisel and adopted by the following vote:  
Ayes 4628, Noes 0, Absent 171 (Axtell).

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

**RESOLUTION NO. 82**

**TITLE: ESTABLISHING A CAPITAL PROJECT FUND FOR THE DPW COMPLEX  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, work is proceeding on the DPW Building project; and

**WHEREAS**, the appropriated funds were exceeded for 2019.

**NOW, THEREFORE, BE IT RESOLVED** that the following adjustments be made in the 2019 budget:

**FROM:**

41-15112-34899000	Restricted Fund Balance	\$54,533.27
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**TO:**

41-15112-54000000	Contractual Expense	\$54,533.27
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**BE IT FURTHER RESOLVED** that the following appropriations be made for the 2020 budget so that the Department can continue to advance on the projects.

**FROM:**

41-15112-34899000	Restricted Fund Balance	\$505,700.00
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**TO:**

41-15112-51000000	Personal Services	\$75,000.00
41-15112-54000000	Contractual Expense	\$300,000.00
41-15112-55000000	Equipment Rental	\$125,000.00
41-15112-58300000	Social Security Emplr Contrib	\$4,650.00
41-15112-58900000	Medicare Emplr Contrib	\$1,050.00

The resolution was seconded by Mr. Valente and adopted by the following vote:  
Ayes 4628, Noes 0, Absent 171 (Axtell).

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

**RESOLUTION NO. 83**

**BOND RESOLUTION DATED MAY 13, 2020**

**A RESOLUTION AUTHORIZING THE CONSTRUCTION OF A NEW BEHAVIORAL HEALTH FACILITY IN AND FOR THE COUNTY OF DELAWARE, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$8,000,000, AND AUTHORIZING THE ISSUANCE OF \$8,000,000 BONDS OF SAID COUNTY TO PAY THE COST THEREOF**

**WHEREAS**, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed;

**NOW, THEREFORE, BE IT RESOLVED**, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Supervisors of the County of Delaware, New York, as follows:

Section 1. The construction of a new Behavioral Health Facility to be located at 243 Delaware Street in the Village of Walton, in and for the County of Delaware, New York, including site improvements, and original furnishings, equipment, machinery, appurtenances and apparatus, and other improvements and incidental expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$8,000,000.

Section 2. The plan for the financing of such maximum estimated cost shall be by the issuance of \$8,000,000 bonds of said County hereby authorized to be issued pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 11 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said County of Delaware, New York, are hereby irrevocable pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the County Treasurer, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the County Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper(s) of such County, together with a notice of the Clerk of the Board of Supervisors in substantially the form provided in Section 81.00 of the Local Finance Law.

The resolution was seconded by Mr. Tuthill.

Mr. Tuthill stated in response to Mr. Gladstone that it is anticipated a preconstruction meeting will be held the last week in May and the groundbreaking in June.

The resolution was adopted by the following vote: Ayes 4628, Noes 0, Absent 171 (Axtell).

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

**RESOLUTION NO. 84**

**TITLE: APPOINTMENT DIRECTOR OF INFORMATION TECHNOLOGY**

**BE IT RESOLVED** that Joseph deMauro is hereby appointed as Director of Information Technology for a term of two years from May 18, 2020 through May 17, 2022.

**BE IT FURTHER RESOLVED** that said appointment shall be at the salary of \$84,444 and subject to a probationary period of 26 weeks as provided for in the Delaware County Civil Service Rules.

The resolution was seconded by Mr. Haynes and adopted by the following vote: Ayes 4628, Noes 0, Absent 171 (Axtell).

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. 85**

**TITLE: EMPLOYEE PAY  
DURING COVID-19 PANDEMIC**

**WHEREAS**, the County declared a State of Emergency on or about March 7, 2020 and was extended through May 17, 2020; and

**WHEREAS**, the State declared a State of Emergency on or about March 17, 2020, superseding the State of Emergency declared by Delaware County; and

**WHEREAS**, the County's Declaration is set to expire on or about May 17, 2020 and included in that declaration is the limited closure of the County buildings; and

**WHEREAS**, the Board of Supervisors passed Resolution No. 57 providing additional compensation for employees during the County's State of Emergency; and

**WHEREAS**, the State is allowing regions, such as the Southern Tier, to reopen in phases beginning May 15, 2020; and

**WHEREAS**, in an effort to keep the government on par with the private sector, the Board of Supervisors will begin the process of bringing the government back to 100% in the near future.

