

## **REGULAR MEETING**

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

**JANUARY 27, 2021**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, January 27, 2021 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. Davis and Mr. Layton. Supervisors Gladstone and Scott attended via Zoom.

Mr. Marshfield offered the invocation.

Mr. Tuthill led the Board in the Pledge of Allegiance to the Flag.

Chairman Molé granted privilege of the floor to Supervisor Pigford. Mr. Pigford introduced Public Health Services Director Mandy Walsh via Zoom to give a brief overview on COVID-19 vaccination status.

Ms. Walsh stated the federal supply distribution of the COVID-19 vaccine is slow and due to that process, states are allocated certain amounts weekly and the state disseminates those accordingly. They still continue to be vaccinating the 1A and 1B phases in New York State. They are required to do that. Hospital systems are focused on the 1A group. They have to get that group and subsequent groups up to a certain percentage of vaccination rate before we actually as a state would migrate on to the following subsequent groups after that. This is going to take a long time. The vaccine is coming in small amounts. They can make orders, but they do not have a say in the allocation; the state sets that allocation. They want to see people be vaccinated but it is only as fast as they have the vaccine for and within the prioritization of what they have to do.

Local health departments are required to focus on 1B, the essential workers. There is a specific list of people who qualify in 1B that are related to essential workers. It is not every essential worker in terms of the economic development essential worker list. It is very specific and a lot of these people are forward facing with the public. They perform certain jobs such as the fire service, police, public safety personnel, dispatchers, all those people who are forward facing to the public. The group includes sworn court officers and people who are part of the court system, the corrections group, preschool through kindergarten teachers, in-person college instructors, child care providers, public transit, people who live and work in homeless shelters, social services staff who are forward facing related to the public, and grocery store workers who are the clerks and frontline forward facing individuals. That is the group the health department has required us to focus on before we can migrate on to the next level.

Pharmacies and now some providers are starting to have the ability to access the vaccine or request it. They are currently focused on the 65+ age group. They are just starting to have vaccine available and they are telling people to periodically check in with their pharmacy or health care provider to see if there are any updates on availability.

It is a week-by-week process. There is no guarantee when you order that you will get what you order. Over time, we will see more vaccine come out and you will see more availability. Hopefully more providers and pharmacies will have access to vaccine but it is only as fast as we can get it from the federal government and from the State of New York.

There are also state vaccine sites that are strategically located in larger counties usually with more than 100,000 people and they are the only group right now that is taking extensive wait lists because they are also booked. The vaccine is not coming as quickly or in as large amounts as they would like it to so again, this is going to be a very long process for people to get vaccinated.

Everyone has to be patient as this process is going to go on for months until we can get people vaccinated. It is a very long process and it is happening in every single county. We would all like to see more vaccine come into each of our counties and we are on state and regional committees related to that. They do not have a whole lot of say in how the vaccine is allocated but they are required to stick to these stipulations because if they do not, it does impact how they will receive vaccine subsequently in the future. In New York State, 52 percent of the 1B group is the 65+ population and that affects all of New York State. That's a large population in our county and that remains a large population in many of the counties. As you know, we have the top aging county in the state so that's huge but we only have as much vaccine as we have and we have to follow the guidance because that impacts whether we subsequently get additional vaccine.

So at this point, Office for the Aging is helping people try to access vaccine when it is available. They are helping to do some research with pharmacies. They are looking to try to connect people if it is available. Right now it is very limited. So again, they are asking people to just be patient.

Ms. Molé thanked Ms. Walsh for the information.

The minutes of the previous meeting were accepted as presented.

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

For standing committees, Chairman of the Capital Projects Committee Mark Tuthill reported that according to the engineering company for the behavioral health facility, they are about 50 percent complete. The project is starting to move along a little quicker. The staff at the Mental Health Clinic was recently on site for a tour and they got to see the layout of the new building.

