

REGULAR MEETING
DELAWARE COUNTY BOARD OF SUPERVISORS
AUGUST 27, 2014

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, August 27, 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 except Ms. Molé, Mr. Valente and Mr. Rowe.

Mr. Marshfield offered the invocation.

Mr. Donnelly 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.

For standing committee reports Chairman Eisel granted privilege of the floor to Mr. Marshfield. Mr. Marshfield called the Supervisors' attention to their copy of the Delaware County Department of Social Services Commissioner's Summary prepared for the period of July 23 to August 27, 2014 referencing the Comparative Analysis: Human Service Needs by Town report. He introduced Commissioner of Social Services William Moon to provide an update for the Supervisors.

Commissioner Moon pointed out that the study covers a one-month period using the county's population of 47,980. The analysis lists the towns and the per capita representation of the county's total population and shows comparative totals per town of low-income cases and public assistance cases. At the close of July, there were 8,685 persons on the Medicaid Program, 6,537 on the SNAP Program and 4,598 on the HEAP Program. The total unduplicated number of individuals on all these programs at the close of July was 13,055.

The Towns of Sidney and Walton are the county's most populous towns and continue to have the greatest representation of low-income residents with the key factor being available and affordable housing. The Towns of Davenport, Stamford and Middletown have seen some increase. The Towns of Bovina and Tompkins have generally been well below their per capita representation. The Town of Bovina for this period had no public assistance cases at all.

In response to Mr. Dolph, Commissioner Moon stated that the Comparative Analysis shows the number of unduplicated individuals for the towns of Davenport, Delhi, Middletown, Sidney, Stamford and Walton as those towns have the largest percentages of low-income residents each of whom had 8 percent of the total or more.

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

RESOLUTION NO. 137

**TITLE: 2014 BUDGET AMENDMENT
TRANSFER OF FUNDS
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, additional funding is needed in engineering for personal services.

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

FROM:

24-15010-51000000	Personal Services	\$65,000.00
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TO:

24-15020-51000000	Personal Services	\$65,000.00
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The resolution was seconded by Mr. Haynes and adopted by the following vote: Ayes 4117, Noes 0, Absent 682 (Molé, Valente, Rowe).

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

RESOLUTION NO. 138

**TITLE: AUTHORIZATION FOR DISPOSITION OF PERSONAL
PROPERTY NO LONGER NECESSARY FOR PUBLIC USE -
DEPARTMENT OF PUBLIC WORKS**

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;

BE IT RESOLVED, that the Department of Public Works is authorized to sell by auction, sealed bid or for scrap the following items:

<u>Dept/Vehicle No.</u>	<u>Description</u>	<u>SN/VIN</u>
DPW 372	1996 International Dump	1HTGGAET1TH300335
DPW 567	2004 Chevrolet Blazer	1GNDT13X44K152517
DPW 419	1996 GMC Bucket Truck	1GDM7H1J1TJ507034
DPW 37	2001 Dodge Pickup	3B7KF26Z11M544398

The resolution was seconded by Mr. Haynes.

In answer to Chairman Eisel, Commissioner of Public Works Wayne Reynolds said that towns are welcome to bid on the vehicles prior to them going to auction but the vehicles will not be sold for less than scrap value.

The resolution was unanimously adopted.

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

RESOLUTION NO. 139

TITLE: ADOPTION OF STATE ADVISORY EQUALIZATION RATES

BE IT RESOLVED that the following State Equalization Rates be adopted for the apportionment of the 2015 County Tax Levy pursuant to Title 2 of Article 8 of the Real Property Tax Law:

ANDES	100.00
BOVINA	24.85
COLCHESTER	3.15
DAVENPORT	74.66
DELHI	56.20
DEPOSIT	4.13
FRANKLIN	92.00
HAMDEN	17.80
HANCOCK	14.20
HARPERSFIELD	27.67
KORTRIGHT	100.00
MASONVILLE	100.00
MEREDITH	100.00
MIDDLETOWN	100.00
ROXBURY	32.50
SIDNEY	83.35
STAMFORD	26.85
TOMPKINS	3.89
WALTON	27.20

