

## **REGULAR MEETING**

### **DELAWARE COUNTY BOARD OF SUPERVISORS NOVEMBER 25, 2014**

The regular meeting of the Delaware County Board of Supervisors was held Tuesday, November 25, 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. Axtell, Mr. Rowe, Mr. Pigford and Mr. Layton. Chairman Eisel advised that Mr. Rowe was deployed by the New York State Department of Transportation and Mr. Pigford by the Salvation Army to Buffalo to aid in recovery efforts. Mr. Axtell is on vacation and Mr. Layton had a family matter.

Mr. Marshfield offered the invocation.

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

The minutes of the previous meeting were accepted as presented.

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

Chairman Eisel granted privilege of the floor to Ms. Molé. Ms. Molé introduced Director of Public Health Bonnie Hamilton to provide an update on the Community Health Improvement Plan activities.

The Community Health Improvement Plan was developed by the Department of Public Health in partnership with four in-county hospitals and several community partners. One of the goals identified was to prevent suicides among youth and adults. The first element in achieving this goal was to form a suicide prevention coalition in Delaware County. The group decided the name of that coalition would be the Suicide Prevention Network of Delaware County. Mrs. Hamilton announced the individuals and agencies involved in the Suicide Prevention Coalition membership, many of whom were in attendance.

The newly formed network needed an identifying logo. It was decided to hold a design contest to create a logo for the Suicide Prevention Network that would reduce the stigma of mental illness by offering hope and help. Funding for the contest was provided by Cornell University Cooperative Extension of Delaware Rural Healthcare Alliance. Art students were asked to create a logo based on suicide awareness and prevention training provided by the Alcohol & Drug Abuse Council (ADAC) in schools across the county.

Mrs. Hamilton introduced Mary Rosenthal and Karen VanValkenburgh from the ADAC to assist with the presentation of awards.

The winning students are in the ninth grade and the studio art class at South Kortright School. The first place winner of the Logo Design contest is Jeffrey Christman. His design will

become the official logo for the Delaware County Suicide Prevention Network and will be seen on billboards across the county. The second place winner is David Jensen. The students were presented with a certificate of achievement and awarded a Kindle Fire 7" HD tablet. The South Kortright School's art department will receive an award of \$300.

The first and second prize winning logos were on display for the Supervisors and attending public. The artwork submitted by the contestants will be on a rotating display in libraries and other public forums throughout the county.

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

**RESOLUTION NO. 215**

**TITLE: 2014 BUDGET AMENDMENT  
HOME ENERGY ASSISTANCE PROGRAM (HEAP)  
DEPARTMENT OF SOCIAL SERVICES**

**WHEREAS**, the Delaware County Department of Social Services is the designated local agency to administer the Home Energy Assistance Program (HEAP); and

**WHEREAS**, New York State has informed Delaware County that additional funds are available for HEAP administrative costs; and

**WHEREAS**, these additional expenditures will be 100% reimbursed with federal funds.

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

**INCREASE REVENUES:**

10-16141-44464100	Federal Aid - HEAP	\$23,587.00
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**INCREASE APPROPRIATIONS:**

10-16141-54200011	Contracted Srvs - OFA	\$1,500.00
10-16141-54200012	Contracted Srvs-Del-Opp	\$22,087.00

The resolution was seconded by Mr. Hynes.

In answer to Mr. Spaccaforno, Commissioner Moon said that this resolution is to finish up administrative expenses and kick off the new heating season.

In answer to Chairman Eisel Commissioner Moon stated these funds come in the form of a block grant through the New York State Office of Temporary Disability and Assistance. The county is notified by them when future funding can be expanded.

The resolution was adopted by the following vote: Ayes 3604, Noes 0, Absent 1195 (Axtell, Rowe, Pigford, Layton).

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

**RESOLUTION NO. 216**

**TITLE: 2014 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
DEPARTMENT OF SOCIAL SERVICES**

**WHEREAS**, the following 2014 appropriation account is in need of funds:

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

**FROM:**

10-16109-54113000	Family Assistance	\$300,000.00
10-16070-54575000	Services for Recipients	\$250,000.00

**TO:**

10-16119-54313150	Foster Care	\$550,000.00
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The resolution was seconded by Mr. Hynes.

