

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS SEPTEMBER 24, 2014

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, September 24, 2014 at 1:00 p.m. in the meeting room of the Public Safety Building Complex, 280 Phoebe Lane, Delhi, New York, Chairman James E. Eisel, Sr. presiding.

The Clerk called the roll and all Supervisors were present except Mr. Ellis. Chairman Eisel shared that Mr. Ellis is attending funeral services for his sister Kate Ellis-Foster.

Mr. Marshfield offered the invocation.

Ms. Molé led the Board in the Pledge of Allegiance to the Flag.

The minutes of the previous meeting were accepted as presented.

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

Chairman Eisel granted privilege of the floor to Delaware County Sheriff Tom Mills and Undersheriff Craig DuMond who presented Karl Vagts, Jr. as Employee of the Month.

Mr. Vagts began his employment with the Delaware County Sheriff's Office as a Deputy Sheriff in 1988 promoted to Deputy Sheriff Lieutenant in 1990, Deputy Sheriff Investigator in 1991 and to his current position of Senior Investigator in 2001. Mr. Vagts serves as the Supervising Investigator in the Sheriff's Office Criminal Investigation Division, supervising the Road Patrol Division and the Drug Enforcement Unit.

Sheriff Mills stated that Mr. Vagts was honored as Employee of the Month in August 2004 and is well deserving of a second honor. He has conducted major investigations and is involved with drug enforcement that has achieved significant results. Mr. Vagts has distinguished himself by word and deed and is highly respected by his peers in the law enforcement community. He possesses tremendous resourcefulness and is an invaluable asset to the Sheriff's Office.

Undersheriff DuMond stated that Mr. Vagts is a man of outstanding character and integrity. He is diligent in his efforts and is an asset to the Sheriff's Office.

Sheriff Mills and Undersheriff DuMond presented Mr. Vagts with a \$50.00 check. Chairman Eisel presented him with the Certificate of Employee of the Month and thanked him for his dedicated service.

Mr. Vagts thanked the Board of Supervisors, Sheriff Mills, Undersheriff Craig DuMond and his coworkers stating there is a tremendous amount of dedication and commitment in the Agency that helps to make the job easier for everyone involved.

Chairman Eisel granted privilege of the floor to Mr. Marshfield who introduced Commissioner of Social Services William Moon.

Commissioner Moon introduced Deputy Commissioner Eileen M. Stack of the New York State Office of Temporary and Disability Assistance.

Ms. Stack recognized the Delaware County Child Support Collection Unit (SCU) with the 2013 Most Improved Performance Award. The award recognized the Delaware County Child Support Program as the most improved among small counties for its success in establishing paternity, child support orders and collecting child support payments. In 2013, the SCU established paternity in 95.6 percent of its cases, exceeding the statewide rate of 85.3 percent. A child support order was established in 89.2 percent of its cases, exceeding the statewide rate of 81 percent and 80.6 percent of current child support owed to custodial parents was paid in a timely manner, exceeding the statewide rate of 77.4 percent.

Ms. Stack presented Commissioner Moon, Director of District Attorney Investigators Jeff Bowie, Child Support Coordinator Sharon McAteer, Sr. Support Investigator Patricia Eaton, Support Investigator Catherine Noeth, Support Investigator Nicole Wood and Support Investigator Stacy Smith with a certificate of achievement honoring their professionalism and dedication on behalf of the children and families in Delaware County.

Chairman Eisel granted privilege of the floor to Mr. Axtell. Mr. Axtell introduced Sheriff Thomas Mills and Undersheriff Craig DuMond to provide a review of the Sheriff's Office 2013 Annual Report.

The Delaware County Sheriff's Office has been in existence since 1797 with Sheriff Mills being the County's 58th Sheriff. Undersheriff DuMond referenced a few historical facts about the Office of the Sheriff, such as, the term "Sheriff" derived from early England where the counties were referred to as "Shires" and the Keeper of the Peace was known as the "Reeve." He discussed the responsibilities and achievements of the department's four divisions, Civil, Communications, Corrections, and Law Enforcement, taken from the Delaware County Sheriff's Office's 2013 Annual Report. He noted that the full report can be accessed on the County's web-site: www.co.delaware.ny.us under the Sheriff's Department then by clicking on the "Reports" icon.

The powerpoint presentation provided an explanation of the functions and statistical information of the department's divisions.

The Civil Division serves papers, income executions, Orders of Protection, property evictions, and performs pistol permit investigations. There has been an increase in the number of papers served and investigations performed over the previous year. The Communications Division is a 24-hour-a-day, 7-day-a-week operation servicing various county and state agencies as well as towns and villages. The Corrections Division (Jail) is responsible for a 103-bed facility. The average number of inmates processed, housed and transported has risen since 2012 as has the revenue collected for board-ins. The Law Enforcement Division is fully accredited by the New York State Division of Criminal Justice Services. The number of calls answered and arrests made rose in 2013. The Division is the smallest in the state. The Drug Enforcement Unit

focused on the eradication of illicit drugs. A Deputy Sheriff was re-assigned from the Road Patrol Division to the Criminal Investigation Division (CID) to work exclusively on drug cases. They are also charged with monitoring all convicted sex offenders residing in the county's jurisdiction. The Sheriff's School Resources Officer Program was designed to create an obvious police presence at each participating school.

