

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

SEPTEMBER 22, 2021

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, September 22, 2021 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 Tina B. Molé presiding.

The Clerk called the roll and all Supervisors were present except Mr. Marshfield, Mrs. Scott, and Supervisor for the Town of Sidney.

Mr. Kosier offered the invocation.

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

The minutes of the previous meeting were accepted as presented.

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

Chairman Molé introduced New York State Department of Environmental Conservation NYC Watershed Coordinator Thomas Snow to discuss the state's view regarding the Streamside Acquisition Program (SAP).

Mr. Snow thanked Chairman Molé and the Board and stated he has been overseeing the NYC Watershed Program for the past 23 years. He has been directly involved in protecting, developing, and implementing programs to protect the NYC drinking water supply in collaboration with this Board and with the City of New York along with other stakeholders and partners. He also serves as the Governor's representative on the Catskill Watershed Corporation. Mr. Snow introduced Catskill Center for Conservation and Development SAP Manager Lee Alexander.

Mr. Snow distributed a summary document entitled "*Pilot Streamside Acquisition Program Fact Sheet*" to the Supervisors and stated the program was developed as part of the Water Supply Permit the DEC issued to the City of New York for its Land Acquisition Program (LAP). The pilot program has been implemented for the past six years and continues to be implemented in the Schoharie Reservoir Basin as a requirement in the Water Supply Permit. He stated the whole genesis of the Streamside Acquisition Program was in response to folks in Delaware and other counties who were tired of the Land Acquisition Program and asked for a program that focuses on areas that are 1) close to the watercourses, 2) wet, and 3) largely in floodplains. These areas, for all general purposes, are probably not the best places to be developing anyway but are good places to target land acquisition from a water quality perspective. In 2010 when the Water Supply Permit was issued, many Board members said they do not like the City's land acquisition and we need to develop something better, something much

more focused. This Streamside Acquisition Program (SAP) does just that. Based on the work that has been done and the success of the program and responses they have heard, he will make the determination as whether or not to expand the program beyond the Schoharie Basin. While they plan to expand the program watershed wide, he is here to give Supervisors an opportunity to 1) know and better understand the program and 2) know what it does and what it does not do.

The Water Supply Permit originally required the City to allocate \$5 million towards the program and the Filtration Avoidance Determination (FAD) which was issued by the New York State Department of Health required an additional \$3 million to be committed toward the SAP which is in the process of being allocated to the Catskill Center. Upon their determination of expanding the program, the City would be required to provide an additional \$8 million to help further supplement the program. As that decision has not been made yet, that additional \$8 million would be made available to the Catskill Center upon that determination.

Mr. Snow indicated the National Academy of Sciences (NAS) just completed its review of the New York City Watershed programs. Many of the Academy members came to Delaware County and most likely met with Supervisors of this Board. Based on that report, one of their recommendations was that yes, acquisition overall should be much more targeted. Again, which is what this program does. The decision to expand the SAP would otherwise be consistent with what the Academy has recommended in their report.

Mr. Snow reviewed requirements of the Water Supply Permit that were agreed to by all the stakeholders including current Supervisors who were present at the time stating they would be implementing the SAP based on the current requirements of the Water Supply Permit. That document is what governs here. He indicated the idea is to focus in on smaller parcels that are near streams, wet, and in floodplains.

In reply to Attorney Kevin Young in regards to watercourse definitions, Mr. Snow said parcels next to streams will be eligible for the SAP. He expects if there is a question as to what is considered a watercourse and what is not, the Catskill Center will make that determination. He stated there is an opt-in provision for areas within the designated hamlets namely for those municipalities that have precluded the City's LAP from purchasing parcels. If municipalities want to allow a SAP, they may pass a resolution to allow it.

In answer to Mr. Taggart, Mr. Snow clarified the municipality could opt-in for individual parcels only. There is no opt-in/opt-out provision outside of those designated excluded areas. It is allowed to go forward.

Mr. Taggart expressed that as a Board, they are not looking to have more land bought up in this County by the City or whomever. There is a Conservation Reserve Enhancement Program (CREP) that pays a yearly lease to landowners and that keeps the ownership local. Mr. Snow replied that conservation easements would be allowed under the SAP. Mr. Taggart clarified that the conservation easement would be a much better way to proceed than to sell the land. Mr. Snow advised if Delaware County would like to suggest developing a rental property program, there are FAD discussions that are ongoing right now with the City and he suggested doing that as part of the FAD.

