

**REGULAR MEETING**  
**DELAWARE COUNTY BOARD OF SUPERVISORS**  
**OCTOBER 23, 2013**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, October 23, 2013 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 James E. Eisel, Sr. presiding.

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

Mr. Marshfield offered the invocation.

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

The minutes of the previous meeting were accepted as presented.

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

Chairman Eisel granted privilege of the floor to County Attorney Porter Kirkwood who presented Stephanie Joedicke as Employee of the Month.

Ms. Joedicke began her employment as a Legal Secretary in July 2007 and in February 2011 was promoted to the position of Paralegal Assistant.

Mr. Kirkwood stated that Ms. Joedicke grew up in Margaretville, NY and graduated Summa Cum Laude from Lake Erie College with a four year degree in paralegal studies. Ms. Joedicke applied for the Legal Secretary position in the Department of Social Services hoping to find employment that would allow her to live and work in Delaware County.

In her current position, her responsibilities include maintaining up-to-date filing procedures, preparing documents to be filed with the court and served upon the appropriate parties, maintaining log books and case statistics, gathering documents for trial preparation and maintaining the attorney's calendar. She has an impeccable work ethic, is extremely conscientious, and possesses the skills necessary to meet the constantly increasing workload. Ms. Joedicke is an integral part of the County Attorney's office and makes a difference in the quality of its work and achievements.

Mr. Kirkwood presented Ms. Joedicke with a \$50.00 check. Chairman Eisel presented her with the Certificate of Employee of the Month and thanked her for her dedicated service.

Ms. Joedicke thanked Mr. Kirkwood and Chairman Eisel for this honor.

Chairman Eisel granted privilege of the floor to Mr. Axtell who introduced Commissioner of Watershed Affairs Dean Frazier. Commissioner Frazier shared the following announcements and updates with the Board.

There will be a bus trip for elected officials highlighting some of the work that has been done in the most heavily damaged areas of the county as a result of the devastation caused by Hurricane Irene and Tropical Storm Lee. The trip is scheduled for Thursday, November 14, 2013 from 9:30 a.m. to 4:15 p.m. To facilitate scheduling those interested in attending are asked to let the Department of Watershed Affairs know of their intent by October 31, 2013.

The Delaware County Planning Board and the Delaware County CORE group will be sponsoring a program detailing the upcoming changes to the National Flood Insurance Plan. The program will include discussion of the impact of those changes on property owners in the 100 year floodplain. The program is scheduled for Thursday, December 5<sup>th</sup> at SUNY Delhi beginning at 6:30 p.m. Additional information will be forthcoming.

In answer to Chairman Eisel, Commissioner Frazier advised that a direct mailing will be sent to about 6,000 people anticipated to be affected by these changes. The impact on property owners could be substantial.

Planning Director Nicole Franzese explained in answer to Mr. Marshfield, that the Planning Department is currently reviewing the new FEMA floodplain maps and will be developing specific information for the villages and towns.

In response to Chairman Eisel, Ms. Franzese stated there are many property owners who have not seen the new FEMA floodplain maps and therefore may not be aware their property is located in a 100 year floodplain.

Commissioner Frazier noted that a copy of the *NYC Environmental Protection Recreational Boating Summary Report for 2013* has been placed on each Supervisor's desk. He referenced the Recreational Boat Tags graph stating the numbers are underrepresented as they only reflect permits issued for each boat that has been inspected. It is hoped that in future reports, vendors will consider the multiple uses by customers of boating vendors. Overall, the report indicates there are many positive things going on.

Commissioner Frazier noted that the Filtration Avoidance Determination (FAD) comment review period has been extended to November 15, 2013. The department is coordinating comments with the Coalition of Watershed Towns and the Catskill Watershed Corporation.

