

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

MAY 10, 2023

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, May 10, 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. Davis.

Mr. Marshfield offered the invocation.

Mr. Kosier 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 Vernold who introduced Hancock Partners Inc. Director of Regional Economic Development Richard H. Lowe III. Mr. Lowe stated that to find new ways of drawing in out-of-county tourism, Hancock Partners developed the idea of a county-wide art trail. Existing infrastructure such as art galleries and art walks can be incorporated into the Art Trail. Literature and press announcements will be distributed over the next week to ten days. Currently, seven sculptures by world-renowned artists are set to be craned into the County. They are slated to be placed on private properties, and he wanted to ensure that no additional permits are needed for the locations selected. They have already contacted the New York State Department of Transportation to ensure no permits are needed from a visual impact perspective. The announcements and selections will be published soon. In addition, the New York Times is present at today's meeting and will be doing an article on the Art Trail to help inform the public and facilitate directing tourism to the region.

Mr. Lowe directed attention to the handout provided to the Supervisors regarding the recently launched Hancock, NY app. He pointed out that the app is a partnership with multiple agencies in Hancock, including funding from the Town of Hancock, the Chamber of Commerce, and Hancock Partners. The hope is to also involve the Village of Hancock, which will be discussed at the next Village Board Meeting. He furthered that the app has multiple functions, one being that it can be used to communicate emergency response notifications in the case of bad weather, and that the app was recently used to alert residents of a tornado warning. The app will mostly be used to ping phones with current events which are happening in Hancock such as a barbeque planned for Memorial Day. Updates are being provided to Economic Development, and the Chamber has been extending significant discounts and opportunities to use the resources offered to residents and local entities. The public can also use the app for news and other Town business such as permit forms, documents, and other useful information.

In response to Ms. Molé, Mr. Lowe indicated that they began planning for the Art Trail by reaching out to towns in the reservoir region, starting with local Chambers of Commerce and existing art groups. Having the bandwidth to be able to communicate about the status of the artwork and sculptures entrusted to each location is integral as being able to check on the wellbeing of such valuable pieces is necessary. He also confirmed that there is a blanket umbrella insurance policy in place which is well above normal limits and covers the cost of the sculptures in case of damage. Legal waivers from all the artists have also been obtained which confirm no towns, villages, municipalities, or the County will be held liable for any damages. The goal has been to place the artwork in locations which are visually high impact but have enough space to accommodate the pieces. They are going one town or village at a time to find the best locations available. They have also chosen sculptures which are not controversial, including pieces which are nature-oriented or might appeal to children.

Mr. Lowe also explained that there will be a secret sculpture hidden on the trail which will be part of a children's county-wide scavenger hunt aimed towards enticing families to the Art Trail. There will be a sculpture placed near the Delaware and Ulster Railroad in Arkville on the Catskill Scenic Trail, so that tourists would need to take the train to find the sculpture. Local businesses are getting involved by choosing a local artist of any medium to display art in their store windows. These businesses are sent a template so they can also post the QR code for the map of the Art Trail in their window, and participants can then download the map to their phones. The idea is to draw people into the stores to look at the art and hopefully do some shopping.

In response to Ms. Molé, Mr. Lowe agreed that they hope this will be very popular and they had a lot of success with the art walk which was organized in Hancock last year. He furthered that they will be placing a sculpture at the Callicoon Depot and Upper Delaware Scenic Byway by working with the Sullivan Catskills Visitors Association. The hope is to draw tourists from Sullivan County into Delaware County as there is a mutual benefit from the flow of tourism through both counties with the Byway drawing tourism into the area already. There is a mutual partnership that shows tourism is coming through that gateway and tracks the flow of tourism.

In response to Mrs. Valente, Mr. Lowe stated that though they had hoped to have the Art Trail ready for Memorial Day, it is currently slated to launch on July 4 and continue through the end of October. He furthered the sculptures vary in size, though they can be as much as six to eight feet wide and as high. Some sculptures were selected specifically to accommodate the location space, such as the one which is to be located along the Catskill Scenic Trail. They have been working with the local venues to ensure that the sculptures are not so large that they interfere with the ability of the venues to do commerce but are large enough to be noticeable. There will be signs located next to the sculptures with information about the artist and a QR code for the Art Trail map, as well as a perimeter chain to create a professional appearance while keeping the public a safe distance from the sculptures.