In answer to Attorney Young's question regarding purchases of improved property, Mr. Snow said they are not purchasing improved property under the SAP. They are looking to purchase property that is close to streams which is being subdivided out from any habitable dwelling.

In reply to Mr. Gladstone's question as to what benefit SAP has over CREP, Mr. Snow explained that CREP is only on agricultural land. There is a lot of other land that is outside of agricultural use. Mr. Gladstone pointed out both programs protect the same amount of land basically with the same criteria where locals are losing control of their property. CREP is a renewable contract of 10 to 15 years with the right to not renew. He stated many of these streams are roadside streams and in that particular case, there goes road frontage which greatly reduces the balance of the property because it will be landlocked. Mr. Snow declared none of the parcels would be landlocked. Ms. Lee explained the SAP does not allow a subdivision that does not conform to the code and towns would not allow a subdivision of that nature.

Director of Planning Shelly Johnson-Bennett expressed that their proposal was to create a CREP-like program because they want to avoid the proposal for this amended subdivision language that has been worked on in the stakeholders meetings that would allow for the creation of nonconforming LAPs for the purpose of SAP. Our counter to that was to create this CREP-based, lease-based ownership that is renewable along the same timeline as the FAD for instance. The Filtration Avoidance and the Watershed Supply Permit are renewable, yet these protections are forever. So if for whatever reason the FAD is no longer needed or the Water Supply Permit is an issue, we are still left with the permanence of those protections.

The idea was to have a renewable program that runs with those programs so they are in concert. That is what we are getting at by looking at a CREP-like program, not specifically CREP but creating something that is similar to CREP that has the same goal as SAP. They have not disagreed that a more focused streamside protection program is far more desirable than core land acquisition. The proposal for SAP was certainly something we asked for in 2007, something that is more focused, but there has not been a proposal that ends the core land acquisition either in return for this. Right now, it appears this is just another land acquisition program.

Mr. Snow indicated the City is proposing to ratchet down the core LAP program. That is if you want to ratchet down the core land acquisition program, the SAP has to sort of fill that back up.

Mrs. Johnson-Bennett stated that is understood but the County is looking for something that is palpable and can be renewable. It would be her recommendation to pursue something like that in the next filtration avoidance.

Mr. Snow said he has made it clear that if the County wants to do that, that is fine but that would not be instead of or replacement of the SAP. From a Water Supply Permit perspective, he is open to hear about it when the next Water Supply Permit comes up for renewal. If it does not go into the Filtration Avoidance Determination, there is an opportunity to include it in the Water Supply Permit.

Attorney Young spoke briefly on the City's initial intent to purchase 80,000 acres of the County's open land but now they control over 130,000 acres in Delaware County. The Water Supply Permit was the result of a court-ordered impact statement. The SAP is included in the Water Supply Permit as a pilot in the Schoharie Basin and DEC has to make a determination whether to expand it outside the Schoharie Basin. Now, 15 years ahead, in the City's evaluation of the program they said they are not going to use this to replace the existing land acquisition program; they will use it for lands that are not eligible under the existing program. He requested that if the program will be expanded into Delaware County, then condition the expansion either on an evaluation of the impact of the continuation of LAP with or without this on our communities or condition it so that the City's other land acquisition program be stayed. In other words, stop buying large open spaces.

Mr. Snow responded that the Environmental Impact Statement (EIS) that was done for the land acquisition program did incorporate the riparian buffer program. It was evaluated as part and parcel to all of the different land acquisition programs that exist.

Attorney Young stated that Delaware County consented to the SAP under the thought that it would reduce open space acquisition and it hasn't. He added instead of proceeding to add an additional tool to the City, maybe they need to add an additional tool and take away some existing tools.

Mr. Snow reiterated the City is proposing to ratchet down its core land acquisition. He stressed that he is making a decision on the merits of the SAP not overall watershed-wide land acquisition programs.

He continued to say the solicitations they are focusing on are very specific. The Catskill Center will be working with communities to identify areas for potential acquisitions to occur and areas they do not want targeted for acquisition. There will be direct collaboration, communication, and engagement between communities and the Catskill Center.

