

**REGULAR MEETING**

**DELAWARE COUNTY BOARD OF SUPERVISORS**

**APRIL 14, 2021**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, April 14, 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 Mrs. Scott. Supervisor Pigford attended via Zoom.

Mr. Marshfield offered the invocation.

Mr. Eisel 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 their respective committees for review.

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

**RESOLUTION NO. 66**

**TITLE: DCJS GRANT FOR REIMBURSEMENT OF DISCOVERY COST TO  
LOCAL LAW ENFORCEMENT AGENCIES  
DISTRICT ATTORNEY**

**WHEREAS**, the State of New York Division of Criminal Justice Services has awarded a grant to Delaware County to reimburse the cost of implementation of discovery reform requirements; and

**WHEREAS**, the grant is for those expenses that were incurred by law enforcement between April 1, 2020 and March 31, 2021 (Project ID No. DG20-1011-D00); and

**WHEREAS**, the completed purchase of equipment must occur prior to March 31, 2021 to be reimbursed; and

**WHEREAS**, this funding will provide for the purchase of computer equipment that is in need of replacement.

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

**INCREASE REVENUE:**

10-11165-43303001 State District Attorney Grant \$7,285.98

**INCREASE APPROPRIATION:**

10-11165-52200001 Equipment Grant \$7,285.98

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

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

**RESOLUTION NO. 67**

**TITLE: APPROPRIATION OF SURPLUS  
MACHINERY FUND  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the 2021 Machinery Fund equipment budget is insufficient as budgeted due to unforeseen increases in pricing on the necessary purchases of equipment; and

**WHEREAS**, a transfer from the Machinery Fund Balance is necessary; and

**WHEREAS**, the Department has researched prices for the remaining necessary purchases.

**NOW, THEREFORE, BE IT RESOLVED** that the following budget modification be made to the 2021 Budget:

**DECREASE FUND BALANCE:**

26-00000-34915000 Assigned Unappropriated Fund Balance \$25,000.00

**INCREASE APPROPRIATION:**

26-15130-52200000 Equipment \$25,000.00

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

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

**RESOLUTION NO. 68**

**TITLE: OCCUPANCY TAX DISBURSEMENT APPROVAL  
DEPARTMENT OF ECONOMIC DEVELOPMENT**

**WHEREAS**, Local Law No. 13 of 2015 established a Hotel Occupancy Tax in Delaware County for the purpose of promoting the tourism industry in Delaware County; and

**WHEREAS**, the Law stipulates that revenues derived from the occupancy tax are to be allocated for the promotion and development of the tourism industry in Delaware County; and

**WHEREAS**, pursuant to the Law, Delaware County established and empowered the Tourism Advisory Board to solicit, review and recommend proposals for the use of the funds raised from the occupancy tax for the promotion and development of the tourism industry in Delaware County; and

**WHEREAS**, the Tourism Advisory Board reviewed the proposals submitted under the tourism promotion and development grant program and the tourism promotion agent grant program, and has recommended 45 proposals totaling \$335,460 for approval by the Delaware County Board of Supervisors.

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Board of Supervisors approves the recommendations of the Tourism Advisory Board regarding projects to be funded through occupancy tax revenues in 2021.

The resolution was seconded by Mr. Merrill.

Mr. Valente stated the amount is quite a bit higher than last year. The Tourism Advisory Board was able to satisfy a lot of grant applications and it doesn't look like it's going to go down anytime soon. The Board would like to encourage not-for-profit and tourism-related businesses to apply for next year's money because they were able to satisfy most of the grants that were requested.

Mr. Marshfield noted the brochure on each Supervisor's desk that the Town of Hamden developed for which half of the cost to make this brochure came through this occupancy tax money. Mr. Marshfield thanked Ms. Vecchione for her help and stated the brochure layout was done by Silver Top Graphics in New Kingston and the printing was done by Locust Grove printing in Arkville so they kept the work local and spread the money around which double folds everything. Ms. Vecchione made some videos for the town that were put on their website which was also part of this package. He said they are thankful they got the grant from the occupancy tax and they were able to match it with another grant.

Mr. Merrill stated that was exactly what they were trying to do with the funds they received.

Mr. Taggart observed that awards have gone up from the first year.

Mr. Valente stated they anticipated a quarter of a million is where this would top out and now it's up to \$335,000 and climbing.