In answer to Chairman Eisel, Undersheriff DuMond stated that the K-9 dog is brought into the pods for random contraband searches. This keeps the facility safe and clean.

Chairman Eisel thanked the Sheriff and Undersheriff for their interesting and informative presentation.

Chairman Eisel granted privilege of the floor to Mr. Hynes who introduced Cornell Cooperative Extension (CCE) Executive Director Jeanne Darling and Agriculture Team Coordinator Mariane Kiraly.

Mrs. Darling noted that Cornell Cooperative Extension Week and National 4-H Week will be celebrated during the week of October 5-11. The Annual Meeting and Harvest Meal will be held at 4-H Camp Shankitunk on Friday, September 26, 2014. The keynote speaker will be Director of Solid Waste Management Susan McIntyre.

A slide presentation was given detailing the programs of Cornell Cooperative Extension featuring each town in Delaware County and focusing on activities of agricultural competitiveness and profitability, children and youth, economic sustainability, environmental protection and enhancement, individual, family and community well-being and nutrition, and health and safety.

Mrs. Kiraly noted that information and educational opportunities through training events and other resources are offered to help farmers understand and take advantage of what is available to them. The United States Department of Agriculture (USDA) recently introduced a new risk management concept in the Dairy Farmers Margin Protection Program (MPP). Dairy farmers will no longer be receiving subsidies from the USDA in a traditional sense. Instead, farmers buy margin protection coverage as a risk management tool. The MPP is designed as a way in which the farmers can replace government subsidies.

Mrs. Kiraly stated in reply to Mr. Marshfield that the federal government would partially subsidize the cost of the program for one year. The program is optional coverage for the dairy farmer and will cost about 10 cents per 100 weight for smaller farmers with average protection. Farmers can buy up additional coverage as well.

In answer to Chairman Eisel, Mrs. Kiraly said the dairy farmers are buying coverage to protect the margin between the price of milk and the cost of feed. She noted that right now dairy farmers are seeing a good price on their milk.

Other programs include the Food Rules Program that focuses on value-added food production ensuring compliance with horticultural, meat and dairy products as well as the Pork Production Program that focuses on raising pigs for profit in the region.

Mrs. Kiraly noted that she participated in the medical part of the Clean Sweep program and commented on the value of the Mallinckrodt Pharmaceuticals Disposal Program and the significant decrease in the amount of medical products collected for disposal this year over last.

Mr. Marshfield commented that he is supportive of this program as at one point the county had no place to dispose of unused prescriptions.

Mrs. Darling noted that the USDA notified CCE that they were awarded a planning grant to fund a study to develop a local foods on-line order site. A grant to establish a local foods outlet in Dehli is still pending. She referenced the New York Extension Disaster Education Network known as EDEN noting that information about the program may be obtained by following the link from CCE's website: www.ccedelaware.com. Supervisors were given a copy of the September 2014 New York EDEN fact Sheet.

Mrs. Darling thanked the Board of Supervisors, the Cornell Cooperative Extension partners and volunteers who help make these programs possible. She noted that refreshments consisting of locally grown and prepared products would be served after the meeting.

Chairman Eisel thanked Mrs. Darling and Mrs. Kiraly for their presentation and noted that he looked forward to enjoying the refreshments.

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

RESOLUTION NO. 154

**TITLE: RECEIPT OF GRANT
FY14 STATE LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM
SHERIFF'S OFFICE**

WHEREAS, the New York State Office of Homeland Security and Emergency Services has announced the availability of a grant that will subsidize 100% of the costs associated with the State Law Enforcement Terrorism Prevention Program for the Delaware County Sheriff's Office; and

WHEREAS, this grant is established to replace outdated patrol vehicle video surveillance cameras and related items which are routinely utilized to record law enforcement intervention and evidence gathering.

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

INCREASE REVENUE:

10-13110-43330500/3110045/907	State Homeland Security	\$25,000.00
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INCREASE APPROPRIATION:

10-13110-52200001/3110045/907	Equipment Grant	\$25,000.00
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The resolution was seconded by Mr. Spaccaferno and adopted by the following vote: Ayes 4646, Noes 0, Absent 153 (Ellis).

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

RESOLUTION NO. 155

**TITLE: 2014 BUDGET AMENDMENT
RECEIPT OF PERFORMANCE INCENTIVE AWARD
DEPARTMENT OF PUBLIC HEALTH SERVICES**

WHEREAS, Delaware County Public Health Services participated in the New York State Department of Health’s 2013-14 Local Health Department Performance Incentive Initiative focused on general communicable disease control reporting measures; and

WHEREAS, Delaware County Public Health Services improved their communicable disease reports and investigations timeliness and completeness from a baseline achievement score of 89.44 to a final achievement score of 100 during the performance period; and

WHEREAS, New York State Department of Health is awarding Delaware County Public Health Services an incentive award of \$12,000 for their achievement; and

WHEREAS, incentive awards must be used to support costs associate with Article 6 eligible services prior to December 31, 2014; and

WHEREAS, Delaware County Public Health Services is in need of a multifunction copy/fax/scan machine, a laptop, and a baby scale.

