

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

FEBRUARY 22, 2023

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, February 22, 2023 at 1:02 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. Valente and Mr. Vernold.

Mr. Marshfield offered the invocation.

Mrs. Scott led the Board in the Pledge of Allegiance to the Flag.

Chairman Molé granted privilege of the floor to Supervisor Kosier, who expressed his pleasure in introducing Supervisor Lisa Driscoll of the Town of Harpersfield. He has known Mrs. Driscoll about 10 years, and has confidence she will do well.

Mrs. Driscoll thanked Mr. Kosier, and expressed that she knows she has big shoes to fill from former Supervisor James Eisel. She is grateful that she has the ability to continue to contact him, and thankful for the warm welcome which has been extended to her. As a project manager by trade, she is always looking to establish efficiency and is familiar with examining budgets. She expressed how much she is looking forward to working with everyone.

Chairman Molé welcomed Supervisor Driscoll and expressed that the Board is looking forward to working with her.

Ms. Molé provided an update on Mr. James Eisel, stating that she has spoken with him a couple of times since his procedure and that he is doing very well. She furthered that Supervisor Dennis Valente had a procedure on the previous Monday and was doing very well, his prognosis was good and he expects to be back to work shortly.

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 Chairman of the Planning Committee Jeffrey Taggart who introduced Director of Planning Shelly Johnson-Bennett.

Mrs. Johnson-Bennett introduced Jen Gregory, who is the Executive Director of the Southern Tier 8 (ST8) Regional Planning Development Board. She proceeded to explain that the County is a member of that Board, Mrs. Johnson-Bennett herself being one of the representatives

on the Board along with Supervisor Axtell and a member of the Economic Development staff. As part of the annual membership dues, the ST8 Board then becomes part of our local development district (LDD), which opens opportunities for funding. There are eight counties within the LDD including Delaware, Otsego, Schoharie, Chenango, Broome, Tioga, Cortland, and Tompkins, and though it is a large region there are many common issues shared by these counties. Regional issues are the point of focus, including expansion of Broadband internet access, workforce housing, and climate initiatives. ST8 has also sponsored regional industrial summits such as an agricultural summit and a housing summit.

In the past, Southern Tier 8 has sponsored an Innovative Readiness Training (IRT) initiative in Chenango County, which is in relation to the U.S. Military. Delaware County had initially applied to take part in an Innovative Readiness Training in 2019 but the process was delayed by COVID-19, so the County re-applied in 2021 and has now been matched with the Army. Innovative Readiness Training provides services to the public at no cost, including dental, optometry, medical, behavioral health, and veterinary services in field conditions. The event is intended to simulate a field hospital, and will be located at the O'Neill High School in Walton. There are no requirements or constraints to receive care, which allows those without insurance and non-residents to seek care with no income eligibility requirements. The clinic will start the afternoon of July 11 and go through July 19 of 2023. The Army will be deployed to the field location on July 10 and be on site through July 21, the supporting commands being the U.S. Army Reserves, the 3rd Medical Command, the 8th Medical Brigade, the 804th Medical Brigade, the 405th/865th Field Hospital, and the 439th Multifunctional Medical Battalion.

On July 13, there will be a Distinguished Visitors Day event where other members of the military and government will attend. Delaware County Supervisors, Mayors, and local political figures are also invited to attend. A highlight of the events on July 13 will be the dedication of the First Lieutenant Stephen H. Doane Memorial Bridge which spans over State Highway 206 in Walton, which was organized by Supervisor Cetta in conjunction with the Doane family for this date. Lieutenant Stephen H. Doane was born and raised in Walton, and posthumously awarded the Congressional Medal of Honor for sacrificing his life to save his comrades in Vietnam. With members of the military, pentagon staff, and government already in attendance, this date was an excellent opportunity to recognize our Medal of Honor recipient from Walton.

Mrs. Johnson-Bennett explained that the funding for this event comes directly from the U.S. Department of Defense through the federal training budget. These events are intended as training exercises for the Army Reserves and National Guard who are required to have a certain amount of training annually in preparation for possible deployment to a disaster zone or combat area. The Commands, Brigades, and Battalions which are coming to the event are mostly out of Staten Island and Boston. Though they are all licensed professionals in their local area, any who are not licensed to perform services in New York are being credentialed through the assistance of UHS Delaware Valley Hospital in Walton and Director of Public Health Mandy Walsh, which is allowed under military guidelines.

Mrs. Johnson-Bennett extended gratitude to the host site O'Neill High School and the school administrators who have graciously opened their doors. She also expressed appreciation for the support of Delaware Valley Hospital, which will be providing auxiliary support services

during the event such as biohazard waste removal at the end of each day and wheelchairs for those in need. Delaware County will set up their own mock emergency command center at the New Hope Church to take advantage of the opportunity for a training exercise. Almost every department within the County is partnering for this event, along with Southern Tier 8, Delaware Opportunities, the Walton Central School District, United Health Services Delaware Valley Hospital, Bassett Healthcare Network O'Connor Hospital, Westchester Medical Services Margaretville Hospital, Heart of the Catskills Humane Society, Sidney Humane Society, and SUNY Delhi School of Veterinary Medicine and Nursing School.

