

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS OCTOBER 22, 2014

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, October 22, 2014 at 1:00 p.m. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York, Chairman James E. Eisel, Sr. presiding.

The Clerk called the roll and all Supervisors were present except Mr. Donnelly, Mr. Rowe, Mr. Pigford and Mr. Layton.

Mr. Marshfield offered the invocation.

Mr. Valente 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 Commissioner of Social Services William Moon who presented David Bullock as Employee of the Month.

Mr. Bullock began his employment with the Department of Social Services as an Assistant Coordinator of Computer Operations in 2001 upon completion of his undergraduate studies at RIT Information Technology Degree Program.

Mr. Bullock is recognized by the state as the Delaware County Network Administrator for the Human Enterprise Services Network that links the Department of Social Services to the NYS Department of Health, NYS Office of Children and Family Services and NYS Temporary Disability Assistance. He is the go-to person whenever a computer, fax, iPhone or other device is not functioning as expected. Commissioner Moon expressed his appreciation for the work that Mr. Bullock does and stated that the department is fortunate to have an individual who enjoys the challenge of interpreting and correcting a technical difficulty. Mr. Bullock finds satisfaction in the work that he does and appreciates the value it adds to the day-to-day operations of the department.

Commissioner Moon presented Mr. Bullock 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. Bullock shared that fresh out of college his job was a dishwasher and he thanked Commissioner Moon for giving him a chance to prove himself. He noted that he will miss working with Commissioner Moon when he retires and thanked him and his coworkers for this honor and recognition.

Chairman Eisel granted privilege of the floor to Mr. Hynes. Mr. Hynes introduced County Historian Gabrielle Pierce.

Ms. Pierce stated that the Delaware County Poor House Cemetery, which has also been referred to as Potter's Field, located on SUNY Delhi property adjacent to the SUNY Delhi Golf Course in the Town of Delhi has long been neglected and is in need of a significant amount of attention. Sheriff Mills initiated an inmate program and recently secured a matching grant for \$2,500 from A. Lindsay O'Connor Foundation for the purpose of preservation and memorialization of the records and grounds. Ms. Pierce introduced Michael Thomas, her summer intern who spent his time researching the County Poor House and Cemetery to share his findings with the Board. Mr. Thomas is in his senior year at Shippensburg University in Pennsylvania, obtaining his degree in Public History.

Mr. Thomas explained that prior to 1824 most rural communities cared for their elderly, infirmed and poorest citizens by placing them in the homes of others. A stipend was provided for the care of the individual and payment to the caretaker. In response to reported abuses over the years, New York State passed a law that every county must build a facility to house their citizens in need of care. The County Poor House operated from 1828 until 1957. The home was destroyed in the 1960s and the land was sold to the State University College of Technology at Delhi.

A PowerPoint presentation was given. Sections one through three of the cemetery grounds were shown prior to the Sheriff's inmate crews mowing and trimming to show what the area would again look like if left alone. Each section of the cemetery presents its own unique difficulty such as gravestones that have been removed, plowed under or sunken. Nearly all of the numbered headstones from two of the sections have disappeared entirely, and those left in the one section are mostly sunken or broken, with some still to be found.

An original list of people interred in the County Home Cemetery provided to Mr. Thomas listed 377 buried in the cemetery. A review of the cemetery records retrieved from Countryside Care Center found 22 previously unknown names. It has been said that there may be veterans from the Civil War and World War I buried at the County Home Cemetery but further research needs to be done to determine if that is the case.

In conclusion, Mr. Thomas said that the use of inmate labor has significantly helped bring the grounds of the cemetery back to order but much work remains. The preservation of the Poor House records and proper memorialization of the people buried in the cemetery is important to the history of Delaware County.

Sheriff Mills noted that he contacted the state genealogist who indicated he is willing to come to Delaware County. Local businesses and residents interested in the preservation of the past are volunteering their time and talents towards this initiative. He noted that he continues to seek donations and volunteers to help foster the preservation and memorialization of the cemetery.