For standing committee reports, Chairman of the Public Works Committee Samuel Rowe advised that the committee has decided not to spend \$1 million to replace the roof on the 125-year-old Page Avenue highway building. The roof is particularly bad over the patrol garage. The annex added in the 1970s which houses the offices for Board of Elections, Employment & Training and the Veterans Service Agency is in fairly good shape and does not need a roof at this point in time.

Mr. Rowe advised that the committee will be looking into retaining a consultant and developing a long-term plan to meet the needs of Public Works. With the help of the consultant, the committee will consider various configurations and develop a model of doing business that will serve the county for many years to come.

Mr. Spaccaforno noted that the roof has been leaking over the patrol garage for so long that there is severe deterioration. The issue becomes one of safety as well as financial.

Mr. Bracci asked that since the decision will affect the Village and/or Town of Delhi that when the committee begins its discussions the village and/or town be represented.

Mr. McCarthy noted that he is seeking other ways to handle the work of the Town of Sidney Highway Department that will reduce liability and be more cost efficient. He suggested that the consultant review the county's shared services policy.

Chairman Eisel stated in answer to Mr. McCarthy, that the Finance Committee met this morning and is now dealing with further adjustments. He anticipated that the 2014 Tentative Budget should be out to the Supervisors for review shortly before the November 13<sup>th</sup> Board of Supervisors meeting.

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

**RESOLUTION NO. 167**

**TITLE: 2013 BUDGET AMENDMENT  
NON-RESIDENTIAL DOMESTIC VIOLENCE EXPANSION  
DEPARTMENT OF SOCIAL SERVICES**

**WHEREAS**, the Delaware County Department of Social Services is the designated local agency to administer the county's Non-Residential Domestic Violence program for 2012-2013; and

**WHEREAS**, said monies are to be utilized for the expansion of Non-Residential Domestic Violence services to persons with incomes up to 200% of the poverty level; and

**WHEREAS**, said monies are to be utilized to reimburse the county at 100% of its expenditures

**NOW, THEREFORE BE IT RESOLVED** that the 2013 budget be amended as follows:

**INCREASE REVENUE:**

10-16010-44461000	Federal Services for Recipient	\$10,083.00
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**INCREASE APPROPRIATION:**

10-16010-54427010	DV Non Res Expanded	\$10,083.00
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The resolution was seconded by Mr. Marshfield.

In answer to Mr. McCarthy, Commissioner of Social Services William Moon explained that this is a pass through of federal and state funds that initiates at the Department of Social Services. The program is contracted with Delaware Opportunities who perform the direct services.

The resolution was adopted by the following vote: Ayes 4572, Noes 0, Absent 227 (Triolo).

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

**RESOLUTION NO. 168**

**TITLE: 2013 BUDGET AMENDMENT  
HOME ENERGY ASSISTANCE PROGRAM  
DEPARTMENT OF SOCIAL SERVICES**

**WHEREAS**, the Delaware County Department of Social Services is the designated local agency to administer the county's Home Energy Assistance Program (HEAP) for 2013-2014; and

**WHEREAS**, said monies are to be used to fund the Early Outreach Process for 2013-2014; and

**WHEREAS**, said monies are to be utilized to reimburse the county at 100% of its expenditures

**NOW, THEREFORE BE IT RESOLVED** that the 2013 budget be amended as follows:

**INCREASE REVENUE:**

10-16141-44464100	Federal Aid-HEAP	\$19,510.00
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**INCREASE APPROPRIATION:**

10-16141-54200012	Contracted Services-DELOPP	\$19,510.00
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The resolution was seconded by Mr. Marshfield.

Commissioner Moon replied in answer to Mr. McCarthy, that this is a federal program funded by the Energy Block Grant and administrated by the Department of Social Services. The program is run through the Office for the Aging who handles the sixty and over population, Delaware Opportunities handles the under sixty population and the Department of Social Services handles the emergency cases only.

In reply to Mr. Marshfield, Commissioner Moon stated that the Energy Block Grant is one that has been targeted for reduction in 2014. He pointed out that there are about 7,000 people in the county that are benefiting from this program.