Internally within the County, the Sheriff's Department will be providing security, the Department of Emergency Services will provide protective equipment and cleaning supplies as well as establishing radio frequencies for use by volunteers utilizing walkie talkies, and the Department of Public Works will be assisting in setting up traffic routes to mitigate issues with traffic flow and congestion. Public Health Services will also be assisting by providing continuum of care referrals for those who need further care following services received at the event. The Planning Department will be hosting a 'Thank You' dinner after the event as well as organizing community events for military personnel in conjunction with the Department of Economic Development. Veterans Services and Office for the Aging in partnership with Rural Health Network will be providing transportation assistance via buses and transportation routes.

One of the strongest external partners is Delaware Opportunities, which will be providing volunteers to assist with patient flow, traffic flow, and staffing the Local Partnership Community Resource Health Fair tent. This tent will include information regarding county-wide services and programs to meet a broad spectrum of needs for residents and attendees. Both Humane Societies will be assisting with advertising as well as providing rabies certificates. SUNY Delhi School of Veterinary Medicine will be allowing use of their anesthesia machine and providing staffing support. Bassett Healthcare and Lourdes Hospital will also be providing cancer screening vans.

The costs which will be incurred by the County as the host community include the luncheon served during Distinguished Visitors Day, the 'Thank You' dinner for the military personnel, advertising for the event, supplies for the general public use, amenities for volunteers such as t-shirts, food, and water, as well as snacks, water, and activities such as coloring books intended for public use while in the holding area or Behavioral Health area. Exterior funding for the event is being or has been applied for as well, including applications for \$30,000.00 from the Appalachian Regional Commissioner, \$10,000.00 from the Southern Tier Community Foundation, and \$20,000.00 from the O'Connor Foundation. The hope is to have the event fully grant-funded.

Mrs. Johnson-Bennett explained that organizational management for the event includes regional event coordination by Jen Gregory and Dot Richter of ST8 and volunteer coordination by Shelly Bartow of Delaware Opportunities. Healthcare and continuum of care will be organized by Mandy Walsh of Public Health and management of resources by Steve Hood of Emergency Services while Mrs. Johnson-Bennet will personally be the military point of contact for the County as well as coordinating events such as Visitors Day, 'Thank You' dinner and disseminating public information.

In response to Mr. Kosier, Mrs. Johnson-Bennett explained that no reservations can be made. The event is walk-in only as it is a simulation of a field hospital. It is anticipated that services can be provided to approximately 200 to 250 patients per day and will function on a first-come-first-served basis.

In response to Mr. Cetta, Mrs. Johnson-Bennett indicated that the most recent Innovative Readiness Training was held in Chenango County in 2019, and prior to that there had been a split event between Chenango and Cortland Counties. Those previous events had more military staff than the event which is planned for Delaware County, which will include 90 to 100 military personnel whereas the aforementioned events in other counties had 200 or more military personnel. The number of people served at the third event was approximately 2,200, and the split event between Chenango and Cortland served approximately 3,200 people with a cost of approximately \$1.3 million. The target number for patients to serve at the upcoming event in July would be under 2,500 people.

Mrs. Scott stated that she was mildly involved in the IRT held in 2019 in Chenango County, and noted what a huge service to the community it was, notably for dental services which is one of the most difficult things for the community to obtain care for.

Mr. Taggart expressed how fortunate the County is to have so many hard working individuals in our departments who work together to accomplish shared goals such as organizing this IRT event.

In response to Mr. Taggart, Mrs. Johnson-Bennett stated that much of the hard work is being done by her partners, and that a large portion of her work on the event is delegating tasks.

In response to Mrs. Johnson-Bennett, Mr. Taggart expressed that good leadership involves task delegation. The entire committee has put in time and effort to accomplish this goal, and it is greatly appreciated.

Ms. Molé expressed how nice it is that all the department heads have taken such an interest and have been so willing to help. Mrs. Johnson-Bennett agreed, stating that such an undertaking requires too many areas of expertise for any one department to attempt without the help of others.

Mr. Marshfield added that there is a tremendous amount of enthusiasm and effort on the part of Delaware Opportunities regarding their role assisting with this event.

Mr. Cetta expressed that the upcoming IRT has the makings of being a very big event for Delaware County, and he hopes all of the Supervisors have the opportunity to attend on one of the days it is occurring, notably the Distinguished Visitors Day on July 13.

Mrs. Johnson-Bennett furthered that the Town of Walton has been very supportive. The Chamber of Commerce is working on putting together a coupon book for the military to have the opportunity to use at local businesses. The Mayor is also working with the Lions Club to look into obtaining glasses frames which can be provided to patients in need of new glasses to

mitigate those costs.

The Supervisors expressed their gratitude to Mrs. Johnson-Bennett for all her time and hard work on this tremendous undertaking as well as an excellent presentation.

