

REGULAR MEETING

**DELAWARE COUNTY BOARD OF SUPERVISORS
MAY 14, 2014**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, May 14, 2014 at 5:30 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.

Mr. Marshfield offered the invocation.

Mr. Pigford 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 referenced his public service announcement on behalf of the Board regarding the illegal drug epidemic in Delaware County and read a prepared statement that was provided to the press. Since the announcement, the hotline has been very active. Additionally, an anonymous letter was received providing the names and addresses of illegal drug users and those selling prescription drugs. He encouraged the press to print his statement on the front page of the papers so that drug dealers and users know that Delaware County has gotten very detailed information and the Sheriff's Department is acting upon it. The drug abusers and dealers need to know that the Delaware County Sheriff is coming after them and will put them in jail long term. Delaware County is sending a strong message to drug abusers and dealers. Chairman Eisel stated, "this is not where you want to live because we are going to resolve this problem and get to you eventually." He encouraged the public to continue to use the hotline and to be the eyes and ears of their communities.

For standing committee reports, Chairman of the Public Safety Committee Thomas Axtell shared that Flags are to be flown at half-staff on Peace Officer Memorial Day, Thursday, May 15th, from the beginning of business until sunset.

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

RESOLUTION NO. 96

**TITLE: 2014 BUDGET AMENDMENT
TRANSFER OF FUNDS
DISTRICT ATTORNEY OFFICE**

WHEREAS, the sum of \$14,124 has been made available to the District Attorney's Office by way of felony drug prosecutions which is currently in the Forfeitures of Crime Proceeds for the District Attorney; and

WHEREAS, an additional computer is needed in the District Attorney's Office

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

FROM:

10-11165-42262500 Forfeiture of Crime Proceeds \$602.00

TO:

10-11165-52200000 Equipment \$602.00

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

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

RESOLUTION NO. 97

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 March 31, 2014.

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.

| <u>Town</u> | <u>Amount Allocated to Tax District</u> | <u>Amount Apportioned to Town</u> | <u>Amount Apportioned to Village</u> |
|-------------|---|---|--|
| Andes | \$11,024.26 | \$11,024.26 | |
| Bovina | \$7,502.02 | \$7,502.02 | |
| Colchester | \$14,113.89 | \$14,113.89 | |
| Davenport | \$13,539.12 | \$13,539.12 | |
| Delhi | \$24,213.24 | \$20,519.51 | \$3,693.73 |
| Deposit | \$7,371.07 | \$6,897.20 | \$473.87 |
| Franklin | \$15,317.81 | \$14,646.19 | \$671.62 |

| Town | Amount Allocated to Tax District | Amount Apportioned to Town | Amount Apportioned to Village |
|--------------|----------------------------------|----------------------------|-------------------------------|
| Hamden | \$10,038.01 | \$10,038.01 | |
| Hancock | \$15,961.16 | \$14,511.22 | \$1,449.94 |
| Harpersfield | \$5,524.23 | \$4,932.16 | \$592.07 |
| Kortright | \$7,510.02 | \$7,510.02 | |
| Masonville | \$6,844.56 | \$6,844.56 | |
| Meredith | \$16,317.52 | \$16,317.52 | |
| Middletown | \$20,686.28 | \$18,795.89 FL | \$564.90 |
| | | MV | \$1,325.49 |
| Roxbury | \$21,065.63 | \$21,065.63 | |
| Sidney | \$21,608.54 | \$15,297.18 | \$6,311.36 |
| Stamford | \$10,102.07 | \$7,641.49 ST | \$875.39 |
| | | HO | \$1,585.19 |
| Tompkins | \$6,405.96 | \$6,405.96 | |
| Walton | \$17,509.01 | \$14,328.62 | \$3,180.39 |
| Totals | \$252,654.40 | \$231,930.45 | \$20,723.95 |

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. 98

TITLE: AUTHORIZATION TO ENTER INTO A LEASE FOR THE REHABILITATION, REPLACEMENT, MODIFICATION AND EXPANSION OF THE DELAWARE COUNTY EMERGENCY RADIO COMMUNICATIONS SYSTEM LEASE OF THE COON HILL SITE (TOWN OF HANCOCK) DEPARTMENT OF EMERGENCY SERVICES

WHEREAS, the Delaware County Department of Emergency Services is progressing with the project of rehabilitation, replacement, modification and expansion of the Emergency Radio Communications System as previously authorized; and

