

## **REGULAR MEETING**

### **DELAWARE COUNTY BOARD OF SUPERVISORS**

**JULY 27, 2022**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, July 27, 2022 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. Davis.

Mr. Marshfield offered the invocation.

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

The minutes of the previous Board meeting were accepted as presented.

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

Chairman Molé granted privilege of the floor to Supervisor Marshfield. Mr. Marshfield introduced Director of Veterans Services Charles Piper.

Mr. Piper thanked the Board and shared that on Friday, he attended the bridge dedication ceremony in Walton to honor Lieutenant Stephen H. Doane. He commended Mr. Cetta for his diligence and efforts for the impressive event. He stated that Lieutenant Doane is the only Medal of Honor recipient from Delaware County. He was a Walton resident and we are all very proud of that fact. He shared that Chairman Molé gave a very nice speech explaining the accomplishments of Lieutenant Doane.

Mr. Piper expressed that one thing that has happened over the years has been suicide prevention with veterans coming out of the Service into the communities and all the issues that are associated with it. One of the things that came up in 2012 was a pilot program called the Dwyer Program. The Dwyer Program was established in an attempt help military members transitioning into the veteran community. The program was such a success, it is now a New York State requirement. Counties are able to get funding for it. In order to utilize that money, they will have to work in conjunction with mental health. He summoned Director of Mental Health Cindy Heaney to explain further.

Mrs. Heaney conveyed that Joseph P. Dwyer was a combat medic during the Iraqi war. He came back from his service and did not get the help he needed. That was very unfortunate but out of that some good has come where every county is getting funding through mental health clinics to develop a peer-to-peer veteran program with veterans working with other veterans to deal with issues pertaining to mental health, depression, anxiety, and post-traumatic stress disorder (PTSD). She had conferred with Mr. Piper to see what programs they could bring to

Delaware County and was introduced to Clear Path for Veterans.

Mr. Piper introduced Jonathan Wanglund and Peter Maraday who will initiate the Dwyer Program in Delaware County and will help us in many other ways as well.

Mr. Wanglund thanked the Board for the opportunity to speak on behalf of their organization. He is the Peer Support Manager in the Southern Tier. He noted that Clear Path celebrated their 10-year anniversary in June. Their offices are located in Chittenango, New York. They started off with a very small vision to help veterans in need and to see what they can do better to support them. That small vision has turned into something really big to what it is today and they now work throughout the state as well as into the New England area including Boston, Massachusetts. He expressed that working with Clear Path for the last five years has been the greatest experience of his life. Mr. Maraday and himself are both veterans and you have to be a veteran to serve as a peer mentor or peer manager in their peer programs. He believes it is a tremendous honor for the opportunity to serve every day with Clear Path throughout the communities.

Mr. Maraday stated he is the Hudson Valley Regional Peer Support Manager with Clear Path for Veterans and he covers eight counties. They provide information, programs, and resources to veterans, service members, and their families and caregivers. Their core programming began with their inaugural program, their canine program originally known as Dogs to Vets. This is an outstanding program that they are very proud of. They are about to be recognized by Assistance Dogs International (ADI) which is a very prestigious certification in canine training. The program provides Labradors, English Labradors and American Labradors. Trained Labs are matched up with a veteran who has gone through the vetting process and will train with the dog for three weeks before they are released out into the community. The individual who is eligible for the canine program is someone diagnosed with post-traumatic stress disorder (PTSD), traumatic brain injury (TBI), or military sexual trauma (MST). It is a very successful program—they receive four to five new puppies every six weeks and the program is very strong. They currently have a waiting list in the canine program.

Clear Path offers peer mentoring throughout New York State. Peers are charged to walk shoulder to shoulder with veterans to be there for them and support them for whatever their need may be. Sometimes it is something as simple as listening. He expressed that they are not clinicians or mental health specialists and do not act in that capacity, however, they can be available to support them, listen, and certainly seek help that may be needed. Often times, the need can be something such as a food need, employment assistance, housing assistance, transportation, legal services, VA benefits, or education.

Warriors Working is their employment program which operates as a two-way program because they work with employers to help them find qualified veterans and they also work with veterans to help them find work as well. The program offers other services such as interview skills, resume writing, and career assessments to help individuals in their job search.

Clear Path offers a Holistic Wellness program where they leverage the National Wellness Institute's "Six Dimensions of Wellness" methodology. They embrace a holistic warrior care

model that meets them where they are and helps them achieve the highest levels of emotional, intellectual, occupational, physical, social, and spiritual wellbeing.

Other programs include community outreach, social engagement, and a culinary program and canteen. Clear Path programs are currently in 34 counties and continuously increasing. They are expanding and expect to be in all counties in some capacity in the next two to three years.

They have events at their facility on a regular basis but also bring canteens and other events out into other communities as well. They partner with American Legion Posts to make everything available to veterans and their families as well as other activities around the holidays. He believes they have great ideas that they would like to bring into Delaware County as well.

In reply to Mr. Piper, Mr. Wanglund said they would work with him and other local organizations to make their presence known and start the program in Delaware County. They will be establishing opportunities to meet with veterans to discuss available programming and to offer assistance with whatever their needs may be.

Mr. Wanglund indicated they are mobile so they can go to veterans as needed. There are no boundaries to what they will do to help a veteran. He noted that they help veterans regardless of their discharge status and they will help all veterans find the resources they may need.

In answer to Ms. Molé, Mr. Maraday specified that all services are free. Whether you go to a canteen or if you are a recipient of a service dog, the programs are free. He noted the average cost of the service dog program for one veteran and one dog is \$25,000 or more and all of that is covered including the training and local accommodations if needed.

Mr. Wanglund added that counties receiving Dwyer funding will get all that money back in the services given in that county. You can feel confident knowing that the money provided through Delaware County goes right back to that area. The funding is allocated through staffing and events they host, and as stated earlier, everything they do is free of charge. They are a non-profit organization. He reiterated that Clear Path for Veterans will do everything they can to help a veteran in need.

