

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

MARCH 8, 2023

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, March 8, 2023 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 Mrs. Scott and Mr. Wilson. Mr. Wilson arrived shortly after roll call.

Mr. Marshfield offered the invocation.

Mr. Ellis 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 Cetta. Mr. Cetta reflected that last year, the County had lost approximately 130 years of experience with the retirement of three directors. So far, the individuals who have stepped into two of those positions are doing very well. In the case of the Director of Community Mental Health, it is time for Doug Elston to step into the role, bringing with him 25 years of experience in the mental health field. Mr. Cetta also extended gratitude to Mr. Merrill and the Community Services Board for their collaboration with the Mental Health Committee to achieve this appointment. It is a good example of how the County system prepares employees for professional advancement. He feels that Mr. Elston will achieve the same effectiveness in this role as his predecessor Cindy Heaney did.

Chairman Molé expressed thanks to Mr. Elston, and stated that the County is very fortunate to have him in this position.

Mr. Elston thanked the Board. He expressed his gratitude for the opportunity and said he looks forward to continuing to provide services to the residents of the County and lead the Behavioral Health Clinic.

Chairman Molé introduced Mr. Harris Weiss, Southern Tier Regional Representative from the office of Governor Kathy Hochul. Mr. Weiss stating that as of December 6, 2022 he has been covering the Southern Tier Region. He expressed that he hoped to connect with the Supervisors to confirm contact information as well as pass along his business card. He furthered that he is grateful to be in attendance of this Board meeting and thanked the Board for their welcome.

In response to Mr. Weiss, Mr. Marshfield inquired whether the Governors' Office had received the copy of Resolution No. 47 of 2023 titled *Calling on the State of New York to Continue to Pass-Thru Federal Affordable Care Act Enhanced Federal Medicaid Assistance Percentage Funds* which had been sent after it was passed by the Board at their February 22 meeting.

In response to Mr. Marshfield, Chairman Molé confirmed she had specifically spoken to Mr. Weiss regarding that concern, and that he is hearing from many counties on this issue.

In agreement with Mr. Marshfield, Mr. Cetta reaffirmed that addressing the continuation of the Affordable Care Act Enhanced Federal Medicaid Assistance is a priority.

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

RESOLUTION NO. 55

**TITLE: APPOINTMENT OF DIRECTOR OF COMMUNITY
MENTAL HEALTH SERVICES**

BE IT RESOLVED that because Cynthia Heaney is retiring from the position of Director of Community Mental Health Services before her term would have expired on December 31, 2025; and

FURTHER BE IT RESOLVED pursuant to Title 14, Chapter VI, Part 102 of the New York Codes, Rules and Regulations and Sections 7.09 and 41.04 of Mental Hygiene Law, Douglas Elston is hereby appointed as Director of Community Mental Health Services to fulfill the remainder of her term from March 10, 2023, through December 31, 2025, at the base salary for the position.

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

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

RESOLUTION NO. 56

**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. 1-23 Rental of Construction Equipment to: A&M Excavating, 1156 Dick Mason Road, Delhi, NY 13753;A. Montano Co., Inc., 571 Route 212, Saugerties, NY 12477; Alta Construction Equipment NY LLC, 5985 Court St. Road, Syracuse, NY 13206; Beck Equipment, Inc., PO Box 243, Preble, NY 13141; Bothar Construction, LLC, 170 East Service Road, Binghamton, NY 13901; Boyle Excavating, Inc., 233 Boyle Rd., Harpersfield, NY 13786; Broome Bituminous Products, Inc., 416 Prentice Road, Vestal, NY 13850; Clark Companies, Inc., P.O. Box 427, Delhi, NY 13753; Cobleskill Stone Products, Inc., P.O. Box 220 Cobleskill, NY 12043; DG Construction Service, LLC, 220 State Road, Andes, NY 13731; Delaware Bulldozing Corp., 5700 Co. Hwy 18, Bloomville, NY 13739; Donegal Construction Corporation, PO Box 450, New Stanton, PA 15672; LaFever Excavating, Inc., 3135 No Hwy 6, Bovina Center, NY 13740; Oneonta Equipment Rental and Sales, 532 Co. Hwy. 58, Oneonta, NY 13820; Pawlikowski's Excavating, 1215 Hamden Hill Rd., Delhi, NY 13753; Schulz's Trucking , 1838 Swantack Road, Bloomville, NY 13739; Stephenson Equipment Inc., 3 Industry Drive, Waterford, NY 12188; Suit-Kote Corp., 1911 Lorings Crossing Rd., Cortland, NY 13045; Tri-Town Development Corp., PO Box 237, Sidney, NY 13838; Vestal Asphalt Inc., 201 Stage Road, Vestal, NY 13850.