WHEREAS, a site in the Town of Hancock has been identified as being a site which will provide increased and improved coverage to that area of the county as set forth in Resolution No. 136 of 2012 (dated September 26, 2012); and

WHEREAS, the Department of Emergency Services has followed all appropriate requirements for the lease of property for public agencies, and has negotiated with the owners of the property, Han Cel Inc., for the lease of a 150' x 150' parcel of land in the Town of Hancock on which to erect a communications tower and related appurtenances; and

WHEREAS, Han Cel Inc. will lease the property to the County without rental charge. Delaware County will erect a new tower and in exchange for providing the property without rental charge, the County will allow Han Cel Inc. and others to collocate on the tower at no cost; and

WHEREAS, the Board of Supervisors has previously reviewed the Full Environmental Assessment Form and issued a Negative Declaration as its SEQRA determination for the Overall Project and for this particular site. In that Negative Declaration, it was identified that a viewshed analysis would be conducted to confirm that the proposed project will not reduce the public use or enjoyment, or the character or quality of the surrounding landscape; and

WHEREAS, Tectonic Engineering has conducted such an analysis which confirms that the viewshed will not be negatively impacted. As such, the Board of Supervisors confirms its issuance of the Negative Declaration for this site.

NOW, THEREFORE, BE IT RESOLVED that the County Department of Emergency Services is herewith authorized to enter into a lease with Han Cel Inc., in the name of the County of Delaware for a portion of Tax Map Parcel Number 417.-1-51 in the Town of Hancock.

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

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

RESOLUTION NO. 99

**TITLE: AUTHORIZATION TO ENTER INTO A LEASE FOR THE
REHABILITATION, REPLACEMENT, MODIFICATION AND EXPANSION OF THE
DELAWARE COUNTY EMERGENCY RADIO COMMUNICATIONS SYSTEM
LEASE OF THE GRAND GORGE SITE
(TOWN OF ROXBURY)
DEPARTMENT OF EMERGENCY SERVICES**

WHEREAS, the Delaware County Department of Emergency Services is progressing with the project of rehabilitation, replacement, modification and expansion of the Emergency Radio Communications System as previously authorized; and

WHEREAS, a site in the Town of Roxbury has been identified as being a site which will provide increased and improved coverage to that area of the county as set forth in Resolution No. 136 of 2012 (dated September 26, 2012); and

WHEREAS, the Department of Emergency Services has followed all appropriate requirements for the lease of property for public agencies and has negotiated with the holders of the prime lease, MTC North, Inc., for the lease of a portion of the 100' x 100' parcel of land owned by Steven Dutton in the Town of Roxbury on which to erect a communications tower and related appurtenances; and

WHEREAS, as consideration for this lease, MTC North, Inc. will, as detailed in the lease, pay the monthly rental amount to the property owner and construct the new tower. For its consideration Delaware County will, as detailed in the lease, construct the access road and utility trenches, install the foundation, install an equipment building and emergency generator; and

WHEREAS, the Board of Supervisors has previously reviewed the Full Environmental Assessment Form and issued a Negative Declaration as its SEQRA determination for the Overall Project. In that Negative Declaration, it was identified that additional analysis would be conducted to confirm that the proposed project will not reduce the public use or enjoyment, or the character or quality of the surrounding landscape; and

WHEREAS, Tectonic Engineering has conducted such an analysis which confirms that the viewshed will not be negatively impacted. As such, the Board of Supervisors confirms its issuance of the Negative Declaration for this site.

NOW, THEREFORE, BE IT RESOLVED that the County Department of Emergency Services is herewith authorized to enter into a lease with MTC North, Inc., in the name of the County of Delaware, for a portion of Tax Map Parcel Number 90.-2-5.11 in the Town of Roxbury. As consideration for this lease, MTC North, Inc. will pay the monthly rental amount to the property owner and construct the new tower. For its consideration, Delaware County will construct the access road and utility trenches, install the foundation, install an equipment building and emergency generator.

