

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

MAY 12, 2021

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, May 12, 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. Ellis. Supervisors Axtell and Scott attended via Zoom.

Mr. Marshfield offered the invocation.

Mrs. Scott 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. Merrill offered the following resolution and moved its adoption:

RESOLUTION NO. 87

**TITLE: 2021 BUDGET AMENDMENT
TRANSFER OF FUNDS
FISCAL AFFAIRS**

WHEREAS, there is a need to replace a printer that is no longer working properly and since the replacement was unanticipated a transfer of funds is necessary.

THEREFORE, BE IT RESOLVED that the following budget amendment be authorized:

FROM:

10-11327-54420200 Maintenance Agreements Software \$600.00

TO:

10-11327-52200000 Equipment \$600.00

The resolution was seconded by Mr. Tuthill and adopted by the following vote: Ayes 4646, Noes 0, Absent 153 (Ellis).

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

RESOLUTION NO. 88

**TITLE: 2021 BUDGET AMENDMENT
TRANSFER OF FUNDS
ALTERNATIVE TO INCARCERATION
PROBATION DEPARTMENT**

WHEREAS, Alternatives to Incarceration receives revenue from bail receipts at the Delaware County Correctional Facility; and

WHEREAS, those funds received through Alternatives to Incarceration are dedicated to the improvement of probation services in Delaware County; and

WHEREAS, additional funding is needed by the Probation Department for the purchase and acquisition of laptop computers as upgrades and replacements for current desktop computers.

NOW, THEREFORE, BE IT RESOLVED that the following transfer be authorized:

FROM:

10-00000-34899000/1325883/889 Alternatives to Incarceration-Reserve \$8,909.20

TO:

10-13140-52200000 Equipment \$8,909.20

The resolution was seconded by Mr. Davis and adopted by the following vote:
Ayes 4646, Noes 0, Absent 153 (Ellis).

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

LOCAL LAW INTRO. NO. 16

**LOCAL LAW AUTHORIZING 12 AND 13 YEAR OLD LICENSED HUNTERS TO
HUNT DEER WITH A FIREARM OR CROSSBOW DURING HUNTING SEASON
WITH THE SUPERVISION OF AN ADULT LICENSED HUNTER**

BE IT ENACTED by the Delaware County Board of Supervisors as follows:

Section 1. Legislative Intent

The intent of this Local Law is to authorize Delaware County to permit 12 and 13 year old individuals to participate in the new and safe hunting opportunities in accordance with Environment Conservation Law § 11-0935. The enacted 2021-2022 New York State Budget, includes a pilot program, allowing the opportunity for young hunters, ages 12 and 13, to hunt deer with firearms and crossbow through 2023 if a county authorizes such action within their municipality. Delaware County is passing this local law as hunting is a valued tradition for many

families, and this new opportunity allows experienced, adult hunters to introduce the value of hunting to the next generation. Furthermore, teaching young people safe, responsible, and ethical hunting practices will ensure a rewarding experience for the youth, while providing quality food to families and contributing to important deer management population control practices.

Section 2. Pilot Program Authorization

Pursuant to Environmental Conservation Law, ECL 11-0935, Delaware County elects to participate in the temporary program to allow for young hunters, ages twelve (12) and thirteen (13), to hunt deer with a firearm, to include rifles, shotguns, and muzzle loaded firearms or crossbow through 2023.