Mr. Marshfield explained that this is a transfer of funds to continue to operate the foster care program through the end of the year. He pointed out that this appropriation has been increased in the 2015 budget.

The resolution was adopted by the following vote: Ayes 3604, Noes 0, Absent 1195 (Axtell, Rowe, Pigford, Layton).

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

**RESOLUTION NO. 217**

**TITLE: DIRECT TOWN TAX**

**BE IT RESOLVED** that pursuant to §233a of the County Law, the nineteen towns of the County be and hereby are charged \$142,747.75 for the assessment rolls, field books, tax bills, etc.; and

**BE IT FURTHER RESOLVED** that the Clerk of the Board of Supervisors be authorized and directed to apportion said sum against the taxable property of the nineteen towns of the County of Delaware and that said sum be incorporated into the County Treasurer's Preliminary Report of charges and credits to the said towns in accordance with the apportionment.

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 3604, Noes 0, Absent 1195 (Axtell, Rowe, Pigford, Layton).

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

**RESOLUTION NO. 218**

**TITLE: LEVY OF TOWN ACCOUNTS**

**WHEREAS**, there has been presented to the Board of Supervisors the County Treasurer's 2014 Preliminary Report with the following amounts to be charged to the several towns:

<b><u>TOWNS</u></b>	<b><u>CHARGES</u></b>
Andes	\$6,682.99
Bovina	\$3,645.83
Colchester	\$9,452.48
Davenport	\$6,984.86
Delhi	\$3,477.70
Deposit	\$11,748.52
Franklin	\$7,132.78
Hamden	\$491.57
Hancock	\$12,526.88
Harpersfield	\$12,199.64
Kortright	\$7,299.43
Masonville	\$9,142.14
Meredith	\$8,277.22
Middletown	\$11,342.02
Roxbury	\$8,208.32
Sidney	\$14,557.38
Stamford	\$6,192.79
Tompkins	\$5,521.30
Walton	\$9,112.12

The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 3604, Noes 0, Absent 1195 (Axtell, Rowe, Pigford, Layton).

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

**RESOLUTION NO. 219**

**TITLE: YEAR END ACCOUNTING MODIFICATIONS TO THE 2014 BUDGET  
DEPARTMENT OF FISCAL AFFAIRS**

**WHEREAS**, there are many bookkeeping entries that are needed to close out the books for 2014; and

**WHEREAS**, there will be no increase in the actual spending, just a balancing of accounts between personal services, equipment, contractual, employee benefits and undistributed employee benefits; and

**WHEREAS**, an accounting of all transactions will be presented to the Board of Supervisors upon completion of the annual report.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors authorizes the Department of Fiscal Affairs to make the necessary adjustments to the 2014 Budget and to file a written report to the Finance Committee before the books for 2014 are actually closed.

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

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

### **RESOLUTION NO. 220**

#### **TITLE: AUTHORIZATION OF FOUR-DAY WORK WEEK DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, Resolution No. 55 of 1993, as modified, authorizes a four ten-hour-per-day work week in the Public Works Department which is subject to annual approval by the County and Public Works employees.

**NOW, THEREFORE, BE IT RESOLVED** that subject to approval of the Public Works employees, four-day work schedules for 2015 are hereby approved in the Public Works Department as follows:

- 1.) January 1 to March 28, 2015: Bridge Crews only.
- 2.) March 29 to October 24, 2015: All Public Works employees, except those employees specifically excluded from the four-day work week by agreement with the union, i.e., landfill employees, certain engineering staff, etc.
- 3.) November 22 to December 31, 2015: Bridge Crews only.

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

Mr. Dolph introduced Local Law Intro No. 2. The local law was seconded by Ms. Molé.

### **LOCAL LAW INTRO. NO. 2 OF 2014**

#### **A LOCAL LAW IMPOSING A SURCHARGE ON WIRELESS COMMUNICATIONS SERVICE IN THE COUNTY OF DELAWARE**

**BE IT ENACTED** by the Board of Supervisors of the County of Delaware, State of New York, as follows:

Section 1. Purpose. It is the purpose of this local law pursuant to the provisions of Article 6 of the New York State County Law to impose a surcharge on wireless communications service in the County of Delaware to pay for the authorized costs associated with the providing of a wireless 911 system to serve Delaware County.