In response to Mr. Ellis, Mr. Lowe explained that coordination of placement of the sculptures involved ensuring that the area where the delivery will take place is out of the NYS DOT right-of-way. If there is enough room on the private parcels for unloading, the CDL vehicle will enter the property and all that is needed is approval of the delivery from the property owner's insurance carrier. He further explained that though the towns where the seven sculptures discussed have already been selected, they can obtain more sculptures. Any town that wishes to participate can contact them to facilitate being involved in the Art Trail. The hope is

this can become an annual event, and that any town that wants to participate can do so even without sculptures or by including existing sculptures with the artist's permission.

In response to Mr. Kosier, Mr. Lowe stated that once a sculpture is placed in its location, it will be at that location for the duration of the event. The sculptures do need to be installed, and the artists will be sending a representative to each installation site to oversee the process. Bluestone donated from a quarry will make up the bases of the sculptures, and they will be secured to those bases.

In response to Mr. Vernold, Mr. Lowe confirmed that if a sculpture is sold within the town in which it is displayed, a portion of the money will go into an endowment or paid to the municipality. When the idea was originally approached, there was not a grant mechanism large enough to accommodate the concept. The reason the event can be organized so quickly is because there is a renowned sculpture artist in Deposit who is supporting it. One of the facets of the contracts the artists are signing is that if the sculptures happen to sell, 30% of the value of the piece can be put into an endowment or back to those entities which invested in the event such as the town it was placed in.

Ms. Molé thanked Mr. Lowe for his presentation.

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

RESOLUTION NO. 91

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

WHEREAS, Section 215 of the County Law stipulates that the Board of Supervisors must authorize for the disposition of personal property no longer necessary for public use.

NOW, THEREFORE, BE IT RESOLVED that the Sheriff's Office is authorized to sell by trade-in or online auction or dispose of as unserviceable the following items:

<u>Dept. Vehicle No.</u>	<u>Description</u>	<u>Serial Number/VIN</u>
SHF 106	2018 Nissan Rogue	5N1AT2MVBJC840102
SHF 108	2019 Ford Explorer	1FM5K8B84KGA02423

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

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

RESOLUTION NO. 92

TITLE: APPROVAL TENTATIVE AGREEMENT DEPUTY SHERIFFS

WHEREAS, the Human Resources Committee has reached a tentative agreement with the Delaware County Deputy Sheriffs Police Benevolent Association regarding 2023 Mid-Contract Salary Negotiations.

NOW, THEREFORE, BE IT RESOLVED that said tentative agreement is hereby approved as presented to the Board; and

BE IT FURTHER RESOLVED that the Chairman of the Board is authorized to execute a memorandum of agreement which incorporates the terms of said tentative agreement.

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

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

RESOLUTION NO. 93

**TITLE: APPROVAL TENTATIVE AGREEMENT
SHERIFF'S CORRECTIONS OFFICERS**

WHEREAS, the Human Resources Committee has reached a tentative agreement with the Delaware County Corrections Officers, Sheriffs Local 3951, Law Enforcement Officers Union, Council 82, AFSCME, AFL-CIO, regarding 2023 Mid-Contract Salary Negotiations.

NOW, THEREFORE, BE IT RESOLVED that said tentative agreement is hereby approved as presented to the Board; and

BE IT FURTHER RESOLVED that the Chairman of the Board is authorized to execute a memorandum of agreement which incorporates the terms of said tentative agreement.

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

Chairman Molé introduced Joshua Shapiro of the Sixth Judicial Court and Judge Gay Merrill from the Town of Hamden who is also the President of the Magistrates Association. She asked for their input on the endorsement of the Centralized Arraignment Part (CAP) prior to introducing the resolution.