Mrs. Johnson-Bennett referred to her written white paper memorandum that each Supervisor received which elaborates on the three main issues they are still in the process of negotiating which is fair market value, third party ownership, and the language for subdivision, basically variance from subdivision to allow for nonconforming lots to be created for the purpose of this program. The white paper also focuses on impacts to hamlets, hamlet extension areas, and villages specifically because those are the areas that you have a choice to opt in or opt out. If the Board endorses the white paper, which has been endorsed by the CORE Group, it will go to all of the stakeholders as comment from Delaware County.

Mr. Snow and Ms. Lee announced that over the past five years, SAP has purchased 25 properties totaling 198 acres with the average size parcel of 8 acres. The purchases have been focused very specifically, which is the point he is making. He mentioned incentives in the program that were recommended locally to help get more money for their land acquisitions.

Attorney Young stated the County has an active Stream Management Plan that is pretty much prepared by Delaware County Soil and Water Conservation District in conjunction with

the towns. He asked if it would be better if Delaware County Soil and Water were the land trust that manages the program for the County to work consistently with our recreational plans and long-term stream management plan. Mr. Snow replied there is nothing preventing the two entities from working together. Right now, the City has established the contract through the Catskill Center.

Supervisor Davis thanked Delaware County Industrial Development Agency Executive Director Glenn Nealis for the letter he wrote to the Board expressing IDA's unequivocal opposition to the proposed SAP. He reiterated the points outlined in the letter stressing that despite the fact there is no provable water quality calculations for land acquisition of open space, the restrictions placed upon the land are forever.

He indicated he is currently in the process of doing several cluster septic system projects in Middletown hamlets and they have had to fight with easements on WAC lands and railroad easements. All of these are done with eminent domain which ramps up the cost to simply provide for some public health and safety for a hamlet that doesn't have it in existence. The only way to get rights across this land is through eminent domain. He stated when they proposed such a program, they proposed it very clearly to replace the land acquisition program because it had been abused so viciously in this County. They spent \$60,000 on demographics to give to Pete Lopez, the director of the EPA to inform the National Academy of Sciences that they violated their existing land acquisition permit by allowing them to purchase more land than the permit allows which is why they had to do a moratorium. These permits are supposed to be the most important permits for the best water quality watershed there is in the world.

Village mayors are very concerned that people in their floodways will sell eligible land because they do not want to pay flood insurance. That will cripple villages. Villages and hamlets in his town will be destroyed. Here we are again with another land acquisition program with a different title. He questioned if subdivision regulations will be adhered to noting that when towns are stuck with third party ownership, by law property maintenance has to be budgeted.

Mr. Davis indicated their goal was to stop the land acquisition program stating they recommended this to replace and end the LAP because it had been abused so severely in this County and it has caused such a tremendous economic impact already. When this came in last year and they realized that this was going to be pushed forward and LAP was not going to stop, they started talking about CREP and said if this is what you are going to do, then work towards a CREP program. Obviously, land acquisition will not stop. He further stated that under the original Memorandum of Agreement (MOA), villages and hamlets were prohibited from purchase. Towns adopted rules and regulations and received good neighbor money to do that but the villages and hamlets did not. They do not have these rules. They don't exist there. It was recognized in the report that it would absolutely devastate these municipalities. It would remove their tax base. It would hit the most densely populated areas and in no way they would be able to provide services in the future. He is concerned that is what will happen if these villages adopt these rules with the implementation of the SAP.

To illustrate another important concern, he stated there is no variance or appeals process and therefore there is no due process. Supreme Court orders come back to due process. You are not allowed to deny anyone due process. If there is a problem with this rule, he has to provide a variance process; he has to give a way to appeal that. If the variance process does not work, then you go to court. That is how you get due process. His concern is you don't get to court the way this is set up, like many City programs.

He voiced that land acquisition affects people's lives. People live here. They work here. Every time a program is created that allows people in a village who cannot viably sell their home because their flood insurance rates are as much as their note, but they can sell to the City, the people will do that. Fleischmanns knows this and they will be forced to disincorporate. There will not be villages, they will become hamlets and still not be sustainable in the future. He wants to know what the future holds for his children and grandchildren. There is no place to build on now. The SAP will destroy the last parcels we have. There is no reason for this. This is not being a partner. This does not help us economically in the future. This does not help us. The LAP took advantage of Delaware County more than any other watershed county because of all of our open spaces and you could because we have a small population.