Commissioner Moon explained in answer to Chairman Eisel, that since 2007 the county has been provided with the administrative dollars to cover the salary and benefits of the employees. The applicant's benefit is processed electronically to the Comptroller who issues a check directly to the energy provider.

The resolution was adopted by the following vote: Ayes 4572, Noes 0, Absent 227 (Triolo).

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

**RESOLUTION NO. 169**

**TITLE: 2013 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
ALTERNATIVES TO INCARCERATION-PROBATION DEPARTMENT**

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

**WHEREAS**, those funds received through Alternatives to Incarceration are dedicated to the improvement of the probation service for Delaware County; and

**WHEREAS**, additional funding is needed in the Probation Department for the acquisition of replacements and upgrades to their current desktop computers

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

**FROM:**

10-00000-34899000/1325883/889 Alternatives to Incarceration-Reserve \$11,000.00

**TO:**

10-13140-52200000 Equipment \$11,000.00

The resolution was seconded by Mr. Spaccaferno and adopted by the following vote: Ayes 4522, Noes 0, Absent 227 (Triolo).

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

**RESOLUTION NO. 170**

**TITLE: 2013 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
STOP DWI**

**WHEREAS**, additional funding is needed in STOP DWI to assist the Sidney Police Department in the purchase of a video recorder camera to aid in the arrest and prosecution of DWI offenders

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

**FROM:**

10-13315-51000000 Personal Services Exp-DWI \$3,000.00

**TO:**

10-13315-52200000 Equipment \$3,000.00

The resolution was seconded by Mr. Spaccaforno.

Stop-DWI Director Scott Glueckert stated in answer to Mr. Hynes, that the camera will be used as necessary by the Sidney Police Department but in addition will be used to aid in the arrest and prosecution of DWI offenders.

Undersheriff DuMond added that the Sheriff's Office uses similar cameras in their cars. The camera can be set to meet various criteria and begin to video automatically.

The resolution was adopted by the following vote: Ayes 4572, Noes 0, Absent 227 (Triolo).

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

**RESOLUTION NO. 171**

**TITLE: 2013 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
VETERANS SERVICE AGENCY**

**WHEREAS**, the department's travel account is need of additional funding

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

**FROM:**

10-16510-58100000	State Retirement System	\$4,000.00
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**TO:**

10-16510-54625010	Travel Department	\$4,000.00
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The resolution was seconded by Mr. Marshfield and Mr. Hynes.

In answer to Mr. McCarthy, Mr. Valente stated that the department over budgeted in their State Retirement appropriation and are in need of funding due to unforeseen maintenance and repair issues in their travel appropriation.

Commissioner Moon explained that a used 22 passenger school bus was purchased to increase the ridership between the county and Veterans Service Agency (VSA). The bus has increased ridership but as Mr. Valente stated maintenance and repair issues caused the VSA to run over their department's travel budget. The transfer is essentially a wash and has no impact on the county budget. An adjustment to the appropriation has been made in the 2014 Budget to better reflect the cost of the bus.

The resolution was adopted by the following vote: Ayes 4572, Noes 0, Absent 227 (Triolo).

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

**RESOLUTION NO. 172**

**TITLE: 2013 BUDGET MODIFICATION  
TRANSFER OF FUNDS  
PLANNING DEPARTMENT**

**WHEREAS**, the Planning Director has requested and the Planning, Recreation, Culture and Community Committee in conjunction with the Finance Committee and Budget Officer, have agreed that additional funding is needed in the department's equipment account to purchase four replacement GIS computers

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

**FROM:**

10-18020-51000000	Personal Services	\$15,164.00
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**TO:**

10-18020-52200000	Equipment	\$15,164.00
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The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4572, Noes 0, Absent 227 (Triolo).