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

**RESOLUTION NO. 19**

**TITLE: 2021 BUDGET AMENDMENT  
ACCEPTANCE OF A. LINDSAY & OLIVE B. O'CONNOR FOUNDATION GRANT  
BOARD OF ELECTIONS**

**WHEREAS**, the A. Lindsay & Olive B. O'Connor Foundation has issued a grant to Delaware County for the purchase of new office furniture.

**NOW, THEREFORE, BE IT RESOLVED** that the 2021 Budget be amended as follows:

**INCREASE REVENUE:**

10-11450-42270604/1450010/961	O'Connor Foundation	\$4,815.00
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**INCREASE APPROPRIATION:**

10-11450-54327000/1450010/961	General Grant Related Expense	\$4,815.00
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The resolution was seconded by Mr. Tuthill and adopted by the following vote: Ayes 4299, Noes 0, Absent 500 (Davis, Layton).

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

**RESOLUTION NO. 20**

**TITLE: NEW POSITION  
PUBLIC DEFENDERS OFFICE**

**WHEREAS**, due to the number of Family Court cases, the Legislative Committee, with confirmation from the Finance Committee authorized the change in the current part-time Assistant Public Defender position to a full-time position; and

**WHEREAS**, it has been determined this position is needed in order to timely handle the increasing caseload; and

**WHEREAS**, the increase in the budget will be offset by funding received from the NYS Office of Indigent Legal Services Distribution 11.

**THEREFORE, BE IT RESOLVED** that the Board of Supervisors authorizes changing the part-time position of Assistant Public Defender to a full-time permanent position of Assistant Public Defender; and

**BE IT FURTHER RESOLVED** that the following 2021 Budget amendment is hereby authorized:

**INCREASE REVENUE:**

10-11171-43302500	State Aid Indigent Legal Services Fund	\$35,000.00
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**INCREASE APPROPRIATION:**

10-11171-51000000	Personal Services	\$27,500.00
10-11171-58100000	State Retirement	\$3,025.00
10-11171-58300000	Social Security	\$2,104.00
10-11171-58600000	Hospital Insurance	\$2,371.00

The resolution was seconded by Mr. Valente.

In answer to Mr. Marshfield, Mr. Eisel stated the County receives state aid. The Public Defender's Office has been overwhelmed with cases and this resolution will allow the part-time position go to full time.

Mr. Marshfield commented that he thought with our courts being shut down, the overwhelming wouldn't happen but clearly it has. Imagine what will happen when things get rolling.

The resolution was adopted by the following vote: Ayes 4299, Noes 0, Absent 500 (Davis, Layton).

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

**RESOLUTION NO. 21**

**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 Delaware County Bridge Maintenance & Structural Steel Preservation Program (2021), PIN 9754.36 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of said 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 Preliminary Engineering/Design 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 Preliminary Engineering/Design work for the Project or portions thereof; and it is further

**RESOLVED** that the sum of \$52,800 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. Vernold and adopted by the following vote:  
Ayes 4299, Noes 0, Absent 500 (Davis, Layton).

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

## **RESOLUTION NO. 22**

### **TITLE: AUTHORIZATION FOR AWARD DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, NYS DOT has notified that County that it is eligible for Federal Funds under the Bridge Preventive Maintenance Program for 2021; and

**WHEREAS**, the County will be entering into an agreement with the NYS DOT for PIN 9754.36, BIN 3351740(CR 1 over Tremper Kill, Town of Andes), BIN 3352300 (Old CR 20 over E. Branch Cold Spring Creek, Town of Deposit) and BIN 3353110 (Weaver Hollow over Platte Kill, Town of Middletown), Delaware County Bridge Preventive Maintenance Program, 3 locations within Delaware County; and

**WHEREAS**, the Department of Public Works has selected a Consultant Engineering Firm by using the Region 9 Local Design Services Agreement (LDSA) process to provide professional services for the entire project and has completed the negotiations for the design

phase.

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Department of Public Works is authorized to make award to McFarland Johnson Engineers, 49 Court Street, Binghamton, NY 13902 for the design and preparation of bidding documents for the project.