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

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

RESOLUTION NO. 140

**TITLE: RESOLUTION ELECTING A 20 YEAR RETIREMENT PLAN WITH
ADDITIONAL 1/60THS ACCORDING TO SECTION 553 UNDER ARTICLE 14-B OF
THE RETIREMENT AND SOCIAL SECURITY LAW FOR
THE SHERIFF, UNDERSHERIFF AND DEPUTY SHERIFFS
PERSONNEL OFFICE**

BE IT RESOLVED that the Board of Supervisors of the County of Delaware does hereby elect to assume the entire additional cost required to provide the additional 1/60ths for years in excess of twenty (20), provided in Section 553 under Article 14-B, of the Retirement and Social Security Law, for its sheriff, undersheriff and deputy Sheriffs whose duties include at least 50 percent criminal law enforcement, pursuant to Chapter 165 of the Laws of 1995.

BE IT FURTHER RESOLVED that the effective date of this plan shall be the 1st day of January 2016.

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

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

RESOLUTION NO. 141

TITLE: APPROVAL OF MODIFICATIONS AND RENEWAL OF AGRICULTURAL DISTRICT 2

WHEREAS, Delaware County has complied with the eight-year review procedure of Agricultural District No. 2 in the Towns of Delhi, Franklin, Hamden, Meredith & Walton; and

WHEREAS, the Delaware County Board of Supervisors held a Public Hearing on Wednesday July 23, 2014 for any public comment; and

WHEREAS, the Agricultural and Farmland Protection Board and the County Planning Board have reviewed said Districts and have recommended that said Agricultural District No. 2 be renewed with the following modifications:

Town of Meredith

MODIFICATION	PARCELS	ACREAGE
Transfers/additions from Ag District 8	7	549.32

Town of Delhi

MODIFICATION	PARCELS	ACREAGE
Transfers/additions from Ag District 8	51	3,710.74

The resolution was seconded by Mr. Spaccaforo.

In response to Supervisor Marshfield, Senior Planner Kent Manuel explained that this resolution is moving the remaining lands of Agricultural District No. 8 into Agricultural District No. 2 to allow for the eventual termination of Agricultural District No. 8. He further stated that often a town features more than one Agricultural District and that this resolution did not represent all agricultural lands in the affected towns only the lands being added.

The resolution was unanimously adopted.

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

RESOLUTION NO. 142

TITLE: INCLUSION OF AGRICULTURALLY VIABLE LAND INTO CERTIFIED AGRICULTURAL DISTRICTS DURING DESIGNATED THIRTY-DAY PERIOD FOR ANNUAL AGRICULTURAL DISTRICT REVIEW

WHEREAS, the Delaware County Board of Supervisors, in accordance with Chapter 523 of the Laws of 2003 amended NYS Agricultural and Markets Law, designated a thirty-day review period from April 1 to April 30, 2014 in which a landowners may submit requests for inclusion of predominately viable agricultural land within a Certified Agricultural District prior to the County established review period; and

WHEREAS, the Delaware County Agricultural and Farmland Protection Board has to verify that each parcel proposed is “viable agricultural land,” and meets the eligibility requirements for inclusion into a Certified Agricultural District; and

WHEREAS, the Delaware County Board of Supervisors held a Public Hearing on Wednesday, July 23, 2014 at 5:15 p.m. in the Board of Supervisors Room of the County Office Building, 111 Main Street, Delhi, New York to consider the requests and recommendations of the County Agricultural Farmland Protection Board concerning the inclusion of land(s) into Agricultural Districts Nos. 3 and 12; and

WHEREAS, the Delaware County Board of Supervisors has authorized the preparation of an Agricultural Environmental Assessment form as required by §303-b of the Agriculture and Markets: Agricultural Districts Law; and

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors does hereby adopt the inclusion of the following properties into Agricultural Districts Nos. 3 and 12.

Andes: Agricultural District # 3: State Rd.