Mr. Shapiro explained that the Central Arraignment Part legislation was originally created in 2017 and is designed to help counties meet their obligations to provide counsel at arraignment. The current system in Delaware County is that if someone is arrested for an arraignable offense, regardless of the time of day, the arresting agency must find a judge and a defense attorney, and then transport the arrested person to the location where both the judge and defense attorney are present. The CAP simplifies that process, instead of having to call down through a list of judges, a judge and defense attorney are assigned to cover that timeframe. Set

arraignment times will occur twice per day at 8:30 a.m. and 8:30 p.m. An individual arrested for a qualifying offense would be transported to the Delaware County Correctional Facility and held until the next arraignment session. This process will reduce the need to pay for defense attorneys to be on call 24/7 every day as well as lessen the burden on judges. It is also helpful for law enforcement as patrol officers can return to duty more quickly. Currently, eight of the ten counties in the Sixth Judicial District have adopted the CAP, the first being Broome County in 2017. The only two counties that have not yet adopted the CAP are Delaware and Chemung Counties, and Chemung is also in the process of planning for adopting the CAP.

In response to Mr. Kosier, Mr. Shapiro clarified that if the CAP passes, the plan still ultimately needs to be approved by the Office of Court Administration (OCA) and the Administrative Board, which is the chief judge of the State of New York. However, for the OCA to approve any plan, there must be consensus amongst all the stakeholders and legislative bodies in each county. Letters of support must also be gathered from local law enforcement agencies, the District Attorney's office, and the Public Defender's office.

In response to Ms. Molé, Mr. Shapiro stated that the resolution itself is sufficient and a letter of support from the County is not additionally necessary.

Chairman Molé noted that there were meetings held with all the stakeholders including many of the judges as well as the Sheriff, and the CAP was unanimously supported. She indicated that the burden of the CAP will be on the Sheriff's Office, and his support should be noted.

In agreement with Chairman Molé, Mr. Shapiro noted that the Magistrates Association has unanimously passed a resolution supporting the CAP as well.

In response to Mr. Marshfield, Mr. Shapiro clarified that when it is a judge's turn to attend an arraignment, the court clerk does not have to accompany them. He explained that depending on the size of the county, some do have court clerks regularly available, but in our county because the number of arraignments is relatively low it would be difficult to have a full-time court clerk on call. Judges are therefore trained to do the paperwork themselves and they will be paid an additional stipend for doing so by the State. There is no impact on the local municipality's budget upon institution of the CAP regarding payment of court clerks or judges. There will initially be grant money available for the construction of the courtroom and the state will provide all the equipment; the only impact on the county budget will be for minimal expenses for office supplies. From a corrections standpoint, there will be an additional burden of staffing the CAP but is often offset by the patrol side saving resources by being able to get back to patrol more efficiently. Mr. Shapiro also confirmed that instituting this process will alleviate a burden on the local courts, mainly by eliminating the need for them to be on-call 24/7 as they have been. It is noteworthy that judges will still be on-call for search warrant emergencies in certain circumstances, though in general it will improve the process for local courts.

In response to Chairman Molé, Mr. Shapiro stated they have found that once judges have been trained in the paperwork process, the concerns which stem from a lack of a court clerk are alleviated. The paperwork only entails a four-page form which mostly involves pedigree information for the individual facing arraignment and data entry for orders of protection. There is also 24/7 daily support for judges even after hours, including himself, and he does take calls all hours of the day or night in addition to the OCA helpline.

Hamden Town Judge Gay Merrill added that as a matter of practicality from a judge's perspective, front-end data entry for arraigned offenses will already be done for local judges once the CAP is in place. This is a burden off the local judge which she sees as an improvement.

In response to Mr. Vernold, Mr. Shapiro explained that the schedule of when judges are assigned timeframes is created by the Magistrates Association. In the other eight counties over the last five years, they have not encountered any situation where they could not accommodate a judge who for health or distance reasons wished to opt out of being scheduled. The Magistrates Association simply schedules around those judges, though they would not be entitled to the additional stipend from the state which is allocated for participants.

In continued response to Mr. Vernold, Judge Merrill confirmed that scheduling is the responsibility of the Magistrates Association, and there are extensive discussions and unanimous understanding. All judges must be on the roster, but not all will be called off the bench. The plan of the Magistrates Association is to accommodate those who do not wish to or cannot participate in the CAP schedule. She encouraged Mr. Vernold to have the judge who posed the question contact her for clarification.