Proposal Fee:                      Maximum Amount Payable \$52,794.00

The resolution was seconded by Mr. Valente and Mr. Vernold and adopted by the following vote: Ayes 4299, Noes 0, Absent 500 (Davis, Layton).

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

**RESOLUTION NO. 23**

**TITLE: AUTHORIZATION TO PURCHASE PROPERTY  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, Resolution No. 42 of 2020 authorized the Chairman of the Board to enter into a purchase agreement with the Town of Kortright for the approximately 6-acre portion of Tax Map #106.-2-25.21 necessary for the development of the site for the Patrol and Specialty Shops portion of the DPW Building Highway Facility Project; and

**WHEREAS**, Resolution No. 42 of 2020 stipulated conditions needing satisfaction prior to final authorization and property purchase, specifically the confirmation of clear title, completion of SEQR review pursuant to Resolution No. 155 of 2020, and mutually agreed-upon terms and purchase price; and

**WHEREAS**, the Town of Kortright has approved governmental immunity for the subdivision at the December 21, 2020 town board meeting, and approved the applicable subdivision map at the January 1, 2021 town board; and

**WHEREAS**, mutually agreed-upon terms have been articulated in a “Maintenance Agreement” that supplement the land purchase and easement agreements; and

**WHEREAS**, the agreed-upon purchase price is supported by independent certified appraisal.

**NOW, THEREFORE, BE IT RESOLVED** that the Chairman of the Board is hereby authorized to purchase the property at a price not to exceed \$26,000.

The resolution was seconded by Mr. Valente and Mr. Cetta.

In answer to Ms. Molé, Mr. Haynes confirmed this is for the property located in Bloomville.

The resolution was adopted by the following vote: Ayes 4299, Noes 0, Absent 500 (Davis, Layton).

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

**RESOLUTION NO. 24**

**TITLE: SALE OF TAX ACQUIRED PROPERTY**

**RESOLVED** that the following described parcels of tax acquired property be sold to the party indicated for the price herein stated and the County Treasurer is authorized to execute and deliver deed, therefor, and to cancel all Delaware County tax liens thereon.

**ASSESSED TO:**

TOWN OF:  
TAX MAP NO:  
SCHOOL DISTRICT:  
ACREAGE:  
CONVEYED TO:  
  
CASH CONSIDERATION:  
  
TAX DEFICIT:

HAN17TX.039D  
**LEASE MARIA DIMELE**  
123601:HANCOCK  
429.18-1-24  
123606:HANCOCK  
145'F X 100'D: 0.50A ACRES  
ROBERTO HERNADEZ  
22 SARATOGA AVE  
YONKERS NY 13783  
VILLAGE SHARE: \$1482.74  
COUNTY SHARE: \$2,635.96  
\$4,118.70  
\$7,411.37

The resolution was seconded by Mr. Tuthill and adopted by the following vote:  
Ayes 4299, Noes 0, Absent 500 (Davis, Layton).

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

**RESOLUTION NO. 25**

**TITLE: AUTHORIZATION FOR DISPOSITION OF PERSONAL PROPERTY  
NO LONGER NECESSARY FOR PUBLIC USE  
EMERGENCY 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 Emergency Services is authorized to sell by trade-in, online auction or for scrap the following item:

<b><u>Dept. Vehicle No.</u></b>	<b><u>Description</u></b>	<b><u>Serial Number/VIN</u></b>
DES 8	2009 Chevy Trailblazer	1GNDDT33S692131434

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

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

**RESOLUTION NO. 26**

**TITLE: AUTHORIZATION FOR DISPOSITION OF PERSONAL PROPERTY  
NO LONGER NECESSARY FOR PUBLIC USE  
OFFICE FOR THE AGING**

**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 Office for the Aging is authorized to sell by trade-in, online auction or for scrap the following item:

<u>Dept. Vehicle No.</u>	<u>Description</u>	<u>Serial Number/VIN</u>
OFA 15	2010 Ford Fusion	3FAHP0GA4AR110215