For standing committee reports, Supervisor Cetta noted that the Opioid Settlement Committee is scheduled to meet for the first time on March 2, 2023. Preliminary meetings with individuals from the Behavioral Health Facility have occurred to establish a plan for that meeting. He understands there are already some requests for funding, though until the criteria for the funding is established no funds will be available for dissemination.

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

RESOLUTION NO. 38

**TITLE: 2023 BUDGET AMENDMENT
RECEIPT OF NYS DIVISION OF HOMELAND SECURITY SHSP GRANT
DEPARTMENT OF EMERGENCY SERVICES**

WHEREAS, Delaware County applied for and has been awarded grant funding under the State Homeland Security Program from the New York State Division of Homeland Security and Emergency Services (WM2021 SHSP); and

WHEREAS, this grant was awarded in the amount of \$85,356.00 for the purpose of acquiring services and provide maintenance on license plate reader trailer; maintenance and upgrade costs for hazmat equipment; purchase allowable cyber security equipment (firewall, filtering services and related items), purchase E-2 camera network system.

NOW, THEREFORE, BE IT RESOLVED that the Emergency Services Department be authorized to accept this grant funding as described above and that the 2023 Budget be amended as follows:

INCREASE REVENUE:

10-13640-43398900/3640067/911	State Homeland Security	\$85,356.00
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INCREASE APPROPRIATION:

10-13640-52200001/3640067/911	Equipment Grant	\$63,356.00
10-13640-54327462/3640067/911	Grant Misc.	\$22,000.00

The resolution was seconded by Mr. Axtell and adopted by the following vote: Ayes 4180, Noes 0, Absent 619 (Valente, Vernold).

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

RESOLUTION NO. 39

**TITLE: 2023 BUDGET AMENDMENT
ACCEPTANCE OF TOURISM PROMOTION MATCHING FUNDS
DEPARTMENT OF ECONOMIC DEVELOPMENT
PROMOTION OF TOURISM**

WHEREAS, New York State provides funding through the Tourism Matching Funds Program to designated Tourism Promotion Agencies across the State for the purpose of marketing their destination in order to increase the number of visitors and the level of spending across the State; and

WHEREAS, the Delaware County Department of Economic Development was awarded \$45,807.00 in Tourism Matching Funds for 2023.

NOW, THEREFORE, BE IT RESOLVED that the 2023 Promotion of Tourism Budget be amended as follows:

INCREASE REVENUE:

10-16420-43390201 State Empire Development Grant \$45,807.00

INCREASE APPROPRIATION:

10-16420-54105000 Advertising \$30,607.00

10-16420-54245000 Dues and Memberships \$15,200.00

The resolution was seconded by Mr. Ellis and adopted by the following vote: Ayes 4180, Noes 0, Absent 619 (Valente, Vernold).

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

RESOLUTION NO. 40

**TITLE: OCCUPANCY TAX DISBURSEMENT APPROVAL
DEPARTMENT OF ECONOMIC DEVELOPMENT
PROMOTION OF TOURISM**

WHEREAS, by Resolutions No. 69 of 2021, Resolution No. 73 of 2022 and Resolution No. 113 of 2022 the Delaware County Board of Supervisors approved the use of Occupancy Tax funds to support projects to promote and develop the tourism industry in Delaware County; and

WHEREAS, \$99,181 of such funds were allocated but not disbursed in 2022, and the County Tourism Advisory Board has recommended the reallocation of such funds to complete the projects in 2023; and

WHEREAS, the Tourism Advisory Board additionally reviewed a new proposal submitted by the Tourism Promotion Agency for the County under the tourism promotion and

development grant program, and has recommended the use of \$126,777 of Occupancy Tax funds to support the County’s 2023 Media plan.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors approves the recommendations of the Tourism Advisory Board regarding funding these projects in the amount of \$225,958 in the Promotion of Tourism accounts funded by occupancy tax funds.

The resolution was seconded by Mr. Axtell and adopted by the following vote: Ayes 4180, Noes 0, Absent 619 (Valente, Vernold).

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

RESOLUTION NO. 41

**TITLE: 2023 BUDGET AMENDMENT
TRANSFER OF FUNDS
DEPARTMENT OF ECONOMIC DEVELOPMENT
PROMOTION OF TOURISM**

WHEREAS, the revenues received under the Hotel Occupancy Tax are set aside and placed into the Restricted Fund Balance (Hotel Occupancy Tax) for the purpose of the promotion and development of the tourism industry in Delaware County; and

WHEREAS, by Resolution No. 40 of 2023 the Board of Supervisors approved the use of Hotel Occupancy Tax revenues and the authorization of the use of Occupancy Tax revenues requires such funds to be transferred from the restricted fund balance.

NOW, THEREFORE, BE IT RESOLVED that the 2023 Promotion of Tourism Budget be amended as follows:

INCREASE REVENUE:

10-00000-34899000	Restricted Fund Balance	\$225,958.00
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INCREASE APPROPRIATION:

10-16420-54105000	Advertising	\$80,158.00
10-16420-54520000	Postage	\$500.00
10-16420-54535000	Professional Services	\$144,300.00
10-16420-54625000	Travel	\$1,000.00

The resolution was seconded by Mr. Davis.