In answer to Mr. Ellis, Mr. Marshfield said the brochures are displayed at their kiosks and available at local businesses. Some will be available around Delhi including in the display at the County Clerk's Office. He stated they had 5,000 brochures made.

Mr. Marshfield explained they hesitated to highlight businesses on the brochure because some of them are here today and gone tomorrow and then the brochure would be outdated.

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

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

**RESOLUTION NO. 69**

**TITLE: 2021 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
DEPARTMENT OF ECONOMIC DEVELOPMENT**

**WHEREAS**, the revenues received under the Hotel Occupancy Tax during 2020 was set aside and placed into the Restricted Fund Balance (Hotel Occupancy Tax) for the purpose of the promotion and development of the tourism industry in Delaware County; and

**WHEREAS**, as of December 31, 2020, the Restricted Fund Balance (Hotel Occupancy Tax) had a fund balance of \$380,791.12; and

**WHEREAS**, by Resolution No. 68 of 2021 the Board of Supervisors approved the list of tourism promotion and development and TPA grant projects to be funded through 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 2021 Budget be amended as follows:

**INCREASE REVENUE:**

10-00000-34899000	Restricted Fund Balance - Hotel Occupancy Tax	\$335,460
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**INCREASE APPROPRIATION:**

10-16410-54614000	Tourism Development Promotion	\$335,460
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The resolution was seconded by Mr. Eisel and adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Scott).

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

**RESOLUTION NO. 70**

**TITLE: AUTHORIZING THE IMPLEMENTATION AND FUNDING 100% OF THE COSTS OF A TRANSPORTATION PROJECT WHICH MAY BE ELIGIBLE FOR FEDERAL-AID AND/OR STATE-AID, OR REIMBURSEMENT FROM BRIDGE NY FUNDS  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, a Project for the replacement of BIN 3352080, Knox Avenue over Wilson Hollow Brook, PIN 9754.77 (“the Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 95% Federal funds and 5% non-Federal funds; and

**WHEREAS**, the County of Delaware will design, let and construct the Project; and

**WHEREAS**, the County of Delaware desires to advance the project by making a commitment of 100% of the costs of the work for the Project or portions thereof.

**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 100% of the cost of the Construction, Construction Support and Construction Inspection work for the Project or portions thereof, with the understanding that qualified costs may be eligible for Federal-aid, State-aid or reimbursement from Bridge NY funds; and it is further

**RESOLVED** that the sum of \$1,448,063.00 is hereby appropriated from 34-15112-54000000 and made available to cover the cost of participation in the above phase(s) of the Project; and it is further

**RESOLVED** that the Delaware County Board of Supervisors hereby agrees that the County of Delaware shall be responsible for all costs of the Project which exceed the amount of Federal-aid, State-aid or BY Bridge funding awarded to the County of Delaware; and it is further

**RESOLVED** that in the event the Project costs not covered by Federal-aid, State-aid or NY Bridge funding exceed 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 County of Delaware hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; 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 on behalf of the County of Delaware all necessary agreements, certifications or reimbursement requests for Federal-aid and/or State-aid 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 County of Delaware's 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. Cetta and adopted by the following vote:  
Ayes 4667, Noes 0, Absent 132 (Scott).

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

## **RESOLUTION NO. 71**

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

#### **LETTING OF MARCH 25, 2021**

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

**BE IT RESOLVED**, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

**PROPOSAL NO. 28-21 CONSTRUCTION OF THREE NEW FACILITIES FOR DELAWARE COUNTY DEPARTMENT OF PUBLIC WORKS:** County Hwy. Patrol Facility, State Route 10, Bloomville, NY; Heavy Equipment Mechanic Facility, Neale Rd., Walton, NY; Administration Building, Main and Bridge St., Delhi, NY.

**General Building Construction Contract**

Andrew R. Mancini Associates, Inc.  
129 Odell Avenue  
Endicott, NY 13760

Bid Price: \$14,825,000

**HVAC Construction Contract**

J & K Plumbing and Heating Co, Inc.  
24 Thorp Street  
Binghamton, NY 13905

Bid Price: \$2,112,000

**Plumbing Construction Contract**

DiGesare Group  
3434 Carman Road  
Schenectady, NY 12303

Bid Price: \$1,134,000

**Electrical Construction Contract**

NELCORP Electrical Contracting Corp.  
35 North Kelly Avenue  
Endwell, NY 13760

Bid Price: \$1,749,100

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors.