In response to Mrs. Driscoll, Mr. Shapiro stated that the only con he has seen is the increased burden on the corrections officers as an officer is needed for courtroom security. Beyond staffing issues for corrections, he has seen this work very well in Broome County.

In response to Mr. Gladstone, Mr. Shapiro clarified that judges must only attend the arraignment times of 8:30 a.m. or 8:30 p.m. if there was an arrest which required an arraignment. Judges do not need to go automatically, and it is anticipated that less than fifty percent of the shifts will have a qualifying arrest. When the shifts begin, the judge and the defense attorney will call the Sheriff's Office in advance to make sure they are not needed. In a rare emergency, such as a situation where many individuals are arrested for arraignable offenses, the judge still may be called during their shift. The court is technically open from 8:30 a.m. to 11:00 a.m. or 8:30 p.m. to 11:00 p.m. but once the arraignment is completed, the judge may leave.

In response to Mr. Taggart, Mr. Shapiro confirmed that the Public Defender's Office is on board with the CAP. There has been a statewide strain on availability of Public Defenders, but with the institution of higher rates for 18b legal aid to indigents, it is hoped that more lawyers will participate, and the increased numbers will alleviate the volume per defense attorney as well as decrease the burnout rate.

In response to Mr. Cetta, Mr. Shapiro explained that if a judge is not required to take part in an arraignment, they do not get compensation. Judges' compensation is governed by the Uniform Justice Court Act, and judges are currently only compensated for time on the bench. He noted that this is something he knows the Magistrates Association has been lobbying to change.

Ms. Molé thanked Mr. Shapiro and Judge Merrill for their input.

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

RESOLUTION NO. 94

TITLE: ENDORSING CENTRALIZED ARRAIGNMENT PART (CAP) PLAN

WHEREAS, the Court of Appeals has determined that counsel at the first appearance (CAFA) in court of a criminal defendant is required and New York State has allocated funding to Counties for such purpose; and

WHEREAS, several meetings have been held in recent years to consider various proposals regarding how to implement CAFA; and

WHEREAS, a Centralized Arraignment Plan (CAP) for town and village Court Arraignments in Delaware County has been devised for approval of the New York State Unified Court System; and

WHEREAS, said CAP proposes a Central Arraignment Office within the lobby area of the Delaware County Public Safety Facility to serve as a court room for arraignments by local Town and Village Justices on a rotating basis, to be staffed by the Sheriff's Office; and

WHEREAS, State funding is available for initial set up costs, and the State will directly incur personnel service-related expenses for presiding Judges/Justices.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors hereby endorses the attached Centralized Arraignment Plan (CAP) for town and village Court Arraignments at the Delaware County Public Safety Facility.

The resolution was seconded by Mr. Vernold and 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. 95

**TITLE: 2023 BUDGET AMENDMENT
TRANSFER OF FUNDS
PAYMENT OF BOND ANTICIPATION NOTE
CAPITAL DPW COMPLEX**

WHEREAS, payment of the BAN Principal and Interest is now due; and

WHEREAS, appropriation of Principal and Interest on the BAN was not included in the 2023 Adopted Budget; and

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

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

DECREASE FUND BALANCE:

10-00000-34899000/1325892/889	Restricted Fund Balance	\$14,200,000.00
10-00000-34917000	Unassigned Fund Balance	\$315,240.00

INCREASE APPROPRIATIONS:

10-19730-56630000	BAN Principal	\$14,200,000.00
10-19730-57730000	BAN Interest	\$315,240.00

The resolution was seconded by Mr. Taggart.

Mr. Merrill noted that the payment of the Capital DPW Complex Bond Anticipation Note is part of the process of making Delaware County debt free.

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. 96

TITLE: APPORTIONMENT OF MORTGAGE TAX

WHEREAS, §261 of the Tax Law makes it mandatory to apportion the mortgage tax semi-annually and a report has been received from the recording officer and the County Treasurer for the period ending March 31, 2023.