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

**RESOLUTION NO. 173**

**TITLE: 2013 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the department will exceed the budgeted amount in engineering for Personal Services

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

**FROM:**

24-15010-5100000	Personal Services Exp	\$60,000.00
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**TO:**

24-15020-5100000	Personal Services Exp	\$60,000.00
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The resolution was seconded by Mr. Spaccaforo.

The general engineering personal services account lacks enough funding to cover costs for the remainder of the year. Due to vacancies, there is going to be sufficient funds in the administrative budget to cover the shortfall in engineering. All vacant positions have been removed from the 2014 budget so this type of transfer will not be possible in the future.

The resolution was adopted by the following vote: Ayes 4572, Noes 0, Absent 227 (Triolo).

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

**RESOLUTION NO. 174**

**TITLE: CHANGE ORDER NO. 1 OF PROPOSAL NO SW1-13  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, Resolution 55 of 2013 authorized the award of Proposal # SW1-13, “MRF Equipment Contract” to Machinex Technologies Inc., 8770 W. Bryn Mawr Ave., #1300, Chicago, IL 60631 for the bid amount of \$2,285,675.00; and

**WHEREAS**, negotiations have altered the time frame for the completion of the work

**NOW, THEREFORE, BE IT RESOLVED** that the Department of Public Works is herewith authorized to execute Change Order No. 1 extending the substantial completion date from April 22, 2014 until August 1, 2014 and the ready for final payment date from June 21, 2014 until September 30, 2014. These changes will not change the dollar amount of the contact.

The resolution was seconded by Mr. Smith and Mr. Spaccaferno and unanimously adopted.

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

**RESOLUTION NO. 175**

**TITLE: CHANGE ORDER NO. 2 OF PROPOSAL NO. SW1-13  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, Resolution 55 of 2013 authorized the award of Proposal # SW1-13, “MRF Equipment Contract” to Machinex Technologies Inc., 8770 W. Bryn Mawr Ave., #1300, Chicago, IL 60631 for the bid amount of \$2,285,675.00; and

**WHEREAS**, Resolution No. 174 of 2013 authorized the execution of Change Order No. 1 at no change to the contract cost; and

**WHEREAS**, the county has decided to include Options #1, #4, #5, #8 and #10 of the original bid documents in the construction of the new facility at an increase in cost of \$98,500.00.

**NOW, THEREFORE, BE IT RESOLVED** that the Department of Public Works is herewith authorized to execute Change Order No. 2 increasing the contract amount from \$2,285,675.00 to \$2,384,175.00.

The resolution was seconded by Mr. Smith and adopted by the following vote: Ayes 4572, Noes 0, Absent 227 (Triolo).



Mr. Dolph introduced Local Law Intro Nos. 1 through 10 which were seconded by Mr. Donnelly.

### **LOCAL LAW INTRO NO. 1**

#### **TITLE: SALARY INCREASE DIRECTOR OF EMERGENCY SERVICES**

Section 1. The salary of Richard Bell, Director of Emergency of Services shall be fifty-four thousand, three hundred twelve dollars [\$54,312] per annum effective January 1, 2014.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

### **LOCAL LAW INTRO NO. 2**

#### **TITLE: SALARY INCREASE DIRECTOR OF INFORMATION TECHNOLOGY**

Section 1. The salary of Joseph deMauro, Director of Information Technology shall be Seventy six thousand, six hundred forty-two dollars [\$76,642] per annum effective January 1, 2014.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

### **LOCAL LAW INTRO NO. 3**

#### **TITLE: SALARY INCREASE ELECTION COMMISSIONER**

Section 1. The salary of Judith Garrison, Election Commissioner shall be twenty-one thousand, one hundred seventy-six dollars [\$21,176] per annum effective January 1, 2014.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

### **LOCAL LAW INTRO NO. 4**

#### **TITLE: SALARY INCREASE COMMISSIONER OF SOCIAL SERVICES**

Section 1. The salary of William Moon, Commissioner of Social Services shall be ninety-seven thousand, forty-eight dollars [\$97,048] per annum effective January 1, 2014.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