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

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

**RESOLUTION NO. 72**

**TITLE: AUTHORIZATION FOR AWARDS  
DEPARTMENT OF PUBLIC WORKS**

**LETTING OF APRIL 1, 2021**

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney;

**BE IT RESOLVED**, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. 29-21      Replacement of Bridge 80, Bridge Street Pedestrian Bridge over  
Bush Kill, Village of Fleischmanns, Delaware County

Bid Price:      \$657,812.00

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors.

The resolution was seconded by Mr. Davis.

In reply to Mr. Marshfield in regards to how much of this bridge requires local tax dollars, Commissioner of Public Works Susan McIntyre stated this project is 100% funded through FEMA.

In response to Mr. Marshfield regarding the use of this pedestrian bridge, Mr. Davis reported the bridge was lost during the 2010 flood. They kept having problems with the landowners then bats were nesting there. They got past that and since then this has dragged on.

In answer to Mr. Marshfield, Mr. Davis stated he believes the bridge is not more than 40 to 50 feet long.

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

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

**RESOLUTION NO. 73**

**TITLE: AUTHORIZATION FOR AWARDS  
DEPARTMENT OF PUBLIC WORKS**

**LETTING OF APRIL 6, 2021**

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney.

**BE IT RESOLVED**, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. SW 1-21 Lease of Ag Land @ SWMC

Bid Price: \$1,000.00/year

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors.

The resolution was seconded by Mr. Kosier.

Supervisor Taggart stated he believes this contract should be awarded to the highest bidder.

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

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

**RESOLUTION NO. 74**

**TITLE: AUTHORIZATION FOR AWARDS  
DEPARTMENT OF PUBLIC WORKS**

**LETTING OF APRIL 6, 2021**

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

**BE IT RESOLVED**, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. SW 2-21    Tire Management Services to: Geiter Done of WNY Inc.,  
300 Greene St., Buffalo, NY 14206; Casings, PO Box 731,  
Catskill, NY 12414

Bid Price:        See Summary Sheet

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors.

The resolution was seconded by Mr. Kosier.

In answer to Mr. Merrill, Commissioner of Public Works Susan McIntyre stated they are awarding to both bidders. Casings is the company that they are presently working with and have been working with for a number of years. Geiter Done is a new firm.

In response to Mr. Eisel, Ms. McIntyre confirmed Casings will still handle tire management.

Supervisor Valente shared that this company has a machine that they bring that will chip the tires on site.

In answer to Mr. Taggart, Ms. McIntyre stated they will have the tires chipped into 2-inch squares that will be used in lieu of stone aggregate. They have a rubber road on the landfill property that they use for their track equipment which has 6-inch spikes rather than tearing up the asphalt.

In response to Ms. Molé, Ms. McIntyre stated they would not be able to make rubber chips of playground quality because that requires significant magnetic separation to take out the wire beading.

In reply to Mr. Eisel regarding the pricing of Casings for towns, Ms. McIntyre stated they are revisiting those numbers and she will have a better answer at the next board meeting. Pricing for tires has steadily risen over the years and Casings' bid price is consistent to where it was at

just prior to DPW going out to bid so their price did not change based on the bid, however, their price has risen substantially over the years and she will give Supervisors an update at the next meeting.

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

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

**RESOLUTION NO. 75**

**TITLE: AUTHORIZATION FOR AWARDS  
DEPARTMENT OF PUBLIC WORKS**

**LETTING OF APRIL 6, 2021**

**WHEREAS**, DPW has been tasked with the Demolition of the Flood Buyout houses in the Village of Sidney; and

**WHEREAS**, this project is driven by the New York State Department of Homeland Security & Emergency Services (DHSES) and the Governor’s Office of Storm Recovery (GOSR); and

**WHEREAS**, the procurement policies of these Agencies (DHSES & GOSR) require substantial additional paperwork and documentation which precludes using our annual bids; and

**WHEREAS**, a certain amount of material is needed to backfill and reclaim properties after demolition; and

**WHEREAS**, Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney,

**NOW, THEREFORE, BE IT RESOLVED** that the County Department of Public Works is authorized to make awards to the lowest bidder meeting specifications, once GOSR approval has been received, as follows:

PROPOSAL FB 1-21	Stone & Gravel Products For Flood Buyout Projects in the Village of Sidney To: E&R Pope’s Excavating, LLC, 1073 Co Hwy 1, Mount Upton, NY 13809
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Bid Price: See Summary Sheet

