REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS JANUARY 22, 2014

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, January 22, 2014 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. Valente who arrived immediately following the roll.

Mr. Marshfield offered the invocation.

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

The minutes of the previous meeting were accepted as presented.

The Clerk read a note from the family of former Town of Deposit Supervisor Lee Conklin thanking the Board of Supervisors for its expression of sympathy in a resolution honoring their father. The family noted that Mr. Conklin enjoyed his time as Supervisor working with the county and the residents of the Town of Deposit.

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

For standing committee reports Chairman Eisel stated that per Municipal Law §803 it is incumbent upon him to make the following disclosure statement. Town of Bovina Supervisor Tina Molé, Town of Hamden Supervisor Wayne Marshfield, Town of Middletown Supervisor Marge Miller and Town of Roxbury Supervisor Thomas Hynes have been appointed to the Delaware Opportunities Board and sit on the Board without receiving payment of any kind. The signed disclosure forms are available for review upon request.

Chairman of the Finance Committee and Budget Director Town of Walton Supervisor Bruce Dolph stated that he in conjunction with the members of the Finance Committee made every effort to put forward the best possible budget for the county. The county passed a resolution stating it would exceed the tax cap, which was 1.66 percent in 2014. Mr. Dolph stated that the Real Property Tax Cap had no bearing on the outcome of the calculation of the 2014 budget. He further stated that nothing he has done as Budget Director has put the taxpayers at risk or cost them untold sums of money as inaccurately reported by some of the newspapers.

Mr. Marshfield stated that the Finance Committee put a great deal of time and effort into the preparation of the 2014 budget that passed with a 3.8238 percent increase over the previous year.

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

RESOLUTION NO. 16

TITLE: 2014 BUDGET AMENDMENT POLICE TRAFFIC SAFETY PROGRAM GRANT SHERIFF'S OFFICE

WHEREAS, the Sheriff's Office has been successful in securing grant funds with which to sponsor a highway safety program geared at encouraging motorists to increase seat belt usage and reduce aggressive speeding, distracted and other dangerous driving behaviors in an effort to reduce serious injury and death from traffic crashes; and

WHEREAS, the Sheriff's Office agrees to participate in the statewide "Police Traffic Services Program"; and

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

WHEREAS, participation in this program will result in the award of a grant in the amount of \$9,455 to be used to pay the salaries of the road patrol deputies participating in this program commencing October 1, 2013 and ending on September 30, 2014.

NOW, THEREFORE, BE IT RESOLVED that 2014 budget be amended as follows:

INCREASE REVENUE: 10-13310-43338900/3310319/907	State OTR Public Safety	\$9,455.00
INCREASE APPROPRIATION: 10-13310-51327000/3310319/907	Personal Services	\$9,455.00

The resolution was seconded by Mr. Spaccaforno.

Mr. Valente stated that he believes this program is a blatant violation of an individual's constitutional rights and will be voting against it.

The resolution was adopted by the following vote: Ayes 4502, Noes 297, Absent 0.

Ms. Molé offered the following resolution and moved its adoption:

RESOLUTION NO. 17

TITLE: 2014 BUDGET AMENDMENT RECEIPT OF GRANT DEPARTMENT OF PUBLIC HEALTH SERVICES

WHEREAS, the Rural Healthcare Alliance of Cornell Cooperative Extension of Delaware County has been awarded a grant to support health care initiatives; and

WHEREAS, the Rural Health Alliance will award grant monies in the amount of \$2,000 to implement a senior drive program; and

WHEREAS, Delaware County Public Health Services recognizes that it is important to provide education for our aging population on driving safety.

NOW, THEREFORE, BE IT RESOLVED that the 2014 budget be amended a follows:

INCREASE REVENUE:

EDOM.

10-14012-42270602/4012013/906	Grants from Non profit	\$2,000.00
INCREASE APPROPRIATION.		

INCREASE APPROPRIATION:

10-14012-54327000/4012013/906General Grant Related Expense\$2,000.00

The resolution was seconded by Mr. Triolo.

In response to Mr. Marshfield, Ms. Molé stated that the program will be offered through Public Health and is a refresher driver safety program for senior citizens.