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

INCREASE REVENUE:

10-14012-43340100	State Public Health	\$12,000.00
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INCREASE APPROPRIATION:

10-14012-52200000	Equipment	\$12,000.00
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The resolution was seconded by Mr. Merrill and Mr. Marshfield.

Ms. Molé noted that a copy of the Delaware County Public Health Services 2013 Annual Report was placed on each Supervisor’s desk.

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

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

RESOLUTION NO. 156

**TITLE: 2014 BUDGET AMENDMENT
RECEIPT OF COST OF LIVING ADJUSTMENT AWARD
DEPARTMENT OF PUBLIC HEALTH SERVICES**

WHEREAS, New York State Department of Health has issued cost of living adjustment awards for the following grants Rabies, Immunization, Children with Special Health Care Needs, and Lead Poisoning Prevention; and

WHEREAS, cost of living adjustment funds must be used for expenditures associated with the recruitment and retention of staff and/or other critical non-personal service costs supporting the grant program; and

WHEREAS, the Immunization Program is in need of an iPad and Projector to fulfill the training and education requirements of the grant; and

WHEREAS, 2014-2015 cost of living adjustment funds must expended and claimed prior to December 31, 2014.

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

INCREASE REVENUE:

10-14013-44440100	Immunization Federal Public Health	\$2,406.00
10-14035-44445108	Federal CSHCN	\$708.00
10-14042-43345000	Rabies Control State Public Health	\$1,167.00
10-14050-43347200	Lead State Special Health Programs	\$2,091.00

INCREASE APPROPRIATION:

10-14013-52200000	Immunization Equipment	\$2,406.00
10-14035-54615010	Training Department	708.00
10-14042-54615010	Training Department	1,167.00
10-14050-54615010	Training Department	2,091.00

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

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

RESOLUTION NO. 157

**TITLE: 2014 BUDGET AMENDMENT
NON-RESIDENTIAL DOMESTIC VIOLENCE EXPANSION
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Delaware County Department of Social Services is the designated local agency to administer the County's Non-Residential Domestic Violence Program for 2014-2015; and

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

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

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

INCREASE REVENUE:

10-16010-44461000 Federal Social Services Administration \$20,499.00

INCREASE APPROPRIATION:

10-16010-54427010 DV Non Res Expanded \$20,499.00

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

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

RESOLUTION NO. 158

**TITLE: 2014 BUDGET AMENDMENT
REIMBURSEMENT OF ADMINISTRATIVE DUTIES
UNDER THE COALITION OF WATERSHED TOWNS
DEPARTMENT OF WATERSHED AFFAIRS**

WHEREAS, the Department of Watershed Affairs is responsible for the administrative duties for the Coalition of Watershed Towns; and

WHEREAS, Department of Watershed Affairs employees Dean Frazier and Kelly Blakeslee, on behalf of the Coalition of Watershed Towns, assumed responsibility for the administration time for such task; and

WHEREAS, the Coalition of Towns 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:

10-18740-41128908 Other General Dept. Income Village \$4,000.00

INCREASE APPROPRIATION:

10-18740-51000000 Personal Services \$4,000.00

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

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

RESOLUTION NO. 159

TITLE: 2014 BUDGET AMENDMENT

**AMENDMENT TO RESOLUTION NO. 52-2012
STATE HOMELAND SECURITY PROGRAM
DEPARTMENT OF EMERGENCY SERVICES**

WHEREAS, Delaware County was awarded a grant in the fiscal year 2011 State Homeland Security Program through the New York State Department of Homeland Security and Emergency Services (DHSES); and

WHEREAS, the purpose of this grant is to develop and enhance the interoperable communications capabilities within Delaware County; and

WHEREAS, the county needs to purchase computer servers for its 911 Center and backup 911 Center.

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

DECREASE REVENUE:

38-13640-43338900/3640382/911	State Interoperability	\$137,034.00
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DECREASE APPROPRIATION:

38-13640-52200001/3640382/911	Equipment	\$137,034.00
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INCREASE REVENUE:

10-13640-43330500/3640046/911	State Civil Defense	\$137,034.00
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INCREASE APPROPRIATION:

10-13640-52200001/3640046/911	Equipment Grant	\$137,034.00
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The resolution was seconded by Mr. Haynes.

Director of Emergency Services Steve Hood stated in response to Mr. Marshfield that the components are for the Sidney 911 Public Safety Answering Point (PSAP) and the backup PSAP at Delhi.

The resolution was adopted by the following vote: Ayes 4646, Noes 0, Absent 153 (Ellis)

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

RESOLUTION NO. 160

**TITLE: 2014 BUDGET AMENDMENT
AMENDMENT TO RESOLUTION NO. 57-2012
STATE LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM
SHERIFF'S OFFICE**

WHEREAS, the New York State Office of Homeland Security and Emergency Services has announced the availability of a grant that will subsidize 100% of the costs associated with the

fiscal year 2011 State Law Enforcement Terrorism Prevention Program for the Delaware County Sheriff's Office; and

WHEREAS, this grant will be used to purchase security cameras for road patrol vehicles.