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

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

**RESOLUTION NO. 27**

**TITLE: AUTHORIZATION FOR DISPOSITION OF PERSONAL PROPERTY  
NO LONGER NECESSARY FOR PUBLIC USE  
PUBLIC HEALTH 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 Public Health Services is authorized to sell by trade-in, online auction or for scrap the following item:

<u>Department Vehicle No.</u>	<u>Description</u>	<u>Vehicle Identification No.</u>
PHS 95	2010 Ford Fusion	3FAHP0GAXAR110221

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

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

**RESOLUTION NO. 28**

**TITLE: AUTHORIZATION FOR DISPOSITION OF PERSONAL PROPERTY  
NO LONGER NECESSARY FOR PUBLIC USE  
SHERIFF'S OFFICE**

**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 Sheriff's Office is authorized to sell by trade-in, online auction or for scrap the following items:

<u>Dept. Vehicle No.</u>	<u>Description</u>	<u>Serial Number/VIN</u>
SHF 88	2016 Ford Explorer	1FM5K8AROGGB28313
SHF 90	2016 Ford Explorer	1FM5K8AR6GGC62243
SHF 95	2016 Chevy Express Van	1GAWGEFF2G1308556

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

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

**RESOLUTION NO. 29**

**TITLE: BOND RESOLUTION DATED JANUARY 27, 2021**

**A RESOLUTION AUTHORIZING THE CONSTRUCTION OF THREE NEW DPW FACILITIES IN AND FOR THE COUNTY OF DELAWARE, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$29,000,000, AND AUTHORIZING THE ISSUANCE OF \$29,000,000 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 three new DPW facilities, in and for the County of Delaware, New York, to be located at 64 Neale Road in Walton, 51702 State Highway 10 in Bloomville and at the corner of Bridge Street and Main Street in Delhi, 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 \$29,000,000.

Section 2. The plan for the financing of such maximum estimated cost shall be by the issuance of \$29,000,000 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 objects or purposes is twenty-five years, pursuant to subdivision 11(b) 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 Reporter and The Mountain Eagle, the official newspapers 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. Cetta.

In answer to Mr. Taggart as to if this figure was that high before, Mr. Haynes stated this

is what they talked about up to \$29 million further stating they are not planning on spending that amount.

Mr. Merrill clarified this is the maximum amount that they wanted to make sure they do not have to come back for any additional funds.

Mr. Marshfield commented that he is in favor of this resolution but it's a bittersweet resolution. We are in the middle of the worst pandemic any of us has ever seen. We have businesses that have shut down or are barely doing business. We have people who aren't paying rent to the landlords, and we have all sorts of problems. He knows this was started long before the pandemic came around but they are now spending \$29,000,000 right in the middle of this mess. But he is in favor of it because he knows we have a building that is non-usable anymore. It has outlived its life and we need to have a place for our employees to work safely. This resolution wasn't a pure slam dunk for him but he is in favor of it.

Mr. Valente added that another historic precedent right now is extremely low interest rates and we want to take advantage of that. This should not have an overall impact on the tax levy of the County because a bond is coming off the books which we are trying to taylor our spending to match that and not see an increase in bond repayment expense. It's a good sign that the County is, through all of this, able to chew gum and walk to address the most serious pandemic we've seen, and hopefully will ever see, at the same time continuing essential County business, County services, and future infrastructure. He said this Board deserves some credit for being able to weather it and continue.

Concurring with Mr. Valente, Mr. Marshfield stated that interest rates are extremely favorable right now but any way you look at it, we're adding \$1 to \$1.5 million dollars to our budget though this resolution.

Mr. Valente disagreed stating we are going to supplant one bond with another.

The resolution was adopted by the following vote: Ayes 4299, Noes 0, Absent 500 (Davis, Layton).

Mr. Eisel introduced Local Law Intro. No. 15 to Establish a Registry for Animal Abusers. The Local Law was seconded by Mr. Merrill.

