

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

SEPTEMBER 23, 2020

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, September 23, 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. Pigford led the Board in the Pledge of Allegiance to the Flag.

The minutes of the previous meeting and public hearing were accepted as presented.

The Clerk noted that all communications received have been referred to their respective committees for review.

Mr. Merrill announced the state has contacted several towns about AIM funding indicating to them the funding would be 80% of last year's amount. After a short discussion, Mr. Merrill stated all towns should be aware that AIM funding might be cut by 20% and it may be best to budget accordingly.

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

RESOLUTION NO. 134

**TITLE: 2020 BUDGET ADMENDMENT
POLICE TRAFFIC SERVICES PROGRAM GRANT
SHERIFF'S OFFICE**

WHEREAS, the Sheriff's Office has been successful in securing grant funds with which to participate in the statewide Police Traffic Services Program; and

WHEREAS, the Sheriff's Office agrees to participate in "Statewide Police Traffic Services Program", the goal of which is to increase seat belt usage and reduce dangerous driving behaviors in an effort to reduce serious injury and death from traffic crashes; and

WHEREAS, involvement will include using dedicated overtime enforcement hours to participate in joint checkpoints with the State Police or other agencies where practical, or independently, in the waves of high-visibility enforcement planned throughout the year; and

WHEREAS, participation in this program will result in the award of a grant in the amount of \$11,200 to be used to pay the salaries of the road patrol deputies participating in this program. Said program runs from October 1st, 2020 through September 30th, 2021.

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

INCREASE REVENUE:

10-13310-43338900/3310004/907	State OTR Public Safety	\$11,200.00
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INCREASE APPROPRIATION:

10-13310-51327000/3310004/907	Personal Services	\$11,200.00
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The resolution was seconded by Mr. Davis and adopted by the following vote:
Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 135

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

WHEREAS, Delaware County is a rural community which faces numerous health disparities and is addressing the threat that COVID-19 poses to the health and welfare of its residents and visitors; and

WHEREAS, the New York State Health Foundation (NYSHHealth) has a broad mission to improve the health of all New Yorkers, especially the most vulnerable. NYSHHealth is providing funding to support rural health departments providing population health focused interventions on the frontlines of COVID-19 emergency response; and

WHEREAS, Public Health will produce and distribute community messaging to educate the public about how to prevent illness and to avoid being exposed to this virus. Topics would include but not be limited to: handwashing, avoiding close contact with people who are sick, social distancing, wearing masks, care and cleaning of masks, cleaning and disinfecting frequently touched objects and surfaces daily; and

WHEREAS, Delaware County Public Health will use funding to support the senior meals program operated by Delaware Opportunities. Funding would support the cost of heated and cold food transporters, the purchase of cleaning supplies and shelf stable foods that are not funded as part of the senior meals program. The senior meals program will distribute COVID-19 health information to the seniors.

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

INCREASE REVENUES:

10-14012-42270603/4012021/906 Grants – Local Sources \$6,785.00

INCREASE APPROPRIATIONS:

10-14012-54327000/4012021/906 General Grant Related Exp \$6,785.00

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

Mr. Eisel moved to table Resolution 136 titled *2020 Budget Amendment, Transfer of Funds Purchase of Equipment, Board of Elections*. The move was seconded by Mr. Merrill and unanimously adopted.

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

RESOLUTION NO. 137

**TITLE: 2020 BUDGET AMENDMENT
CAPITAL BEHAVIORAL HEALTH FACILITY**

WHEREAS, Resolution No. 83 adopted on May 13, 2020 authorized the issuance of Bond Anticipation Notes (BAN) in the amount of \$8,000,000 for the construction of a new Behavioral Health Facility to be located at 243 Delaware Street, Village of Walton; and

WHEREAS, proceeds from the BAN have been received in the amount of \$8,000,000 plus an additional 81,201.00 in BAN Premium for a total amount received of \$8,081,201; and

WHEREAS, it is necessary to appropriate said funding in the Capital Behavioral Health Facility Fund.

NOW, THEREFORE, BE IT RESOLVED that funding be appropriated and the 2020 Budget amendment be authorized as follows:

INCREASE REVENUE:

40-14310-46573000 Ban Proceeds \$8,000,000.00
40-14310-42271000 Premium On Obligations \$81,201.00

INCREASE APPROPRIATION:

40-14310-52000000 Equipment and Capital Outlay 8,081,201.00

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. 138

**TITLE: APPROPRIATION OF CAPITAL FUNDS
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Department has progressed the Delaware County Maintenance & Structural Steel Preservation Program (FFY 2020) PIN 9754.35 to the bidding phase; and

WHEREAS, the bids were opened at 10:00 a.m. on September 18, 2020; and

WHEREAS, the Department would like to appropriate the necessary funding directly for this project so that award can be made as soon as the bids have been reviewed and approved in order to ensure that they are performed within the 2020 construction season.