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

DECREASE REVENUE:

38-13640-43338900/3640383/907	Equipment Grant	\$69,966.00
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DECREASE APPROPRIATION:

38-13640-52200001/3640383/907	State Interoperability	\$69,966.00
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INCREASE REVENUE:

10-13110-43330500/3110044/907	State Civil defense	\$69,966.00
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INCREASE APPROPRIATION:

10-13110-52200001/3110044/907	Equipment Grant	\$69,966.00
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The resolution was seconded by Mr. Haynes.

Undersheriff DuMond explained in answer to Mr. Marshfield that the cameras cost about \$10,000 each and are mounted to the patrol car. The cameras record the deputy's activities during traffic stops and/or pursuits and are used for various forms of evidence gathering. The footage is downloaded for storage.

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

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

RESOLUTION NO. 161

**TITLE: 2014 BUDGET AMENDMENT
TRANSFER OF FUNDS
PROBATION DEPARTMENT**

WHEREAS, the copier used by the Probation Department is in need of replacement; and

WHEREAS, additional funding is needed to purchase a new multi-purpose copier machine.

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

FROM:

10-13140-54257000	Electronic Monitoring	\$1,000.00
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TO:

10-13140-52200000	Equipment	\$1,000.00
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The resolution was seconded by Mr. Tuthill and adopted by the following vote: Ayes 4646, Noes 0, Absent 153 (Ellis).

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

RESOLUTION NO. 162

**TITLE: 2014 BUDGET AMENDMENT
TRANSFER OF FUNDS
DEPARTMENT OF PUBLIC HEALTH SERVICES**

WHEREAS, the grant supporting the Children with Special Health Care Needs Program was modified to support a training opportunity for families and professionals working with Children with Special Health Care Needs; and

WHEREAS, to provide this community outreach to Delaware County residents a transfer is necessary

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

FROM:

10-14059-54360000	Itinerate Providers EI	\$3,000.00
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TO:

10-14035-54183000	Community Outreach & Education	\$3,000.00
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The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4646, Noes, Absent 153 (Ellis).

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

RESOLUTION NO. 163

**TITLE: AUTHORIZATION FOR AWARD
DELAWARE COUNTY EMERGENCY SERVICES**

LETTING OF SEPTEMBER 12, 2014

WHEREAS, notice to bidders has been made, and proposals received, having been filed and the bidding procedures and documents have been approved by the County Attorney.

NOW, THEREFORE, BE IT RESOLVED that Delaware County Department of Emergency Services is authorized to make award to the bidder meeting the specifications for Radio Tower Assembly Services for the radio communications system project for the Houck, Pine Hill, Johnson Hill, Davenport, and Utsayantha towers.

PROPOSAL: Radio Tower Assembly Services: Mid-State Communications.
185 Clear Road
Oriskany, NY 13424

Bid Price: \$216,750.00

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

In answer to Mr. Marshfield, Mr. Hood stated that this is the second time the Radio Tower Assembly Services went out to bid. The first time Patriot Towers and Mid-State Communications were the only vendors that responded. This time, Mid-State Communications was the only responding bidder.

In response to Mr. Taggart, Mr. Hood noted that there was a small increase from the first bid.

Mr. Hood stated in reply to Mr. Triolo, that he had not contacted the other vendors to determine why they did not respond to the bid.

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

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

RESOLUTION NO. 164

**TITLE: APPROVAL TENTATIVE AGREEMENT
CORRECTIONS OFFICERS
PERSONNEL OFFICE**

WHEREAS, the Human Resources Committee has reached a tentative agreement with the Delaware County Deputy Sheriffs Corrections Officers, Local 3951, Law Enforcement Union, Council 82, AFSCME, AFL-CIO, for the terms and conditions of employment for the years 2015, 2016, 2017, 2018 and 2019.

NOW, THEREFORE, BE IT RESOLVED that said tentative agreement is hereby approved as presented to the Board; and

BE IT FURTHER RESOLVED that the Chairman of the Board is authorized to execute a collective bargaining agreement which incorporates the terms of said tentative agreement.

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

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

RESOLUTION NO. 165

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

LETTING OF SEPTEMBER 18, 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. SW3-14: Porous Asphalt Paving for Solid Waste
Management Center to:
Cobleskill Stone Products, Inc., PO Box 220,
Cobleskill, NY 12043

Bid Price: \$115/ton

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 explained that the NYCDEP-approved Storm Water Pollution Prevention Plan for the new Material Recovery Facility requires the use of porous asphalt in limited sections of the facility.

In reply to Chairman Eisel, Commissioner of Public Works Wayne Reynolds said this is a relatively new product. He is only aware of its use on a section of NYSDOT Route 9 in Lake George. The asphalt has to be kept clean to allow it to work properly. The surface will have to be protected from dirt and contaminants being tracked onto it by vehicles. Any dirt that does get onto it must be vacuumed off. Winter abrasives cannot be used on the surface.

In answer to Mr. Marshfield, Commissioner Reynolds stated that conventional binder does drain water but the porous asphalt handles significant quantities of water and drains much faster.