**LOCAL LAW INTRO NO. 5**

**TITLE: SALARY INCREASE COMMISSIONER OF PUBLIC WORKS**

Section 1. The salary of Wayne Reynolds, Commissioner of Public Works shall be ninety-one thousand, seventy-nine dollars [\$91,079] per annum effective January 1, 2014.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted

**LOCAL LAW INTRO NO. 6**

**TITLE: SALARY INCREASE DIRECTOR REAL PROPERTY TAX SERVICES II**

Section 1. The salary of Michael Sabansky, Director of Real Property Tax Services II shall be fifty nine thousand, four hundred one dollars [\$59,401] per annum effective January 1, 2014.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

**LOCAL LAW INTRO NO. 7**

**TITLE: SALARY INCREASE PERSONNEL OFFICER**

Section 1. The salary of Leonarda Storey, Personnel Officer shall be sixty-six thousand, thirty dollars [\$66,030] per annum effective January 1, 2014.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

**LOCAL LAW INTRO NO. 8**

**TITLE: SALARY INCREASE DIRECTOR OFFICE FOR THE AGING**

Section 1. The salary of Wayne Shepard, Director Office for the Aging shall be sixty-four thousand, five hundred ninety-seven dollars [\$64,597] per annum effective January 1, 2014.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

**LOCAL LAW INTRO NO. 9**

**TITLE: SALARY INCREASE COUNTY CLERK**

Section 1. The salary of Sharon O'Dell, County Clerk shall be sixty-two thousand, four hundred ninety-two dollars [\$62,492] per annum effective January 1, 2014.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

**LOCAL LAW INTRO NO. 10**

**TITLE: SALARY INCREASE SHERIFF**

Section 1. The salary of Thomas Mills, Sheriff shall be seventy thousand, three hundred nine dollars [\$70,309] per annum effective January 1, 2014.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

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

**RESOLUTION NO 176**

**TITLE: PUBLIC HEARING ON LOCAL LAWS NO. 1 THROUGH 10 OF 2013**

**WHEREAS**, Local Laws Intro. Nos 1 through 10 have been introduced to increase the salaries of: **Non-Elected:** Richard Bell, Director of Emergency Services; Joe deMauro, Director of Information Technology; Judith Garrison, Commissioner Board of Elections; William Moon, Commissioner of Social Services; Wayne Reynolds, Commissioner of Public Works; Michael Sabansky, Real Property Tax Services; Leonarda Storey, Personnel Officer; Wayne Shepard, Director Office for the Aging.

**Elected:** Sharon O'Dell, County Clerk; Thomas Mills, Sheriff.

**NOW, THEREFORE BE IT RESOLVED**, that a public hearing be held on Local Laws Intro Nos. 1 through 10 on the 13th day of November, 2013 at 12:45 PM in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York.

The resolution was seconded by Mr. Donnelly.

Chairman Eisel stated there will be a public hearing on Local Law Intro Nos. 1 through 10 on Wednesday, November 13<sup>th</sup> at 12:45 p.m. prior to the Board of Supervisors meeting.

The resolution was adopted by the following vote: Ayes 4275, Noes 297 (Valente), Absent 227 (Triolo).

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

**RESOLUTION NO. 177**

**TITLE: APPORTIONMENT OF MORTGAGE TAX**

**WHEREAS**, §261 of the Tax Law makes it mandatory to apportion the mortgage tax semi-annually and a report has been received from the recording officer and the County Treasurer for the period ending September 2013.

**NOW, THEREFORE, BE IT RESOLVED** that the County Treasurer be directed to pay to the several towns and villages of Delaware County the amounts stated below; the same having been apportioned according to the aforementioned §261; and

**BE IT FURTHER RESOLVED** that the foregoing statement shall be to the County Treasurer a sufficient warrant for the payment of said monies.