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

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

RESOLUTION NO. 100

**TITLE: IN THE MATTER OF THE REHABILITATION, REPLACEMENT,
MODIFICATION AND EXPANSION OF THE DELAWARE COUNTY EMERGENCY
RADIO COMMUNICATIONS SYSTEM SEQRA DETERMINATION FOR
THE GRAND GORGE SITE
(TOWN OF ROXBURY)
DEPARTMENT OF EMERGENCY SERVICES**

WHEREAS, on September 26, 2012, the Board of Supervisors adopted a resolution to proceed with the rehabilitation, replacement, modification and expansion of the Delaware County Emergency Radio Communications System Overall Project (Resolution No. 136); and

WHEREAS, the Board of Supervisors resolved to utilize real property located in the Town of Roxbury as one of the seven Replacement System Expansion Sites; and

WHEREAS, the Board of Supervisors seeks to comply with its obligations under the State Environmental Quality Review Act (“SEQRA”) related to the Grand Gorge site; and

WHEREAS, by Resolution No. 73, dated April 25, 2012, the Board of Supervisors declared its intention to be the Lead Agency under SEQRA for purposes of the Overall Project; and

WHEREAS, by letter dated June 6, 2012, the Board of Supervisors commenced a coordinated review with the other potentially involved and interested agencies; and

WHEREAS, by Resolution No. 136, dated September 26, 2012, the Board of Supervisors declared that it would serve as Lead Agency; and

WHEREAS, the Department of Emergency Services’ environmental consultant has prepared a Long Environmental Assessment Form for this site; and

WHEREAS, the Department of Emergency Services’ environmental consultant has completed a Phase I Environmental Site Assessment of the property and this assessment has not revealed evidence of any recognized environmental conditions on the property; and

WHEREAS, the Department of Emergency Services’ environmental consultant has completed a Wildlife and Vegetation Assessment and this assessment has revealed that there will be no impact to federal or state listed endangered or threatened species. Further, the consultant opined that no potentially suitable or critical habitat was observed at the property; and

WHEREAS, the Department of Emergency Services’ environmental consultant has completed a Visual Impact Assessment Report for the property. The report indicates that the proposed tower will be visible from certain locations in the surrounding area. The environmental consultant indicates that the proposed tower will not adversely affect the overall visual/aesthetic character or quality of the surrounding landscape within a 5 mile radius; and

WHEREAS, the Board of Supervisors has previously reviewed the Full Environmental Assessment Form including Parts 1 and 2 thereto and has considered the overall Project under SEQRA, which included the purchase and construction of a facility at this location; and

WHEREAS, the Board of Supervisors issued a Negative Declaration as its SEQRA determination for the Overall Project. In the reasoned elaboration adopted in support of the Negative Declaration, the Board of Supervisors identified and evaluated the potential environmental impacts associated with the Overall Project. At that time the Board of Supervisors also determined to conduct a review to determine whether a specific site development fits within the scope/guidelines of the Negative Declaration and, if not, determined to conduct a site-specific SEQRA review.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Delaware County hereby determines that the erection of a new communications structure on the Grand Gorge Site is considered a Type I action (or in any event will be treated as a Type I action); and

BE IT FURTHER RESOLVED that the Board of Supervisors hereby determines that the Grand Gorge Site fits within the scope and guidelines of the initial Negative Declaration for the overall Project and to the extent that it does not;

BE IT FURTHER RESOLVED that the Board of Supervisors hereby adopts the attached Negative Declaration as its SEQRA determination for the Grand Gorge Site. In the reasoned elaboration adopted in support of the Negative Declaration, the Board of Supervisors has identified and evaluated the potential environmental impacts associated with the Grand Gorge Site.

BE IT FURTHER RESOLVED that the Board of Supervisors of Delaware County directs the Director of Emergency Services, all other County agencies and Attorney for the County along with the various consultants that have been retained to circulate a copy of this resolution and the attached Negative Declaration and such other information as required under SEQRA.

BE IT FURTHER RESOLVED that the Director of Emergency Services, all other County agencies and Attorney for the County along with the various consultants that have been retained are directed to take any such other actions as are necessary and appropriate in this matter to give effect to this resolution.