In answer to Mr. Taggart, Mr. Wanglund explained that volunteers do not have to be veterans. They have a fantastic volunteer force. They value their volunteers and much of what they do cannot be done without the efforts of their volunteers.

Mr. Marshfield stated the Board of Supervisors and Delaware County takes their support for veterans seriously. He praised Mr. Piper and the County's Veterans Service Agency.

Ms. Molé thanked Mr. Wanglund and Mr. Marady for their presentation and the Supervisors gave them a hearty applause. They thanked the Board for their time.

Mr. Ellis introduced the new Personnel Officer in-training, Carrara Knoetgen. Ms. Molé expressed it is a pleasure to have Ms. Knoetgen on our team.

Supervisor Vernold asked for an update on the countywide ambulance service.

Mr. Gladstone said that contract negotiations are ongoing. They are currently awaiting response from AMR. Ms. Molé added they are well on their way to a final contract.

Mr. Vernold inquired if the committee has started a search for an alternative service as was agreed when the resolution was passed. He stated the group from Sidney and Hancock had said they could have that service up and running in three months.

Mr. Marshfield asked if the group had submitted a proposal.

Mr. Vernold responded that the understanding was that someone from the Public Safety Committee would contact them.

Mr. Gladstone replied that the committee is looking to learn from the AMR contract. They may not need a paid service. If all these other departments that are equipped to provide emergency services are now in place, they might not need this contract.

Director of Emergency Services Stephen Hood clarified that Hancock and Sidney cannot operate on a countywide basis. They do not have authority from the Department of Health. Concurring with Mr. Wilson, he said they would have to get their own CON.

County Attorney Amy Merklen stated they got the contract back from AMR and there were some personnel issues. She confirmed that the 30-day opt out has been proposed to change to a 90-day opt out.

Mr. Cetta expressed that the resolution to bring AMR on for that contract was passed with the thought process that the committee was going to research and develop a plan on how to cover the entire county.

Mrs. Scott stated they do not have the data right now. The hope was to bring AMR on to accumulate the data and then be able to come up with a plan. What is holding us up from coming up with a plan is not having AMR to get the data to be able to move forward.

Mr. Gladstone said they need the information to develop a plan.

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

**RESOLUTION NO. 124**

**TITLE: 2022 BUDGET AMENDMENT  
SUMMER YOUTH EMPLOYMENT PROGRAM  
DEPARTMENT OF SOCIAL SERVICES**

**WHEREAS**, the Delaware County Department of Social Services is the designated local agency to administer the Summer Youth Employment Program; and

**WHEREAS**, funding is to be used for summer youth employment and education training for economically disadvantaged youth and is 100% reimbursed.

**NOW, THEREFORE, BE IT RESOLVED** that the 2022 Budget be amended as follows:

**INCREASE REVENUE:**

10-16010-44482002 Summer Youth Employment \$122,498.00

**INCREASE APPROPRIATION:**

10-16010-54665002 Summer Youth Employment \$122,498.00

The resolution was seconded by Mr. Vernold and adopted by the following vote: Ayes 4424, Noes 0, Absent 375 (Davis).

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

**RESOLUTION NO. 125**

**TITLE: 2022 BUDGET AMENDMENT  
DELAWARE COUNTY RENTAL SUPPLEMENT PROGRAM (RSP)  
DEPARTMENT OF SOCIAL SERVICES**

**WHEREAS**, the Delaware County Department of Social Services is the designated local agency to administer the Rental Supplement Program; and

**WHEREAS**, the Department believes that this program will assist up to 20 households/individuals who are experiencing homelessness and up to 30 households/individuals who are at risk of homelessness; and

**WHEREAS**, the County will be 100% reimbursed by the State.

**NOW, THEREFORE, BE IT RESOLVED** that the 2022 Budget be amended as follows:

**INCREASE REVENUE:**

10-16109-43360900 State Family Assistance \$121,902.00

**INCREASE APPROPRIATION:**

10-16010-54427029 Rental Supplement Program \$121,902.00

The resolution was seconded by Mr. Vernold and adopted by the following vote:  
Ayes 4424, Noes 0, Absent 375 (Davis).

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

**RESOLUTION NO. 126**

**TITLE: 2022 BUDGET AMENDMENT  
SUMMER YOUTH EMPLOYMENT PROGRAM  
YOUTH BUREAU**

**WHEREAS**, the Delaware County Department of Social Services is the designated local agency to administer the Summer Youth Employment Program; and

**WHEREAS**, funding is to be used for summer youth employment and education training for economically disadvantaged youth and is 100% reimbursed; and

**WHEREAS**, the Delaware County Youth Bureau will be hiring some of the participants, paying the related costs, and being reimbursed by the Department of Social Services.

**NOW, THEREFORE, BE IT RESOLVED** that the 2022 Budget be amended as follows:

**INCREASE REVENUE:**

10-17310-41128901 Otr Gnrl Dept Inc Otr Dept \$69,636.00

**INCREASE APPROPRIATION:**

10-17310-51000000	Personal Services	\$55,440.00
10-17310-58100000	State Retirement System	\$4,547.00
10-17310-58300000	Social Security Employer Contribution	\$3,437.00
10-17310-58400000	Workers Compensation	\$4,436.00
10-17310-58900000	Medicare Employer Contribution	\$804.00
10-17310-54595320	Supplies Office	\$972.00

The resolution was seconded by Mr. Vernold and adopted by the following vote:  
Ayes 4424, Noes 0, Absent 375 (Davis).