Bid Price: See Summary Sheet

Towns may participate in this 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 4667, Noes 0, Absent 132 (Scott).

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

RESOLUTION NO. 57

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

LETTING OF FEBRUARY 24, 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. 5-23

Hot Mix Asphalt, FOB Supplier's Plant to: Broome Bituminous Products Inc., 416 Prentice Road, Vestal, NY 13850; Cobleskill Stone Products, Inc., P.O. Box 220 Cobleskill, N.Y. 12043; Tri-City Highway Products, Inc., 145 Podpadic Road, Richmondville, NY 12149

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, Mr. Haynes stated that the bids were reasonably close to those received last year.

The resolution was adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Scott).

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

RESOLUTION NO. 58

TITLE: AUTHORIZATION FOR AWARDS DEPARTMENT OF PUBLIC WORKS LETTING OF FEBRUARY 24, 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. 7-23

Stone & Gravel Products to: Carver Sand & Gravel LLC, PO Box 890, Coeymans, NY 12045; Burton F. Clark, Inc., PO Box 427, Delhi, NY 13753; Cobleskill Stone Products, Inc., PO Box 220, Cobleskill, NY 12043; Eric J Dahlberg Construction LLC., 696 Potter Mtn Rd., Gilboa, NY 12076; Delaware Bulldozing Corp., 5700 Co Hwy 18, Bloomville, NY 13739; LaFever Sand & Gravel, LLC, 3135 Co Hwy 6, Bovina Center, NY 13740; Masonville Stone Inc., 12999 St. Hwy 8, Masonville, NY 13804; Platterkill Mine LLC., 871 Bull Hill Rd., Gilboa, NY 12076; E&R Popes Excavating, LLC, 1073 Co. Hwy 1, Mt. Upton, NY 13809; Robinson Bros Excavating, 29119 St Hwy 10, Walton, NY 13856; Schaefer Enterprises of Deposit, Inc.,

315 Old Route 10, Deposit, NY 13754; Seward Sand & Gravel, Inc., 532 Co Hwy 58, Oneonta, NY 13820; Sonny & Sons Stone Co., LLC, 13141 St Hwy 30, Downsville, NY 13755; Tri-City Highway Products, inc., 145 Podpadic Rd., Richmondville, NY 12149

Bid Price: See Summary Sheet

PROPOSAL NO. 8-23 Gravel Processing to: Northern Crushing, LLC, 279 Troy Rd., Rensselaer, NY 12144; Seward Sand & Gravel, Inc., 532 Co Hwy 58, Oneonta, NY 13820

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 4667, Noes 0, Absent 132 (Scott).

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

RESOLUTION NO. 59

TITLE: AUTHORIZATION FOR AWARDS DEPARTMENT OF PUBLIC WORKS

LETTING OF FEBRUARY 22, 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. 9-23 Transit Mixed Concrete to: Masters RMC, Inc., PO Box 25, Kingsley, PA 18826; Otsego Ready Mix, Inc., 6459 St. Hwy 23, Oneonta, NY 13820.