Town	Amount Allocated to Tax District	Amount Apportioned to Town	Amount Apportioned to Village
Andes	\$9,432.69	\$9,432.69	
Bovina	\$9,886.25	\$9,886.25	
Colchester	\$8,488.69	\$8,488.69	
Davenport	\$15,304.14	\$15,304.14	
Delhi	\$28,416.33	24,081.42	\$4,334.91
Deposit	\$7,256.01	\$6,789.54	\$466.47
Franklin	\$22,087.46	\$21,119.02	\$968.44
Hamden	\$12,387.11	\$12,387.11	
Hancock	\$23,460.46	\$21,329.27	\$2,131.19
Harpersfield	\$10,088.41	\$9,007.16	\$1,081.25
Kortright	\$14,614.11	\$14,614.11	
Masonville	\$4,880.18	\$4,880.18	
Meredith	\$14,227.49	\$14,227.49	
Middletown	\$50,264.02	\$45,670.71 FL	\$1,372.61
		M	\$3,220.70
		V	
Roxbury	\$26,927.34	\$26,927.34	

Town	Amount Allocated to Tax District	Amount Apportioned to Town	Amount Apportioned to Village
Sidney	\$67,501.93	\$47,786.17	\$19,715.76
Stamford	\$7,120.41	\$5,386.07 ST	\$617.02
		H	\$1,117.32
		O	
Tompkins	\$3,379.97	\$3,379.97	
Walton	\$27,454.83	\$22,467.86	\$4,986.97
Totals ...	\$363,177.83	\$323,165.19	\$40,012.64

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

Chairman Eisel noted that the one percent tax collected on the mortgages recorded by the County Clerk's office is shared between the county and state each receiving a quarter percent and the town receiving a half percent.

The resolution was adopted by the following vote: Ayes 4572, Noes 0, Absent 227 (Triolo).

Chairman Eisel waived Board Rule 10 to permit the introduction without objection of the following not-pre-filed resolutions

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

**RESOLUTION NO. 178**

**TITLE: FOUR DAY WORK WEEK  
SHERIFF'S OFFICE**

**WHEREAS**, by Resolution No. 289 of October 27, 1999, the Board of Supervisors approved an agreement with the Delaware County Deputy Sheriff's Police Benevolent Association regarding a four-day work week for the Sheriff's Office personnel assigned to road patrol and investigations; and

**WHEREAS**, said agreement provides for an annual vote by employees assigned to a four-day work week and the Board in order to continue the four-day work week in the following year; and

**WHEREAS**, Sheriff's Office employees participating in the four-day work week have voted in favor of continuing the four-day work week; and

**WHEREAS**, the Sheriff and the Public Safety Committee recommend that the four-day work week continue through 2014

**NOW, THEREFORE, BE IT RESOLVED** that continuation of said four-day work week until December 31, 2014, is hereby approved.

The resolution was seconded by Mr. Spaccaforno.

In answer to Mr. Bracci, Sheriff Mills said that the four-day work week has worked well for the Sheriff's Office. Undersheriff DuMond added that travel is a significant factor to what can be accomplished in an 8 hour day. The four-day work week assists with the overtime issues.

Undersheriff DuMond explained in reply to Mr. McCarthy's concern over the number of vehicles and the fact that these vehicles are being taken home, that every vehicle is needed and the system is a cost savings to the Sheriff's Office. He noted that there are three spare vehicles maintained for the road patrol in the event a vehicle has to be taken off the road for maintenance or repair. The office has found that having a vehicle readily available at a deputy's home has reduced the time it takes to get to a call as well as save overtime hours.

Sheriff Mills noted that the county has two Hummers that were received free from the federal government and were painted free of charge.

The resolution was adopted by the following vote: Ayes 3995, Noes 577 (McCarthy), Absent 227 (Triolo).