Mrs. Jane Hebbard Hymers shared that she spent eighteen years of her life growing up in the County Home as her father was the Commissioner of Public Welfare (now called

Commissioner of Social Services). The cemetery was not known as Potter's Field but rather as the County Home Cemetery. At that time, the names of the deceased and numbers on the gravestones were recorded in logbooks. However, she has been told that some logbooks have been lost due to flooding. The County Home and Cemetery are an important part of Delaware County's history and she thanked Charles Eustis, Sheriff Mills and Tom Leo for their work on this project and bringing this matter forward.

Chairman Eisel noted that now deceased Charles Eustis from Delhi would be very pleased with the plans to preserve and memorialize those buried in County Home Cemetery. He thanked Mr. Thomas for an informative presentation.

For standing committee reports, Budget Director Bruce Dolph noted that the percentage of increase at this time for the 2015 Budget is 7.9399. He is asking that the committee chairs meet with the department heads to discuss further cuts to their budget. He shared that the general fund spending was reduced by \$329,000 but there is still a very long way to go. A portion of the reduction was from reissuing unused vehicles rather than purchasing new for departments.

Chairman Eisel announced that there would be a Special Meeting/Budget Workshop on Thursday, October 30th at 1:00 in the Board of Supervisors' Room. A copy of the Draft budget should be available to Supervisors and department heads on Friday, October 24th.

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

RESOLUTION NO. 180

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

WHEREAS, the Sheriff's Office has been successful in securing grant funds with which to participate in the statewide Police Traffic Services Program; and

WHEREAS, the Sheriff's Office agrees to participate in "Statewide Traffic Services Program," the goal of which is to increase seat belt usage and reduce aggressive, speeding, distracted and other dangerous driving behaviors in an effort to reduce serious injury and death from traffic crashes; and

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

WHEREAS, participation in this program will result in the award of a grant in the amount of \$9,975.00 to be used to pay the salaries of the road patrol deputies participating in this program which runs from October 1, 2014 through September 30, 2015.

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

INCREASE REVENUES:

10-1331043338900/3310807/907	State OTR Public Safety	\$9,975.00
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INCREASE APPROPRIATIONS:

10-1331051327000/3310807/907	Personal Service	\$9,975.00
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The resolution was seconded by Mr. Spaccaformo and adopted by the following vote: Ayes 3348, Noes 297 (Valente), Absent 1154 (Donnelly, Rowe, Pigford, Layton).

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

RESOLUTION NO. 181

**TITLE: 2014 BUDGET AMENDMENT
ACCEPTANCE OF GRANT FUNDING
MOBILITY MANAGEMENT OF SOUTH CENTRAL NEW YORK
OFFICE FOR THE AGING**

WHEREAS, the Delaware County Office for the Aging operates a non-emergency transportation program through which individuals are assisted with transportation to and from non-emergency medical appointments, obtaining legally-authorized prescription medications and obtaining essential medical supplies; and

WHEREAS, the Delaware County Office for the Aging has received \$3,762.11 to enhance the agency's established non-emergency medical transportation program for 2014; and

WHEREAS, it is appropriate to revise the 2014 budget to accommodate this grant.

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

INCREASE REVENUES:

10-16772-42270602/6772040/977	Grants from Non-Profit	\$3,762.11
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INCREASE APPROPRIATIONS:

101-6772-54327200/6772040/977	Grant Contractual Services	\$3,762.11
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The resolution was seconded by Mr. Dolph and Mr. Haynes.

In answer to Chairman Eisel, Office for the Aging (OFA) Administrative Assistant Terri Whitney explained that OFA runs a Non-Emergency Medical Transportation Program through which clients are transported to medical appointments via volunteer drivers who are reimbursed for their mileage with supportive state funding through Community Services for the Elderly. This grant funding through the Rural Health Network of South Central NY (RHNSCNY) will enhance the existing program by adding to the number of trips OFA currently allows an individual to take.

Trips are for non-emergency travel only. The program is highly utilized by our county's senior population and for some of them this is their only means of transportation to medical appointments.

The resolution was adopted by the following vote: Ayes 3645, Noes 0, Absent 1154 (Donnelly, Rowe, Pigford, Layton).