Mr. Snow responded saying the other alternative is continuation of the core LAP.

In response to Watershed Coordinator Nick Carbone if DEC would consider not expanding, Mr. Snow stated it is their intent to move forward with this.

Mr. Taggart stated he believes the CREP program is a much better program because it keeps ownership local and renewable. He would prefer to see if there is a way to use nonagricultural land to protect the water supply without selling to the City and keep it locally controlled.

Mr. Snow stated the idea of developing another CREP-like program is not off the table at this point. Delaware County may propose to develop this concept. He indicated SAP has been implemented for the past five years in a fairly wide area of the watershed and it has shown tremendous success in targeting those areas

Attorney Young asked for clarification in the MOA as to getting access to City land for utilities. There is a provision in the MOA which required the City to continue its policy of granting permits. They will not grant an easement but will grant a revocable license to install utilities. However, when the City purchased land, they had to give a conservation easement to DEC. That conservation easement prohibits the siting or distribution of gas, electricity, water, telephone, or cable television service on, over, or under the property. They cannot grant us those revocable permits because the easement they gave to DEC, which DEC drafted, prohibits it. He questioned if that particular easement models this easement meaning utility crossings are not permitted.

Mr. Snow stated the City has not conveyed conservation easements on those parcels.

In reply to Mr. Taggart about the use of City land for green energy use, Mr. Snow stated they are looking at fallow agricultural land.

Ms. Molé thanked Mr. Snow and Ms. Lee.

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

RESOLUTION NO. 134

**TITLE: 2021 BUDGET AMENDMENT
ACCEPTANCE OF ELECTIONS CYBERSECURITY REMEDIATION GRANT
BOARD OF ELECTIONS**

WHEREAS, New York State has issued a grant to Delaware County to upgrade and enhance cybersecurity; and

WHEREAS, Delaware County Board of Elections has been approved to receive \$73,080.43 in grant funding.

NOW, THEREFORE, BE IT RESOLVED that the 2021 Budget be amended as follows:

INCREASE REVENUE:

10-11450-43308000/1450011/961	New York State	\$73,080.43
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INCREASE APPROPRIATIONS:

10-11450-54327580/1450011/961	Grant Software	\$73,080.43
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The resolution was seconded by Mr. Vernold.

Mr. Eisel stated this grant is required by the state for cybersecurity software that will be implemented and installed by the Information Technology Department.

The resolution was adopted by the following vote: Ayes 3958, Noes 0, Absent 264 (Marshfield, Scott), Vacant 577 (Sidney).

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

RESOLUTION NO. 135

**TITLE: 2021 BUDGET ADMENDMENT
RECEIPT OF PUBLIC HEALTH CORPS FELLOWSHIP FUNDING
PUBLIC HEALTH SERVICES**

WHEREAS, New York State Department of Health is providing funding support for the New York State Public Health Corps Fellowship Program; and

WHEREAS, the New York State Public Health Corps Fellowship Program will build public health capacity to support COVID-19 response operations and increase preparedness for future public health emergencies. Delaware County is eligible to receive up to four fellows annually and may also hire a local coordinator for a two-year period.

NOW, THEREFORE, BE IT RESOLVED that the 2021 Budget be amended as follows:

INCREASE REVENUE:

10-14012-44440101/4012024/906	Federal PH Grants	\$719,282.00
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INCREASE APPROPRIATION:

10-14012-51327000/4012024/906	Personal Services-Grants	\$454,698.00
10-14012-58132700/4012024/906	State Retirement-Grants	\$29,528.00
10-14012-58332700/4012024/906	Social Sec Emplr Cont-Grant	\$16,854.00
10-14012-58553270/4012024/906	Disability Insurance-Grant	\$450.00
10-14012-58632700/4012024/906	Hospital & Medical Ins-Grant	\$213,836.00
10-14012-58932700/4012024/906	Medicare Emplr Contrib-Grant	\$3,916.00

The resolution was seconded by Mr. Gladstone and adopted by the following vote:
Ayes 3958, Noes 0, Absent 264 (Marshfield, Scott), Vacant 577 (Sidney).