Tax ID #280.-1-23.2 (106.3 ac.) Grazing Cattle/Pasture

Masonville: Agricultural District # 12: State Hwy 8

Tax ID #246.-2-15 (117.6 ac) Pasture, cropland, sugarbush & timber

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

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

RESOLUTION NO. 143

TITLE: DESIGNATION OF DELAWARE COUNTY CHAMBER OF COMMERCE AS TOURIST PROMOTION AGENCY FOR DELAWARE COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT

BE IT RESOLVED that the Delaware County Chamber of Commerce be designated as

the Tourism Promotion Agency for Delaware County, for the purpose of making applications for and receiving grants under Section 100[6] of the Economic Development Law, with the Chamber of Commerce to provide the required local matching funds for the “I Love New York” tourism promotion 2015 program.

The resolution was seconded by Ms. Miller.

In answer to Mr. Axtell, Delaware County Industrial Development Agency Chairman James Thomson stated that the Delaware County Chamber of Commerce has been the only agency designated as the Tourism Promotion Agency for Delaware County.

The resolution was unanimously adopted.

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

RESOLUTION NO. 144

TITLE: OBSERVANCE OF NEW YORK STATE SHERIFFS’ WEEK SHERIFF’S OFFICE

WHEREAS, the Office of Sheriff has been an integral part of the criminal justice system in New York State and in Delaware County throughout our history, having been established in the State’s first constitution in 1777 and having been continued in every succeeding constitution and having been one of the original constitutional offices of our County; and

WHEREAS, despite changes in its function, status and powers during its long history, the Office of Sheriff has maintained a continuous existence, preserved its distinguishing heritage, and continued to be an essential component of our criminal justice community; and

WHEREAS, the Office of Sheriff has evolved into a modern, professional, full-service law enforcement agency, manned by fully-trained police officers, using state-of-the-art technology and applying the latest and most advanced theories and practices in the criminal justice field; and

WHEREAS, the Office of Sheriff is unique in the community, and the duties of the Office go far beyond the traditional role of “Keeper of the Peace,” and extend into many facets of public service, including maintaining the county jail, providing security in our courts, dispatching emergency services, and serving and executing civil process for our courts; and

WHEREAS, as a constitutionally empowered entity directly responsible to the People, the ancient Office of Sheriff remains, even today, responsive and accountable to the public it serves; and

WHEREAS, it is fitting to celebrate the historical contributions of the Office of Sheriff and the significant role that the Sheriffs’ play in our modern criminal justice system.

NOW, THEREFORE, BE IT RESOLVED that September 21-27, 2014 be proclaimed as Sheriffs’ Week in Delaware County.

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

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

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

RESOLUTION NO. 145

**TITLE: 2014 BUDGET AMENDMENT
REIMBURSEMENT OF DEPARTMENT EXPENDITURES
NEW YORK STATE OFFICE OF COMMUNITY RENEWAL
VILLAGE OF FRANKLIN, NEW YORK MAIN STREET GRANT FUNDS
DEPARTMENT OF ECONOMIC DEVELOPMENT**

WHEREAS, the Village of Franklin was awarded a New York Main Street Grant in the amount of \$255,000 from the NYS Office of Community Renewal for the purpose of providing local businesses with grant funds to aid in the physical building renovations and repairs necessary to revitalize the community's business district; and

WHEREAS, the Village of Franklin entered into a subrecipient agreement with the Delaware County Local Development Corporation (DCLDC), whereby the DCLDC, on behalf of the Village will assume responsibility for the delivery and administration of the NYMS funds; and

WHEREAS, the DCLDC is supported by the Delaware County Department of Economic Development staff; and

WHEREAS, the DCLDC will reimburse the Department of Economic Development for expenditures relating to the administration and delivery of the grant.

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

INCREASE REVENUE:

10-16326-42238906	Misc Rev Fm DCLDC	\$6,600.00
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INCREASE APPROPRIATION:

10-16326-54415080	Maint & Repair Srvcs Vehicles	\$800.00
10-16326-54421000	Marketing	\$3,000.00
10-16326-54625010	Travel Department	\$200.00
10-16326-54595320	Supplies Office	\$2,400.00
10-16326-54520000	Postage	\$200.00

The resolution was seconded by Ms. Miller and adopted by the following vote: Ayes 4117, Noes 0, Absent 682 (Molé, Valente, Rowe).