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

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

RESOLUTION NO. 18

TITLE: 2014 BUDGET AMENDMENT TRANSFER OF FUNDS CREATION OF PART-TIME PROGRAM SPECIALIST POSITION DEPARTMENT OF SOCIAL SERVICES

WHEREAS, the Department of Social Services has employed a part-time program specialist to provide needed assistance for the last several years; and

WHEREAS, this assistance is still needed; and

WHEREAS, there are currently no part-time program specialist positions in the budget; and

WHEREAS, there are funds in the current budget that can be transferred to fund this position; and

WHEREAS, there will be no additional cost to the taxpayers;

NOW, THEREFORE, BE IT RESOLVED that the Board approves the creation of a part-time program specialist position (LG 13 STEP 5); and

BE IT FURTHER RESOLVED that the following transfer be made:

<u>FROM:</u> 10-16010-54427014	DS&S Contracts	\$15,038.00
<u>TO:</u> 10-16010-51000000 10-16010-58300000 10-16010-58900000	Personal Services Social Security Employer Contribution Medicare Employer Contribution	\$13,969.00 \$866.00 \$203.00

The resolution was seconded by Mr. Donnelly.

Mr. Marshfield explained that the resolution is a budget transfer from Delaware Support and Services to the Department of Social Services. The 2014 budget has funding in the contractual line for Delaware Support & Services necessitating the resolution. The position for several years has been filled with a retired individual from the Department of Social Services who is trained and knowledgeable with the programs.

Chairman Eisel stated that the position has been with Delaware Support & Services but is being brought back to the Department of Social Services where it is felt it belongs.

In response to Mr. Taggart, Mr. Marshfield stated that bringing the position back to the Department of Social Services provides a cost savings.

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

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

RESOLUTION NO. 19

TITLE: AUTHORIZATION FOR AWARDS -DEPARTMENT OF PUBLIC WORKS

LETTING OF JANUARY 9, 2014

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 award to the lowest bidder meeting specifications as follows:

PROPOSAL NO. 23-14	LP Gas, Storage Tanks & Piping to:	
	Mirabito End PO Box 530 Binghamton	-
	Bid Price:	Firm Differential of \$ 0.5943
	This bid is n	ot open to other municipalities.

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. Haynes and Mr. Spaccaforno.

Mr. Rowe stated in reply to Mr. Taggart, that the bids were put out to all suppliers meeting specifications. Mirabito Energy Products was the only company that responded.

In reply to Mr. Valente, Mr. Haynes noted that Mirabito Energy Products owned the tanks.

Mr. Marshfield commented that in his opinion prevailing wage might be a deterrent to many of the suppliers.

The resolution was unanimously adopted.

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

RESOLUTION NO. 20

TITLE: AUTHORIZATION FOR AWARD DEPARTMENT OF PUBLIC WORKS

WHEREAS, the roof on the DPW main shop on Page Avenue, Delhi is in very poor condition; and

WHEREAS, to meet current building codes, the repair of the roof would require very expensive structural modifications to the building; and

WHEREAS, it is not cost effective to invest the required amount of money in a building of that age; and

WHEREAS, the Department of Public Works went through a consultant selection process in 2010 to identify the most qualified firm to assist the County with designing a new shop; and

WHEREAS, the project was put on hold in December of 2010 due to economic reasons but the proposal has been updated to start engineering evaluations in 2014.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Department of Public Works is authorized to make award to Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C. (Wendel), 140 John James Audubon Pkwy, Suite 201k, Buffalo, NY 14228 for professional services of Conceptual Design and Programming Phase.

Proposal Fee: Maximum Amount Payable \$154,000.

The resolution was seconded by Mr. Haynes and Mr. Spaccaforno.

Mr. Rowe explained that the roof on the main shop of the Page Avenue building is in very bad condition. The committee determined that putting \$1 million dollars into a building built in the late 1800's was not in the best interest of the taxpayer. The contract with Wendel Professional Services is for a preliminary engineering study. This is the first step in developing the parameters and design of a building that will take the county into the future. The mechanics will move from the Wickham building and the highway patrol from the existing Page Avenue building when the new building is complete. The building will be built between the Wickham and Page Avenue Buildings in the large parking lot on Page Avenue. The county has already

purchased a piece of property that will allow access directly to Route 10 in the event of high water.