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

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

RESOLUTION NO. 166

**TITLE: AUTHORIZATION TO ENTER INTO CONTRACT WITH AN
ON-LINE AUCTION SERVICE FOR THE SALE OF SURPLUS EQUIPMENT
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Delaware County Department of Public Works and other county departments have surplus equipment from time to time to dispose of; and

WHEREAS, after the Board of Supervisors passes a resolution declaring the equipment as surplus it needs to be sold by public bid; and

WHEREAS, numerous towns in the county have successfully used Auctions International for the disposition of their property through an on-line auction to maximize the exposure to interested bidders and therefore maximize the revenue gained; and

WHEREAS, Auctions International has proposed a two-year contract to provide on-line auction services to the county with all commissions being paid by the purchasers not the county; and

WHEREAS, the County Attorney has reviewed and approved the contract.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board of Supervisors is herewith authorized to enter into the agreement with Auctions International, Inc., 11167 Big Tree Road, East Aurora, NY 14052 for the sale of surplus equipment.

The resolution was seconded by Mr. Haynes.

Mr. Rowe stated the commission for the auction service would be paid by the purchaser. The department feels the on-line service will speed up the disposal of surplus equipment.

The resolution was unanimously adopted.

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

RESOLUTION NO. 167

TITLE: AUTHORIZATION TO LEASE PROPERTY FOR THE REHABILITATION, REPLACEMENT, MODIFICATION AND EXPANSION OF THE DELAWARE COUNTY EMERGENCY RADIO COMMUNICATIONS SYSTEM - LEASE OF THE UTSAYANTHA SITE (MT UTSAYANTHA) 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 Stamford 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, the Village of Stamford, for the lease of a 100' x 100' parcel of land on

Mt. Utsayantha in the Town of Stamford on which to erect a replacement communications tower and related appurtenances; 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.

NOW, THEREFORE, BE IT RESOLVED that the County Department of Emergency Services is herewith authorized to enter into a contract for and to lease, in the name of the County of Delaware, a portion of Tax Map Parcel Number 54.-1-19 in the Town of Stamford for the annual rent of Six Thousand Dollars plus 30% of any collocation revenue derived from commercial carriers and to pay any usual and customary closing costs associated with the transaction. In addition, the county will continue to provide space, on a rent free basis, on the tower and/or in the equipment shelter for the following municipal or public safety entities:

Stamford Fire Department	Town of Harpersfield Highway
Town of Kortright Highway	Grand Gorge Fire Department
Town of Roxbury Highway	Roxbury Fire Department
Stamford Central School	Hobart Fire Department
South Kortright Central School	Town of Stamford Highway
Roxbury Central School	Jefferson Central School
Village of Stamford Highway	Village of Hobart Highway

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

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

RESOLUTION NO. 168

TITLE: RESOLUTION TO ESTABLISH MINIMUM STANDARDS FOR COUNTY PARTICIPATION IN LITIGATION INVOLVING CHALLENGES TO REAL PROPERTY ASSESSMENTS (ARTICLE 7) REAL PROPERTY TAX SERVICE

WHEREAS, there are occasions when it might be advantageous for the County of Delaware to participate in providing financial assistance for litigation challenges to real property assessments;

WHEREAS, the County of Delaware is desirous of creating minimum standards and processes for such participation.

NOW, THEREFORE, BE IT RESOLVED that the County of Delaware may, but is not required to, participate in providing financial assistance for litigation challenges to real property assessments provided that the following standards are met and processes adhered to:

STANDARDS

- i.) The real property in question has a minimum assessment value of \$500,000.00 and the petitioner seeks either a change in assessment of no less than ten (10) percent or a decrease in the assessed value of no less than \$50,000.

- ii.) The town, school district and, when applicable, the village in which the property is situated, agree to share the cost of litigation.
- iii.) The County may agree to share the cost of either the town attorney's time spent on the matter or the cost of outside counsel, but not both.
- iv.) Prior to the effective date of participation established by the Delaware County Board of Supervisors, any accrued litigation charges shall be the sole responsibility of the town in which the property is situated.
- v.) The County Attorney and Real Property Tax Services Director shall be consulted regarding appraisals or settlement strategies.

PROCESS

- i.) The town will present a written request for participation along with a certified copy of the relevant town resolution to the County Attorney and the Real Property Tax Services Director.
- ii.) The request and resolution will be reviewed by the County Attorney and the Real Property Tax Services Director for a recommendation to the Finance Committee.
- iii.) A positive recommendation will be presented to the Finance Committee in the form of a proposed resolution. A negative recommendation may be made with less formality including, but not limited to an oral recommendation.
- iv.) After the resolution is approved and an effective participation date is established by the County Board of Supervisors, the town or its attorney can then begin to submit litigation cost charges to the County Attorney seeking an appropriately apportioned payment from Delaware County; and

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors shall forward certified copies of this resolution to each of the towns, school districts and villages within Delaware County.

The resolution was seconded by Mr. Rowe.

In answer to Ms. Miller, Chairman Eisel explained that the resolution initiated as the result of a grievance of a property owner in the Town of Harpersfield. The rationale behind the resolution is that the school district and the county have more to lose financially than the town. Involving the school district and the county in a grievance over \$500,000 helps minimize the financial burden to the town.

Mr. Dolph indicated that other property owners are grieving their assessment in towns throughout the county. The towns individually would have to fight those cases. This resolution helps support the town in their processes.