In response to Mr. Marshfield, Director of the Department of Economic Development Glenn Nealis explained that the Professional Services appropriation will be paid to about 12 different firms such as press agencies, consultants, the printer who produces the travel guide, and the distributor of the travel guide.

The resolution was adopted by the following vote: Ayes 4180, Noes 0, Absent 619 (Valente, Vernold).

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

RESOLUTION NO. 42

**TITLE: 2023 BUDGET AMENDMENT
TRANSFER OF FUNDS
DEPARTMENT OF ECONOMIC DEVELOPMENT
PROMOTION OF TOURISM**

WHEREAS, funds remaining in the 2022 Promotion of Tourism Budget that were transferred into the Tourism Reserve Account at the end of the year 12/31/2022 are required to implement the County’s 2023 Media Plan.

NOW, THEREFORE, BE IT RESOLVED that the 2023 Promotion of Tourism Budget be amended as follows:

INCREASE REVENUE:

10-00000-34899000	Restricted Fund Balance	\$36,473.17
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INCREASE APPROPRIATION:

10-16420-54105000	Advertising	\$36,473.17
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The resolution was seconded by Mr. Kosier.

In response to Mr. Taggart, Mr. Nealis agreed that there should be a discussion regarding creating a possible contingency fund for any added expenses which individual towns may incur in regards to legal problems or litigations brought forth from code or inspection issues or other problems associated with Airbnb businesses.

The resolution was adopted by the following vote: Ayes 4180, Noes 0, Absent 619 (Valente, Vernold).

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

RESOLUTION NO. 43

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

LETTING OF FEBRUARY 2, 2023

Notice to bidders and proposals received having been filed and the bidding procedures

and documents having been approved by the County Attorney:

BE IT RESOLVED that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. 6-23 Liquid Bituminous Concrete & Related Equipment Bid to:
Gorman Asphalt DBA American Asphalt, 200 Church
Street, Albany, NY 12202; Peckham Materials Corp.,
763 Schoharie Turnpike, Athens, NY 12015; Suit-Kote
Corp., 1911 Lorings Crossing Rd., Cortland, N.Y. 13045;
Vestal Asphalt Inc., 201 Stage Road, Vestal, N.Y. 13850.

Bid Price: See Summary Sheet

Towns may participate in these bids.

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors.

The resolution was seconded by Mr. Kosier and adopted by the following vote:
Ayes 4180, Noes 0, Absent 619 (Valente, Vernold).

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

RESOLUTION NO. 44

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

LETTING OF FEBRUARY 1, 2023

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

BE IT RESOLVED, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. 22-23 Cutting & Tree Trimming to: Asplundh Tree Expert, LLC,
5154 NY Rt. 26, Whitney Point, NY 13862

Bid Price: See Summary Sheet

Towns may participate in these bids.

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors.

The resolution was seconded by Mr. Kosier.

In response to Mr. Taggart, Commissioner of Public Works Jim Thomas confirmed that towns may participate in these bids.

The resolution was adopted by the following vote: Ayes 4180, Noes 0, Absent 619 (Valente, Vernold).

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

RESOLUTION NO. 45

TITLE: OPPOSITION OF PROPOSED NYS SOIL & WATER CONSERVATION DISTRICT LAW CHANGES PLANNING DEPARTMENT AND WATERSHED AFFAIRS

WHEREAS, the Delaware County Board of Supervisors, was notified by the NY Association of Conservation Districts of the proposed changes to New York State District Law which governs the established bylaws for every local soil and water conservation district (District) in New York State; and

WHEREAS, the proposed changes would have a negative impact on the Delaware County Soil and Water Conservation District's (SWCD) management of environmental issues, local land management consequences and impacts on County operations; and

WHEREAS, the SWCDs have existed for over 70 years in local communities and were established due to the local needs of every diverse geographical region; and

WHEREAS, SWCDs were established to have locally led leadership, diversity in program management and an ability to serve in individual needs of each County; and

WHEREAS, changing structure to District Boards would have a major impact on the ability to make decisions through informed partners on the very issues that Districts deal with every day; and

WHEREAS, the change in legislation also gives opportunity for local communities to abolish this entity that has provided opportunities to address needs on all land, both public and private, while also acting as a conduit for land management and state aid to local communities; and

WHEREAS, moving to watershed structured law changes would also impact other local initiatives that Delaware County receives funding for through New York City Watershed programming, Upper Delaware River Basin projects and Susquehanna and Chesapeake Bay programs; and

WHEREAS, these changes would impact how planning would be done as watersheds extend past County/Municipal boundaries, including New York State boundaries both domestically and internationally as watersheds extend into neighboring states and Canada.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors strongly opposes proposed legislative actions for changes related to District Law, and asks the Association of Counties to also oppose the changes because of the long-term economic and environmental resource impacts to small communities; and

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors shall forward certified copies of this resolution to Governor Kathy Hochul, Senator Peter Oberacker, Assemblyman Christopher Tague, Assemblyman Joe Angelino, and Assemblyman Brian Maher.