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

**RESOLUTION NO. 127**

**TITLE: 2022 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
PLANNING DEPARTMENT**

**WHEREAS**, Delaware County entered into contract with the A. Lindsay and Olive B. O'Connor Foundation, Inc.; and

**WHEREAS**, Delaware County has received funding from the A. Lindsay and Olive B. O'Connor Foundation, Inc. for future projects to be completed as per Resolution No. 193 of 2008 and Resolution No. 120 of 2014; and

**WHEREAS**, the Planning Department has hired summer help to assist in data collection for the development of Highway Management Plans using the funds provided for GIS Implementation; and

**WHEREAS**, the Planning Department has requested and the Planning, Recreation, Culture and Community Committee in conjunction with the Finance Committee and Budget Officer, have agreed to amend the appropriations at this time to increase Personal Services.

**NOW, THEREFORE, BE IT RESOLVED** that the 2022 Budget be amended as follows:

**TRANSFER FROM:**

10-18020-54327005/8020020/908	GIS Implementation (SDWA)	\$10,000.00
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**TRANSFER TO:**

10-18020-51327000/8020020/908	Personal Services – Grant	\$8,000.00
10-18020-58332700/8020020/908	Social Security Contributions – Grant	\$1,000.00
10-18020-58932700/8020020/908	Medicare – Grant	\$1,000.00

The resolution was seconded by Mr. Ellis.

In reply to Mr. Marshfield, Director of Planning Shelly Johnson-Bennett stated these are the grant funds that were matched many years ago from the O'Connor Foundation to develop Highway Management Plans. They have three interns on staff this summer doing culvert inspections and this would pay their salaries.

The resolution was adopted by the following vote: Ayes 4424, Noes 0, Absent 375 (Davis).

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

**RESOLUTION NO. 128**

**TITLE: 2022 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
DEPARTMENT OF PLANNING AND WATERSHED AFFAIRS**

**WHEREAS**, Delaware County and the Coalition of Watershed Towns (CWT) were successful in showing the importance of economic sustainability and how it relates to water quality as part of the 20-year review of the Memorandum of Agreement; and

**WHEREAS**, the National Academy of Sciences, Engineering and Medicine (NASEM) report released in late 2020 recommends a new approach to water quality management including a reduction in land acquisition, a new buffer initiative and economic monitoring of watershed communities; and

**WHEREAS**, New York City and all upstate watershed partners have begun new negotiations to address the NASEM recommendations as part of a new water supply permit and Filtration Avoidance Determination application to be submitted to the Environmental Protection Agency; and

**WHEREAS**, legal services are essential to the success of these negotiations; and

**WHEREAS**, the Planning and Watershed Affairs Director has requested and the Planning, Recreation, Culture and Community Committee in conjunction with the Finance Committee and Budget Officer, have agreed that additional funding of appropriations is needed at this time for the additional legal services needed during this time of negotiations regarding the NYC Water Supply Permit and the review of the Revised 2017 FAD and Water Supply Permit.

**NOW, THEREFORE, BE IT RESOLVED** that the 2022 Budget be amended as follows:

**TRANSFER FROM:**

10-11990-54900000	Contingency	\$25,000.00
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**TRANSFER TO:**

10-18470-54535060	Professional Fees Attorney (WSA)	\$25,000.00
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The resolution was seconded by Mr. Ellis and adopted by the following vote: Ayes 4424, Noes 0, Absent 375 (Davis).

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



**RESOLUTION NO. 129**

**TITLE: 2022 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
WATERSHED AFFAIRS**

**WHEREAS**, the Planning Director has requested and the Planning, Recreation, Culture and Community Committee in conjunction with the Finance Committee and Budget Officer, have agreed that additional funding of appropriations is needed for Watershed Affairs; and

**WHEREAS**, telephone and maintenance agreement expenses have been higher than anticipated; and

**WHEREAS**, these unforeseen purchases have left the Watershed Affairs Telephone and Health Insurance Clerk budgets with insufficient funds to pay for the remainder of the year.

**NOW, THEREFORE, BE IT RESOLVED** that the 2022 Budget be amended as follows:

**TRANSFER FROM:**

10-18740-51000000	Personal Services	\$1,500.00
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**TRANSFER TO:**

10-18740-54180080	Telephone	\$1,000.00
10-18740-54439000	Health Ins Clerk	\$500.00

The resolution was seconded by Mr. Ellis and adopted by the following vote: Ayes 4424, Noes 0, Absent 375 (Davis).

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

**RESOLUTION NO. 130**

**TITLE: 2022 BUDGET AMENDMENT  
APPROPRIATION OF AMERICAN RESCUE PLAN (ARP) FUNDING**

**WHEREAS**, the American Rescue Plan Act of 2021 appropriated funding to governmental municipalities to assist in the economic recovery from the COVID-19 pandemic; and

**WHEREAS**, Delaware County was awarded a total of \$8,572,706 from the US Department of Treasury (USDT) to be used for eligible costs incurred during the period March 3, 2021 and ending on December 31, 2024; and

**WHEREAS**, the American Rescue Plan (ARP) Committee has done a thorough and impartial review of proposals and has approved the following projects for funding:

- Helios Care to support the bereavement program the amount of \$15,000 paid annually for the next three years for a sum total of \$45,000
- Hancock Telephone Company to furnish fiber broadband services to the unserved areas of Lordsville

**NOW, THEREFORE, BE IT RESOLVED** that the 2022 Budget be amended as follows:

**INCREASE REVENUE:**

10-11325-44408902/1327889/888	Fed Aid Other-ARP	\$242,005.00
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**INCREASE APPROPRIATIONS:**

10-14012-54584000/1327889/888	PH – Helios Care	\$45,000.00
10-16326-54584000/1327889/888	Eco Dev – Hancock Telephone Co.	\$197,005.00

The resolution was seconded by Mr. Vernold.

Mr. Marshfield distributed a summary of the overall requests received and what has been funded. He stated that at their last ARP Committee meeting, they approved the funding of Helios Care over a three-year period of \$15,000 a year for three years to help them do their very important programs for those who are in need. They also had a request from Hancock Telephone to serve about 75 patrons in the Hancock area that are served by Verizon but have, believe it or not, digital subscriber line (DSL) or no broadband service and this funding is to bring up them up to the standards of Hancock Telephone broadband service.