NOW, THEREFORE, BE IT RESOLVED that \$411,360.00 be appropriated from account 34-15112-54000000 to cover the cost of this project.

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. 139

**TITLE: AUTHORIZATION TO ENTER INTO AGREEMENTS WITH
MUNICIPALITIES, SCHOOL DISTRICTS, DISTRICT CORPORATIONS OR
STATE AGENCIES FOR SHARED HIGHWAY SERVICES**

WHEREAS, all municipalities, including the County of Delaware have the power and authority to contract for the purpose of renting, leasing, exchanging, borrowing or maintaining of machinery and equipment, with or without operators, with other municipalities; and

WHEREAS, all municipalities, including the County of Delaware, have the power and authority to borrow or lend materials and supplies to other municipalities; and

WHEREAS, it is hereby determined that the County of Delaware and other municipalities have machinery and equipment which is not used during certain periods; and

WHEREAS, it is determined that the County of Delaware and other municipalities often have materials and supplies on hand which are not immediately needed; and

WHEREAS, it is hereby determined that by renting, borrowing, exchanging, leasing or maintaining highway machinery and equipment and the borrowing or lending of materials and supplies, the County of Delaware and other municipalities may avoid the necessity of purchasing certain needed highway machinery and equipment and the purchasing of or storing a large inventory of certain extra materials and supplies, thereby saving the taxpayers money; and

WHEREAS, it is recognized and determined, from a practical working arrangement, that no program of borrowing, exchanging, leasing, renting or maintaining of highway machinery and equipment or borrowing or lending of materials can be successful if each individual arrangement has to receive prior approval by the county Board and the governing board of each of the other municipalities which may be parties to such agreements, since such agreements must often be made on short notice and at times when governing bodies are not in session; and

WHEREAS, it is incumbent upon each municipality to design a simple method whereby materials and supplies, equipment and machinery, including the operators thereof, may be obtained or maintained with a minimum of paperwork and inconvenience and with a swift approval process; and

WHEREAS, it is the intent of the Delaware County Board of Supervisors to authorize the Commissioner of Public Works to enter into renting, exchanging, borrowing, lending or maintaining arrangements with the persons serving in similar capacities in other municipalities without the necessity of obtaining approval of the County board prior to the making of each individual arrangement; and

WHEREAS, a standard contract has been prepared which is expected to be adopted and placed into effect in other municipalities, and will grant the person holding the position comparable to that of the Commissioner of Public Works authority to make similar arrangements; and

WHEREAS, it is hereby determined that it will be in the best interest of the County of Delaware to be a party to such shared services arrangements.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board is hereby authorized to sign contracts with municipalities, school districts, district corporations or state agencies for shared highway services.

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

In reply to Mr. Eisel, Commissioner of Public Works Susan McIntyre confirmed this resolution is presented every four years.

The resolution was unanimously adopted.

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

RESOLUTION NO. 140

**TITLE: DESIGNATION OF DELAWARE COUNTY CHAMBER OF COMMERCE AS
TOURISM PROMOTION AGENCY FOR DELAWARE COUNTY
DEPARTMENT OF ECONOMIC DEVELOPMENT**

BE IT RESOLVED that the Delaware County Chamber of Commerce be designated as

the Tourism Promotion Agency for Delaware County, for the purpose of making applications for and receiving grants under Section 100[6] of the Economic Development Law, with the Chamber of Commerce to provide the required local matching funds for the “I Love New York” tourism promotion 2021 program.

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

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

RESOLUTION NO. 141

TITLE: DELAWARE COUNTY RETENTION AND DISPOSITION SCHEDULE FOR NEW YORK LOCAL GOVERNMENT RECORDS

BE IT RESOLVED, by the Board of Supervisors of Delaware County that *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

BE IT FURTHER RESOLVED that in accordance with Article 57-A:

(a) only those records will be disposed of that are described in *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, after they have met the minimum retention periods described therein;

(b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

The resolution was seconded by Mr. Vernold.

In reply to Ms. Molé, County Clerk Debra Goodrich confirmed this is a new retention schedule developed by the state.

Mr. Marshfield stated all the towns must pass this resolution as well.

The resolution was unanimously adopted.

Mr. Gladstone called up Local Law Intro. No. 16 which was seconded by Mr. Valente.

DELAWARE COUNTY LOCAL LAW INTRO NO. 16 OF 2020

TITLE: WAIVE RESIDENCY REQUIREMENT FOR THE DEPARTMENT OF CORRECTIONS SHERIFF'S OFFICE

Section I. In the County of Delaware, the provisions of Section 3 of Public Officers Law of the State of New York requiring a person holding a civil office to be a resident of the political subdivision or municipal corporation of the state for which such person shall be chosen or within which such person's official functions are required to be exercised, shall not prevent a person from holding the position of Corrections Officer in Delaware County, provided, however, that such person performing the duties and functions of Corrections Officer resides in Delaware County or any adjoining county within New York State, unless otherwise provided by an act of the state legislature.