Section 2. Definitions. The words and phrases used in this local law shall have the same meanings adopted by section three hundred one of the County Law and as specifically defined in this local law as follows:

- a. "County" means the County of Delaware.
- b. "Board" means the County Board of Supervisors.
- c. "E911 system" means an enhanced emergency telephone service which automatically connects a person dialing the digits 9-1-1 to an established public answering point, as established or authorized by resolution of the Board, and which shall include, but not be limited to, selective routing, automatic number identification and automatic location identification.
- d. "place of primary use" means the street address representative of where a wireless communications customer's use of the wireless communications service primarily occurs, and must be: (a) the residential street address or the primary business street address of the wireless communications customer; and (b) within the licensed service area of the wireless communications service supplier.
- e. "wireless communications device" means any equipment used to access a wireless communications service.
- f. "wireless communications service" means all commercial mobile services, as that term is defined in section 332(d) of title 47, United States Code, as amended from time to time, and as specifically delineated in, but not limited by, section three hundred one of the County Law.
- g. "wireless communications service supplier" means any commercial entity that operates a wireless communications service in New York State.

Section 3. Imposition of Surcharge; Effective Date.

- a. There is hereby imposed a surcharge of thirty cents per month on each wireless communications device which shall be reflected and made payable on bills rendered for wireless communications service that is provided by a wireless communications service supplier to a customer whose place of primary use is within the County.
- b. Each wireless communications service supplier shall add such surcharge amount to the billings to its customers beginning on the date this local law is filed in the office of the Secretary of State.

Section 4. Exemption from Surcharge. Lifeline customers and the County shall be exempt from the surcharge imposed under this local law.

Section 5. Collection of Surcharge.

- a. Each wireless communications service supplier serving the County shall act as collection agent for the County and shall remit the funds collected pursuant to the surcharge imposed herein to the Delaware County Treasurer every month. Such funds shall be remitted no later than thirty days after the last business day of the month.
- b. Each wireless communications service supplier shall be entitled to retain, as an administrative fee, an amount equal to two percent (2%) of its collection of the surcharge imposed hereunder.
- c. Any surcharge required to be collected by a wireless communications service supplier shall be added to and stated separately in its billings to customers.

Section 6. Liability for Payment of Surcharge.

- a. Each wireless communications service customer who is subject to the provisions of this local law shall be liable to the County for the surcharge until it has been paid to the County except that payment to a wireless communications service supplier is sufficient to relieve the customer from further liability for such surcharge.
- b. Each wireless communications service supplier shall annually provide to the County an accounting of the surcharge amounts billed and collected.

Section 7. Enforcement of Payment of Surcharge.

- a. No wireless communications service supplier shall have a legal obligation to enforce the collection of any surcharge imposed under the provisions of this local law, provided, however, that whenever the wireless communications service supplier remits the funds collected to the County, it shall also provide the County with the name and address of any customer refusing or failing to pay a surcharge imposed hereunder and shall state the amount of such surcharge remaining unpaid.
- b. The Delaware County Treasurer is hereby authorized to take any legal action to enforce the collection of any surcharge from any customer of a wireless communications service supplier refusing or failing to pay the surcharge imposed by this local law.

Section 8. Effective Date. This local law shall take effect immediately.

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

**RESOLUTION NO. 221**

**TITLE: RESOLUTION CALLING FOR A PUBLIC HEARING ON PROPOSED LOCAL LAW INTRO. NO. 2 OF 2014 DEPARTMENT OF EMERGENCY SERVICES**

**WHEREAS**, a proposed Local Law imposing a surcharge on wireless communications service in the County of Delaware has been offered for adoption by the Board of Supervisors.

**NOW, THEREFORE, BE IT RESOLVED** that a public hearing be held on the 10<sup>th</sup> day of December 2014 at 12:45 p.m. in the Supervisors' Room of the County Office Building, 111 Main Street, Delhi, New York.

The resolution was seconded by Mr. Haynes and Mr. Spaccaforno and 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. 222**

**TITLE: SALE OF TAX ACQUIRED PROPERTY**

**RESOLVED** that the following 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 thereon, upon receipt of cash consideration hereinafter set forth.