Bid Price: See Summary Sheet

PROPOSAL NO. 11-23 Used Steel Pipe & New Steel Pipe End Sections to: Allegany Pipe & Tubular, 2954 Co Rt 22, Andover, NY 14806-9616; Chemung Supply Corp., PO Box 527, Elmira, NY 14902

Bid Price: See Summary Sheet

PROPOSAL NO. 12-23 Interlocking Steel Sheet Piling to: Chemung Supply Corp., PO Box 527, Elmira, NY 14902

Bid Price: See Summary Sheet

PROPOSAL NO. 16-23 Gabions to: Chemung Supply Corp., PO Box 527, Elmira, NY 14902

Bid Price: See Summary Sheet

PROPOSAL NO. 18-23 Plain Elastomeric Bridge Bearing Material to: Beacon Building Products, 1160 Scottsville Rd., Rochester, NY 14624

Bid Price: See Summary Sheet

PROPOSAL NO. 19-23 Bridge Deck Membrane to: Beacon Building Products, 1160 Scottsville Rd., Rochester, NY 14624

Bid Price: See Summary Sheet

PROPOSAL NO. 20-23 Steel Sign Posts to: Chemung Supply Corp., PO Box 527, Elmira, NY 14902

Bid Price: See Summary Sheet

PROPOSAL NO. 21-23 Lubricating Oils to: Superior Lubricants Co., Inc., 32 Ward Road, North Tonawanda, NY 14120

Bid Price: See Summary Sheet

PROPOSAL NO. 23-23 Portland Cement to: Pickett Building Materials, 6459 State Highway 23, Oneonta, NY 13820.

Bid Price: See Summary Sheet

PROPOSAL NO. 24-23 LP Gas, Storage Tanks & Piping to: Mirabito Holdings, Inc., Mirabito Energy Products, PO Box 5306, Binghamton, NY 13902.

Bid Price: Firm Differential of \$1.0500/gallon

PROPOSAL NO. 26-23 Elastomeric Concrete to: Beacon Building Products, 1160 Scottsville Rd., Rochester, NY 14624

Bid Price: See Summary Sheet

Towns may participate in these bids with the exception of Proposal No. 24-23

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. Marshfield, Mr. Haynes confirmed that Town Highway Superintendents will be provided with copies of the bids in the coming week.

The resolution was adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Scott).

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

RESOLUTION NO. 60

**TITLE: AUTHORIZATION FOR AWARDS
DEPARTMENT OF PUBLIC WORKS - SOLID WASTE MANAGEMENT**

LETTING OF FEBRUARY 9, 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. SW1-23 Temporary Landfill Rain Cover Cell 6 Side Slope to:
Chenango Contracting, Inc., 29 Arbutus Rd, Johnson City,
NY 13790

Bid Price: See Summary Sheet

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 4667, Noes 0, Absent 132 (Scott).

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

RESOLUTION NO. 61

TITLE: APPROVAL OF MODIFICATIONS AND RENEWAL OF AGRICULTURAL DISTRICT NO. 6

WHEREAS, Delaware County has complied with the eight-year review procedure of Agricultural District No. 6 located in the Towns of Hancock, Colchester and Hamden; and

WHEREAS the Delaware County Board of Supervisors held a Public Hearing on Wednesday, February 22, 2023, at 1:00 p.m. for any public comment on the review of Agricultural District No. 6; and

WHEREAS the Agricultural and Farmland Protection Board and the County Planning Board have reviewed said District and have recommended that said Agricultural District No. 6 be renewed with the following modifications:

Town of Hancock

MODIFICATION	ACREAGE
Additions	149
Removed	580

Town of Colchester

MODIFICATION	ACREAGE
Additions	147
Removed	8

Town of Hamden

MODIFICATION	ACREAGE
Additions	0
Removed	0

NOW, THEREFORE, BE IT RESOLVED that Agricultural District No. 6 be renewed with the above recommended modifications.

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

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

RESOLUTION NO. 62

TITLE: AUTHORIZING THE ESTABLISHED INTERNAL REVENUE SERVICE (IRS) PREVAILING STANDARD MILEAGE RATE AS THE DELAWARE COUNTY REIMBURSEMENT RATE FOR BUSINESS MILEAGE

WHEREAS, with respect to the fluctuation in the price of vehicle fuel, maintenance, and operating costs and the subsequent change in the federal standard mileage rate established by the Internal Revenue Service (IRS);

BE IT RESOLVED that the Delaware County Board of Supervisors hereby authorizes all county business mileage reimbursement to be paid at the established IRS prevailing rate for business mileage effective April 1, 2023; and

BE IT FURTHER RESOLVED that Resolution No. 140 of 1975, as amended, is hereby rescinded.