The resolution was seconded by Mr. Ellis.

In response to Mr. Taggart, Executive Director of the Soil and Water Conservation District Larry Underwood explained that the proposed law changes came to their attention a few months ago. He indicated that the coalition attempting to change these laws is a difficult group to find information on. It is an unnerving prospect that this coalition has been working behind the scenes to edit laws which have worked well in the past without reaching out to any soil and water districts. He thanked the Supervisors for their support in opposing these changes.

In response to Mr. Marshfield, Mr. Underwood explained that this coalition wants to change the composition of the current organizations in place, such as eliminate our Farm Bureau representation and that County representatives would have to be voted in instead of appointed by the Board of Supervisors.

In response to Mr. Taggart, Mr. Underwood agreed that these changes would cause the County to lose control of the conservation districts. He stated local input and control are important.

In response to Mr. Marshfield, Mr. Underwood explained that the NYS Conservation District Employees Association, the Soil and Water Conservation District, and himself are members of the NY Association of Conservation Districts (NYACD). Regarding the origin of the legislation changes being opposed, it is put forth by an organization called the Watershed Health Coalition. They have been successful in making changes to legislation in other states, and what is most concerning is that there is so little information available to the public about this national organization. It is disturbing how mysterious the organization is and how they have never reached out once for communication. He believes there is broad opposition to these law changes on every level of government.

The resolution was unanimously adopted.

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

RESOLUTION NO. 46

**TITLE: MEMORANDUM OF UNDERSTANDING WITH SOUTHERN TIER 8
TO FACILITATE THE HEALTHY DELAWARE IRT JULY 2023**

WHEREAS, in 2021 Southern Tier 8 Regional Board supported an application to the United States Department of Defense to engage in a medical Innovative Readiness Training (IRT) on behalf of Delaware County; and

WHEREAS, the United States Army has matched the local application to provide no cost medical and veterinary care in Delaware County as a training mission; and

WHEREAS, Delaware County Planning as the lead for the 2023 Healthy Delaware IRT has committed to coordinating all host efforts; and

WHEREAS, the Walton Central School has provided space at the Walton High School Campus to hold the IRT from July 10-21, 2023; and

WHEREAS, Southern Tier 8 Regional Board and Delaware County desire to enter into an agreement in which Southern Tier 8 Regional Board and Delaware County will work together to complete the Project; and

WHEREAS, Southern Tier 8 Regional Board and Delaware County are desirous to enter into a Memorandum of Understanding between them, setting out the working arrangements that each of the partners agree are necessary to complete the Project.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors understands and agrees to the conditions set forth in the Memorandum of Understanding.

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

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

RESOLUTION NO. 47

**TITLE: CALLING ON THE STATE OF NEW YORK TO CONTINUE TO PASS-THRU
FEDERAL AFFORDABLE CARE ACT ENHANCED FEDERAL MEDICAID
ASSISTANCE PERCENTAGE FUNDS
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the SFY 2024 State Budget proposal would end the Affordable Care Act (ACA) Enhanced Federal Medical Assistance Percentage (eFMAP) federal pass-thru to counties and New York City; and

WHEREAS, the State is proposing to keep all of these federal savings going forward and

use them to cover further expansions of Medicaid eligibility and benefits and to increase payments to health care providers; and

WHEREAS, the State currently owes Delaware County in excess of \$2.5 million of previously unreconciled eFMAP (ACA) funding; and

WHEREAS, if the proposed budget passes, the State will retain the previous unreconciled eFMAP funding; and

WHEREAS, the elimination of this ACA eFMAP federal pass-thru will require the 57 counties to spend at least \$280 million more in SFY 2024, and approximately \$1 billion when New York City is included; and

WHEREAS, the SFY 2024 costs to counties and New York City are scheduled to grow by 30 percent by SFY 2027; and

WHEREAS, it is the strong view of Delaware County that congress intended these federal savings to be shared with counties proportional to the amount they contributed toward the nonfederal Medicaid match; and

WHEREAS, since 2003, the state has shared the funds proportionally based on our analysis of savings we have received during periods when an enhanced federal Medicaid match was enacted by Congress; and

WHEREAS, enacted in 2011, the Medicaid statutory cap for all 62 counties is \$7.6 billion. The Medicaid statutory cap for the 57 counties outside of New York City is \$2.25 billion.; and

WHEREAS, starting in SFY 2014, New York began sharing these federal ACA savings directly with counties. The savings for a year were provided by lowering the weekly payments each county and NYC make to the state to support the State's Medicaid program. Through February 1, 2023, the state continues to share the federal savings from the ACA eFMAP with the 57 counties and NYC; and

WHEREAS, counties strongly disagree with the need to cut county funding so deeply when the Governor's budget proposes to fully fund its own reserves two years ahead of schedule depositing \$5.4 billion into reserves before the end of SFY 2023, while also projecting a general fund surplus of \$35 billion by the end of SFY 2024.