Mr. Valente advised that once the facility is no longer needed the Wickham property will be put back on the tax rolls as promised to the constituents.

Mr. Rowe stated in answered to Mr. Taggart, that the deteriorated part of the building will be razed. The work of razing the building will be done in house. Due to the possibility of high water the section of the new building near the old mill pond will be raised higher than the floodplain.

Mr. Spaceaforno added that the committee has talked about putting a wall around that section of the building.

Mr. Tuthill asked the Public Works Committee to keep the town and village abreast of the process as the county commences the replacement of the DPW building project within the village. He would also like to see a floodplain impact study done at the same time the plans for the building are handled.

In answer to Mr. Pigford, Mr. Rowe stated that the "final design, detailing, construction specification and bid documents" as written in the accompanying memo is not included in this proposal.

Mr. Marshfield referenced the Herkimer County Study and wanted to make sure the Public Works Committee covered all avenues before this money was spent.

Mr. Rowe remarked that the committee feels the consultation expense is money well spent, as there will always be the need for a centrally located building for the maintenance of vehicles and bridges.

Mr. Spaccaforno added that the Herkimer County Study is one of the reasons the committee feels this study is necessary.

Mr. Valente opined that he was not in favor of putting the building in the suggested Delhi location at first but the ancillary buildings are still in good shape making the site more compelling to him. He felt the project is already starting out better as the proposed structure site is higher than the existing site.

Mr. Valente stated in response to Mr. Tuthill's concern that the committee is committed to keeping the Town and Village of Delhi abreast of what is happening throughout the process.

Chairman Eisel stated that the Board passed a resolution championed by former Town of Delhi Supervisor Peter Bracci calling for notification to the town or village when a county department is considering an action with any real property that could affect their communities

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

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

RESOLUTION NO. 21

TITLE: CHANGE ORDER NO. 3 OF PROPOSAL NO. SW1-13 DEPARTMENT OF PUBLIC WORKS

WHEREAS, Resolution 55 of 2013 authorized the award of Proposal No. SW1-13, "MRF Equipment Contract" to Machinex Technologies Inc., 8770 W. Bryn Mawr Ave., No. 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, Resolution No. 175 of 2013 authorized the execution of Change Order No. 2 bringing the total contract cost to \$2,384,175.00; and

WHEREAS, the final design of the building has been determined and the necessary changes have been made to the equipment so that it is properly fitted for the building; and

WHEREAS, the cost increase associated with these changes has been determined to be \$106,720.26.

NOW, THEREFORE, BE IT RESOLVED that the Department of Public Works is herewith authorized to execute Change Order No. 3 increasing the contract amount from \$2,384,175.00 to \$2,490,895.26.

The resolution was seconded by Mr. Haynes.

Director of Solid Waste Management Susan McIntyre explained that this resolution is specific to the recycling equipment and incorporates engineering, fabrication and installation. The final design of the building is determined and the necessary changes to ensure the equipment is fitted properly have been completed. She pointed out the changes were identified early on in the project. The changes increased the contract amount.

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

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

RESOLUTION NO. 22

TITLE: CHANGE ORDER NO. 4 OF PROPOSAL NO. SW1-13 DEPARTMENT OF PUBLIC WORKS

WHEREAS, Resolution 55 of 2013 authorized the award of Proposal No. SW1-13, "MRF Equipment Contract" to Machinex Technologies Inc., 8770 W. Bryn Mawr Ave., No. 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, Resolution No. 175 of 2013 authorized the execution of Change Order No. 2 bringing the total contract cost to \$2,384,175.00; and

WHEREAS, Resolution No. 21 of 2014 authorized the execution of Change Order No. 3 bringing the total contract cost to \$2,490,895.26; and

WHEREAS, the changes necessary to modify the equipment to fit the building have caused the time frame of the contract to be extended at no cost to the County.

NOW, THEREFORE, BE IT RESOLVED that the Department of Public Works is herewith authorized to execute Change Order No. 4 extending the substantial completion date from August 1, 2014 to October 18, 2014 and the ready for final payment date from September 30, 2014 until December 17, 2014. These changes will not change the dollar amount of the contact.

The resolution was seconded by Mr. Spaccaforno.