The resolution was seconded by Mr. Tuthill.

In response to Mr. Taggart, Mr. Merrill confirmed that the County will now keep current with the IRS mileage reimbursement rate without having to put forth a resolution each time the rate changes.

The resolution was unanimously adopted.

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

RESOLUTION NO. 63

TITLE: DELAWARE COUNTY BOARD OF SUPERVISORS ELECTING A CENTS PER GALLON RATE OF SALES AND COMPENSATING USE TAXES ON MOTOR FUEL AND DIESEL MOTOR FUEL, IN LIEU OF THE PERCENTAGE RATE OF SUCH TAXES, PURSUANT TO THE AUTHORITY OF ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK

BE IT ENACTED by the Delaware County Board of Supervisors, as follows:

SECTION 1. Resolution No. 144 of 1990 is amended as follows:

Section 4-b. Cents per gallon rate of sales and compensating use taxes on motor fuel and diesel motor fuel.

Notwithstanding any provision of this enactment to the contrary, in lieu of the percentage rate of sales and compensating use taxes imposed on receipts from the retail sale of and consideration given or contracted to be given for, or for the use of, motor fuel and diesel motor fuel, such taxes shall be imposed at a rate of cents per gallon of such motor fuel or diesel motor fuel, in the manner prescribed by subdivision (m) of section 1111 of the New York Tax Law, provided that, for purposes of calculating the cents per gallon rate of tax, such receipts or consideration shall be limited to two (2) dollars per gallon of either such fuel. Provided that, if the average price of such fuels changes as described in such subdivision (m) of section 1111 of the Tax Law, the Commissioner of Taxation and Finance shall adjust the cents per gallon tax rate on such fuels in the manner prescribed in such subdivision (m) of section 1111 of the Tax Law.

SECTION 2. This resolution shall take effect June 1, 2023 and shall expire and be deemed repealed on March 1, 2024.

The resolution was seconded by Mr. Taggart.

Mr. Merrill explained that this resolution suspends collection of gas tax over two dollars. It was thought that the County had to wait for the State to do so, but that was not the case. This suspension will take effect at the start of the next sales tax quarter and be effective until the last day of February 2024.

In response to Mr. Taggart, Mr. Merrill confirmed that this suspension of tax will lower the cost of gas six cents per gallon.

In response to Mr. Wilson, Mr. Merrill indicated that it is very difficult to discern how much this tax elimination equates to over a year as the State does not separate the payment amounts but rather lumps multiple vehicle-related tax together.

The resolution was unanimously adopted.

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

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

RESOLUTION NO. 64

**TITLE: 2023 BUDGET AMENDMENT
TRANSFER OF FUNDS
DEPARTMENT OF PUBLIC WORKS
WEIGHTS & MEASURES DIVISION**

WHEREAS, there was only one item budgeted in the equipment line for Weights & Measures; and

WHEREAS, that item increased in price from the time it was budgeted to when it was ordered.

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

TRANSFER FROM:

10-16610-54515000	Petroleum Oil Lube	\$67.50
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TRANSFER TO:

10-16610-52200000	Equipment	\$67.50
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The resolution was seconded by Mr. Davis and adopted by the following vote:
Ayes 4667, Noes 0, Absent 132 (Scott).

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

RESOLUTION NO. 65

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,464,907.53 are hereby presented to the Board of Supervisors for approval of payment;

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	\$881,467.57
OET	\$16,227.61
Public Safety Comm System	\$0.00
Insurance Risk	\$0.00
CAP 97 Main	\$1,895.71
CAP MH	\$110.00
CAP DSS	\$8,113.99
Highway Audits, as Follows:	
Weights & Measures	\$0.00
Solid Waste/Landfill	\$57,057.80
Road	\$177,936.29
Machinery	\$211,131.31
Capital Solid Waste	\$0.00
Capital Road & Bridge	\$110,967.25
CAP DPW Complex	\$0.00

The resolution was seconded by Mr. Gladstone and adopted by the following vote:
Ayes 4667, Noes 0, Absent 132 (Scott).

Upon a motion, the meeting was adjourned at 1:18 p.m.