NOW, THEREFORE, BE IT RESOLVED that the County Treasurer be directed to pay to the several towns and villages of Delaware County the amounts stated below; the same having been apportioned according to the aforementioned §261; and

BE IT FURTHER RESOLVED that the foregoing statement shall be to the County Treasurer a sufficient warrant for the payment of said monies.

Town	Amount Allocated to Tax District	Amount Apportioned to Town	Amount Apportioned to Village
Andes	\$14,033.18	\$14,033.18	
Bovina	\$12,564.46	\$12,564.46	
Colchester	\$27,082.80	\$27,082.80	
Davenport	\$35,305.88	\$35,305.88	
Delhi	\$26,887.72	\$22,931.74	\$3,955.98

Town	Amount Allocated to Tax District	Amount Apportioned to Town	Amount Apportioned to Village
Deposit	\$6,444.76	\$6,021.47	\$423.29
Franklin	\$16,688.27	\$15,949.40	\$738.87
Hamden	\$4,756.93	\$4,756.93	
Hancock	\$29,909.36	\$27,431.38	\$2,477.98
Harpersfield	\$16,637.70	\$14,896.49	\$1,741.21
Kortright	\$16,013.46	\$16,013.46	
Masonville	\$2,846.56	\$2,846.56	
Meredith	\$12,148.43	\$12,148.43	
Middletown	\$66,031.47	\$60,125.54 FL	\$1,763.93
		MV	\$4,142.00
Roxbury	\$52,262.08	\$52,262.08	
Sidney	\$40,370.91	\$29,286.37	\$11,084.54
Stamford	\$14,024.88	\$10,931.24 ST	\$1,345.08
		HO	\$1,748.56
Tompkins	\$5,926.66	\$5,926.66	
Walton	\$22,722.95	\$18,706.43	\$4,016.52
Totals ...	\$422,658.46	\$389,220.50	\$33,437.96

The resolution was seconded by Mr. Marshfield 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. 97

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,205,469.82 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	\$1,032,809.39
OET	\$6,468.40
Public Safety Comm System	\$5,114.09
Insurance Risk	\$0.00
CAP 97 Main	\$100.54
CAP MH	\$0.00
CAP DSS	\$2,104.34
Highway Audits, as Follows:	
Weights & Measures	\$0.00
Solid Waste/Landfill	\$56,028.69
Road	\$10,061.27
Machinery	\$39,889.09
Capital Solid Waste	\$0.00
Capital Road & Bridge	\$52,894.01
CAP DPW Complex	\$0.00

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

Chairman Molé made the following committee appointment:

DELAWARE COUNTY PLANNING BOARD

Finishing out term ending December 31, 2023

Appoint:

James Erwin to replace James Thomas

Mr. Ellis recalled Local Law Intro. No. 19 to set the 2023 salary of Sheriff Craig DuMond at \$100,422. The local law was seconded by Mr. Kosier and unanimously adopted.

Chairman Molé stated that the Title 42 Immigration Policy is set to expire on May 11, and that she had been asked to join a Zoom meeting with the Governor’s Office on May 9. It was not an interactive discussion and was composed of three different staff members giving direction to the counties. It is anticipated that the number of migrants coming into New York City is expected to double in the next several weeks, and it was explained that New York State and New York City both have the power to place these migrants in counties outside of the five boroughs. Her takeaway from this meeting is that it will happen, and that there will be migrants being placed in counties in the upstate region. Financially, New York City will be paying the counties for the placement of these migrants, and there is no option. Generic questions were answered during the meeting, but as the meeting was not interactive, questions could not be asked.

In response to Mr. Hinkley, Ms. Molé clarified that housing for any migrants who are placed in our county would be facilitated through the Department of Social Services.

In response to Mrs. Valente, Ms. Molé said though exact numbers are not clear, they anticipate at least double what the current influx of migrants is now. Mr. Taggart opined that it will likely be busloads. In further response to Mrs. Valente, Ms. Molé stated that no details were given as to when this determination was made, that the information was simply passed along and that the meeting was brief. She assured the Board she would keep them posted on any new information or developments as the situation progresses.

Upon a motion, the meeting was adjourned at 1:41 p.m.