In reply to Mr. Triolo, Ms. McIntyre stated that this resolution extends the completion timeframe out. This is important because the contract calls for liquated damages to the extent that there are contractor issues.

The resolution was unanimously adopted.

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

RESOLUTION NO. 23

TITLE: SALE OF TAX ACQUIRED PROPERTY TREASURER'S OFFICE

RESOLVED that the following described parcels of tax acquired property be sold to the parties 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, upon receipt of cash consideration hereinafter set forth.

ASSESSED TO:

Town of: Tax Map No: School District: Acreage: Conveyed To: SID11TX.044 <u>May Melendez</u> 125001:Sidney 115.20-2-16 125001:Sidney 100.00'F x 300.00'D: 0.28A Acres Estate of May Melendez C/O Ralph Melendez 18 Peach Tree Lane Levittown NY 11756 \$6,236.77 \$4,837.15

CASH CONSIDERATION: TAX DEFICIT:

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

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

RESOLUTION NO. 24

TITLE: LEGISLATIVE APPROVAL FOR IMPOSITION OF A WIRELESS CHARGE ON CELL PHONES

WHEREAS, Senate Bill 5990 and Assembly Bill 8303 have been introduced authorizing Delaware County the option to impose a wireless surcharge of thirty cents per device, per month;

THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors requests the passage and enactment of Senate Bill 5990 and Assembly 8303 entitled "AN ACT to amend county law, in relation to wireless communication service surcharges applied to Delaware County"; and

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors is directed and authorized to file with the Senate and Assembly Home Rule messages or forms as needed to certify this resolution.

The resolution was seconded by Mr. Triolo.

Mr. Axtell explained this resolution is the second step in the process of acquiring authorization to move forward with the wireless surcharge on cell phones. The request is now with the New York State legislature.

Chairman Eisel stated in response to Mr. Pigford that as cell phone coverage is becoming more widespread the use of the landline phones are diminishing reducing the amount collected through the 911 landline surcharge.

Mr. Spaccaforno added that the funds raised through the landline surcharge are used for the enhancement of the county's public safety communication system. The cell phone surcharge is necessary income for the county.

Mr. Axtell noted the funds raised from the wireless surcharge are required to be used solely for the enhancement of the 911 system.

In answer to Mr. Marshfield, Director of Emergency Services Steve Hood stated that the current system is able to track a cell phone location to within 500 feet. The county is preparing to upgrade to Next Generation 911 technology that will bring essential capabilities to the 911 system.

The resolution was unanimously adopted.

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

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

RESOLUTION NO. 25

TITLE: 2014 BUDGET AMENDMENT TRANSFER OF FUNDS SHERIFF'S OFFICE

WHEREAS, Resolution No. 91 dated June 26, 2013, authorized the Sheriff's Office to establish a K-9 Program; and

WHEREAS, by Resolution No. 123 dated August 28, 2013, it was amended to allow the acceptance of additional funds; and

WHEREAS, this amendment is being sought to transfer a portion of the funds from the equipment into the contractual account

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

<u>FROM:</u> 10-13110-52228001/3110111/907	Equipment - Canine Law Enforcement	\$3,000.00
<u>TO:</u> 10-13110-54143050/3110111/907	Canine – Contractual	\$3,000.00

The resolution was seconded by Mr. Spaccaforno.

In answer to Mr. Marshfield, Sheriff Mills shared that the K-9 program has been very successful for Delaware County. The transfer request is to move money from equipment to contractual for the purpose of training and travel. Sheriff Mills noted that the expenses of this program have been paid through donated funds.

Chairman Eisel noted that the program has been successful and stated that shortly out of the training program the dog was instrumental in a narcotics bust in the Town of Walton.

Undersheriff DuMond explained that the dog and the handler are required to attend two in service-training sessions a month to maintain certification. The next phase of tracking and patrol training will take place at the Syracuse Police Department K-9 Training Center at the end of March. The dog has completed the first training and is narcotic certified.

In response to Mr. Donnelly, Undersheriff DuMond advised that the New York State Police K-9 Academy in Cooperstown was already underway when the program was initiated. The Chenango County Sheriff's Office provided valuable assistance while getting the program started and is using the Syracuse Police Training location.