Mr. Eisel stated he was glad to see ARP funds would be used to restore the Soldier’s Monument on the Courthouse Square in Delhi.

In answer to Mr. Ellis, Mr. Marshfield said the County has received the second funding payment of the ARP funds.

Mr. Taggart thanked Mr. Marshfield for the update.

The resolution was adopted by the following vote: Ayes 4424, Noes 0, Absent 375 (Davis).

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

**RESOLUTION NO. 131**

**TITLE: AUTHORIZATION FOR AWARDS  
DEPARTMENT OF PUBLIC WORKS**

**LETTING OF JULY 19, 2022**

**WHEREAS**, DPW has been tasked with the Demolition of the Flood Buyout houses in the Village of Sidney; and

**WHEREAS**, this project is driven by the New York State Department of Homeland Security & Emergency Services (DHSES) and the Governor’s Office of Storm Recovery (GOSR); and

**WHEREAS**, the procurement policies of these Agencies (DHSES & GOSR) require substantial additional paperwork and documentation which precludes using our annual bids; and

**WHEREAS**, demolition material needs to be disposed of; and

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

**NOW THEREFORE BE IT RESOLVED**, that the County Department of Public Works is authorized to make awards to the lowest bidder meeting specifications, once GOSR approval has been received, as follows:

PROPOSAL FB 2-22	Transportation and Disposal of Non-Hazardous Mixed Solid Waste Debris Delaware County – Multiple Locations to: Casella Waste Management of NY, Inc., 49 Lower River Street, Oneonta, NY 13820; Tweedie Construction Services, Inc., 90 Crystal Creek Road, Walton, NY 13856
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Bid Price:	See Summary Sheet
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The resolution was seconded by Mr. Vernold.

In answer to Ms. Molé, Commissioner of Public Works Sue McIntyre stated the awards work as a function of availability at the time services are needed to remove demolition right away.

The resolution was adopted by the following vote: Ayes 4424, Noes 0, Absent 375 (Davis).

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

**RESOLUTION NO. 132**

**TITLE: CHANGE ORDER NO. 1 PROPOSAL NO. 29-21  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, Resolution No. 72 of 2021 authorized the award of Proposal No. 29-21, Replacement of Bridge 80, Bridge Street Pedestrian Bridge over Bush Kill, Village of Fleischmanns, Delaware County to Hubbell Inc., PO Box 664, Margaretville, NY 12455 for the bid amount of \$657,812.00; and

**WHEREAS**, the project has been delayed by several factors; and

**WHEREAS**, this caused the Contractor to be unable to complete the project by the contract completion date; and

**WHEREAS**, as the project has been progressing there have been some unexpected changes requiring additional work; and

**WHEREAS**, this necessitates the execution of a change order to cover the increased costs as follows:

Item #1 – Cure in place pipe lining	\$45,812.17
Item #2 – Unmarked sewer lateral conflict	\$8,990.39
Item #3 – Remove former concrete bridge abutment	\$2,082.37
Item #4 – Encasement of tie backs in concrete	\$3,721.85

**NOW, THEREFORE, BE IT RESOLVED** that the Department of Public Works is herewith authorized to execute Change Order No. 1 for Proposal No. 29-21 extending the contract completion date by 243 days and increasing the contract amount by \$60,606.78 bringing the contract total to \$718,418.78.

The resolution was seconded by Mr. Kosier and adopted by the following vote: Ayes 4424, Noes 0, Absent 375 (Davis).

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

### **RESOLUTION NO. 133**

#### **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 on-line auction or scrap the following items and all spare parts:

<b><u>Dept. Vehicle No.</u></b>	<b><u>Description</u></b>	<b><u>Serial Number/VIN</u></b>
DPW 56	2015 Ford Pickup	1FT7X2B60FEA35463
DPW 2414	2010 Ford	3FAHP0GAXAR332340
DPW 395	2009 GMC	1GDE5E1959F403429
DPW 2423	2012 Ford	3FAHP0HG2CR419297
DPW 390	2008 International	3HTMMAAN48N639400
DPW 94	2006 Dodge	1DH7HU18N66J233371
SWMC 845	2006 Sterling	2FZHAZCV26AW10154

The resolution was seconded by Mr. Kosier.

In answer to Mr. Marshfield, Ms. McIntyre stated the Sterling is one of the landfill’s roll-off trucks.

The resolution and unanimously adopted.

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

**RESOLUTION NO. 134**

**TITLE: SALE OF TAX ACQUIRED PROPERTY  
TREASURER’S OFFICE**

**RESOLVED** that the following described parcels 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.

	KOR15TX.009
<b><u>ASSESSED TO:</u></b>	<b><u>DOROSKI JODY</u></b>
TOWN OF:	124000:KORTRIGHT
TAX MAP NO:	107.-2-2.5
SCHOOL DISTRICT:	125202:SOUTH KORTRIGHT
ACREAGE:	10.18A ACRES
CONVEYED TO:	JODY DOROSKI 230 SHAW ROAD BLOOMVILLE NY 13739
CASH CONSIDERATION:	\$10,588.50
TAX DEFICIT:	\$8,140.37

The resolution was seconded by Mr. Tuthill and Mr. Vernold and adopted by the following vote: Ayes 4424, Noes 0, Absent 375 (Davis).

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

**RESOLUTION NO. 135**

**TITLE: SALE OF COUNTY-OWNED PROPERTY  
TREASURER’S OFFICE**

**WHEREAS**, an offer to purchase county-owned property “as is” located at 9 Cartwright Avenue in the Town of Sidney has been received and accepted by the Finance and Human Resource/Insurance Committees;

**THEREFORE, BE IT RESOLVED** that the property be sold for the sum of \$5,000; and

**BE IT FURTHER RESOLVED** that the County Attorney’s Office is authorized to execute a quit claim deed for said sale of property in the amount of \$5,000 “as is”.