Section 3. State Requirements to Adhere Once Authorized

Twelve (12) and thirteen (13) year old licensed hunters shall be allowed to hunt deer with the following requirements to be followed:

- Twelve (12) and thirteen (13) year old licensed hunters shall be under the supervision of a licensed adult hunter, age 21 years or older, with a rifle, shotgun, or muzzle loading firearm in areas where and during the hunting season in which such firearms may be used; and
- Twelve (12) and thirteen (13) year old licensed hunters shall be allowed to hunt deer under the supervision of a licensed adult hunter, age 21 years or older, with a crossbow during the times when other hunters may use crossbows; and
- Supervision of a licensed adult hunter, age twenty-one (21) years or older, with at least three (3) years of experience who exercises dominion and control over the youth hunter at all times is required; and
- All licensed twelve (12) and thirteen (13) year old hunters as well as their adult supervisors shall be required to wear fluorescent orange or pink clothing while engaged in hunting to an extent and covering so designated pursuant to the law, rules, and regulations promulgated by the State of New York; and
- All licensed twelve (12) and thirteen (13) year old hunters shall remain at ground level while hunting deer with a crossbow, rifle, shotgun, or muzzleloader; and
- Notwithstanding any State or Federal Law to the contrary, this local law shall not authorize the hunting of bear by twelve (12) and thirteen (13) year old with a firearm or crossbow.

Section 4. Local Law Filing Requirements

A copy of this local law shall be sent to the New York State Department of Conservation as well as the NYS Department of State

Section 5. Severability

If any clause, sentence, paragraph, subdivision, section or part of this law, or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its

application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon filing and publication in accordance with Section 27 of the Municipal Home Rule.

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

RESOLUTION NO. 89

TITLE: PUBLIC HEARING ON LOCAL LAW INTRO. NO. 16 OF 2021

**A LOCAL LAW AUTHORIZING 12 AND 13 YEAR OLD LICENSED HUNTERS TO HUNT DEER WITH A FIREARM OR CROSSBOW DURING HUNTING SEASON WITH THE SUPERVISION OF AN ADULT LICENSED HUNTER
DEPARTMENT OF ECONOMIC DEVELOPMENT**

WHEREAS, a proposed local law authorizing 12 and 13 year old licensed hunters to hunt deer with a firearm or crossbow during hunting season with the supervision of an adult licensed hunter in Delaware County has been offered for adoption by the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held on the 26th day of May 2021 at 12:45 p.m. at the Delaware County Office Building located at 111 Main Street, Delhi, New York.

The resolution was seconded by Mr. Davis.

Mr. Valente reported that New York State is allowing 12- and 13-year olds to hunt under supervision and this is an excellent way to bring new hunters into the game. Hunting is still a very important part of our economy in Delaware County and this is a chance to expand it.

Ms. Molé commented she had a lot of people contact her that were very much in favor of this. She announced the public hearing will be held prior to the next meeting on May 26 at 12:45 p.m.

The resolution was unanimously adopted.

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

RESOLUTION NO. 90

TITLE: RESOLUTION REQUESTING NEW YORK STATE AND LOCAL RETIREMENT SYSTEM (NYSLRS) CHANGE THEIR INTERPRETATION OF HONORABLE SERVICE FOR MILITARY SERVICE CREDIT VETERANS SERVICE AGENCY

WHEREAS, NYSLRS is governed by RSSL§ 1000 for the granting of military service credit for members filing for retirement; and

WHEREAS, the rule states, “A member, upon application to such retirement system, may obtain a total not to exceed three years of service credit for up to three years of military duty, as defined in section two-hundred forty-three of the military law, **if the member was honorably discharged** from the military; and

WHEREAS, further in section two-hundred forty-three there is a description of what constitutes the definition of honorable service; and

WHEREAS, it clearly states the service member, **was honorably discharged or released under honorable circumstances from such service, or (ii) has a qualifying condition, as defined in section three hundred fifty of the executive law, and has received a discharge other than bad conduct or dishonorable from such service;** and

WHEREAS, NYSLRS has adjudicated that veterans **require** an honorable discharge, to qualify for military service credit; and

WHEREAS, since it clearly states in the governing regulations for NYSLRS that veterans who have been discharged or released **under honorable circumstances** should be allowed to use military service credit for retirement; and

WHEREAS, veterans who have applied for this credit have been denied because their discharge stated “under honorable conditions or general, under honorable conditions”

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors call upon the Governor and the New York State Legislature to request NYSLRS implement recognition of any veteran who has received a discharge under honorable conditions per their own regulations be allowed to apply for military service credit without requesting the member apply for an upgrade if their discharge is under honorable conditions; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Clerk of Delaware County Board of Supervisors shall forward copies of this resolution to Governor Andrew M. Cuomo, our Federal and State Legislators, New York State Comptroller Thomas P. DiNapoli and all others deemed necessary and proper.