**ASSESSED TO:**

SID12TX.041  
**ERIC SANGVIC AND THERESA SANGVIC**

TOWN OF: 125001:SIDNEY  
 TAX MAP NO: 115.16-10-24  
 SCHOOL DISTRICT: 125001:SIDNEY  
 ACREAGE: 97.50'F X 100.00'D: 0.13A ACRES  
 CONVEYED TO: ERIC SANGVIC AND THERESA SANGVIC

SIDNEY NY 13838  
 CASH CONSIDERATION: \$8,824.54  
 COUNTY AMOUNT \$6,333.36  
 VILLAGE AMOUNT \$2,491.18  
 TAX DEFICIT: \$4,990.12

The resolution was seconded by Mr. Donnelly and adopted by the following vote: Ayes 3604, Noes 0, Absent 1195 (Axtell, Rowe, Pigford, Layton).

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

**RESOLUTION NO. 223**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$1,188,548.90 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	\$609,439.28
OET	\$14,869.91
Public Safety Comm System	\$18,073.60
Highway Audits, as Follows:	
Weights and Measures	\$211.31
Landfill	\$59,056.40
Road	\$27,937.18
Machinery	\$45,795.74
Capital Road & Bridge	\$12,256.53
Capital Solid Waste	\$400,908.95

The resolution was seconded by Ms. Miller and adopted by the following vote: Ayes 3604, Noes 0, Absent 1195 (Axtell, Rowe, Pigford, Layton).

Mr. Dolph recalled Local Law Intro. No. 1 of 2014 to Override the Tax Levy Limit Established in General Municipal Law §3-c. The Local Law was seconded by Ms. Molé and adopted by the following vote: Ayes 3604, Noes 0, Absent 1195 (Axtell, Rowe, Pigford, Layton).

Budget Director Bruce Dolph referencing the 2015 Tentative Budget pointed out that cuts have been made in all county departments and the Finance Committee will continue to review



department spending. He is not happy with an increase of 5.9 percent but feels the Finance Committee has done the best they can under the current circumstances.

Ms. Miller thanked the Finance Committee for all their hard work. She noted that she appreciated the Budget Workshop Meeting. She opined it provided transparency and clarity while offering Supervisors more time to review and offer input into the budget process.

Chairman Eisel also thanked the Finance Committee and everyone involved in the budgeting process. He pointed out that the 5.9 percent increase prevents employee layoffs and allows the continuation of essential services. As in the past, equipment purchases and travel requests will be scrutinized and the freeze on new hires will remain. He commended the Department of Public Works for achieving their goal of paying off the compost bond ten years early. This will save the county a considerable amount of money. The county's only indebtedness is the amount remaining on Public Safety Building bond of about \$7.8 million. He credited the Board's conservative values and pay as you go philosophy for the county's good financial standing and noted that he believes that is what will get this county through any tough fiscal time ahead.

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

**RESOLUTION NO. 224**

**TITLE: ADOPTION OF 2015 DELAWARE COUNTY BUDGET**

**WHEREAS**, the Tentative Budget for the year 2015 has been presented to the Board by the Budget Officer and duly discussed and a public hearing having been held thereon as required by law;

**NOW, THEREFORE, BE IT RESOLVED** that pursuant to §360 of the County Law, the Tentative Budget, as amended, for 2015 be adopted.

The resolution was seconded Mr. Donnelly and adopted by the following vote: Ayes 3604, Noes 0, Absent 1195 (Axtell, Rowe, Pigford, Layton).

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

**RESOLUTION NO. 225**

**TITLE: APPROPRIATION RESOLUTION**

**WHEREAS**, this Board by Resolution No. 224, dated November 25, 2014 adopted a budget for the fiscal year 2015;

**RESOLVED** that the several amounts specified in the column, "Adopted" be and hereby are appropriated for the objects and purposes specified effective January 1, 2015.

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

Chairman Eisel appointed Justin Hamm and Amanda Decker to the Delaware County Youth Bureau.

Chairman Eisel thanked Director of Planning Nicole Franzese for providing the homemade Italian pizzelle cookies and wished everyone a very Happy Thanksgiving.

Upon a motion, the meeting adjourned at 2:30 p.m.