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

RESOLUTION NO. 146

**TITLE: 2014 BUDGET AMENDMENT
REIMBURSEMENT OF EXPENDITURES UNDER
NEW YORK MAIN STREET GRANT
WATERSHED AFFAIRS**

WHEREAS, the Village of Franklin has been awarded funding in the amount of \$255,000 under the New York State Division of Housing and Community Renewal; and

WHEREAS, the Village of Franklin entered into a subrecipient agreement with the Delaware County Local Development Corporation (DCLDC), whereby the DCLDC, on behalf of the Village will assume responsibility for the delivery and administration of the NYMS funds; and

WHEREAS, the Delaware County Department of Watershed Affairs have been assisting the DCLDC in the administering of the New York Main Street Grant; and

WHEREAS, the Delaware County Local Development Corporation will reimburse the Department of Watershed Affairs for administrative task;

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

ESTIMATED REVENUE:

10-18740-41128904	Other General Dept. Income Village	\$3,000.00
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APPROPRIATIONS:

10-18740-52200000	Equipment	\$2,000.00
10-18740-51000000	Personal Services	\$1,000.00

The resolution was seconded by Ms. Miller and adopted by the following vote: Ayes 4117, Noes 0, Absent 682 (Molé, Valente, Rowe).

Mr. Dolph offered the following resolution and moved its adoption

RESOLUTION NO. 147

TITLE: SALE OF TAX ACQUIRED PROPERTY

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:

DAV11TX.051
JULIE ANN YEARSLEY
122600:DAVENPORT
10.-3-10.11

SCHOOL DISTRICT: 122601:CHARLOTTE VALLEY
ACREAGE: 6.25A ACRES
CONVEYED TO: THOMASTOWN LLC
1172 CLOVE RD
HOBART NY 13788
CASH CONSIDERATION: \$2,500.00
TAX DEFICIT: \$3,068.17

HAN12TX.077
ASSESSED TO: **SUZANNE LOUGHRAN**
TOWN OF: 123689:HANCOCK
TAX MAP NO: 440.-2-1
SCHOOL DISTRICT: 123606:HANCOCK
ACREAGE: 5.30A ACRES
CONVEYED TO: SUZANNE LOUGHRAN
140 W WASHINGTON AVE
PEARL RIVER NY 10965
CASH CONSIDERATION: \$2,391.59
TAX DEFICIT: \$1,852.95

SID12TX.027
ASSESSED TO: **LITTANAVONG PHO & HEUANG**
TOWN OF: 125001:SIDNEY
TAX MAP NO: 115.20-10-10
SCHOOL DISTRICT: 125001:SIDNEY
ACREAGE: 60.00'F x 145.00'D: 0.25A ACRES
CONVEYED TO: PHO LITTANAVONG AND HEUANG LITTANAVONG
9 PEARL ST W
SIDNEY NY 13838
CASH CONSIDERATION: \$9,981.97
TAX DEFICIT: \$7,650.02

STA11TX.007A
ASSESSED TO: **KATHLEEN DENARIO**
TOWN OF: 125203:STAMFORD
TAX MAP NO: 54.10-7-1
SCHOOL DISTRICT: 125201:STAMFORD
ACREAGE: 66.00'F x 52.50'D: 0.06A ACRES
CONVEYED TO: LARRY BURNS AND CRAIG ROWE
58 ARNETT ROAD
RHINEBECK NY 12572
CASH CONSIDERATION: \$20,858.23
TAX DEFICIT: \$11,063.18

STA12TX.027
ASSESSED TO: **MID-OHIO SECURTIES CORP AS**
CUSTODIAN FOR THE IRA ACCOUNT OF
DOUGLAS F ORTELERE

TOWN OF:	125289:STAMFORD
TAX MAP NO:	88.-1-10.8
SCHOOL DISTRICT:	125202:SOUTH KORTRIGHT
ACREAGE:	9.36A ACRES
CONVEYED TO:	THOMASTOWN LLC 1172 CLOVE RD HOBART NY 13788
CASH CONSIDERATION:	\$11,500.00
TAX DEFICIT:	\$2,204.52

The resolution was seconded by Mr. Donnelly and Mr. Marshfield and adopted by the following vote: Ayes 4117, Noes 0, Absent 682 (Molé, Valente, Rowe).