NOW, THEREFORE, BE IT RESOLVED that Delaware County calls on the State to continue to share these federal funds with counties as has been the precedent for over 20 years; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Governor Kathy Hochul, Senator Peter Oberacker, Assemblyman Christopher Tague, Assemblyman Joe Angelino, Assemblyman Brian Maher, US Senator Charles Schumer, US

Senator Kirsten E. Gillibrand, Congressman Marc Molinaro, and all others deemed necessary and proper.

The resolution was seconded by Mr. Kosier.

Mr. Marshfield explained that the proposed ending of the Affordable Care Act (ACA) Enhanced Federal Medical Assistance Percentage has caused an uproar throughout the state. The State would be passing on about a billion dollars of expenses on to the counties, and our county projects that it would pass on about a million dollars or more to Delaware County. If this occurs, the Department of Social Services would need to increase their budget by about 10% to make up for the extra one million dollars. The accounting department calculates that as of today, the State owes \$2.8 million despite the resolution stating \$2.5 million. It is a bad deal for Delaware County and for the taxpayers if this happens. There have been many letters written by legislators in opposition to this from both political parties.

The resolution was unanimously adopted.

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

RESOLUTION NO. 48

TITLE: RESOLUTION CALLING ON GOVERNOR KATHY HOCHUL, STATE LEGISLATORS, SUNY CHANCELLOR JOHN B. KING, JR. AND THE SUNY BOARD OF TRUSTEES TO REINSTATE A HOST BENEFIT PAYMENT IN LIEU OF TAXES TO THE VILLAGE OF DELHI FOR HOSTING THE SUNY DELHI CAMPUS

WHEREAS, the Village of Delhi is the host community of the State University of New York (SUNY) Delhi campus; and

WHEREAS, the Village of Delhi no longer receives a payment in lieu of taxes from New York State for hosting the SUNY Delhi campus; and

WHEREAS, the loss of this host benefit payment presents a financial hardship on the Village of Delhi due to the added burden of community and public safety services provided to the SUNY Delhi Campus; and

WHEREAS, the Delaware County Board of Supervisors recognizes the impact this loss of funding has on Village of Delhi taxpayers as more fiscal responsibility has been shifted to them; and

WHEREAS, the Board of Supervisors is certain that the Village of Delhi is not the only host community affected by this loss of funding.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors urges State University of New York Chancellor John B. King, Jr. and the SUNY Board of Trustees to reconsider their position in light of the financial stress it causes the host community as well as

the strain added to taxpayers during a cost of living crisis and reinstate the host community benefit payment in lieu of taxes; and

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors shall forward certified copies of this resolution to Governor Kathy Hochul, Senator Peter Oberacker, Assemblyman Christopher Tague, Assemblyman Joe Angelino, Assemblyman Brian Maher, State University of New York Chancellor John B. King, Jr., SUNY Board of Trustees, Village of Delhi Mayor Sridhar Samudrala, the Delhi Community Coalition, and the New York State Association of Counties (NYSAC).

The resolution was seconded by Mr. Taggart.

Mr. Merrill explained that the State is trying to balance their budget by taking away from local governments. There used to be a pilot program by the state which provided money to the SUNY campus in Delhi, and that has been renegeed.

The resolution was unanimously adopted.

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

RESOLUTION NO. 49

TITLE: LEGISLATIVE REQUEST FOR CONTINUATION OF SALES TAX LEVY

WHEREAS, the Delaware County Board of Supervisors requested the New York State Legislature to extend an increase in the sales tax levy in January of 2020; and

WHEREAS, the New York State Legislature amended the law to allow for the collection of a sales tax at a rate which is one percent additional to the statutory three percent rate authorized by law; and

WHEREAS, current authorization to collect the additional one percent sales tax expires on November 30, 2023; and

WHEREAS, the Board of Supervisors may formally request from the New State Legislature approval to continue with the additional tax every three years; and

WHEREAS, a continuation of the additional one percent sales tax levy was requested by the Board and approved by Chapter 314 of the Laws of 2020; and

WHEREAS, the Board believes it appropriate to use the sales tax as a means to help stabilize the county property tax levy.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors formally request that the New York State Legislature amend Section 1210 of the Tax

Law to allow Delaware County to continue the collection of the additional one percent sales tax consistent with state approvals in 2005, 2007, 2009, 2011, 2013, 2015, 2017 and 2020.

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

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

RESOLUTION NO. 50

TITLE: CORRECTION OF CURRENT TAX ROLLS IN ACCORDANCE WITH SECTION 554 OF THE REAL PROPERTY TAX LAW

WHEREAS, the Director of the Real Property Tax Service agency has been presented with an application for correction of the 2021 and 2022 tax roll by a Supreme Court Judgment and after investigation recommends approval of the following:

TOWN OF SIDNEY: Tax Map No. 138.-3-14.11, assessed to Auction Facility One, LLC due to a court order dated January 27, 2023 to reduce assessment from 2,603,200 to 981,400 for 2021 tax roll and 2,603,200 to 899,920 for the 2022 tax roll. A refund is to be issued to Cronin and Cronin Law Firm, Attorney for the Petitioner in the amount of \$18,331.37 for the 2022 Town and County Tax Bill and a corrected bill will be issued for the 2023 Town and County tax bill.