Mr. Taggart pointed out that the towns have the least tax dollars to lose so it makes sense to add the school and the county into the mix.

Mr. Valente raised objections to the contents of the resolution under the section Standards, Item ii and iii. Addressing Item ii, he said the town, school and county are three separate entities. He questioned if all three entities would agree in order to proceed with this process. In reference to Item iii, he said he is opposed to adding lawyers as the cost of consultation is an additional expense. He opined that the county already has a process through the Real Property Tax Services and the Finance Committee. He expressed gratitude that the county was attempting to address the flawed system and suggested the Board recommend that the judges currently used be replaced with magistrates trained in the complex science of assessments.

Mr. Valente stated that the Town of Davenport is already involved in several grievances and he is not looking forward to a new pipeline coming through the town because he knows in a few years they will be coming in to grieve their assessments.

Mr. Dolph noted that using the process is optional.

Mr. Taggart noted that when the town, school district, county and, if applicable, village agree to challenge the grievance together they can agree to use one attorney to represent all entities.

In answer to Mr. Merrill and Mr. Valente, Mr. Kirkwood clarified that the school, town, village and county have to agree to engage in this process.

In reply to Mr. Marshfield, Mr. Kirkwood said if one party does not agree to participate then the county could not use this process. The county may choose to defend the action but it would be using another process.

The resolution was adopted by the following vote: Ayes 3974, Noes 672 (Valente, Miller), Absent 153 (Ellis).

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

RESOLUTION NO. 169

TITLE: REQUEST FOR ADDITIONAL FUNDING FROM NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR ROADWAY RESURFACING AND REHABILITATION IN DELAWARE COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT

WHEREAS, Delaware County is a very large county covering over 1470 square miles;
and

WHEREAS, the economic sustainability of the county is severely constrained by limited access to the interstate highway system with only 9% of the County having direct interstate access; and

WHEREAS, the county is therefore dependent upon NY State Routes 10, 23, 28 and 30 to meet its transportation needs for the purpose of: supporting the viability of existing industries, attracting new development opportunities and the promotion of the county's tourism industry, enabling the nascent development of the county's value-added foodshed and agricultural industry, as well as providing adequate emergency response times for residents and safe access for the transportation of school children; and

WHEREAS, in recognition of the importance of NY State Route 28 to the economy of the county and the state, NYS DOT sought and received designation of the route through Delaware County as part of the National Highway System (NHS); and

WHEREAS, the condition of the pavement on these routes is deteriorating to the point that there are large areas of high density cracks, potholes and significant delamination making travel extremely difficult at best; and

WHEREAS, the condition of the pavement is deemed unsafe for motorcycle, bicycle and other recreational use which is having a significant effect on the tourist industry within the County; and

WHEREAS, the current condition of the state routes results in higher per mile transportation costs for the majority of the county's manufacturing and transportation-based businesses than other regions; and

WHEREAS, the current condition of the state routes results in slower emergency response times for first responders responding to life-threatening situations, placing local residents at risk; and

WHEREAS, the 2014 construction season is fast approaching its end and the pavement conditions will deteriorate at an accelerated rate through the upcoming winter and spring breakup seasons; and

WHEREAS, the County Board of Supervisors is extremely concerned about the economic and safety impact on local business and residents as a result of the extremely deteriorated pavement condition on the state routes in the county.

NOW, THEREFORE, BE IT RESOLVED that the County Board of Supervisors implores the New York State Governor and Legislature to appropriate funds to allow NYS DOT Region 9 to let emergency contracts for the repair and rehabilitation of these extremely important roadways before winter; and

BE IT FURTHER RESOLVED that the Board of Supervisors also implores the Governor and the Legislature to appropriate sufficient funds to allow the NYS DOT Region 9 office to program major capital replacement projects for the reconstruction of NYS Routes 10, 23, 28 and 30, including the reconstruction and replacement of bridges and large culverts along these routes to ensure that the future load restrictions do not limit the movement of goods and raw materials into or out of the county, or impede the emergency and regular transportation needs of local residents; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Governor Andrew Cuomo, U.S. Senators Charles Schumer and Kirsten Gillibrand, Congressman Chris Gibson, NYS Senators John Bonacic, Tom Libous and James Seward, Assemblymen Peter Lopez and Cliff Crouch, Assemblywoman Claudia Tenney, NYS DOT Commissioner Joan McDonald, NYS Region 9 Director Jack Williams, the NYS Association of Counties and the NYS Association of Towns.

The resolution was seconded by Mr. Tuthill and Ms. Miller.

Chairman Eisel granted Mr. Rowe's request to abstain from voting on this resolution as he is employed by the New York State Department of Transportation (NYSDOT) and an employee of Region 9.

Chairman Eisel shared that Mr. Tuthill came to him to voice his opinion about the conditions of the state roads in Delhi and throughout the county. In response to this concern, NYSDOT Commissioner provided a schedule of what Chairman Eisel considered a "band-aid fix" for the Kingston Bridge and other locations. This resolution outlines the county's concerns and seeks the appropriate funding to properly address the conditions of NYS Routes 10, 23, 28 and 30.