Mr. Dolph offered the following resolution and moved its adoption

RESOLUTION NO. 148

**TITLE: AMENDMENT TO RESOLUTION NO. 123-14
SALE OF TAX ACQUIRED PROPERTY
TREASURER'S OFFICE**

WHEREAS, the cash consideration and tax deficit were incorrect on the previous resolution;

ASSESSED TO:

TOWN OF:
TAX MAP NO:
SCHOOL DISTRICT:
ACREAGE:
CONVEYED TO:

HAN11TX.088

JOHN L POBORSKY

123689:HANCOCK
463.-1-2.2
123606:HANCOCK
2.00A ACRES
CRAIG S BUCKBEE
SUZANNE H WINKLER
174 PICKENS RD
PO Box 91
BURLINGTON FLATS NY 13315

CASH CONSIDERATION: \$12,500.00
TAX DEFICIT: \$4,956.59

NOW, THEREFORE, BE IT RESOLVED that the cash consideration be corrected as stated above.

The resolution was seconded by Mr. Spaccaferno and adopted by the following vote: Ayes 4117, Noes 0, Absent 682 (Molé, Valente, Rowe).

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

RESOLUTION NO. 149

**TITLE: AMENDMENT TO RESOLUTION NO. 134-14
SALE OF TAX ACQUIRED PROPERTY
TREASURER'S OFFICE**

WHEREAS, the purchaser has requested a change in the conveyed to portion as referenced in the previous resolution;

<u>ASSESSED TO:</u>	HAN12TX.089 <u>MATTHEW BENJAMIN PEARL</u>
TOWN OF:	123689:HANCOCK
TAX MAP NO:	429.-2-4
SCHOOL DISTRICT:	123606:HANCOCK
ACREAGE:	60.33A ACRES
CONVEYED TO:	LUIS R MORILLA AND AYMEE MORILLA 23 OVERLOOK AVE CLIFFSIDE PARK NJ 07010
CASH CONSIDERATION:	\$30,000.00
TAX DEFICIT:	\$12,757.96

NOW, THEREFORE, BE IT RESOLVED that the above described parcel of tax acquired property be sold to the party indicated for the price herein stated and the County Treasurer is authorized to execute and deliver deed, therefor, and to cancel all Delaware County tax liens there.

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4117, Noes 0, Absent 682 (Molé, Valente, Rowe).

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

RESOLUTION NO. 150

**TITLE: AMENDMENT TO RESOLUTION NO. 134-14
SALE OF TAX ACQUIRED PROPERTY
TREASURER'S OFFICE**

WHEREAS, incorrect data was referenced on the previous resolution;

<u>ASSESSED TO:</u>	DEP10TX.016 <u>HARRY A NEUMAIR AND BRUCE A NEUMAIR</u>
TOWN OF:	123089:DEPOSIT
TAX MAP NO:	246.-3-10
SCHOOL DISTRICT:	034201:DEPOSIT
ACREAGE:	9.34A ACRES
CONVEYED TO:	ESTATE OF HARRY A NEUMAIR AND BRUCE A NEUMAIR C/O LINDA GIODANO 230 ALLWOOD AVE

N GREAT NECK NY 11922

CASH CONSIDERATION: \$11,250.40
TAX DEFICIT: \$7,611.16

DEP1999.025

ASSESSED TO:

173 VIRGINIA AVE REALTY CORP & OTHERS

TOWN OF: 123089 DEPOSIT
TAX MAP NO: 400.-1-11
SCHOOL DISTRICT: 034201 DEPOSIT
ACREAGE: 0.00'F X 0.00'D: 26.70A ACRES
CONVEYED TO: FRANK FINEOUT AND LARRY SCHAEFER
15 MAIN STREET
DEPOSIT NY 13754
CASH CONSIDERATION: \$18,000.00
TAX DEFICIT: \$7,522.20

NOW, THEREFORE, BE IT RESOLVED that the above 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 there.

The resolution was seconded by Mr. Donnelly and adopted by the following vote: Ayes 4117, Noes 0, Absent 682 (Molé, Valente, Rowe).