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

RESOLUTION NO. 136

**TITLE: 2021 BUDGET ADMENDMENT
RECEIPT OF COVID-19 VACCINE RESPONSE GRANT FUNDING
PUBLIC HEALTH SERVICES**

WHEREAS, New York State Department of Health is providing grant funding from January 1, 2021 through June 30, 2024 to promote and increase COVID-19 vaccinations; and

WHEREAS, Delaware County Public Health Services will conduct local COVID-19 vaccine promotion campaigns and operate COVID-19 clinics to increase the number of individuals who receive the COVID-19 vaccine.

NOW, THEREFORE, BE IT RESOLVED that the 2021 Budget be amended as follows:

INCREASE REVENUE:

10-14012-44440101/4012023/906	Federal PH Grants	\$68,134.51
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INCREASE APPROPRIATION:

10-14012-54327000/4012023/906	General Grant Related Exp	\$68,134.51
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The resolution was seconded by Mr. Vernold and adopted by the following vote: Ayes 3958, Noes 0, Absent 264 (Marshfield, Scott), Vacant 577 (Sidney).

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

RESOLUTION NO. 137

**TITLE: 2021 BUDGET ADMENDMENT
TRANSFER OF FUNDS
PUBLIC HEALTH SERVICES**

WHEREAS, Epidemiology and Laboratory Capacity (ELC) COVID Enhanced Detection grant has approved the purchase of an ultra-low freezer for the storage of Pfizer COVID-19 vaccine; and

WHEREAS, a transfer of funds is necessary to purchase the approved equipment.

NOW, THEREFORE, BE IT RESOLVED that the 2021 Budget be amended as follows:

TRANSFER FROM:

10-14012-54327000/4012020/906	General Grant Related Exp	\$7,290.08
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TRANSFER TO:

10-14012-52200001/4012020/906	Equipment-Grant	\$7,290.08
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The resolution was seconded by Mr. Ellis and adopted by the following vote: Ayes 3958, Noes 0, Absent 264 (Marshfield, Scott), Vacant 577 (Sidney).

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

RESOLUTION NO. 138

**TITLE: 2021 BUDGET ADMENDMENT
TRANSFER OF FUNDS
PUBLIC HEALTH SERVICES**

WHEREAS, Public Health Services has expanded clinic operations in 2021 to include COVID vaccination clinics; and

WHEREAS, many of the increased clinic expenses will be reimbursed through COVID grant funding; and

WHEREAS, COVID Vaccine Response grant funding has just been awarded and is awaiting a contract and COVID Enhanced Detection funding has been delayed due to grant budget modification requests; and

WHEREAS, Public Health Services must pay expenses related to increased clinic operations.

NOW, THEREFORE, BE IT RESOLVED that the 2021 Budget be amended as follows:

TRANSFER FROM:

10-14060-54360000	Itinerate Providers	\$10,000.00
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TRANSFER TO:

10-14013-54595220	Supplies Medical	\$10,000.00
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The resolution was seconded by Mr. Ellis and adopted by the following vote: Ayes 3958, Noes 0, Absent 264 (Marshfield, Scott), Vacant 577 (Sidney).

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

RESOLUTION NO. 139

**TITLE: 2021 BUDGET ADMENDMENT
TRANSFER OF FUNDS
PUBLIC HEALTH SERVICES**

WHEREAS, our Overdose Data to Action (OD2A) grant objectives include empowering local overdose prevention and response efforts; and

WHEREAS, Public Health Services has worked to create and promote an outreach campaign to shed light on recovery resources featuring Delaware County agencies and highlighting the services they provide; and

WHEREAS, OD2A community outreach and education account does not have sufficient funds for these grant reimbursable activities.

NOW, THEREFORE, BE IT RESOLVED that the 2021 Budget be amended as follows:

TRANSFER FROM:

10-14060-54360000	Itinerate Providers	\$12,300.00
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TRANSFER TO:

10-14018-54183000	Community Outreach & Education	\$12,300.00
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The resolution was seconded by Mr. Ellis and adopted by the following vote: Ayes 3958, Noes 0, Absent 264 (Marshfield, Scott), Vacant 577 (Sidney).