NOW, THEREFORE, BE IT RESOLVED that in accordance with Section 554 of the Real Property Tax law that the correction be approved, and the Chairman of the Board be authorized to sign the approval of the application on behalf of the Board.

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

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

RESOLUTION NO. 51

**TITLE: CANCEL TAXES
TREASURER'S OFFICE**

WHEREAS, Article 11 of the Real Property Tax Law, Section 1138 states that a parcel can be withdrawn from a foreclosure if the tax district were to acquire the parcel, there is a significant risk that it might be exposed to a liability substantially in excess to the amount that could be recovered by enforcing the tax lien; and

WHEREAS, Article 11, Section 1138 also states after withdrawal, the governing body may cancel the delinquent tax if determined that there is no practical method to enforce collection of the tax.

NOW, THEREFORE, BE IT RESOLVED that the following taxes be withdrawn and cancelled in accordance with Article 11; and

BE IT FURTHER RESOLVED that the Board of Supervisors declare there are no outstanding delinquent taxes prior to 2010.

T/Dav 23.-1-65 Gerster
Cancel taxes 2008-2023
\$1,652.60

T/Rox 113.-4-24 Hardenburg
Cancel taxes 2007-2023
\$7,073.03

T/Han 417.-1-15 Evanitsky
Cancel taxes 1995-1999, 2004-2011
\$6,945.89

T/Sta 69.17-4-3.2 Cottone
Cancel taxes 2018
\$10.58

T/Har 38.-1-30 Co of Delaware/Stabile
Cancel taxes 2010-2014
\$2,376.28

T/Wal 208.-1-13.111 Fletcher
Cancel taxes 2000-2023
\$29,692.87

T/Mas 186.-2-7 Pacelli
Cancel taxes 1998-2000
\$1,797.69

The resolution was seconded by Mr. Taggart.

In response to Mr. Cetta, Deputy Treasurer Randi Moxham explained that the properties in question are all environmental hazards.

Mr. Cetta asserted that some of these properties have been on the list of delinquent taxes since the 1990's, and asked why action is being taken at this time specifically. Some of the previously discussed resolutions at this meeting are in regard to higher levels of government passing expenses or burdens down to the counties, and expressed that in his perception this resolution is doing the same to the towns.

In response to Mr. Cetta, Mr. Merrill and Mr. Marshfield stated that this situation is different as these are taxes which are not being paid. Mr. Marshfield furthered that the property in Walton is an old landfill. Mr. Merrill stated that the taxes for that property have been being paid by the County, and that if there is no tax burden on that property, nobody has to pay anything. The properties are undevelopable or environmental hazards, such as one parcel which is a right-of-way and one which is a landfill.

Mr. Cetta furthered that the conclusion of this action is that the County does not want to continue to make the Towns whole.

In response to Mr. Cetta, Mr. Merrill stated that these are not taxable properties because

of the historical failure of any party to pay the taxes in question. The County does not want to foreclose on these properties.

In response to Mr. Merrill, Mr. Cetta asserted that canceling the taxes still takes funds away from the smaller towns.

In response to Mr. Cetta, Mr. Merrill asserted that by not cancelling taxes on untaxable properties, it is forcing the smaller towns to share the burden of those taxes as the County makes the towns whole. If the County has to make a township whole, each town has to pay a percentage.

In response to Mr. Merrill, Mr. Cetta affirmed that he understood that facet of the situation. His point is that this resolution comes on the tail of others where the Board is opposing larger government passing on a burden to smaller tiers of government, and he sees this as no different. He questioned if there were more properties on the cancellation list which involved more of the towns, would there be support for this resolution in that case?

In response to Mrs. Scott, Mr. Merrill confirmed that if the County foreclosed on the Walton property, it would need to be cleaned of all environmental hazards, and the cost to the County would be exponentially higher. The only way to get delinquent tax money is to foreclose on the property, and the inherent burden of doing so would require the parcel to be mitigated of any environmental concerns before it could be sold.

Mr. Marshfield added that one of the parcels in question is a road in the Town of Roxbury which leads to a subdivision, and another is a railroad site in Davenport. Mr. Hinkley confirmed that the subdivision in Roxbury was purchased in its entirety by the City of New York so that the road now leads nowhere.

Mr. Cetta added that he did not want Walton to lose that tax revenue; it hurts the town to lose those funds. The County is better able to absorb that lost revenue than the smaller towns are. He expressed that he wants to understand what changed in the recent past that parcels which have been in arrears for so long are now being addressed.

In response to Mr. Cetta, Mr. Merrill explained that action is being taken now in order to clean up the books.