The resolution was seconded by Mr. Vernold.

Mr. Marshfield indicated this is a clarification of definitions and he introduced Director of Veterans Services Charles Piper to expand on this for further understanding.

Mr. Piper explained that a veteran notified him about this when he applied for New York State Local Retirement System (NYSLRS) credit for his discharge from the military. This individual received a discharge under honorable conditions which in the military is equal to the terminology of an honorable discharge. They have the same weight. For some reason, the NYSLRS decided that you have to have a document that says 'honorable discharge.' His research found that the actual statutes state to give service credit to anyone who is discharged from the military under honorable circumstances. He stated he also added a 'general, under honorable discharge' because the services see that as a reason why when you leave the military there might have been some small misconduct that may have been equal to a misdemeanor and they say that is fine, you would not be held accountable for that and give a general, under honorable discharge. For service credit purposes, these are all good credit so there is no reason at all for them not to do this. That is why they put this resolution together.

In reply to Mr. Marshfield, Mr. Piper stated that currently other counties are not aware of this resolution. One veteran brought this to his attention and there is no way to tell how many other veterans have been turned down for the same reason. He will send this resolution out and it may catch on.

Mr. Cetta pointed out this is referencing a former service man in public employment under the New York State Retirement System. He shared that he himself had sold back his military time which added three years onto his retirement from the municipality so it's a very good benefit and he wholeheartedly agrees with this. The semantics of being 'other than honorable' and 'honorable' and 'under honorable conditions' is another story. You are honorably discharged even when there is a pronoun in front of honorable. The one you really look for is bad conduct discharge or dishonorable discharge. Everything else is irrelevant.

Mr. Marshfield noted the committee fully supported this and he suggested Mr. Piper pass this on to his peers in other counties. He thanked Mr. Piper for taking the time to develop this resolution.

In answer to Mr. Pigford regarding if there is any retroactive implication for those who might have qualified earlier on, Mr. Piper stated he is not aware if they track when someone questions this. Veterans receive a notice that says they are denied and are told to request an upgrade, and as Mr. Cetta said, there is no upgrade.

Mr. Cetta added that this cost money. When he applied for his three years, they sent an estimate of how much he would have to pay to add his time onto his retirement. Fortunately, they use what you earned when you were in the service. Thirty years before that, his salary was very low and that's what they base their computations on.

The resolution was unanimously adopted.

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. 91

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$1,428,658.84 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	\$1,012,907.25
OET	\$26,112.81
Public Safety Comm System	\$8,632.42
Insurance Risk	\$0.00
CAP 97 Main	\$2,738.09
CAP MH	\$154,143.00
Highway Audits, as Follows:	
Weights & Measures	\$0.00
Solid Waste/Landfill	\$18,079.32
Road	\$789.05
Machinery	\$41,117.41
Capital Solid Waste	\$31,074.92
Capital Road & Bridge	\$132,518.57
CAP DPW Complex	\$546.00

The resolution was seconded by Mr. Gladstone and Mr. Taggart and adopted by the following vote: Ayes 4646, Noes 0, Absent 153 (Ellis).

Chairman Molé made the following committee appointments:

SOIL & WATER CONSERVATION DISTRICT BOARD

1-year term ending December 31, 2021

Reappoint:

Supervisor James Ellis

Supervisor Jeffrey Taggart

3-year term ending December 31, 2023

Reappoint:

Andy Kiraly

Upon a motion, the meeting was adjourned at 1:14 p.m.