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

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

RESOLUTION NO. 101

**TITLE: IN THE MATTER OF THE REHABILITATION, REPLACEMENT,
MODIFICATION AND EXPANSION OF THE DELAWARE COUNTY EMERGENCY
RADIO COMMUNICATIONS SYSTEM SEQRA DETERMINATION FOR THE
MARGARETVILLE SITE
(TOWN OF MIDDLETOWN)
DEPARTMENT OF EMERGENCY SERVICES**

WHEREAS, on September 26, 2012, the Board of Supervisors adopted a resolution to proceed with the rehabilitation, replacement, modification and expansion of the Delaware County Emergency Radio Communications System Overall Project (Resolution No. 136); and

WHEREAS, the Board of Supervisors resolved to utilize real property located in the Town of Middletown as one of the seven Replacement System Expansion Sites; and

WHEREAS, the Board of Supervisors seeks to comply with its obligations under the State Environmental Quality Review Act (“SEQRA”) related to the Margaretville site; and

WHEREAS, by Resolution No. 73, dated April 25, 2012, the Board of Supervisors declared its intention to be the Lead Agency under SEQRA for purposes of the Overall Project; and

WHEREAS, by letter dated June 6, 2012, the Board of Supervisors commenced a coordinated review with the other potentially involved and interested agencies; and

WHEREAS, by Resolution No. 136, dated September 26, 2012, the Board of Supervisors declared that it would serve as Lead Agency; and

WHEREAS, the Department of Emergency Services' environmental consultant has prepared a Long Environmental Assessment Form for this site; and

WHEREAS, the Department of Emergency Services' environmental consultant has completed a Phase I Environmental Site Assessment of the property and this assessment has not revealed evidence of any recognized environmental conditions on the property; and

WHEREAS, the Department of Emergency Services' environmental consultant has completed a Wildlife and Vegetation Assessment and this assessment has revealed that there will be no impact to federal or state listed endangered or threatened species. Further, the consultant opined that no potentially suitable or critical habitat was observed at the property; and

WHEREAS, the Department of Emergency Services' environmental consultant has completed a Visual Impact Assessment Report for the property. The report indicates that the proposed tower will be visible from certain locations in the surrounding area. The environmental consultant indicates that the proposed tower will not adversely affect the overall visual/aesthetic character or quality of the surrounding landscape within a 5 mile radius; and

WHEREAS, the Board of Supervisors has previously reviewed the Full Environmental Assessment Form including Parts 1 and 2 thereto and has considered the Overall Project under SEQRA, which included the purchase and construction of a facility at this location; and

WHEREAS, the Board of Supervisors issued a Negative Declaration as its SEQRA determination for the Overall Project. In the reasoned elaboration adopted in support of the Negative Declaration, the Board of Supervisors identified and evaluated the potential environmental impacts associated with the Overall Project. At that time the Board of Supervisors also determined to conduct a review to determine whether a specific site development fits within the scope/guidelines of the Negative Declaration and, if not, determined to conduct a site-specific SEQRA review.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Delaware County hereby determines that the erection of a new communications structure on the Margaretville Site is considered a Type I action (or in any event will be treated as a Type I action); and

BE IT FURTHER RESOLVED that the Board of Supervisors hereby determines that the Margaretville Site fits within the scope and guidelines of the initial Negative Declaration for the Overall Project and to the extent that it does not;

BE IT FURTHER RESOLVED that the Board of Supervisors hereby adopts the attached Negative Declaration as its SEQRA determination for the Margaretville Site. In the reasoned elaboration adopted in support of the Negative Declaration, the Board of Supervisors has identified and evaluated the potential environmental impacts associated with the Margaretville Site.

BE IT FURTHER RESOLVED that the Board of Supervisors of Delaware County directs the Director of Emergency Services, all other County agencies and Attorney for the County along with the various consultants that have been retained to circulate a copy of this resolution and the attached Negative Declaration and such other information as required under SEQRA.

BE IT FURTHER RESOLVED that the Director of Emergency Services, all other County agencies and Attorney for the County along with the various consultants that have been retained are directed to take any such other actions as are necessary and appropriate in this matter to give effect to this resolution.

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

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

RESOLUTION NO. 102

**TITLE: AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH
THE CITY OF NEW YORK FOR GUIDERAIL REPLACEMENT
OF A PORTION OF NEW YORK CITY ROAD NO. 10
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the New York City Department of Environmental Protection (DEP) owns, maintains and operates approximately thirty-nine miles of public roads around the Pepacton and Cannonsville Reservoirs in the County; and

WHEREAS, DEP is desirous of contracting with the County for the replacement of a portion of guiderail on NYC Road No. 10 in the Town Middletown; and

WHEREAS, the DEP will deposit \$97,000 with the County prior to the start of the work to cover the reconstruction costs.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board is authorized to enter into an agreement with the City of New York for the reconstruction work.

The resolution was seconded by Mr. Haynes.