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

Mr. Wilson observed that traditionally properties are sold through the tax sale but in this case it did not and he inquired how these funds would be distributed.

Mr. Merrill stated the village will receive their share of the sale the County gets.

Mr. Wilson advised the Village of Sidney did not receive notification of the transaction.

The resolution was adopted by the following vote: Ayes 4424, Noes 0, Absent 375 (Davis).

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

**RESOLUTION NO. 136**

**TITLE: INCREASE IN RATE FOR MILEAGE REIMBURSEMENT**

**WHEREAS**, due to the recent surge in gasoline prices, the IRS has made a special adjustment to the mileage rate for the final months of 2022 increasing the rate to .625 cents per mile; and

**WHEREAS**, the Finance Committee has determined that an increase in the mileage reimbursement rate is warranted due to the rise in fuel prices.

**THEREFORE, BE IT RESOLVED** that Resolution No. 140 of 1975, as amended, is hereby further amended, to increase the mileage reimbursement for use of personal vehicles for official county business from .585 cents to .625 cents per mile for travel occurring on and after August 1, 2022.

The resolution was seconded by Mr. Taggart and Mr. Kosier and unanimously adopted.

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

**RESOLUTION NO. 137**

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

**WHEREAS**, the Delaware County Board of Supervisors, in accordance with Chapter 523 of the Laws of 2003 amended NYS Agricultural and Markets Law, designated a thirty-day review period starting on April 01, 2022 and closing April 30, 2022 during which landowners may submit requests for inclusion of predominately viable agricultural land within a Certified Agricultural District prior to the County established review period; and

**WHEREAS**, the Delaware County Agricultural and Farmland Protection Board has identified each parcel proposed as “viable agricultural land”, eligible for inclusion into a Certified Agricultural District; and

**WHEREAS**, the Delaware County Board of Supervisors must hold a Public Hearing to consider the requests and recommendations of the County Agricultural Farmland Protection Board concerning the inclusion of land(s) into Agricultural District(s) 2, 3 & 12.

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Board of Supervisors does hereby schedule a Public Hearing for Wednesday, August 24, 2022, at 1:00 p.m. in the Board of Supervisors Room of the County Office Building, 111 Main Street, Delhi, New York.

**Town of Meredith: Agricultural District No. 2**  
**Tax Map ID# 62.-1-10.3 (11 ac) NYS 28**

**Town of Tompkins: Agricultural District No. 12**  
**Tax Map ID# 271-2-29.1 (42.5 ac.) Dryden Road**  
**Tax Map ID# 271-2-29.2 (120 ac.) Dryden Road**

**Town of Middletown: Agricultural District No. 3**  
**Tax Map ID# 262.-1-52.21 (48.7 ac.) Morgan Lane**

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

Chairman Molé noted that the public hearing will be held at the next Board meeting, Wednesday, August 24, 2022 at 1:00 p.m.

Mr. Gladstone introduced Local Law Intro. No. 15 entitled *False Alarm Reduction Act*. The local law was seconded by Mr. Vernold.

## **COUNTY OF DELAWARE**

### **Local Law Intro. No. 15 of 2022**

**TITLE: A LOCAL LAW OF THE COUNTY OF DELAWARE, NEW YORK, KNOWN AS THE “FALSE ALARM REDUCTION ACT”**

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

## **SECTION 1. TITLE.**

This Local Law shall be known by and may be cited as the False Alarm Reduction Act.

## **SECTION 2. LEGISLATIVE FINDINGS.**

The Delaware County Board of Supervisors hereby finds and declares that false alarms drain resources of the Delaware County Sheriff, police officers, and other first responders such as firefighters and emergency services workers. Each false alarm amounts to a waste of taxpayer money without any public safety benefit and otherwise imperils the rest of the public who may need actual assistance. The Delaware County Board of Supervisors hereby further finds it important and necessary to ensure that the alarms being called into the Delaware County Sheriff, police officers and other first responders such as firefighters and emergency services workers must have valid permits issued by the Delaware County Emergency Services Office. For those reasons, and in furtherance of enhancing the public's health, safety, and general welfare, this law is enacted. Therefore, the alarm permit fees together with fines levied in accordance with this Local Law shall be used to offset the administrative and operational expenses caused by the large number of responses by the Delaware County Sheriff, police officers and other first responders.

## **SECTION 3. DEFINITIONS.**

As used in this Chapter, the following terms shall have the following meanings:

“Alarm System” shall mean a device or series of devices, including but not limited to devices interconnected with a telephone and/or radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon the Law Enforcement and/or fire protection and/or medical emergency service and/or Emergency Services which perform services in Delaware County or a Municipality therein. "Alarm System" shall not include any personal alarm device nor any vehicle alarm device unless the vehicle is permanently located at a site where the device or devices constituting the Alarm System are intended to summon Emergency Services to.

“County” shall mean the County of Delaware.

“County Attorney” shall mean the Delaware County Attorney.

“Treasurer” shall mean the Delaware County Treasurer.

“Director” shall mean the Director of Delaware County Emergency Services

“Dispatched” means a verbal, electronic, or written communication to Law Enforcement or Emergency Services made through the Delaware County Sheriff's Office, 911, or local law enforcement dispatch and caused through an Alarm System which actually causes a police officer, firefighter (paid or volunteer), ambulance volunteer or employee, rescue squad worker (paid or volunteer), or auxiliary member of any police or fire department or ambulance or rescue squad to physically leave the premises such person is at or change directions in their motor vehicle with the plan to respond (or actually responding) to what is determined to be a false alarm.