**THEREFORE, BE IT NOW RESOLVED** that Resolution No. 57 will expire on the same date as the emergency declaration, on or about May 17, 2020.

The resolution was seconded by Mr. Haynes.

Chairman Molé stated that effective midnight May 17, the additional pay of time and a half and time and a quarter will no longer be paid to employees, the County will go back to pre-COVID pay.

The resolution was adopted by the following vote: Ayes 4628, Noes 0, Absent 171 (Axtell).

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

**RESOLUTION NO. 86**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$2,699,959.22 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	\$2,072,723.69
OET	\$9,119.90
Public Safety Comm System	\$520,164.26
CAP 97 Main Street	\$0.00
CAP MH	\$0.00
Highway Audits, as Follows:	
Weights and Measures	\$63.74
Landfill	\$47,450.58
Road	\$18,786.89
Machinery	\$22,620.36
Capital Road & Bridge	\$6,194.30
Capital Solid Waste	\$2,835.50

The resolution was seconded by Mr. Gladstone and adopted by the following vote: Ayes 4628, Noes 0, Absent 171 (Axtell).



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

**RESOLUTION NO. 87**

**TITLE: DIRECT COVID-19 RELATED FEDERAL AID TO ALL MUNICIPALITIES**

**WHEREAS**, the federal government recently enacted the Coronavirus Aid, Relief, and Economic Security (CARES) Act to address the economic fallout from the coronavirus pandemic in the United States; and

**WHEREAS**, Section 601 of the CARES Act (P.L. 116-136) provides a \$150 billion fund for states, tribal governments, and units of local government with a population in excess of 500,000 people; and

**WHEREAS**, less than one-half of 1 percent of municipalities in the entire United States meet this population threshold and are thus ineligible to receive direct funding from the federal government; and

**WHEREAS**, of the 933 towns in New York, 931 are not eligible for direct federal funding under the CARES Act, including the County; and

**WHEREAS**, towns provide essential services to the 9 million New Yorkers town residents, including, but not limited to, ambulance, police and fire protection services, building and code enforcement, and highway maintenance, and have continued to do so throughout the ongoing health crisis; and

**WHEREAS**, the coronavirus pandemic has created significant financial stress for local governments in New York as an estimated \$2 billion in sales tax revenue has been lost, as well as other sources of revenue such as permit fees, justice court fines, and mortgage recording tax; and

**WHEREAS**, the depletion of different revenue sources for local governments, combined with lack of funding, will result in reducing essential services or shifting the cost onto real property taxpayers, many of whom are experiencing their own financial stress.

**NOW, THEREFORE, BE IT RESOLVED** that the County call upon United States Congressional Representatives Antonio Delgado, Senator Charles Schumer, and Senator Kirsten Gillibrand to support funding related to the coronavirus pandemic that is directly delivered to all municipalities, regardless of population size.

The resolution was seconded by Mr. Marshfield.

Mr. Marshfield stated that this is the same resolution that was adopted by the Town of Hamden and discussed in the Finance Committee to request additional funding support from the federal government for the corona virus pandemic. He noted that it is important to relay to our federal representatives that our counties and towns need this funding to try to make up for the shortfall of revenues. He encouraged other towns to adopt this or a similar resolution.

Mr. Hinkley commented that the Town of Roxbury adopted a similar resolution at their meeting on Monday.

The resolution was adopted by the following vote: Ayes 4628, Noes 0, Absent 171 (Axtell).

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

**RESOLUTION NO. 88**

**TITLE: EXECUTIVE SESSION**

**BE IT RESOLVED** that the Delaware County Board of Supervisors convene in executive session to discuss personnel issues.

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

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

Upon a motion, the meeting was adjourned at 2:40 p.m.