In answer to Mr. Marshfield, Commissioner of Public Works Wayne Reynolds noted that the contract is for replacement of guiderail only. He explained that the department has been negotiating with the New York City Department of Environmental Protection (NYCDEP) to do guiderail work for them. The funding is from NYCDEP's 2013 budget and needs to be spent by the end of June 2014.

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. 103

**TITLE: AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE
DELAWARE COUNTY INDUSTRIAL DEVELOPMENT AGENCY FOR THE
SIDNEY CENTER STREAM RELOCATION PROJECT
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Delaware County Industrial Development Agency (IDA) has received a Nationwide Permit (Permit Application Number NAN-2012-00073) from the U.S. Army Corps of Engineers to enable the construction of a new manufacturing facility and the retention of approximately 1,000 private sector jobs in the Village of Sidney, New York; and

WHEREAS, such permit is conditioned upon the IDA's undertaking and completion of the Sidney Center Stream Relocation Project ("Project"); and

WHEREAS, at the recommendation of the U.S. Army Corps of Engineers, the IDA has requested that the Delaware County Department of Public Works undertake the performance and implementation of the Project; and

WHEREAS, the IDA and the Department of Public Works has negotiated a scope of work for the project.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board is authorized to enter into an agreement with the Delaware County Industrial Development Agency for the Sidney Center Stream Relocation Project.

The resolution was seconded by Mr. Valente.

Mr. Pigford stated the Town of Sidney should have been an involved agency based on the impact of this project on the Hamlet of Sidney Center. Reading from a prepared statement he pointed out five unresolved issues with respect to the Township of Sidney: the abandonment of Center Street, the channel across the park property, the Anderson Avenue culvert replacement, the turnarounds on Center Street and replacement of equipment at the park. The critical nature of this initiative is understood but he believed that every possible option should have been explored in depth with full input from the Sidney Township Planning Board and the Sidney Town Board who are charged with the responsibility of representing the public who will be impacted by this project. He encouraged the support of the Board in his effort to have all options for this project fully considered by all appropriate participants prior to moving forward.

In answer to Mr. Taggart, Director of Economic Development Glenn Nealis said that he believed the process addressed all concerns at the public meetings held in 2012 and 2013. The IDA is aware of recent concerns and is attempting to address them. He advised that based on the documents filed, permits to begin the project have been issued. He pointed out that the project was identified as one the county would like to do but, did not have funding for. The IDA was able to provide the needed funding. The process has been going on for two years.

Planning Director Nicole Franzese stated that the IDA conducted a coordinated review of all agencies. Only those agencies with discretionary approval are agencies involved under SEQRA. She stated that she believes that the IDA met its obligation to the process.

In answer to Mr. Marshfield, Commissioner Reynolds provided a history of the difficulties in mitigating flood-related issues on County Route 35 in the Hamlet of Sidney Center. He advised that several mitigation alternatives were evaluated. The selected project is the best alternative for the community. The stream will be significantly larger and the plan includes grading of the floodplains. Bridges are not part of the project to protect against encroachment. A consulting engineering firm has reviewed the proposed project and concurs that this is the most logical alternative. The cost of the project is approximately \$1.3 million. He further stated there is no truth to the thinking that the county chose this alternative to replace the county highway shop.

In reply to Mr. Rowe, Commissioner Reynolds said that there have been three meetings. The most recent was April 26, 2014 at the request of Mr. Pigford. The county has begun the process of buying the properties involved. The certified appraiser was very generous in his appraisals and the landowners the department has spoken with accept the fact that the project is proceeding.

Mr. Rowe commented that this is a unique project for the IDA and it was accelerated in order to retain Amphenol in Delaware County. He expressed concern and understanding for the position Mr. Pigford is in.

Mr. Nealis stated in answer to Mr. Rowe, that the IDA has to complete the project by September 30, 2014. If Sidney Center does not want the project, the IDA will have to find another project. The Sidney Center stream relocation project is to be done in conjunction with the Amphenol relocation project. Backing out at this point might be problematic for the IDA and leaves Sidney Center with a need they have no funding to address.

Ms. Franzese offered to prepare a timetable of events detailing what took place over the past two years. She believed that due diligence was done.

Mr. Taggart felt that communication with the Town Planning Board and the Town Board should be part of the process with any town. Those involved with the planning of the public meetings should have recognized that if members of the town boards did not attend the meetings communications must have been lacking in some way. At this point, he felt there was nothing that could be done to correct this based on the timeframe to complete the project.