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

RESOLUTION NO. 140

**TITLE: 2021 BUDGET ADMENDMENT
TRANSFER OF FUNDS
PUBLIC HEALTH SERVICES**

WHEREAS, our Children and Youth with Special Health Care Needs (CYSHCN) grant program objectives include providing information and guidance to families and providers of CYSHCN; and

WHEREAS, Public Health Services has worked to create an outreach video promoting developmental appropriate activities families of CYSHCN can perform at home and is providing “Coping Skills for Kids in Unsettling Times and Beyond” training to service providers of CYSHCN; and

WHEREAS, CYSHCN community outreach and education account does not have sufficient funds for these grant reimbursable activities.

NOW, THEREFORE, BE IT RESOLVED that the 2021 Budget be amended as follows:

TRANSFER FROM:

10-14060-54360000	Itinerate Providers	\$5,000.00
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TRANSFER TO:

10-14035-54183000	Community Outreach & Education	\$5,000.00
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The resolution was seconded by Mr. Vernold and adopted by the following vote: Ayes 3958, Noes 0, Absent 264 (Marshfield, Scott), Vacant 577 (Sidney).

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

RESOLUTION NO. 141

**TITLE: 2021 BUDGET AMENDMENT
ADULT PROTECTIVE COMMUNITY LIVING SERVICES GRANT
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Delaware County Department of Social Services is the designated local agency to administer the Adult Protective Community Living Grant; and

WHEREAS, funding is to be used to enhance, improve, and expand Adult Protective Services ability to investigate allegations of abuse, neglect, and exploitation in the context of COVID-19, and is 100% reimbursed.

NOW, THEREFORE, BE IT RESOLVED that the 2021 Budget be amended as follows:

INCREASE REVENUE:

10-16070-44467000-6010645-971 Federal Services for Recipients \$37,847.00

INCREASE APPROPRIATION:

10-16070-54575000-6010645-971 Adult Protective Services Grant \$37,847.00

The resolution was seconded by Mr. Vernold and adopted by the following vote:
Ayes 3958, Noes 0, Absent 264 (Marshfield, Scott), Vacant 577 (Sidney).

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

RESOLUTION NO. 142

**TITLE: 2021 BUDGET AMENDMENT
TRANSFER OF FUNDS
PAYMENT OF BOND ANTICIPATION NOTE
BEHAVIORAL HEALTH FACILITY**

WHEREAS, Resolution No. 83 adopted on May 13, 2020 authorized the issuance of Bond Anticipation Notes (BAN) in the amount of \$8,000,000 for the construction of a new Behavioral Health Facility to be located at 243 Delaware Street, Village of Walton; and

WHEREAS, BAN proceeds were received on September 1, 2020 in the amount of \$8,000,000, payable in one year; and

WHEREAS, payment of the BAN principal and interest is now due; and

WHEREAS, appropriation of interest on the BAN was included in the 2021 Adopted Budget; and

WHEREAS, a transfer from the General Fund Reserve is necessary to pay the principal of the BAN.

NOW, THEREFORE, BE IT RESOLVED that the 2021 Budget be amended as follows:

DECREASE FUND BALANCE

10-00000-34899000/1325892/889 Restricted Fund Balance \$8,000,000.00

INCREASE APPROPRIATION:

10-19730-56630000 BAN Principal \$8,000,000.00

The resolution was seconded by Mr. Tuthill and adopted by the following vote:
Ayes 3958, Noes 0, Absent 264 (Marshfield, Scott), Vacant 577 (Sidney).

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

RESOLUTION NO. 143

**TITLE: AUTHORIZATION FOR DISPOSITION OF PERSONAL PROPERTY
NO LONGER NECESSARY FOR PUBLIC USE
SHERIFF'S OFFICE**

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 Sheriff's Office is authorized to sell by trade-in, on-line auction or for scrap the following items:

<u>Dept. Vehicle No.</u>	<u>Description</u>	<u>Vehicle Identification No.</u>
SHF 91	2016 Ford Interceptor SUV	1FM5K8AR2GGC61042
SHF 96	2017 Ford Interceptor SUV	1FM5K8AR0HGC57430
SHF 98	2017 Ford Interceptor SUV	1FM5K8AR2HGC57428
SHF 100	2017 Ford Interceptor SUV	1FM5K8AR2HGC57431

The resolution was seconded by Mr. Davis.

Mr. Gladstone stated these Ford vehicles will be replaced with Chevy Tahoes.