Mr. Tuthill stated that the county roads are in far better shape than the state roads. He voiced that we are in a tourist-based area and who would want to travel here with the condition of the state roads? A copy of Tourism Director James Thomson's letter to NYSDOT Commissioner Joan McDonald regarding the conditions of the state roads in our county was provided to each Supervisor.

The resolution was unanimously adopted.

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

RESOLUTION NO. 170

**TITLE: 2014 CORNELL COOPERATIVE EXTENSION WEEK
& NATIONAL 4-H WEEK**

WHEREAS, Cornell Cooperative Extension of Delaware County is dedicated to growing healthy families, confident youth, successful farms and stronger communities; and

WHEREAS, Cornell Cooperative Extension represents a statewide system of partnerships working with federal, state and county governments; and

WHEREAS, the heart of Cooperative Extension is found in the strength of its 3,000 volunteers who give their time, expertise and enthusiasm as members of boards, as 4-H club leaders, and in Extension's educational outreach; and

WHEREAS, Cornell Cooperative Extension has served Delaware County for 101 years since 1913; and

WHEREAS, Cornell Cooperative Extension is proud of the 87 years of youth camping programs at 4-H Camp Shankitunk and the 7th year of 4C Camp for seniors; and

WHEREAS, Cornell Cooperative Extension of Delaware County continues to offer programs that link university-based research with the talents, enthusiasm and goals of our community; and

WHEREAS, Cornell Cooperative Extension of Delaware County has reached families, farmers, youth, consumers, gardeners, and agencies with excellent programs on agriculture and food systems sustainability, positive youth development, community and economic development, environment and natural resources education, nutrition, health, and safety; and

WHEREAS, Cornell Cooperative Extension of Delaware County will continue to work closely with its many local partners to offer educational programs that promote healthful eating, access to local foods, quality health care, safe housing, active living, confident youth, profitable agriculture, productive businesses, healthy families and communities.

NOW, THEREFORE, BE RESOLVED that the Delaware County Board of Supervisors hereby designates the week of October 5-11, 2014 as Cornell Cooperative Extension Week and National 4-H Week in Delaware County.

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

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

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

RESOLUTION NO. 171

TITLE: IN MEMORY OF RAYMOND M. CHRISTENSEN

WHEREAS, we were all saddened by the death of former Chairman of the Board and Town of Davenport Supervisor Raymond M. Christensen who passed away suddenly on Tuesday, September 9, 2014; and

WHEREAS, he served as Town of Davenport Supervisor from 1984-1998 and as Chairman of the Board of Supervisors from 1994-1998; and

WHEREAS, he served the community with distinction and pride, he was a great listener and filled the office of the Chairman honorably, and was known for his devotion to his family and friends; and

WHEREAS, Delaware County has lost one of its leading citizens who truly contributed to the County and will be missed.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors hereby expresses its admiration for Mr. Christensen and extends its deepest sympathy and appreciation to his wife Gail and their family.

The resolution was seconded by Mr. Marshfield.

Chairman Eisel asked for a moment of silence in recognition of the passing of Mr. Christensen. He shared that the greatest tribute to Mr. Christensen's life accomplishments had to be the number of people that came to his memorial service. Chairman Eisel noted that he and Mr. Christensen served on the Department of Public Works Committee and that he was very helpful to him when he was elected Chairman of the Board. Mr. Christensen was the kind of man who would do anything he could for the good of Delaware County.

Mr. Valente stated that Mr. Christensen was his Town Supervisor and neighbor. He was a thoughtful and kind man. Mr. Valente shared that when his brother died Mr. Christensen came to him asking what he could do to help the family get through this. Mr. Christensen was the type of person who saw a need and found a way to be helpful. He and his family were instrumental in the startup of the Town of Davenport food bank. Mr. Christensen would never allow anyone to treat the county as if it was inconsequential. His leadership in negotiating with the New York City Watershed was an example of his firm belief that Delaware County needed to be heard and recognized as an equal partner.

Mr. Marshfield noted that he served under Mr. Christensen for the five years Mr. Christensen served as Chairman. Mr. Christensen was a dedicated advocate for Delaware County. Mr. Marshfield shared that he recently attended an event that Mr. Christensen also attended and his parting words were "If I can be of any help let me know." He was a "great guy."

Mr. Donnelly commented that he was privileged to know Mr. Christensen who was simply a "super guy" with a commitment and dedication to the county.

Mr. Rowe, speaking on behalf of the Department of Public Works (DPW) Committee, stated that Mr. Christensen's leadership during the 1996 flood event was instrumental. Mr. Christensen was one of the Supervisors responsible for the creation of the DPW Engineering Department, the 21st Century Bridge Program and the Compost Facility. He was an advocate for local control and the betterment of Delaware County.

The resolution was unanimously adopted.

Chairman Eisel referenced back to Mr. Valente's comments regarding a new pipeline coming into the county. He noted that he and the Supervisors of the five towns affected met with representatives of Kinder Morgan, Inc. to hear about the proposed Tennessee Pipeline. The meeting did not go well and the Supervisors left frustrated with the lack of information provided. The Supervisors expressed opposition to the pipeline because there is no comprehensive plan associated with the proposal. After that meeting, a letter was sent to Kinder Morgan, Inc. addressing the county's concerns. The representatives of Kinder Morgan, Inc. asked and Chairman Eisel agreed to allow them to present their proposal to the full Board of Supervisors at a future meeting.