“Emergency” shall mean (i) a need for prompt medical services; and/or (ii) a need for prompt police services due to an impending or actually occurring trespass, break in, robbery; and/or (iii) a circumstance perceived by a human witness or believed by a person based on his or her actual observation or the observation of another human reporting such human’s personal, for anything described in (i) or (ii).

“Emergency Services” shall mean a fire department, district, company, ambulance, or rescue squad.

“False Alarm” shall mean an automated action which emanates from an Alarm System in a structure and causes a call or signal to come into an Delaware County Sheriff’s Office, 911, or local law enforcement dispatch where a person therein contacts Law Enforcement or Emergency Services and dispatches Law Enforcement or Emergency Services to such structure (whether the Law Enforcement personnel or Emergency Services personnel actually arrive at such structure or not) without any actual emergency existing at that structure.

“Law Enforcement” shall mean the Delaware County Sheriff and the Deputies who work under the Sheriff, and members or officers of any City, Town, or Village police department, or the New York State Police.

“Municipality” shall mean any City, Town, or Village wholly contained within the County of Delaware and Delaware County.

“Owner” shall mean the person, firm, partnership, association, or corporation which has legal title to the real property where the false alarm emanates from.

“Police phone number” shall mean emergency communications or any phone number designed to be answered by Law Enforcement or Emergency Services.

“Sheriff” shall mean the Delaware County Sheriff.

“Statement” shall mean a written invoice stating a fine. Such statement shall include a statement that the addressee or his or her attorney or a tenant of the addressee acting with the written (notarized) approval of the addressee may appeal the fine provided for in the invoice in the process authorized under law. Statements shall be served personally upon the addressee or may be served certified mail return receipt requested along with a copy sent first class mail at the address of the property owner.

“Structure” shall mean a physical improvement to real property which has an alarm in it placed there by or under the control of an owner or tenant of the structure.

#### **SECTION 4. EXEMPTIONS.**

The requirements of this Local Law shall not apply to any Delaware County municipality that has enacted local false alarm reduction legislation.

**SECTION 5. FALSE ALARMS PROHIBITED.**

False Alarms caused by an Alarm System are prohibited. It is the responsibility of the property owner to ensure that their Alarm System is properly licensed, in proper working order and does not cause a False Alarm.

**SECTION 6. PERMIT REQUIRED; APPLICATION; FEE; TRANSFERABILITY; FALSE STATEMENTS**

(A) A person commits a violation if he or she operates or causes an alarm system to operate that results in a call to the Delaware County Sheriff, police officers, and other first responders such as firefighters and emergency services without a valid permit issued by the Delaware County Emergency Services. A separate permit shall be required for each alarm system.

(B) It shall be the responsibility of the alarm system installer at the time of installation or activation to submit an alarm permit application form together with the required fee(s) to the Delaware County Emergency Services Office on behalf of and at the expense of the user, unless the installer has confirmed that the user already holds a valid permit. It shall be the responsibility of the alarm company that monitors the alarm system to ensure, prior to commencing any such service contract, that there is a current alarm permit. Notwithstanding the provisions of this subdivision, the alarm system user shall be deemed the permit applicant and permit holder for purposes of this Local Law.

(C) Upon receipt of a completed permit application form the Delaware County Emergency Services shall issue an alarm permit to an applicant unless the applicant has,

- Failed to pay any penalty assessed pursuant to this Local Law; or
- Had an alarm permit revoked and the cause for such revocation has not been corrected at the time the permit application is received by the Delaware County Emergency Services.

(D) Every permit for an alarm system shall include the following information:

- The name, address and telephone number(s) of the person who shall be the permit holder responsible for the proper maintenance and operation of the alarm system and payment of fees and assessments pursuant to this title;
- For each alarm system located at the alarm site, the purpose of the alarm, to wit: burglary, robbery, personal hostage, panic, fire etc.;
- Street address and nearest cross street of the building in which the alarm system is housed.
- The name and phone number of (2) local key holders who may be available to respond at the time of an alarm. Local in this sense meaning within 20 minutes' drive time.

(E) Any false statements made by applicant in conjunction with the obtaining of an alarm permit shall be sufficient cause for the Emergency Services Office to refuse to issue a permit.

(F) An alarm permit holder shall advise the Delaware County Emergency Services of any changes in the information contained within the permit application.

(G) An alarm permit may not be transferred to another person without the filing of a new permit application.

(H) An alarm permit holder shall advise the alarm company that monitors the permit holder's alarm system of the Delaware County Sheriff Department's telephone number upon receiving the permit number from the Delaware County Emergency Services.

(I) The Delaware County Emergency Services may revoke an alarm permit if it determines that:

- There is a false statement made in the application for a permit; or
- The permit holder has violated any provision of this Local Law; or
- The permit holder has failed to make timely payments of any penalties or fees pursuant to this Local Law; or
- The permit fee, if paid by the applicant by check, is dishonored; or
- There are five (5) or more false alarms in a year and satisfactory documentation or repair of the alarm system has not been submitted.

(J) A person whose alarm permit has been revoked may be issued a new permit if the person:

- Submits an updated permit application and pays a permit fee of \$50.00 dollars; and
- Pays or otherwise disposes of all penalties issued to the person pursuant to this Local Law; and
- Submits proof that the alarm system has been inspected and properly maintained.

#### **SECTION 7. PENALTIES, PAYMENT, AND COLLECTION THEREOF.**

(A) Penalties for False Alarms. When Law Enforcement or Emergency Services are dispatched to a false alarm, the owner of the real property Law Enforcement or Emergency Services was dispatched to, shall be liable for a civil penalty in the following amount in any calendar year:

- \$0 for the first and second false alarm;
- \$50 for the third false alarm;
- \$200 for the fourth and each and every subsequent false alarm(s);

Civil penalties shall be made payable to the Delaware County Treasurer and deposited by him or her into a segregated fund as established in this law for the benefit of the Delaware County Emergency Services 911.