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

RESOLUTION NO. 182

**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.

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

<u>Department</u>	<u>Description</u>	<u>Serial No./Vehicle ID</u>
DPW Snap-on Modis	Model EEMS 300	026HDU-001586
DPW (Vehicle No. 893)	1985 Mack Tractor	1M2N187YXFA010725
DPW W&M	Brownie 100 Gallon Prover w/pump and hose reel	9-6823-1

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

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

RESOLUTION NO. 183

**TITLE: EXCEPTION TO RESOLUTION NO. 269-1990
PERSONNEL OFFICE**

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

WHEREAS, the Personnel Office is experiencing difficulties in recruiting Clerks to serve as exam monitors for exams scheduled on Saturdays; and

WHEREAS, from time to time employees in other county departments may be willing to work on a per-hour, as-needed basis.

NOW, THEREFORE, BE IT RESOLVED that Resolution No. 269 of 1990 is hereby temporarily waived until December 31, 2015 for county employees who are willing to work on a per-hour, as-needed basis in the Personnel Office.

The resolution was seconded Mr. Marshfield and unanimously adopted.

Mr. Dolph offered Local Law Intro. No. 1 of 2014. The Local Law was seconded by Mr. Marshfield.

LOCAL LAW INTRO. NO. 1 OF 2014

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

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

Section 1. Legislative Intent: It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the County of Delaware pursuant to General Municipal Law §3-c, and to allow the County of Delaware to adopt a budget for the fiscal year beginning January 1, 2015 and ending December 31, 2015 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

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

Section 3. Tax Levy Limit Override: The Board of Supervisors of the County of Delaware is hereby authorized to adopt a budget for the fiscal year 2015 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

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

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

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

RESOLUTION NO. 184

**TITLE: PUBLIC HEARING ON LOCAL LAW INTRO. NO. 1 OF 2014
RESOLUTION OF THE BOARD OF SUPERVISORS ACCEPTING PROPOSED
LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL
MUNICIPAL LAW §3-c AND SCHEDULING PUBLIC HEARING FOR SAME**

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

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

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

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

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

BE IT FURTHER RESOLVED, that the Board of Supervisors shall hold a public hearing for consideration of the Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c on November 25, 2014 at 12:15 p.m. in the Supervisors’ Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York; and

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

The resolution was seconded by Mr. Marshfield.

Chairman Eisel stated that the Public Hearing would be held on November 25th at 12:15 p.m. in the Board of Supervisors’ Room.

The resolution was unanimously adopted.

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

RESOLUTION NO. 185

**TITLE: COUNTY PLANNING BOARD RECOGNITION
PLANNING DEPARTMENT**

WHEREAS, the Delaware County Planning Board was formed by Resolution No. 20 1966; and

WHEREAS, the Delaware County Board of Supervisors appoints interested volunteers to the nine-member board for three-year terms and John W. Hamilton of the Town of Meredith, has served in this volunteer capacity since his appointment January 1981, and long standing tenure of Chairman; and

WHEREAS, Mr. Hamilton is a prominent and well respected member of his community and Delaware County, has served as a primary agricultural community representative to the Board and an advocate of home rule policies always ensuring that individual property owners' rights are respected and that each individual receives the same fair and equal review; and

WHEREAS, Mr. Hamilton has been a tireless supporter of the Delaware County Planning Department and staff and has provided guidance and input into department policies, programs and projects, including advocacy for the Planning Department starting with the introduction of GIS in the early 1990s; and

WHEREAS, Mr. Hamilton has served as a liaison to the Agriculture and Farmland Protection Board, providing input on the impacts of development and subdivisions on farming in Delaware County's future; and

WHEREAS, Mr. Hamilton has served the County with fairness, conviction and a genuine desire to make Delaware County a place for future generations to enjoy and be proud of.

NOW, THEREFORE, BE IT RESOLVED the Delaware County Board of Supervisors recognizes and thanks Mr. Hamilton for 33 years of public service to Delaware County.