## **DELAWARE COUNTY**

### **LOCAL LAW INTRO. NO. 15 OF 2021**

#### **A LOCAL LAW OF THE COUNTY OF DELAWARE, NEW YORK, TO BE KNOWN AS THE 'DELAWARE COUNTY ANIMAL ABUSER REGISTRY' PROTECTING ANIMALS FROM ABUSE BY ESTABLISHING A REGISTRY FOR ANIMAL ABUSERS**

**BE IT ENACTED** by the Delaware County Board of Supervisors ("Board") as follows:

**Section 1.** Title.

This Local Law shall be known as “Delaware County Animal Abuser Registry Law.”

**Section 2. Board Findings.**

The Board finds and determines that animal cruelty is a serious concern for Delaware County and its citizens. The criminal statutes are helpful in deterring cruelty to animals but unfortunately cruelty to animal offenses still occur in Delaware County and throughout New York State.

It is the Board’s goal to reduce the number and frequency of animal cruelty offenses occurring in Delaware County. In order to further that goal the Board believes that identifying individuals who are convicted of animal cruelty charges and limiting their access to animals could reduce the likelihood of future animal cruelty offenses.

The Board determines that it is in the best interest of the residents of Delaware County and their animals that an online registry be established identifying individuals residing in Delaware County who have been convicted of animal abuse crimes with the purpose of prohibiting these individuals from adopting, purchasing, or otherwise obtaining animals from any animal shelter, pet dealer, or other person or entity involved in the exchange of animals by adoption, sale, or other means.

**Section 3. Definitions.**

As used in this local law, the following terms shall have the meanings indicated:

“Animal Abuse Crime” – Any of the following crimes:

(a) A violation of any of the following provisions of the NYS Agriculture Markets Law (“AML”) Article 26:

Section 351 – Prohibition of animal fighting

Section 353 – Overdriving, torturing and injuring animals; failure to provide proper sustenance

Section 353-a – Aggravated cruelty to animals

Section 355 – Abandonment of animals

Section 356 – Failure to provide proper food and drink to impounded animal

Section 359 – Carrying animal in a cruel manner

Section 360 – Poisoning or attempting to poison animals

Section 361 – Interference with or injury to certain domestic animals

Section 362 – Throwing substance injurious to animals in public place

Section 365 – Clipping or cutting the ears of dogs

Section 366 – Companion animal stealing

Section 366-a – Removing, seizing or transporting dogs for research purposes

- (b) Sexual misconduct with an animal in violation of NYS Penal Law (“PL”) §130.20(3)
- (c) Harming a service animal in violation of PL §242.10 and §242.15
- (d) Killing or injuring a police animal in violation of PL §195.06
- (e) Harming an animal trained to aid a person with a disability in violation of PL §195.12
- (f) Any conviction of a crime based upon a reduced charge when the original offense was a charge listed in Section 3 (a) – (e) above.

“Animal Abuse Offender” – Any person eighteen (18) years of age, or older, convicted of an Animal Abuse Crime, except youthful offenders whose convictions or adjudications include sealed records.

“Animal Abuser Registry” – The on-line registry established by this Local Law for registering any person residing in Delaware County convicted of an Animal Abuse Crime.

“Animal Shelter” – Any public or privately owned organization including, but not limited to, any duly incorporated humane society, pound, animal protective association or animal rescue group which maintains buildings, structures, or other property for the purpose of harboring animals which may be stray, unwanted, lost, abandoned, or abused and seeks to find appropriate temporary or permanent homes for such animals.

“Companion Animal or Pet” – Any dog or cat or any other domesticated animal normally maintained in or near the household of the owner or person who cares for such domesticated animal. It shall not include a Farm Animal.

“Conviction” – An adjudication of guilt by any court of competent jurisdiction whether upon verdict after trial, plea of guilty, or nolo contendere plea.

“Farm Animal” – Any ungulate (a hoofed mammal), poultry, species of cattle, sheep, swine, goats, llamas, horses or fur bearing animals (as defined in the Environmental Conservation Law §11-1907) which are raised for commercial or subsistence purposes. Fur bearing animals shall not include dogs or cats.