Mr. Valente commented that he was on the Department of Public Works Committee at the time and is very proud of the way the department heads handled this project. The former Town of Sidney Supervisor and an appointed board member were involved in the process and should have communicated the information with the appropriate town boards. Additionally, there were public meetings held in 2012 and 2013 in Sidney Center detailing the project.

In answer to Mr. Marshfield, Mr. Pigford noted that he understands something urgently needs to be done and feels everyone involved was well intended and did the best they could. However, a review of the SEQR document shows no reference to the concerns of Sidney Center

in the process. To his knowledge, communication with the Sidney Township Planning Board and the Sidney Town Board did not transpire.

Chairman Eisel stated this is a time sensitive matter and the Board needs to vote on the resolution at this time.

The resolution was adopted by the following vote: Ayes 3981, Noes 818 (Taggart, Pigford), Absent 0.

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

RESOLUTION NO. 104

TITLE: SUPPORT FOR PURSUIT OF ADDITIONAL FUNDING TO COVER PLANNING AND OTHER ASSOCIATED COUNTY EXPENSES BEYOND WHAT IS CURRENTLY PROVIDED FOR BY THE NYC FLOOD MITIGATION PROGRAM AND AS NEEDED FOR FLOOD MITIGATION IN THE BALANCE OF THE COUNTY DEPARTMENT OF WATERSHED AFFAIRS/ECONOMIC DEVELOPMENT

WHEREAS, since January of 2012 Delaware County has been an influential participant of negotiations in the development of a voluntary flood mitigation program in the New York City Watershed with other local and regional watershed stakeholders, state and federal agencies and environmental groups, born out of a response to Hurricane Irene and Tropical Storm Lee and their flooding impacts on local communities and reservoir water quality; and

WHEREAS, the September 20, 2012 Agreement in Principle, evolving from those negotiations a flood mitigation program was laid out and agreed to by participants in that process; and

WHEREAS, the voluntary program has three related major components as previously presented to this board as follows:

- I. Local Flood Hazard Mitigation Program
 - Phase A – Local Flood Analysis (LFA)
 - Phase B – Development of Acceptable Options by Municipalities
- II. Voluntary Flood Buyout Program
- III. Voluntary Relocation Program; and

WHEREAS, the scope of planning support for Phase B of Component I and of Components II and III as needed, has been a point of concern and deliberation, regarding the extent to which the City would fund planning tasks associated with these components; and

WHEREAS, it is evident that the City funding for planning services does not extend to supporting a broader more comprehensive scope of community planning as provided for under the Governor’s New York Rising program; and

WHEREAS, partners to the negotiations agreed that funds, other than City monies, would be needed to completely support many aspects of flood mitigation programs; and

WHEREAS, the delineation of needed planning services between comprehensive community planning and planning services for individual projects are not always readily clear, the Core Group feels that there is justification for requesting additional funding from the City and along with pursuing other state, federal or private funds to meet a need for comprehensive services including planning of the City Flood Mitigation Program.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors supports the pursuit of additional funding for the costs of additional planning needs over and above those provided for in the pending NYC Flood Mitigation Program; and

BE IT FURTHER RESOLVED until said planning funds are acquired, that involved County departments and agencies assist communities, that desire to participate in the NYC Flood Mitigation Program, through the process outlined above, as prescribed in the September 20, 2012 Agreement in Principle, to maximize the use of New York City Funds and other sources, to the fullest extent possible, to reduce flood elevations, thereby reducing the risk of flood damage to life, communities, detrimental impacts on water quality and fund planning needs to the maximum extent the NYC Flood Mitigation Program allows.

The resolution was seconded by Ms. Miller.

Mr. Triolo commented that this is a tool that brings all segments of the community together and might have alleviated what Mr. Pigford is going through now. This affects all communities involved and all have to concur on the process and comprehensive planning.

The resolution was unanimously adopted.