The resolution was seconded by Ms. Miller and unanimously adopted.

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

RESOLUTION NO. 186

TITLE: IN MEMORY OF A. JOY ROWE

WHEREAS, former Town of Hancock Supervisor A. Joy Rowe passed away on Friday, October 10, 2014 having served as Town of Hancock Supervisor from 1978-1983 and as Deputy Treasurer in 1986; and

WHEREAS, A. Joy Rowe will be remembered for her years of distinguished service and dedication to the county and her community.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors hereby expresses its deepest sympathy and appreciation to the family of A. Joy Rowe.

The resolution was seconded by Ms. Miller.

Clerk of the Board Christa Schafer read a statement from Town of Hancock Supervisor Sam Rowe sharing his feeling of respect, love and grief for his mother.

Mrs. Schafer shared that she worked in the Treasurer's Office while Mrs. Rowe served as Deputy Treasurer. Mrs. Schafer remembered fondly that Mrs. Rowe was a wonderful person, mischievous and fun to work with. She will be truly missed.

Chairman Eisel noted that he remembered Mrs. Rowe to be a very humble and sincere person.

Mr. Hynes shared that Mrs. Rowe's term was ending as he was coming on in 1983 and he recalled her welcome and encouragement. He remembers Mrs. Rowe as a lovely and gracious person.

The resolution was unanimously adopted.

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

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

RESOLUTION NO. 187

**2014 BUDGET AMENDMENT
TRANSFER OF FUNDS
TREASURER'S OFFICE**

WHEREAS, additional funding is needed to meet the remainder of the year's obligation

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

FROM:

10-11990-54900000	Contingency	\$10,000.00
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TO:

10-12490-54184000	Community College	\$10,000.00
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The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 3645, Noes 0, Absent 1154 (Donnelly, Rowe, Pigford, Layton).

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

RESOLUTION NO. 188

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that Resolution No. 269 is hereby temporarily waived until December 31, 2015 for County employees who are willing to work on a per-hour, as-needed basis in the Sheriff's Office.

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

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

RESOLUTION NO. 189

TITLE: SALE OF TAX ACQUIRED PROPERTY

Resolved that the following described parcel 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.

<u>ASSESSED TO:</u>	DEP12TX.006A
TOWN OF:	<u>ROBERT CONKLIN</u>
TAX MAP NO:	123001:DEPOSIT
SCHOOL DISTRICT:	349.13-4-10
ACREAGE:	034201:DEPOSIT
CONVEYED TO:	73.00'F X 165.00'D ACRES
	EDWARD G MURPHY
	114 MARY STREET
	AUBURN NY 13021
CASH CONSIDERATION:	\$11, 810.85
	COUNTY SHARES\$7,322.73
	VILLAGE SHARES\$4,488.12
TAX DEFICIT:	\$6,641.77

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

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

RESOLUTION NO. 190

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$2,096,159.67 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	\$997,677.54
OET	\$12,367.30
Public Safety Comm System	\$34,378.90
Highway Audits, as Follows:	
Weights and Measures	\$445.93
Landfill	\$59,795.71
Road	\$283,701.40
Machinery	\$195,429.25
Capital Road & Bridge	\$197,919.28
Capital Solid Waste	\$314,444.36

The resolution was seconded by Mr. Marshfeild and adopted by the following vote: Ayes 3645, Noes 0, Absent 1154 (Donnelly, Rowe, Pigford, Layton).

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

RESOLUTION NO. 191

TITLE: EXECUTIVE SESSION

BE IT RESOLVED that the Delaware County Board of Supervisors convene in executive session for the purpose of discussing the appointment, employment and/or promotion of a particular person.

The resolution was seconded by Mr. Dolph and was adopted by the following vote: Ayes 2954, Noes 1051 (Merrill, Valente, Axtell, Miller), Absent 1154 (Donnelly, Rowe, Pigford, Layton).

The meeting reconvened in regular session with all Supervisors present except Mr. Donnelly, Mr. Rowe, Mr. Pigford and Mr. Layton.

Upon a motion, the meeting adjourned at 2:17 p.m.