In answer to Mr. Taggart, Mr. Gladstone said these vehicles will be sold through the lease company Enterprise.

The resolution was unanimously adopted.

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

RESOLUTION NO. 144

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

WHEREAS, Delaware County Department 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 has been using Auctions International successfully for several years.

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. Vernold and Mr. Kosier and unanimously adopted.

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

RESOLUTION NO. 145

TITLE: AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE “MARCHISELLI” PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE

WHEREAS, a Project for the Delaware County Bridge Maintenance/Structural Steel Preservation Program (2021), PIN 9754.36 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of said program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Delaware desires to advance the Project by making a commitment of 100% of the Federal and non-Federal share of the costs of the Preliminary Engineering/Design work and Construction/Construction Support and Construction Inspection work.

NOW, THEREFORE, the Delaware County Board of Supervisors, duly convened does hereby

RESOLVE, that the Delaware County Board of Supervisors hereby approves the above-subject project; and it is further

RESOLVED that the Delaware County Board of Supervisors hereby authorizes the County of Delaware to pay in the first instance 100% of the Federal and non-Federal share of the cost of the Construction/Construction Supervision/Construction Inspection work for the Project or portions thereof; and it is further

RESOLVED that the sum of \$635,545.00 is hereby appropriated from 34-15112-54000000 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED that in the event the full Federal and non-Federal share costs of the Project exceeds the amount appropriated above, the Delaware County Board of Supervisors shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED that the Chairman of the Board of the Delaware County Board of Supervisors be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Delaware with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED this resolution shall take effect immediately.

The resolution was seconded by Mr. Davis and adopted by the following vote: Ayes 3958, Noes 0, Absent 264 (Marshfield, Scott), Vacant 577 (Sidney).

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

RESOLUTION NO. 146

**TITLE: PROCLAMATION
IN RECOGNITION OF SHERIFFS' WEEK
SEPTEMBER 19-25, 2021**

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

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

WHEREAS, the Office of Sheriff has evolved into a modern, professional, full-service law enforcement agency, manned by fully trained police officers, using state-of-the-art

technology and applying the latest and most advanced theories and practices in the criminal justice field; and

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

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

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

NOW, THEREFORE, we, the Delaware County Board of Supervisors do recognize the important services provided to the citizens of this County by Sheriff DuMond and the members of the Sheriff’s Office, and do hereby proclaim September 19 to 25, 2021 to be Sheriffs’ Week in Delaware County.

The resolution was seconded by Mr. Davis.

Mr. Gladstone recognized Sheriff Craig DuMond and Undersheriff Tim Buckley for the outstanding professional job that they do. The Sheriff’s Office is one of only a few Sheriff’s Departments within New York State that is accredited. They put together a special response team that was very helpful in a situation a short time ago and they deserve this recognition for the job they do.

The resolution was unanimously adopted.

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

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

RESOLUTION NO. 147

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$2,037,642.52 were hereby presented to the Finance Committee for approval for payment on September 8, 2021 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	\$608,146.81
OET	\$0.00
Public Safety Comm System	\$24,435.59
Insurance Risk	\$0.00
CAP 97 Main	\$1,882.16
CAP MH	\$8,338.72

Highway Audits, as Follows:

Weights & Measures	\$0.00
Solid Waste/Landfill	\$106,237.85
Road	\$647,261.16
Machinery	\$73,042.45
Capital Road & Bridge	\$564,798.78
Capital Solid Waste	\$1,667.50
CAP DPW Complex	\$1,831.50

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$2,314,110.08 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	\$651,351.74
OET	\$15,284.85
Public Safety Comm System	\$120,228.99
Insurance Risk	\$0.00
CAP 97 Main	\$1,499.15
CAP MH	\$32,390.29

Highway Audits, as Follows:

Weights & Measures	\$66.60
Solid Waste/Landfill	\$40,822.83
Road	\$34,314.35
Machinery	\$45,497.01
Capital Road & Bridge	\$107,270.50
Capital Solid Waste	\$7,940.59
CAP DPW Complex	\$1,257,443.18

The resolution was seconded by Mr. Gladstone and Mr. Taggart and adopted by the following vote: Ayes 3958, Noes 0, Absent 264 (Marshfield, Scott), Vacant 577 (Sidney).

Upon a motion, the meeting was adjourned at 2:43 p.m.