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

RESOLUTION NO. 105

TITLE: SUPPORT FOR MORE CODE ENFORCEMENT OFFICER (CEO) TRAINING AND CONSISTENT INTERPRETATION OF CODES TO BENEFIT COUNTY-WIDE MUNICIPAL FLOOD MITIGATION EFFORTS DEPARTMENT OF WATERSHED AFFAIRS/ECONOMIC DEVELOPMENT

WHEREAS, Delaware County communities have been experiencing severe floods with considerable frequency over the past 17 years, including devastating county wide events in 1996, 2006 and 2011 and, when considering localized events, Delaware County has experienced severe flooding every year from 2004 through 2011; and

WHEREAS, the current trend of annual rainfall trend data shows the Catskill region is now receiving six inches more rain per year than 100 years ago is combining with higher frequency and intensity of storms; and

WHEREAS, repeated high intensity storms combined with the ongoing changing profiles of streams and damage to infrastructure, there is an imperative need to adjust to these events, as they are causing increasing threats to life, harm to our communities, individuals, local economies and tax base; and

WHEREAS, funding to subsidize the National Flood Insurance Program is drying up, pending congressional proposals (e.g. Biggert-Waters Flood Insurance Reform Act of 2012), which loss of subsidy will dramatically raise flood insurance rates, a change that will financially devastate many homeowners and businesses within the 100 year floodplain throughout Delaware County with the terms therein; and

WHEREAS, county and community experiences taken in context of the factors noted above, the value of county-wide coordinated efforts among local CEOs who are well trained regarding Flood Plain Management will better serve to protect life and important assets in floodplains, and assist in the implementation of flood mitigation efforts going forward, making our communities increasingly resilient to high water events, all while preparing municipalities in Delaware County to benefit from FEMA's CRS (Community Ratings System) program.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors recognizes the necessity of and supports county-wide CEO training leading to a unified, consistent interpretation of flood plain regulations, including an understanding of flood buyout and relocation processes and programs, the terms and regulations of the National Flood Insurance Program and mitigation efforts, all for the safety of our residents, the protection of the tax base, local economy and efforts to offset the premium costs of the National Flood Insurance Program and entrance into CRS for those Towns who will benefit from participation.

The resolution was seconded by Ms. Miller.

Mr. Rowe opined that he feels it is time to consider creating a county department for code enforcers. Considering the cost of a code enforcer for each municipality, he believes that a shared services agreement might benefit the municipalities and promote the consistency and oversight that is needed. The issues are becoming very complex and it is difficult to find people to do the job. He referenced the Town of Middletown and suggested a shared services program similar to theirs might be considered. He felt the matter should be given to the appropriate committee to consider.

Chairman Eisel also noted the difficulty in replacing code enforcers and thought that in the future the county may have to consider adding a department to county government.

Ms. Miller noted that this resolution came out of the CORE Group in an effort to promote training, consistency and professionalism among code enforcers throughout the county, particularly with regard to flood mitigation issues.

Mr. Valente shared that the Town of Davenport was fortunate to find a good candidate for code enforcer. He noted that he discussed this resolution with County Code Enforcement Officer Dale Downin who expressed some reservation.

Ms. Miller commented that she was surprised to hear Mr. Downin had reservations. The CORE Group supports the idea of training individual code enforcement officers to become proficient in certified flood inspection and to help make the efforts throughout the county better coordinated.

Mr. Tuthill added that credit hours are needed and part of his motivation in supporting the resolution is that it might open the door for the state to bring code enforcement educators to our

local areas to provide training.

Commissioner of Watershed Affairs Dean Frazier said that the Delaware County Soil and Water District does presently provide some flood plain management training locally.

Mr. Triolo added that the CORE Group has identified a need. The resolution is not asking for a requirement, it is to raise awareness of the need to have additional training for the code enforcement officer and seeks the Board's support of a consistent interpretation of county-wide municipal flood mitigation efforts.

Mr. Valente said that he could support this if the training is optional and not a requirement. Ms. Miller confirmed that this was so as the resolution reads; it is a recommendation only, nothing is mandated.

The resolution was unanimously adopted.