In answer to Mr. Valente, Undersheriff DuMond stated that he felt this transfer should be sufficient to complete the second phase of the required training.

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

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

RESOLUTION NO. 26

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 auction or sealed bid or destroy the following items:

<u>Car No</u> :	Description:	Vehicle Identification No:
9	2000 Dodge Ram Van	2B5WB35Y4YK159644
53	2007 Chevrolet Impala	2G1WS58R479355511
55	2007 Dodge Charger	2B3LA43GX7H773222
58	2008 Chevrolet Impala	2G1WS553981280658
59	2008 Chevrolet Impala	2G1WS553581278549

The resolution was seconded by Mr. Spaccaforno.

In answer to Chairman Eisel, Undersheriff DuMond explained that the vehicles taken out of service are in excess of 100,000 miles. He noted that there are three spare vehicles that can be used when a primary vehicle is out of service.

In answer to Mr. Marshfield, Undersheriff DuMond noted that the vehicles that will be auctioned will be held for the next auction.

Mr. Rowe suggested that the weight and scrape value of the vehicle be known prior to its disposition. The Department of Public Works does this in order to ensure that the minimum amount received is higher than the scrape value of disposed vehicle.

The resolution was unanimously adopted.

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

RESOLUTION NO. 27

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,151,407.91 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 OET Public Safety Comm System	\$801,255.22 \$8,408.40 \$350.00
Highway Audits, as Follows:	
Weights and Measures	394.99
Landfill	\$82,402.59
Road	\$162,767.08
Machinery	\$91,625.88
Capital Road & Bridge	\$3,238.50
Capital Solid Waste	\$965.25

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

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

RESOLUTION NO. 28

TITLE: IN MEMORY OF DONALD L. KERR

WHEREAS, former Town of Kortright Supervisor Donald L. Kerr passed away on January 18, 2014; and

WHEREAS, he served as Town of Kortright Supervisor from 1988 until 2001; and

WHEREAS, he will be remembered with distinction for his hard work, service to his community, and dedication to the County and the Town of Kortright

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors extends its sympathy to the family of Donald L. Kerr and recognizes with gratitude his contributions to this County, his Town and neighbors.

The resolution was seconded by Mr. Marshfield.

Mr. Marshfield stated that Mr. Kerr was a very good man, dedicated to the Town of Kortright and the county. He was extremely gifted with numbers and was always willing to use that ability to help others. Mr. Marshfield shared that he and Mr. Kerr served together on a special committee during the time the county was looking at the best way to continue operation of the county nursing home. The extent of his dedication included the pair of them traveling at their own expense throughout New York State and into Pennsylvania looking at nursing homes. Mr. Kerr was usually a quiet man at Board meetings but when he spoke the members of the Board took notice. He was a very effective public servant and will be missed. Chairman Eisel stated that Mr. Kerr helped him get started with the town bookkeeping and financial affairs when he was elected Supervisor for the Town of Harpersfield in 1992. Chairman Eisel shared that he served on the Catskill Revitalization Board when Mr. Kerr was President. Mr. Kerr wrote a grant through the TEA ICE State Grant Program and the railroad received \$1 million to rehabilitate the trails on the rail line and supporting infrastructure. This was a massive amount of paperwork and Mr. Kerr followed the grant from beginning to end. Mr. Kerr did an outstanding job as Supervisor and will be missed.

The resolution was unanimously adopted.

Chairman Eisel made the following appointments:

Delaware Opportunities Board:

Town of Bovina Supervisor, Tina Molé Town of Hamden Supervisor, Wayne Marshfield Town of Middletown Supervisor, Marge Miller Town of Roxbury Supervisor, Tom Hynes

Health Services Advisory Board

Director of Public Health, Bonnie Hamilton Director of Office for the Aging, Wayne Shepard

Soil & Water Conservation District Committee Town of Franklin Supervisor, Jeffrey Taggart Town of Meredith resident, Frank Bachler

Chairman Eisel stated that the oversight committee appointments have been made. The directory cards along with a listing of the departments that fall under the committee were distributed to the Supervisors. Chairman Eisel noted that the Finance Committee has increased from five members to seven.

Upon a motion, the meeting adjourned at 1:45 p.m.