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

**RESOLUTION NO. 179**

**TITLE: EXCEPTION TO RESOLUTION NO. 269-1990  
SHERIFF'S OFFICE**

**WHEREAS**, Resolution No. 269-1990 prohibited county employees from holding more than one county position simultaneously except if such dual employment is specifically authorized by resolution of the Board of Supervisors; and

**WHEREAS**, the Sheriff's Office is experiencing difficulties in recruiting deputies, dispatchers, registered nurses and correction officers; and

**WHEREAS**, from time to time employees in other county departments are willing to work on a per-hour, as-needed basis in the Sheriff's Office

**NOW, THEREFORE, BE IT RESOLVED** that Resolution No. 269 is hereby temporarily waived until December 31, 2014 for county employees who are willing to work on a per-hour, as-needed basis in the Sheriff's Office.

The resolution was seconded by Mr. Spaccaforno and adopted by the following vote: Ayes 4572, Noes 0, Absent 227 (Triolo).

Mr. Dolph introduced Local Law Intro No. 11 which was seconded by Mr. Marshfield.

**LOCAL LAW INTRO. NO. 11 OF 2013**

**LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT  
ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c**

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

**Section 1. Legislative Intent:** It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the County of Delaware pursuant to General Municipal Law §3-c, and to allow the County of Delaware to adopt a budget for the fiscal year beginning January 1, 2014 and ending December 31, 2014 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

**Section 2. Authority:** This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Board of Supervisors to override the tax levy limit by the adoption of a local law approved by vote of at least sixty (60%) of the Board.

**Section 3. Tax Levy Limit Override:** The Board of Supervisors of the County of Delaware is hereby authorized to adopt a budget for the fiscal year 2014 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

**Section 4. Severability:** If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective date:** This local law shall take effect immediately upon filing with the Secretary of State.

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

**RESOLUTION NO. 180**

**TITLE: PUBLIC HEARING ON LOCAL LAW INTRO. NO. 11 OF 2013  
RESOLUTION OF THE BOARD OF SUPERVISORS ACCEPTING PROPOSED  
LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL  
MUNICIPAL LAW §3-c AND SCHEDULING PUBLIC HEARING FOR SAME**

**WHEREAS**, on June 24, 2011 the New York State Legislature enacted Chapter 97 of the NYS Laws of 2011, hereinafter referred to as the “General Municipal Law §3-c”; and

**WHEREAS**, General Municipal Law §3-c expressly authorized local governments to override the tax levy limit by the adoption of a local law approved by a vote of at least sixty percent (60%) of the total voting power of the governing body (in this case, the “Delaware County Board of Supervisors”); and

**WHEREAS**, the County's Attorney has prepared a proposed Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c; and

**WHEREAS**, the Board of Supervisors has reviewed and modified the proposed Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c;

**NOW, THEREFORE, BE IT RESOLVED** that the proposed law is ready for consideration by the Board of Supervisors; and

**BE IT FURTHER RESOLVED**, that the Board of Supervisors shall hold a public hearing for consideration of the Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c on November 26, 2013 at 12:15 p.m. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York; and

**BE IT FURTHER RESOLVED**, that the Clerk of the Board is hereby authorized and directed to publish notice of said hearing in the Walton Reporter and Deposit Courier, and to post copies of such notice in the manner provided by law.

The resolution was seconded by Mr. Marshfield.

In answer to Mrs. Donofrio, Mr. Dolph stated that the resolution is being done to ensure the county files for the override in a timely manner. Passing the resolution does not mean the 2014 Proposed Budget will be over the tax levy, rather it allows the county to comply with the necessary procedures to avoid the consequences if it has to override the tax levy.

Chairman Eisel stated there will be a public hearing on Local Law Intro No. 11 on Tuesday, November 26<sup>th</sup> at 12:15 p.m. prior to the Board of Supervisors meeting.

The resolution was adopted by the following vote: Ayes 4275, Noes 297 (Valente), Absent 227 (Triolo).