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

RESOLUTION NO. 151

TITLE: AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL FOR FISCAL YEAR 2014 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING DEPARTMENT OF ECONOMIC DEVELOPMENT

WHEREAS, the Office of Community Renewal is accepting applications from eligible communities to compete for funds available through the Community Development Block Grant Program; and

WHEREAS, Delaware County reviewed its community development issues and needs, and has determined that a grant program designed to assist local agricultural entrepreneurs and businesses throughout Delaware County is essential to the County's future economic vitality; and

WHEREAS, Delaware County has held a public hearing to obtain citizens' views in order to develop a comprehensive program and application for funds; and

WHEREAS, the NYS Office of Community Renewal application process requires that the governing body of the applicant authorize the submission of the application and related actions.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Delaware hereby authorizes and directs the Chairman of the Board of Supervisors and the Director of Economic Development to submit an application to the NYS Office of Community Renewal and to act in connection with the submission of the application, including the execution of all required certifications and forms and to provide such addition information as may be required.

The resolution was seconded by Ms. Miller.

In response to Mr. Marshfield, Director of Economic Development Glenn Nealis stated that under the Community Renewal's Microenterprise grant program the maximum amount an applicant can request is \$200,000.

The resolution was unanimously adopted.

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

RESOLUTION NO. 152

**TITLE: OPPOSITION TO PROPOSED US/EPA AND ARMY CORPS OF
ENGINEERING (ACOE) RULEMAKING TO CHANGE THE DEFINITION OF
NAVIGABLE WATERS OF THE UNITED STATES TO EXPAND THEIR
JURISDICTION OVER WATERS OF THE UNITED STATES:
Docket ID No. EPA-HQ-OW-2011-0880
DEPARTMENTS OF WATERSHED AFFAIRS, ECONOMIC DEVELOPMENT AND
PUBLIC WORKS**

WHEREAS, Delaware County supports the reasonable protection of natural resources and acknowledges progress achieved under the Clean Waters Act in protecting water quality and

WHEREAS, Delaware County also supports the protection of private property rights;
and

WHEREAS, the ACOE and EPA are proposing to change the definition of "navigable waters of the United States from, "the waters of the United States, including the territorial seas" [33 U.S.C.A. § 1362 (7)] to read in section (a) of the proposed rule for all sections of the CWA to "[t]raditional navigable waters; interstate waters, including interstate wetlands; the territorial seas; impoundments of traditional navigable waters, interstate waters, including interstate wetlands, the territorial seas, and tributaries, as defined, of such waters; tributaries, as defined, of traditional navigable waters, interstate waters,¹ or the territorial seas"; and

WHEREAS, this would include all intermittent water bodies, wetlands, floodplains, ponds and waters with or without a visible surface connection to a navigable water; and

WHEREAS, the implications of this rulemaking at the local level is beyond the practical understanding by federal bureaucrats in Washington D.C.; and

WHEREAS, the proposed rulemaking by the EPA and ACOE to expand their jurisdiction over all waters by changing the definition of navigable waters in the United States

under the premise of significantly improving water quality protection under the Clean Waters Act , of which measurable change is questionable while interfering with and delaying day to day activities of landowners, business development, municipalities and commerce at an undetermined cost to those affected; and

WHEREAS, past attempts to accomplish complete control over all waters have been unsuccessful in the Supreme Court; and

WHEREAS, the jurisdiction sought will cost not only property owners more money for compliance on properties with water features on them, including standing water on a crop field, but all citizens of the County and the municipalities they reside in, with increased costs of compliance associated with transportation infrastructure, such as ditch maintenance, road repair such as potholes, bridge and culvert sites and other unintended consequences, via increased taxes; and

WHEREAS, the Delaware County and New York State Farm Bureaus oppose this rulemaking due to its potential impact on crop and pasture land activities; and

WHEREAS, the US Congress has failed to fulfill its responsibility to legislate on such important issues and therefore by default leave such attempts to make the changes through rulemaking by unaccountable federal bureaucracies to pursue this expansion of jurisdiction; and