Section II. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

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

RESOLUTION NO. 142

TITLE: RESOLUTION CALLING FOR A PUBLIC HEARING ON PROPOSED LOCAL LAW INTRO. NO. 16 OF 2020

WHEREAS, a proposed Local Law waiving the residency requirement for the position of Corrections Officer has been offered for adoption by the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held on the 14th day of October 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. Valente.

In response to Mr. Gladstone, Sheriff Craig DuMond stated this local law will waive the residency requirement for corrections officers from contiguous counties.

Sheriff DuMond confirmed in reply to Mr. Taggart that this does not apply to deputy sheriff positions.

Ms. Molé reiterated the public hearing will be held before the next Board meeting on October 14 at 12:45 p.m.

The resolution was unanimously adopted.

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

RESOLUTION NO. 143

**TITLE: STANDARD WORK DAY AND REPORTING RESOLUTION
NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM**

BE IT RESOLVED, that the County of Delaware hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on their record of activities:

<u>Title</u>	<u>Name</u>	<u>Standard Work Day (hrs/day)</u>	<u>Term Begin-End</u>	<u>Days Per Month Based on Record of Activities</u>
<u>Elected Official</u>				
Supervisor – Masonville	Betty L. Scott	6	1/01/20 - 12/31/21	1.59
Supervisor – Roxbury	Allen Hinkley	6	1/01/20 - 12/31/21	1.40

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

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

RESOLUTION NO. 144

**TITLE: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF
DELAWARE INCREASING TAXES ON SALES AND USES OF TANGIBLE
PERSONAL PROPERTY AND OF CERTAIN SERVICES, ON OCCUPANCY OF
HOTEL ROOMS AND ON AMUSEMENT CHARGES PURSUANT TO ARTICLE 29 OF
THE TAX LAW OF THE STATE OF NEW YORK**

Be it enacted by the Board of Supervisors of the County of Delaware, as follows:

SECTION 1. Section 4-A of Resolution No. 144, enacted by the Board of Supervisors of the County of Delaware on June 13, 1990, imposing sales and compensating use taxes, as amended, is amended to read as follows:

SECTION 4-A. Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional one percent rate of such sales and compensating use taxes, for the period beginning December 1, 2003, and ending November 30, 2023. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional

provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 2. Paragraph (C) of subdivision (1) of section 11 of Resolution No. 144, enacted by the Board of Supervisors of the County of Delaware on June 13, 1990, imposing sales and use taxes, as amended, is amended to read as follows:

(C) With respect to the additional tax of one percent imposed for the period beginning December 1, 2003, and ending November 30, 2023, in respect to the use of property used by the purchaser in this county prior to December 1, 2003.

SECTION 3. This enactment shall take effect December 1, 2020.

The resolution was seconded by Mr. Vernold.

In response to Mr. Marshfield, Clerk of the Board Christa Schafer stated this is the next resolution that we needed to do to extend our 1% sales tax. She stated a request for an extension must be done every two years, however, with the new legislation that came through, the state is granting a three-year extension.

In reply to Mr. Davis, Mrs. Schafer confirmed this is just for 1%. She said the state wrote this resolution which is a template from years ago and the dates were just changed. However, the template must be approved with each extension.

The resolution was unanimously adopted.

Ms. 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. 145

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,446,144.64 were hereby presented to the Finance Committee for approval for payment on September 9, 2020 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	\$584,598.68
OET	\$3,599.42
Public Safety Comm System	\$0.00

Insurance Risk	\$0.00
CAP 97 Main	\$198.98
CAP MHC	\$419,493.02

Highway Audits, as Follows:

Weights & Measures	\$0.00
Road	\$10,567.57
Machinery	\$50,547.45
Capital Road & Bridge	\$29,410.36
Capital Solid Waste	\$175,064.35
Solid Waste/Landfill	\$48,907.78
CAP DPW Complex	\$123,757.03

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$1,646,915.69 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	\$522,183.49
OET	\$0.00
Public Safety Comm System	\$157,449.30
CAP 97 Main Street	\$3,321.09
CAP MHC	\$9,126.22

Highway Audits, as Follows:

Weights and Measures	\$93.63
Road	\$14,677.55
Machinery	\$39,752.11
Capital Road & Bridge	\$739,933.78
Capital Solid Waste	\$37,530.53
Solid Waste/Landfill	\$122,847.99
CAP DPW Complex	\$0.00

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

Chairman Molé made the following committee appointments:

CDO WORKFORCE DEVELOPMENT BOARD

Appoint:

Susan Van Cott
Heather Ross

Upon a motion, the meeting was adjourned at 1:20 p.m.