(B) Penalties for operating an alarm system without a valid permit. When Law Enforcement or Emergency Services are dispatched to a false alarm and the alarm system is in operation without a valid permit, the owner of the real property in which the alarm system is situated shall be liable for a civil penalty in the following amount in any calendar year:

- Upon the first false alarm, a warning shall be issued to the homeowner and such homeowner shall have 14 days to obtain a permit;
- \$100.00 for the second false alarm;
- \$200.00 for the third and each and every subsequent false alarm(s);

(C) Reporting of False Alarm. When Law Enforcement employed by the County of Delaware are dispatched to what he or she ascertains to be a False Alarm such Law Enforcement employed by the County of Delaware shall, within seventy-two hours of being dispatched, report the same to his or her immediate Supervisor in the Delaware County Sheriff's Office. Such Supervisor shall enter such False Alarm into a database to be maintained by the Delaware County Emergency Services Office or his or her designee of reported False Alarms. Such database shall contain the information required by the Emergency Services Office. Law Enforcement other than Law Enforcement employed by the County of Delaware or emergency service may also report the same to the Delaware County Emergency Services Office pursuant to any procedure established by the Director of Delaware County Emergency Services and agreed upon by the Chief of Police, or if there be none, Officer in Charge of such police department of such City, Town, or Village. Such procedure shall be in writing and filed with the Director of Delaware County Emergency Services and shall call for any report to be made to the Director within seventy-two hours of the dispatch occurring. To the extent that an intermunicipal agreement is determined to be necessary to effectuate any purpose of this law, the Chairman of the Delaware County Board of Supervisors is hereby authorized to sign the same upon the approval by the County Attorney of such agreement or agreements or amendments thereto.

(D) Upon the occurrence of the first False Alarm, if the alarm system is operated without a valid permit or a third False Alarm if the alarm system is operated with a valid permit, in a calendar year the Director of Emergency Services shall cause a Statement to be mailed to the property owner instructing the property owner to return the fine in the designated amount, made payable to the Delaware County Treasurer. Such Statement from the Director shall require the fine to be paid within thirty days of the date of the Statement sent from the Director. Such Statement shall be mailed within thirty days by the Director.

(E) Appeal process. If the addressee of the Statement desires to appeal the fine and/or revocation of permit, the fine and/or revocation of permit shall be stayed pending the appeal. The Appeal shall be made in writing to the Director of Delaware County Emergency Services or an employee of the Delaware County Emergency Services office designated to hear such appeal or alternatively to an attorney appointed by the Director with the consent of the Delaware County Attorney to hear such an appeal. Appeals may be in writing or by personal appearance within thirty days of the date of the Statement sent from the Director. Upon filing an appeal, the individual hearing the appeal (designated herein as the "hearing officer"), shall send written instructions to the property owner stating when the appeal shall be heard (either upon written submission or orally or both). The hearing officer shall render a decision on the appeal within thirty days and shall send such decision, which shall constitute a final determination pursuant to Article 78 of the Civil Practice Law and Rules, to the property owner where the structure was on which the False Alarm emanated from. Thereafter, if the decision is that the fine and/or revocation of permit is upheld by the hearing officer, such fine shall be payable within thirty days of the decision of the hearing officer and such revocation of permit shall take effect immediately upon the decision of the hearing officer. An aggrieved party may institute a proceeding or action pursuant to the provisions of Article 78 of the Civil Practice Law and Rules to challenge such final determination by the hearing officer. If no appeal is taken, the mailing of the Statement by the Director or his or her representative shall constitute a final determination appealable pursuant to this law or otherwise

pursuant to Article 78 of the Civil Practice Law and Rules.

(F) Levy on Tax Bill. The Treasurer or any Delaware County employee authorized by him or her is authorized to levy on the county tax bill of any property owner any unpaid fine authorized and finally determined under this Chapter.

(G) Civil Action. The County Attorney is authorized to commence a separate civil action to collect any fine authorized under this Chapter.

(H) Dedicated Fund. Fines received or taxes paid as a result of this Chapter shall be deposited by the Treasurer into a dedicated account and utilized by the Director of Emergency Services/911 subject to appropriation by the Delaware County Board of Supervisors pursuant to law.

### **SECTION 8. GOVERNMENTAL IMMUNITY/NO SPECIAL DUTY CREATED.**

Responding to or failing to respond to an alarm does not create any special duty by Delaware County; nor does it create any special duty by any municipality within Delaware County. Any and all liability and consequential damage resulting from either (a) responding; or (b) the failure to respond to an alarm system signal is hereby disclaimed and governmental immunity is retained. Responses by Law Enforcement, fire department and/or medical emergency response may be based on factors such as availability of police, fire and/or medical emergency units, priority of calls, weather conditions, traffic conditions, emergency conditions and staffing levels. No duty to respond to an alarm is represented herein as being made or promised.

### **SECTION 9. SEVERABILITY.**

If any word, phrase, clause, sentence, paragraph, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the word, phrase, clause, sentence, paragraph, section of part thereof directly involved in the controversy in which such judgment shall have been rendered.

### **SECTION 10. EFFECTIVE DATE.**

This Local Law shall take effect immediately.

Director of Emergency Services Stephen Hood explained that the Fire Service asked their department to develop a false alarm reduction act. He said that the 911 Center receives over 2,000 automatic 911 calls each year from alarm systems from homes and businesses. They find that the overwhelming majority of these calls are false alarms. Due to a lack of maintenance on the systems and a number of other things, they are finding that the alarm systems are not functioning as they are meant to function. This local law will form a registry for these alarm systems so they will have names, phone numbers, key holders, and information on file for the systems so the department will be able to contact someone in the event the alarm goes off. It will also hold these people accountable for their systems and make sure alarm systems are being maintained to essentially prevent fire and EMS services from wasting their time.