In response to Mr. Cetta, Mr. Taggart asserted that all the towns have been paying for the taxes on the parcel in Walton.

In response to Mr. Taggart, Mr. Cetta questioned whether there were other landfills that have been abandoned since the 1960's. If the tax rolls are further examined, there are likely to be properties in everybody's town that would eventually fall on this list. He will not vote in support of this resolution.

In reply to Mr. Cetta, Mr. Taggart stated that the future is unknown for parcels where taxes are historically unpaid. They will likely continue to sit empty unless someone purchases them. In unfortunate situations such as these, someone will get hurt the most and someone will get hurt the least. He expressed his understanding for Mr. Cetta's rationale, though the prospect of cancelling taxes on these parcels has been considered for many years.

In response to Mr. Cetta and in agreement with Mr. Taggart, Mr. Merrill stated that they have been going through selling County-owned properties as well.

In further agreement with Mr. Taggart and Mr. Merrill, Mr. Marshfield stated that these parcels have had unpaid taxes since the 1990's and the County is just cleaning up the books. There may indeed be another few parcels out there which should be addressed.

Mr. Cetta reaffirmed that he did not agree with the action being taken to cancel the taxes in question.

The resolution was adopted by the following vote: Ayes 3622, Noes 558 (Cetta), Absent 619 (Valente, Vernold).

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

RESOLUTION NO. 52

**TITLE: INVESTMENT POLICY & GUIDELINES
OF DELAWARE COUNTY
TREASURERS OFFICE**

WHEREAS, the Finance Committee has reviewed and approved the updated Investment Policy & Guidelines of Delaware County as reflected in Schedule 'A' annexed hereto; and

WHEREAS, the updated Investment Policy & Guidelines of Delaware County is included with this resolution as Schedule 'A'.

NOW, THEREFORE, BE IT RESOLVED that this resolution with Schedule 'A' regarding Investment Policy & Guidelines of Delaware County be hereby adopted; and

BE IT FURTHER RESOLVED that this Investment Policy & Guidelines of Delaware County supersede all foregoing investment policies.

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

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

RESOLUTION NO. 53

TITLE: IN MEMORY OF ROBIN W. TURNER

WHEREAS, Robin W. Turner passed away on January 20, 2023 having served as Town of Stamford Supervisor from 1994 until 2003; and

WHEREAS, he served with distinction and will be remembered for his dedication and hard work.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors extends its sympathy to the family of Robin Turner and recognizes with gratitude his contributions to this County, his Town and neighbors.

The resolution was seconded by Mr. Marshfield.

Mr. Kosier stated that for those who knew Robin Turner, he was a good man. He served the Town of Stamford for nearly ten years, and that he knew Mr. Turner personally as they played on a softball team together. He had a beautiful family which includes a wife, two daughters, and a son, who live in Hobart. It is very unfortunate that he is no longer with us.

Ms. Molé added that she served with Mr. Turner for two years, and he was a gentle man who cared very much for his Town and the County, and he will be greatly missed.

The resolution was unanimously adopted.

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

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

RESOLUTION NO. 54

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,796,300.04 were hereby presented to the Finance Committee for approval for payment on February 8, 2023 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	\$1,663,230.25
OET	\$2,882.87
Public Safety Comm System	\$48,933.55
Insurance Risk	\$0.00
CAP 97 Main	\$153.76
CAP MH	\$0.00
CAP DSS	\$12,195.07
Highway Audits, as Follows:	
Weights & Measures	\$0.00
Solid Waste/Landfill	\$41,171.26
Road	\$21.23
Machinery	\$24,570.86
Capital Solid Waste	\$110.00
Capital Road & Bridge	\$0.00
CAP DPW Complex	\$3,031.19

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$3,386,386.06 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	\$1,597,580.91
OET	\$10,839.56
Public Safety Comm System	\$0.00
Insurance Risk	\$0.00
CAP 97 Main	\$405.50
CAP MH	\$0.00
CAP DSS	\$1,801.22
Highway Audits, as Follows:	
Weights & Measures	\$0.00
Solid Waste/Landfill	\$157,962.42
Road	\$466,136.43
Machinery	\$139,017.55
Capital Solid Waste	\$402,014.20
Capital Road & Bridge	\$187,515.19
CAP DPW Complex	\$423,113.08

The resolution was seconded by Mr. Cetta and adopted by the following vote:
Ayes 4180, Noes 0, Absent 619 (Valente, Vernold).

Chairman Molé made the following committee appointments:

CHENANGO-DELAWARE-OTSEGO WORKFORCE DEVELOPMENT BOARD

Appoint:
Sean Penchoff

SOUTHERN TIER REGIONAL PLANNING AND DEVELOPMENT BOARD (ST8)

Appoint:
Supervisor Jeffery Taggart
Sean Penchoff, Delaware County Economic Development Specialist

Mr. Taggart expressed thanks to Director of Emergency Services Steve Hood for his ambulance response report.

Upon a motion, the meeting was adjourned at 2:00 p.m.