WHEREAS, wetlands and water bodies are currently regulated extensively, relative to land disturbance and improvements near surface water features for the protection of water quality, particularly in the New York City watershed; and

WHEREAS, the implementation and enforcement of the proposal is impractical and would require hiring more staff for enforcement, resulting in more bureaucratic oversight with un-foretold and imprecise costs to United States taxpayers.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors strongly opposes this rulemaking as it is an unnecessary, additional bureaucratic and costly burden for questionable results in the name of water quality protection, since water is currently regulated aggressively across the country, even more so in New York State and the New York City watershed and as demonstrated in this County, water quality has improved substantially and continues to do so, as a result of existing regulatory oversight and voluntary programs. This attempt at rulemaking is an act of federal agency overreach and as proposed, is not acceptable. Actions such as this should be legislated by congress not through rulemaking by faceless and unaccountable federal bureaucrats with unfettered enforcement prerogatives from Washington, DC.

BE IT FURTHER RESOLVED that a certified copy of this resolution be sent to U.S. Senators Charles Schumer and Kirsten Gillibrand, Congressman Chris Gibson, Committee Members of the U.S. Senate Committee on the Environment and Public Works, The House of Representatives Committee on Science, Governor Cuomo, NYS Senators Bonacic, Seward and Libous and NYS Assembly Members Crouch, Lopez and Tenny, US EPA Administrator, the Army Corps of Engineers, National and State Associations of Counties, New York State Farm Bureau and the Delaware County Farm Bureau State of New York.

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

Commissioner of Watershed Affairs Dean Frazier explained that the U.S. Army Corps of Engineers (ACOE) and the Environmental Protection Agency (EPA) is proposing to change the definition of navigable waters to include all intermittent water bodies, wetlands, floodplains ponds and waters with or without a visible surface connection to a navigable water. New York State is already regulating most of the county's land activities. The proposed change in definition would add another layer of bureaucracy as well as additional costs and delays that are difficult to predict not only for the county but for the towns as well.

In response to Chairman Eisel, Mr. Spaccaforo noted that the ACOE and the EPA tried to expand their jurisdiction a few years ago and were unsuccessful. This is another attempt on their part to regain control.

Mr. Taggart stated that he attended an informational discussion on this matter and concluded that if the ACOE and EPA were to have this authority and their interpretation of the definition was incorrect it could cause significant problems. He learned that people have become accepting of the current regulations and do not want additional change.

Chairman Eisel opined that navigable waters to him is something you can travel on not a puddle.

Commissioner of Public Works Wayne Reynolds stated that since the Migratory Bird Rule was struck down in court as a misinterpretation the ACOE and EPA have been struggling to regain their power. These agencies already are causing delays of up to six weeks after receipt of the Nationwide Permit. The proposed changes could create real problems.

In answer to Mr. Marshfield, Commissioner Frazier stated that the support of the towns against this rulemaking would be very helpful.

Commissioner Frazier said that the last date to send statements is October 20.

The resolution was unanimously adopted.

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

RESOLUTION NO. 153

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$2,445,988.33 were hereby presented to the Finance Committee for approval for payment on August 22, 2014 prior to presentation to the Board of Supervisors;

THEREFORE, the County Treasurer was directed to pay said expenditures as listed below and this Board now approves of said payment as follows:

General Fund	\$1,093,116.44
OET	\$32,237.53

Public Safety Comm System	\$10,498.60
Highway Audits, as Follows:	
Weights & Measures	\$0.00
Road	\$121.85
Machinery	\$63,981.26
Capital Road & Bridge	\$0.00
Capital Solid Waste	\$1,223,235.37
Solid Waste/Landfill	\$22,797.28

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$4,324,759.27 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	\$629,293.60
OET	\$15,098.75
Public Safety Comm System	\$450,295.02
Highway Audits, as Follows:	
Weights and Measures	\$25,924.70
Road	\$1,425,110.76
Machinery	\$82,374.82
Capital Road & Bridge	\$835,698.47
Capital Solid Waste	\$717,963.71
Solid Waste/Landfill	\$142,999.44

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4117, Noes 0, Absent 682 (Molé, Valente, Rowe).

Upon a motion, the meeting adjourned at 6:07 p.m.