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

RESOLUTION NO. 106

TITLE: RESOLUTION DECLARING "MAYDAY FOR MANDATE RELIEF" AND URGING THE NEW YORK STATE LEGISLATURE AND GOVERNOR TO CONTINUE TO ADDRESS UNFUNDED MANDATES THAT USE LOCAL TAX DOLLARS TO FUND STATE AND FEDERAL PROGRAMS AND SERVICES

WHEREAS, many municipalities in New York State face significant fiscal challenges that are amplified by a slow economic recovery and a state imposed restriction on local revenues; and

WHEREAS, in most instances the county fiscal challenges are directly tied to state imposed mandates and reduced state reimbursement; and

WHEREAS, counties play a central role in delivering state services, due to our state mandated role in the administration and financing of a wide variety of state programs; and

WHEREAS, in 2013, the state enacted Medicaid reforms to assume all of the growth in spending from the local taxpayers by 2015; and

WHEREAS, local taxpayers continue to fund \$7.5 billion of Medicaid costs; and

WHEREAS, the New York State Association of Counties has identified nine state mandates that consume 90 percent of the county property tax levy statewide. These mandates include: Medicaid, Public Assistance/Safety Net, Child Welfare, Preschool Special Education, Early Intervention, Indigent Defense, Probation, Youth Detention, and Pensions.

NOW, THEREFORE, BE IT RESOLVED that Delaware County hereby declares the month of May to be "Mayday for Mandate Relief" to raise awareness that decisions made in Albany have a direct impact on the property tax levy and local community services here in Delaware County; and

BE IT FURTHER RESOLVED that Delaware County strongly encourages the Governor and State Legislature to work to address the underlying causes of fiscal stress facing so many localities; and

BE IT FURTHER RESOLVED that Delaware County believes the State must work diligently to enact a no new unfunded mandates law and constitutional protections against future unfunded mandates; and

BE IT FURTHER RESOLVED that the Clerk of the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

The resolution was seconded by Mr. Donnelly.

Mr. Spaccaforo replied in answer to Mr. Pigford that since the passing of a similar resolution last year there has been some, but not enough, mandate relief. He recommended that every town consider passing a similar resolution and forwarding a copy to our legislature. He believes it will make a difference.

Mr. Marshfield pointed out that since the passing of last year's resolution the Board has passed at least three resolutions focusing on specific mandates.

Chairman Eisel concurred that it is important to keep the issue alive.

The resolution was unanimously adopted.

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

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

RESOLUTION NO. 107

**TITLE: AUTHORIZATION FOR AWARDS -
DELAWARE COUNTY DEPARTMENT OF PUBLIC WORKS**

LETTING OF May 14, 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 awards to the lowest bidder meeting specifications as follows:

PROPOSAL NO. 31-14 Purchase of New Guiderail Components:

Lots I & III to Chemung
Supply Corp., PO Box 527, Elmira, NY 14902

Bid Price Lot I - \$117,274.00
Bid Price Lot III - \$7,884.00

Lot II to Gregory Industries,
4100 13th Street, Canton, OH 44710

Bid Price Lot II -
\$104,440.00

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. Haynes and Mr. Spaccaforno.

In answer to Mr. Marshfield, Commissioner Reynolds stated that this is for a combination of projects and consists of components, mostly w-sections, defined as ribbon rail.

Commissioner Reynolds answered in reply to Mr. Marshfield, that historically the department has purchased from the New York State Office of General Services (OGS). At this time, OGS does not have a current bid for guiderails. The department had to go out to bid for the components. Since we know what is required for the projects the department sent out a set quantity bid. The pricing received was better because the vendor knew exactly what they had to deliver.

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

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

RESOLUTION NO. 108

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$3,410,948.12 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 | \$2,684,733.00 |
| OET | \$13,944.66 |
| Public Safety Comm System | \$16,084.50 |
| Highway Audits, as Follows: | |
| Weights and Measures | \$300.45 |
| Landfill | \$47,337.18 |
| Road | \$77,294.38 |
| Machinery | \$345,917.21 |

Capital Road & Bridge
Capital Solid Waste

\$23,566.00
\$201,769.94

The resolution was seconded by Mr. Marshfield.

Mr. Dolph stated in response to Mr. Pigford that he would be happy to meet with him and provide a six-month summary of spending to date.

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

Chairman Eisel appointed Ken Smith from the New York State Department of Labor to the Chenango/Delaware/Otsego Workforce Investment Board.

Commissioner Moon provided each Supervisor with an informational packet about the Summer Youth Employment Program noting that any questions or concerns regarding the program should be directed to him or Youth Bureau Director Lara Yambor.

Chairman Eisel reminded the Supervisors that the Wednesday, May 28th Board of Supervisors meeting will be held in the tavern at the Gideon Frisbee House in Delhi. Tours of the facility will be available starting at noon, prior to the 1:00 p.m. Board meeting.

Upon a motion, the meeting adjourned at 6:35 p.m.