“Pet Dealer” – (1) Any person or entity that engages in the sale or offers to sell more than nine (9) dogs and/or cats per year to the public; or (2) If the dogs and/or cats being sold or offered to be sold were born and raised on the premises of the person or entity who bred the dogs and/or cats that person or entity is considered a Pet Dealer if he/she/it engages in the sale or offers to sell twenty-five (25) or more dogs and/or cats per year to the public; (3) An Animal Shelter shall not be considered a Pet Dealer.

“Service Animal” – Any animal that has been partnered with a person who has a disability (as defined in Executive Law §292(21)) and has been trained or is being trained, by a qualified person, to aid or guide a person with a disability.

#### **Section 4. Establishing an Animal Abuser Registry**

The Delaware County Sheriff, or his/her designee, is hereby authorized, empowered and directed to establish an on-line Animal Abuser Registry that shall contain the names and residence information of all available Animal Abuse Offenders living in Delaware County who are convicted of an Animal Abuse Crime on or after the effective date of this law. The on-line Registry will be maintained by the Delaware County Sheriff’s Office and shall be listed on the Delaware County website within a Delaware County Sheriff’s Office web page. The on-line Animal Abuser Registry shall also contain links to other county Animal Abuser Registries that are available, or as they become available in the future, in the state of New York, with such other county registries to be used as informational resources by Animal Shelters or Pet Dealers located in Delaware County when they shall sell, exchange or otherwise transfer the ownership of any Companion Animal or Pet.

The registry shall contain the required information about each Animal Abuse Offender for a period of seven (7) years following his or her release from incarceration or, if not incarcerated, from the date of the judgment of conviction. Any currently or previously registered Animal Abuse Offender convicted of a subsequent Animal Abuse Crime shall be placed on the Animal Abuser Registry for life following the second conviction. Upon notification to the Delaware County Sheriff’s Office of a successful appeal of a conviction of an Animal Abuse Crime by an individual that has been required to register pursuant to this Local Law, the registration information for that individual shall be removed from the Delaware County Animal Abuser Registry within five (5) days following the notification.

#### **Section 5. Registry Requirements.**

(A) All Animal Abuse Offenders who reside in Delaware County and who are convicted of an Animal Abuse Crime on or after the effective date of this Local Law must register with the Delaware County Animal Abuser Registry within five (5) days of their release from incarceration or, if not incarcerated, from the date of the rendering of judgment. The registration requirements of this section shall be applicable for seven (7) years following the Animal Abuse Offender’s release from incarceration or the date sentencing was rendered, whichever is later, and any Animal Abuse Offender who is convicted of a subsequent Animal Abuse Crime the registration requirements of this section shall apply for life following a second conviction.

(B) When a person is convicted of an Animal Abuse Crime, the prosecuting agency shall forward to the Sheriff’s Office the name and address of the convicted person along with the

name of the Animal Abuse Crime the person was convicted of, thereby notifying the Sheriff's Office that the person is required to register with the Animal Abuser Registry.

(C) Each person required to register with the Animal Abuser Registry shall submit to the Delaware County Sheriff's Office:

- (i) Their name and any aliases they may be known by;
- (ii) Their residence address;
- (iii) Their date of birth; and
- (iv) A photograph of the front of their head and shoulders not less than 2" x 3" or a digital image commonly known as a digital photograph of the front of their head and shoulders.

(D) Within twenty (20) days of the anniversary date of the date an individual originally registered with the Animal Abuse Registry said individual must personally appear at the Delaware County Sheriff's Office. The individual must confirm the accuracy or change the information provided pursuant to Section 5(C) (i), (ii) and (iii) above and must provide a new photograph in compliance with Section 5(C) (iv) above. The individual must comply with this Section 5(D) every year the individual remains on the Animal Abuser Registry.

(E) Every person required to register with the Animal Abuser Registry shall update their registry information within five (5) days of any change of residential address and/or upon any official change of name.