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

**RESOLUTION NO. 181**

**TITLE: AUTHORIZATION TO INTERVENE AND TO SEEK INTERVENOR FUNDING AND RETAIN CONSULTANTS FOR THE VARIOUS PROPOSED ELECTRIC TRANSMISSION LINE PROJECTS BEFORE THE PSC PLANNING DEPARTMENT**

**WHEREAS**, the Board of Supervisors is aware that there are presently at least four different proceedings before the Public Service Commission for the siting of high-voltage electric transmission facilities; and

**WHEREAS**, the Planning Department has preliminarily identified that the proposals may affect a variety of communities within Delaware County and has the potential to affect the County as a whole; and



**WHEREAS**, the County Planning Department is responsible for rendering planning assistance to municipalities within the County and maintains a comprehensive Geographic Information System (GIS) which provides the analytical tools for land use evaluations; and

**WHEREAS**, the County Planning Department seeks authorization to review the various transmission lines and identify specific environmental, economic, historic and growth related concerns for each transmission route. In addition, Delaware County will coordinate with the individual municipalities to identify and review these considerations and obtain the local perspective on the potential impacts; and

**WHEREAS**, Delaware County Planning has the ability to evaluate the various proposals with respect to agricultural impacts, growth inducing impacts, zoning designations, historic and archeologically sensitive areas, historic resources, comprehensive plan requirements, and county-wide considerations. Through the implementation and use of its GIS system, Delaware County will be able to provide detailed comments on these and other impacts, and also whether there are any adverse environmental impacts or positive considerations that will be an asset to the communities or Delaware County as a whole. In addition, with its County-wide perspective, Delaware County Planning is best suited to provide input on potential cumulative impacts associated with these transmission line proposals; and

**WHEREAS**, due to the extremely rigid and short deadline associated with the PSC proceeding, the Planning Department has submitted to the PSC for intervenor status and intervenor funding to reimburse the County for the use of staff time and to defray the cost of hiring technical and legal consultants to provide additional expertise.

**NOW, THEREFORE, BE IT RESOLVED** that the County Planning Department is hereby authorized to submit for intervenor status and request intervenor funding and the submission heretofore made is ratified by the Board of Supervisors.

**IT IS FURTHER RESOLVED** that the County Planning Department is hereby authorized to participate in the PSC proceedings, by and through the law firm of Young/Sommer LLC and the Planning Department is hereby authorized to enter into a contract with Young/Sommer at its customary rates and is further authorized to retain Paul De Andrea, P.E. at the rate of \$100/hour to provide technical assistance on electrical transmission systems.

The resolution was seconded by Ms. Miller.

Ms. Franzese explained that this resolution allows the Planning Department to review the various proposed electric transmission line projects and to retain a consultant that has expertise in areas the Planning Department does not. The Planning Department has preliminarily identified four proposals before the Public Service Commission that have the potential to affect Delaware County.

In answer to Chairman Eisel, Ms. Franzese stated that the intervenor funding will reimburse the Planning Department for use of staff time and help offset the cost of hiring technical and legal consultants to provide additional expertise.

Ms. Franzese answered in reply to Mr. Marshfield, that the intervenor funding is still under review and not a guarantee at this point. Since the Planning Department will be reviewing

the proposals regardless of this funding if it becomes available it can be applied to offset expenses.

Mr. Marshfield noted that there have been proposals that will affect the Towns of Masonville, Sidney and Walton but will have a greater impact on the Towns of Colchester, Delhi, Franklin and Hamden.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 182**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,457,315.27 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	\$1,213,446.11
OET	\$10,124.16
Public Safety Comm System	\$16,589.66
Highway Audits, as Follows:	
Weights and Measures	\$75.15
Landfill	\$103,874.05
Road	\$9,052.22
Machinery	\$70,873.30
Capital Road & Bridge	2,733.79
Capital Solid Waste	\$30,546.83

The resolution was seconded by Mr. Donnelly and adopted by the following vote: Ayes 4572, Noes 0, Absent 227 (Triolo).

Upon a motion, the meeting adjourned at 1:55 p.m.