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

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

**RESOLUTION NO. 76**

**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.

<b><u>ASSESSED TO:</u></b>	MER17TX.003
TOWN OF:	<b><u>SUZANNE FERGUSON</u></b>
TAX MAP NO:	124400:MEREDITH
SCHOOL DISTRICT:	80.-2-28.11
ACREAGE:	122801:DELAWARE ACADEMY
CONVEYED TO:	1.52A ACRES
	DONALD PERNICE
	PO BOX 141
	DELHI NY 13753
CASH CONSIDERATION:	\$6,100.00
TAX DEFICIT:	\$7,722.54

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

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

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

**RESOLUTION NO. 77**

**TITLE: 2021 BUDGET MODIFICATION  
TRANSFER OF FUNDS  
DEPARTMENT OF PLANNING AND WATERSHED AFFAIRS**

**WHEREAS**, Delaware County and the Catskill Watershed Towns (CWT) were successful in showing the importance of economic sustainability and how it relates to water quality as part of the 20-year review of the Memorandum of Agreement; and

**WHEREAS**, the National Academy of Sciences, Engineering and Medicine (NASEM) report released in late 2020 recommends a new approach to water quality management including a reduction in land acquisition, a new buffer initiative and economic monitoring of watershed communities; and

**WHEREAS**, New York City and all upstate watershed partners have begun new negotiations to address the NASEM recommendations as part of a new water supply permit and Filtration Avoidance Determination application to be submitted to the Environmental Protection Agency; and



Town	Amount Allocated to Tax District	Amount Apportioned to Town	Amount Apportioned to Village
Delhi	\$42,280.26	\$35,976.29	\$6,303.97
Deposit	\$14,196.95	\$13,247.04	\$949.91
Franklin	\$22,656.10	\$21,670.43	\$985.67
Hamden	\$19,537.77	\$19,537.77	
Hancock	\$41,649.47	\$38,115.34	\$3,534.13
Harpersfield	\$20,490.04	\$18,286.73	\$2,203.31
Kortright	\$24,512.95	\$24,512.95	
Masonville	\$10,496.51	\$10,496.51	
Meredith	\$20,096.77	\$20,096.77	
Middletown	\$101,861.12	\$92,667.45 FL	\$2,741.49
		MV	\$6,452.18
Roxbury	\$63,351.00	\$63,351.00	
Sidney	\$32,063.77	\$23,186.33	\$8,877.44
Stamford	\$30,355.61	\$23,656.10 ST	\$2,931.13
		HO	\$3,768.38
Tompkins	\$11,354.24	\$11,354.24	
Walton	\$39,298.43	\$32,173.63	\$7,124.80
Totals ...	\$610,783.43	\$564,911.02	\$45,872.41

The resolution was seconded by Mr. Marshfield and Mr. Taggart.

Ms. Molé announced that most towns have gone up considerably which is a reflection of how many properties have been purchased in the last year.

Mr. Valente stated he was feeling pretty good about Davenport's check amount until he saw Middletown's.

In reply to Ms. Molé, Mr. Davis said he was expecting this but there are problems that come with it.

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

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

**RESOLUTION NO. 79**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$3,071,757.84 are hereby presented to the Board of Supervisors for approval of payment;

**NOW, THEREFORE, BE IT RESOLVED** that the County Treasurer be directed to pay said expenditures as listed below:

General Fund	\$1,763,478.49
OET	\$24,873.71
Public Safety Comm System	\$102,646.87
Insurance Risk	\$0.00
CAP 97 Main	\$6,201.45
CAP MH	\$417,442.31
Highway Audits, as Follows:	
Weights & Measures	\$19.98
Solid Waste/Landfill	\$40,498.99
Road	\$52,349.62
Machinery	\$100,607.60
Capital Solid Waste	\$18,185.49
Capital Road & Bridge	\$452,526.51
CAP DPW Complex	\$92,926.82

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

Supervisor Vernold acknowledged Clarence Zurn, a gentleman who lives in the Town of Hancock. He had been an assessor for 20 years and on April 7, he celebrated his 100<sup>th</sup> birthday. On Saturday, Assemblyman Joe Angelino will be giving him a citation. Senator Akshar and Congressman Delgado already sent recognition to Mr. Zurn.

Upon a motion, the meeting was adjourned at 1:24 p.m.