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

**RESOLUTION NO. 138**

**TITLE: PUBLIC HEARING ON PROPOSED LOCAL LAW INTRO. NO. 15 OF 2022**

**WHEREAS**, a proposed Local Law called “False Alarm Reduction Act” has been offered for adoption by the Board of Supervisors.

**NOW, THEREFORE, BE IT RESOLVED** that a public hearing be held on August 24, 2022 at 1:05 p.m. in the Supervisors’ Room of the County Office Building, 111 Main Street, Delhi, New York.

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

Chairman Molé noted that the public hearing will be held at the next meeting on August 24, 2022 at 1:05 p.m.

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

**RESOLUTION NO. 139**

**TITLE: RESOLUTION IN SUPPORT OF CELLULAR SERVICE THROUGHOUT DELAWARE COUNTY**

**WHEREAS**, the Delaware County Board of Supervisors is committed to, and strongly supports the tourism industry in Delaware County; and

**WHEREAS**, the Emergency Responders of Delaware County are seeing extraordinary increases in call volumes and current technologies are increasing their reliance on adequate cellular service; and

**WHEREAS**, Delaware County Public Safety Committee and Delaware County Department of Emergency Services have tried to push telecommunication carriers to occupy tower space on any or all of the new towers erected in Delaware County for the emergency communications system for the purpose of expanding cell service throughout Delaware County; and

**WHEREAS**, there is an identified need for better coverage throughout Delaware County, other than the main corridors. When second homeowners or tourists visit Delaware County they are often found with no way to communicate or call 911. This has proven deadly when a couple couldn’t reach out for help as they didn’t have cell coverage in their second home in Delaware County. Emergency Responders also find themselves regularly in areas of no cell coverage while on emergency scenes, significantly hampering their ability to communicate effectively; and

**WHEREAS**, it is imperative that the emergency responders, residents, tourists and second homeowners of Delaware County be able to have viable telecommunications when in our area.

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Board of Supervisors respectfully urges the Public Service Commission to encourage telecommunication companies to utilize tower space on the towers of Delaware County to enhance cell services for Delaware County residents, businesses, second homeowners and tourists; and

**BE IT FURTHER RESOLVED** that the Clerk of the Board of Supervisors forward copies of this resolution to Public Service Commission Chairman Rory Christian, Governor Kathy Hochul, Senator Mike Martucci, Senator Peter Oberacker, Senator Frederick J. Akshar, II, Assemblyman Joe Angelino, Assemblyman Brian D. Miller, and Assemblyman Christopher Tague.

The resolution was seconded by Mr. Vernold.

In response to Mr. Marshfield, Supervisor Hinkley stated most cellular companies do not build towers anymore. An outside company would build a tower that may be available to anyone else. He reported that the County's network of towers were all designed to be able to handle cellular service, and he noted they have not had much luck getting carriers interested in utilizing these towers. He suggested sending this resolution to each of the cellular carriers in this area. It would go a long way in showing them the concerns we have in the area.

In reply to Mr. Wilson, Mr. Marshfield indicated ARP funds have been allocated to Delaware County Emergency Services for backup fiber to communications towers. That would allow several towers in the County to possibly accommodate cell service.

Mr. Hinkley added that cellular companies do not necessarily require a communications tower—sometimes they use barn silos, rooftops, and other structures.

Mr. Marshfield noted that several years ago he was told by a cell provider that they did not want a tower on top of the mountain. They wanted it installed down over the mountain near the highway.

Mr. Hinkley explained that it makes a difference in network design and putting a tower directly on top of a mountain sometimes interferes with existing towers around the area. In some cases, for towers to work together it is better for them to be installed further down in the valley. That is how they cover the dead areas.

In reply to Ms. Molé, Mrs. Scott indicated the argument from cell providers is there is not enough service for area residents to justify cell service installation. She noted the providers do not take into consideration the second homeowners and transients.

Mr. Hinkley said that most people from downstate do not have landlines anymore. The only phone service they have anywhere is their cell phone.

He said there is a company that has a website link where people can enter their address and indicate where they have no service. The data is collected and used to promote cellular carriers and also help tower developers understand where towers are most needed. He contended that most cellular companies are nationwide or worldwide and their budgets are based on what they determine as the most important area of need in addition to other factors.

He believes this resolution is an important step in the right direction to promote the needs in our area. He offered to share the database link with the Board and to post on the County website.

The resolution was unanimously adopted.

Ms. 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. 140**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$1,549,963.79 were hereby presented to the Finance Committee for approval for payment on July 13, 2022 prior to presentation to the Board of Supervisors;

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

General Fund	\$1,384,997.03
OET	\$11,799.90
Public Safety Comm System	\$4,206.25
Insurance Risk	\$0.00
CAP 97 Main	\$1,623.96
CAP MH	\$5,928.71
CAP DSS	\$37,565.75
Highway Audits, as Follows:	
Weights & Measures	\$0.00
Solid Waste/Landfill	\$44,386.03
Road	\$0.00
Machinery	\$59,456.16
Capital Solid Waste	\$0.00
Capital Road & Bridge	\$0.00
CAP DPW Complex	\$0.00



**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$5,351,783.55 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	\$881,410.91
OET	\$14,929.87
Public Safety Comm System	\$0.00
Insurance Risk	\$0.00
CAP 97 Main	\$0.00
CAP MH	\$60,550.42
CAP DSS	\$0.00
Highway Audits, as Follows:	
Weights & Measures	\$173.88
Solid Waste/Landfill	\$231,268.45
Road	\$727,131.63
Machinery	\$210,981.22
Capital Solid Waste	\$1,373,963.13
Capital Road & Bridge	\$1,205,005.73
CAP DPW Complex	\$646,368.31

The resolution was seconded by Mr. Gladstone and Mr. Taggart and adopted by the following vote: Ayes 4424, Noes 0, Absent 375 (Davis).

Upon a motion, the meeting was adjourned at 2:11 p.m.