Mr. Valente shared that he was disappointed in the lack of information and the deeming way in which the representatives approached the meeting. He opined that the concerns of county representatives should be respected and in return for the opportunity to make billions the towns should be compensated in an acceptable manner.

Chairman Eisel noted that a copy of the letter sent to Kinder Morgan on the county's behalf would be provided to each Supervisor.

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

RESOLUTION NO. 172

**TITLE: 2014 BUDGET AMENDMENT
RECEIPT OF GRANT
SHERIFF'S OFFICE**

WHEREAS, the A. Lindsay and Olive B. O'Connor Foundation, Inc. has awarded the Sheriff's Office a matching grant in the amount of Two Thousand Five Hundred (\$2,500.00) dollars with which to restore order to Delaware County's Potter's Field Cemetery; and

WHEREAS, acceptance of this grant necessitates matching it with new money raised after the award of this grant, which will be solicited from the public via gifts and donations; and

WHEREAS, the Sheriff's Office intends to use said funding to provide clean fill to level out the sunken graves of 377 persons known to be interred there, pay surveyor assistant's fees, build a kiosk, improve landscaping and install garden benches; and

WHEREAS, inmate labor will continue to provide much needed grounds improvement and the Department of Public Works has pledged clean fill for this project.

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

ESTIMATED REVENUE:

10-13110-42270604/3110112/907	Grant from O'Connor	\$2,500.00
10-13110-42270500/3110112/907	Gifts and Donations	\$2,500.00

ESTIMATED EXPENSE:

10-13110-54327465/3110112/907	Grant Misc.	\$5,000.00
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The resolution was seconded by Mr. Haynes and Mr. Spaccaforno.

Sheriff Mills shared that the Delaware County Potter's Field Cemetery was the final resting place for individuals dying at the County Home from 1815 - 1956. There are about 377 known persons at this time but newly found information indicates there could be upwards of 1000 people interred at the cemetery. The cemetery is in dire need of care, the funding will be used for grounds keeping and other improvements such as the addition of benches and a tribute listing the names of the individuals interred at the cemetery.

Chairman Eisel remarked that the purchase of ground penetrating x-ray equipment would be helpful in locating sunken markers.

Ms. Molé noted that now deceased Delhi resident Charles Eustis was a tireless advocate for the restoration and care of local cemeteries. He was particularly passionate about the Potter's Field Cemetery.

Chairman Eisel stated that Mr. Eustis would be pleased to know that under the supervision of the Sheriff's Office inmate labor has made a significant improvement to the grounds of the Potter's Field Cemetery.

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

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

RESOLUTION NO. 173

**TITLE: AMENDMENT TO RESOLUTION NO. 147-2014
SALE OF TAX ACQUIRED PROPERTY
TREASURER'S OFFICE**

WHEREAS, the cash consideration as stated in Resolution No. 147-14 was not prorated;

ASSESSED TO:

	STA11TX.007A
	<u>KATHLEEN DENARIO</u>
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 PURCHASE PRICE \$20,000.00 PRORATED 2014-15 VILLAGE TAXES \$ 858.23
TAX DEFICIT:	\$11,063.18

NOW, THEREFORE, BE IT RESOLVED the cash consideration be corrected.

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

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

RESOLUTION NO. 174

**TITLE: AMENDMENT TO RESOLUTION NO. 147-2014
SALE OF TAX ACQUIRED PROPERTY
TREASURER'S OFFICE**

WHEREAS, the cash consideration as stated in Resolution No. 147-14 was not received in August;

ASSESSED TO:

**PHO LITTANAVONG AND HEUANG
LITTANAVONG**

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:	\$10,134.97
TAX DEFICIT:	\$7,650.02

NOW, THEREFORE, BE IT RESOLVED that the cash consideration be changed to an October amount.

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

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

RESOLUTION NO. 175

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$991,675.91 were hereby presented to the Finance Committee for approval for payment on September 19, 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	\$851,708.87
OET	\$14,664.20
Public Safety Comm System	\$0.00
Highway Audits, as Follows:	
Weights & Measures	\$944.32
Road	\$31,697.80
Machinery	\$37,284.26
Capital Road & Bridge	\$36,048.47
Capital Solid Waste	\$2,003.80
Solid Waste/Landfill	\$17,324.19

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,860,314.52 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	\$665,019.46
OET	\$22,652.56
Public Safety Comm System	\$26,333.13
Highway Audits, as Follows:	
Weights and Measures	\$19.53
Road	\$733.27
Machinery	\$448,113.58
Capital Road & Bridge	\$68,210.08
Capital Solid Waste	\$512,635.43
Solid Waste/Landfill	\$116,597.48

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

Chairman Eisel appointed Scott Ives, Human Resources at ACCO Chenango-Delaware-Otsego Workforce Investment Board.

Chairman Eisel thanked Sheriff Mills and Undersheriff DuMond for hosting today's meeting and for providing tours of the facility.

Upon a motion, the meeting adjourned at 3:05 p.m.