(F) Every person required to register with the Animal Abuser Registry shall pay a onetime fee of one hundred twenty-five (\$125.00) dollars to the Delaware County Sheriff's Office at the time of registration. All such fees shall be used to help pay the administrative and maintenance costs of maintaining the registry. In the event that a person is financially incapable of paying the registration fee said individual can make an application to the Delaware County Sheriff to waive the fee. The Delaware County Sheriff will investigate the application and shall have the sole discretion to grant or deny the application.

(G) The Delaware County Sheriff is hereby authorized and empowered to promulgate such rules and regulations as may be necessary to implement the Animal Abuser Registry.

#### **Section 6. Prohibition on Contact with Animals.**

No person who is registered or required to register pursuant to Section 5 of this Local Law shall own, possess, reside with, have custody of, or intentionally engage in any physical contact with any Companion Animal or Pet.

#### **Section 7. Animal Shelters and Pet Dealers Prohibited from Transferring Animal Ownership to Animal Abuse Offenders.**

No Animal Shelter or Pet Dealer located in Delaware County shall sell exchange or otherwise transfer the ownership of any Companion Animal or Pet to any person having a residence in Delaware County and listed as an Animal Abuse Offender on the Animal Abuser Registry. Prior to the sale, exchange, or other transfer of ownership of any Companion Animal or Pet, the Animal Shelter or Pet Dealer is required to examine the Animal Abuser Registry to

confirm that the name of the potential owner of the Companion Animal or Pet is not listed. In the event an entity or individual subject to this Section 7 cannot access the Animal Abuser Registry they can call the Delaware County Sheriff's Office at (607) 746-2336 to confirm whether or not the name of a potential owner appears on the Animal Abuse Registry.

This section shall not apply to Farm Animals for farmers or to Service Animals for people with disabilities.

**Section 8. Penalties.**

(A) Any Animal Abuse Offender required to register with the Animal Abuser Registry who fails to so register shall be guilty of a misdemeanor punishable by incarceration for a period of not more than one (1) year and/or a fine not to exceed two thousand (\$2,000.00) dollars.

(B) Any Animal Abuse Offender who violates the prohibition against possessing, owning, adopting, or purchasing a Companion Animal or Pet – except for Farm Animals for farmers, and Service Animals for people with disabilities – shall be guilty of a misdemeanor punishable by incarceration for a period of not more than one (1) year and/or a fine not to exceed five thousand (\$5,000.00) dollars.

(C) Any Animal Shelter or Pet Dealer that violates Section 7 of this Local Law shall be guilty of a violation and subject to a fine not to exceed five thousand (\$5,000.00) dollars. A first time violation of Section 7 of this Local Law shall not subject an Animal Shelter or Pet Dealer to a fine but all subsequent violations shall subject said entity or individual to prosecution and fine. It shall not be a violation of this Local Law if the Animal Shelter or Pet Dealer checked with the Delaware County Animal Abuser Registry and the name did not appear thereon.

**Section 9. Severability.**

If any clause, sentence, paragraph, section, subdivision or other part of the Local Law or its applications shall be adjudged by a Court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or otherwise invalidate the remainder of this Local Law which shall remain in full force and effect except as limited by such order or judgment.

**Section 10. Effective Date.**

This Local Law shall take effect upon the filing of this Local Law with the Secretary of State.

Mr. Eisel asked County Attorney Amy Merklen to speak to this Local Law and clean up some of the language so they will have it ready for the public hearing next month.

Referring to Section 3, Ms. Merklen stated that in order to be required to be on the registry, you have to be convicted of a crime, not just a violation. Crimes and violations are two different things. If a misdemeanor charge is plead to a violation, you will not have to register. If you plead to a chargeable misdemeanor or are charged with a felony and it gets reduced to a misdemeanor, you will have to register.



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

**RESOLUTION NO. 30**

**TITLE: RESOLUTION CALLING FOR A PUBLIC HEARING ON  
PROPOSED LOCAL LAW INTRO. NO. 15 OF 2021**

**WHEREAS**, a proposed Local Law creating an animal abuser registry has been offered for adoption by the Board of Supervisors.

**NOW, THEREFORE, BE IT RESOLVED** that a public hearing be held on the 24th day of February 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.

Chairman Molé noted that the public hearing will be held at 12:45 p.m. prior to the regularly scheduled meeting on Wednesday, February 24, 2021. This proposed Local Law will be posted on the County website as well.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 31**

**TITLE: DESIGNATION OF PUBLICATION  
OF LOCAL LAWS AND NOTICES: DEMOCRAT**

**WHEREAS**, the Democratic Party having designated the Mountain Eagle for the purpose of publishing notices pursuant to County Law 214 (2);

**NOW, THEREFORE, BE IT RESOLVED** that pursuant to County Law 214 (2) that the Mountain Eagle is designated for the calendar year 2021 to publish local laws and notices.

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

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

**RESOLUTION NO. 32**

**TITLE: DESIGNATION OF PUBLICATION  
OF LOCAL LAWS AND NOTICES: REPUBLICAN**

**WHEREAS**, the Republican Party having designated The Reporter for the purpose of publishing notices pursuant to County Law 214 (2);

**NOW, THEREFORE, BE IT RESOLVED** that pursuant to County Law 214 (2) that The Reporter is designated for the calendar year 2021 to publish local laws and notices.

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

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

**RESOLUTION NO. 33**

**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 2021:

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

**Voting Departments:**

Andes – Chief Dale Tait  
Arena – Chief Mike Sarrubi  
Arkville – Chief Robert Sweeney  
Bloomville – Chief Micheal Pietrantonio  
Bovina – Chief Kevin Brown  
Delhi – Chief Timothy Murray  
Downsville – Chief Sterling Murphy  
East Meredith – Chief David Briggs  
Fleischmanns – Chief Todd Wickham  
Franklin – Chief Thomas Worden

Hobart – Chief Joshua Mason  
Margaretville – Chief Nelson Delameter  
Pindars Corners – Chief Matthew Accordino  
Roxbury – Chief James Bouton, Jr.  
Sidney – Chief Greg Peck, Sr.  
Sidney Center – Chief Codey Lambrecht  
Stamford – Chief A.J. Vamosy, III  
Treadwell – Chief Anthony DeDominicis  
Trout Creek – Chief Chris Kinney  
Walton – Chief Frank Wood

**Alternate Departments:**

Cooks Falls – Chief Chris Jaindl  
Davenport – Chief Phil Gerster  
Deposit – Chief Shaun Rynearson  
East Branch – Chief Rodney Keesler  
Halcottsville – Chief Jeff Slauson

Hancock – Chief Thomas J. Rosengrant  
Masonville – Chief Matt Jones  
Meridale – Chief Brad Hitchcock  
South Kortright – Chief Andrew VanBuren

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

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

In answer to Mr. Pigford regarding the South Kortright representative, Mr. Kosier confirmed that Andrew VanBuren is the Chief.

Chairman 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. 34**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$2,628,207.28 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	\$1,117,086.37
OET	\$31,078.40
Public Safety Comm System	\$12,032.28
Insurance Risk	\$0.00
CAP 97 Main	\$390.00
CAP MH	\$586,343.20
Highway Audits, as Follows:	
Weights & Measures	\$108.83
Solid Waste/Landfill	\$140,484.29
Road	\$251,972.91
Machinery	\$335,051.76
Capital Road & Bridge	\$1,044.32
Capital Solid Waste	\$33,297.50
CAP DPW Complex	\$119,317.42

The resolution was seconded by Mr. Gladstone and adopted by the following vote:  
Ayes 4299, Noes 0, Absent 500 (Davis, Layton).

Chairman Molé made the following committee appointment:

**COOPERATIVE EXTENSION SERVICE**  
**1-year term ending December 31, 2021**  
Reappoint:  
Supervisor Wayland Gladstone

In reply to Mr. Merrill, Mrs. Schafer said her office has copies of the Ethics Policy available for completion. Ms. Molé asked Supervisors to kindly turn in signed Ethics Policy paperwork to the Clerk.

Upon a motion, the meeting was adjourned at 1:29 p.m.