

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

AUGUST 23, 2023

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, August 23, 2023 at 1:06 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. Gladstone, Mrs. Scott, and Mr. Davis.

Mr. Marshfield offered the invocation.

Mr. Merrill 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.

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

RESOLUTION NO. 142

**TITLE: 2023 BUDGET AMENDMENT
ACCEPTANCE OF HEALTHCARE WORKER BONUS
DEPARTMENT OF MENTAL HEALTH**

WHEREAS, NYS Department of Health has allocated funding for recruitment and retention bonuses to certain healthcare and mental hygiene workers; and

WHEREAS, Delaware County Community Services is a qualified employer and is required to claim the bonus for their employees; and

WHEREAS, qualified employees must be “front line health care and mental hygiene practitioners, technicians, assistants and aides that provide hands on health or care services to individuals”; and

WHEREAS, Delaware County Community Services has received this money.

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

INCREASE REVENUE:

10-14310-43349927	State Healthcare Worker Rev.	\$3,229.50
10-14311-43349927	State Healthcare Worker Rev.	\$1,614.75

INCREASE APPROPRIATION:

10-14310-51000000	Personal Services	\$3,000.00
10-14310-58300000	Social Security Emplr Contrib	\$186.00
10-14310-58900000	Medicare Emplr Contrib	\$43.50
10-14311-51000000	Personal Services	\$1,500.00
10-14311-58300000	Social Security Emplr Contrib	\$93.00
10-14311-58900000	Medicare Emplr Contrib	\$21.75

The resolution was seconded by Mr. Vernold and adopted by the following vote:
Ayes 4162, Noes 0, Absent 637 (Gladstone, Scott, Davis).

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

RESOLUTION NO. 143

**TITLE: 2023 BUDGET AMENDMENT
ACCEPTANCE FOR COST OF LIVING ADJUSTMENT (COLA)
DEPARTMENT OF MENTAL HEALTH**

WHEREAS, NYS Office of Addiction Services and Supports (OASAS) has allocated Cost of Living Adjustment (COLA) for contract provider, Alcohol and Drug Abuse Council (ADAC) of Delaware County; and

WHEREAS, ADAC ensures that the COLA funds for 2023-2024 State fiscal year will be used first to promote recruitment and retention of non-executive direct care staff, non-executive direct support professionals, non-executive clinical staff, or respond to other critical non-personal service costs, prior to supporting any salary increases or other compensation for executive level job titles; and

WHEREAS, Delaware County Mental Health has received this State Aid.

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

INCREASE REVENUE:

10-14319-43349850	State Alcohol Info & Referral	\$10,427.00
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INCREASE APPROPRIATION:

10-14319-54458050	Alcohol Info & Referral	\$10,427.00
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The resolution was seconded by Mr. Vernold and adopted by the following vote:
Ayes 4162, Noes 0, Absent 637 (Gladstone, Scott, Davis).

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

RESOLUTION NO. 144

**TITLE: 2023 BUDGET AMENDMENT
ACCEPTANCE OF INTERVENOR FUNDING FOR USE IN PSL ARTICLE VII
“CLEAN PATH” TRANSMISSION PROJECT PROCEEDING
DEPARTMENT OF PLANNING AND WATERSHED AFFAIRS**

WHEREAS, the Clean Path Transmission Project will transmit zero emission electricity generated upstate to users in the downstate New York City metropolitan area; and

WHEREAS, key components of the Clean Path Transmission Project are located in Delaware County and the Towns of Delhi, Colchester, Hamden and Hancock; and

WHEREAS, Delaware County and the Towns of Delhi, Colchester, Hamden and Hancock are concerned that the Clean Path Transmission Project will impose impacts/challenges specific to Security/Terrorism, Fire Risk, Road Maintenance, Stream Crossings, and Resiliency/Adaptation/Sustainability; and

WHEREAS, Delaware County and the Towns of Delhi, Colchester, Hamden and Hancock require assistance in understanding and participating in the Article VII proceeding for the Clean Path Transmission Project; and

WHEREAS, Delaware County and Towns of Delhi, Colchester, Hamden and Hancock seek to retain experts to assist them in evaluating the potential impacts of the Clean Path Transmission Project on the County and Towns and navigating the complex Article VII transmission line approval process; and

WHEREAS, Delaware County and the Towns of Delhi, Colchester, Hamden and Hancock have applied for and been granted intervenor funding in the amount of \$118,750.00 provided by the Applicant for the Clean Path Transmission Project to be used by municipalities and other interested parties to aid in their review of the Project; and

WHEREAS, Delaware County is better able to provide the administrative support needed to receive, process and disburse the intervenor funds than the individual Towns.

NOW, THEREFORE, BE IT RESOLVED that Delaware County accepts the designated intervenor funding on behalf of itself and the affected Towns and designates the Department of Planning and Watershed Affairs to administer the funds and establish a contract to facilitate reimbursement through the NYS Statewide Financial System (SFS); and

BE IT FURTHER RESOLVED that the 2023 Budget be amended as follows:

INCREASE REVENUE:

10-18020-43358901-8020029-908 NYS Dept Grant \$118,750.00

INCREASE APPROPRIATION:

10-18020-54327000-8020029-908 General Grant Related Exp. \$118,750.00

The resolution was seconded by Mr. Ellis.

Mr. Taggart stated that although he is in favor of this resolution, he does not feel it is nearly enough financially. He understands the costs involved far exceed the grant, and feels it is time New York City pays their dues. He recalled when the Marcy South Powerline was constructed, towns received half a million dollars for infrastructure repair and improvement through the Marcy South Series Compensation Project. As with the Marcy South Project, the Clean Path Transmission Project will take power from Upstate New York and deliver it to NYC. He sees the grant as a pittance and does not see any benefit for our region, on top of the grant not covering all the probable expenses. He does not think there should be a cap for compensation to repair and improve infrastructure impacted by the Clean Path Project; the local towns should not be burdened with any expenses. He perceives this action as just another way the State is prioritizing the City while ignoring the needs of the upstate region.

In agreement with Mr. Taggart, Mr. Marshfield stated that after a discussion in the Finance Committee meeting, he contacted the County's attorney Young/Sommer LLC in Albany. There is four hundred and fifty thousand dollars in funds available, and extensions have been filed by some intervenors and other environmental groups who have applied for a portion of the funds. A judge will be deciding whether to make awards, and how much. If the funding awarded to other entities leaves additional funds available, our county could receive more funding. The intervenor fund does not replace host benefit packages which would be received, and he reiterated his agreement with Mr. Taggart that the grant is nowhere near enough. Fire and ambulance safety concerns for projects which are being built, notably the converter station in Delhi, will draw some funding as well. Experts will be brought in to evaluate the impact on economic development, wetlands and stream crossings, infrastructures and roads, host benefit packages, agriculture, and crops of local farmers. Once specialists have evaluated these factors, further funding may be pursued. He noted that it is especially important to have expert evaluation of how to prepare for the possibility of a fire at the new converter station. Though the grant is not near enough, he reiterated that those funds should be accepted, as it is what is currently being offered, with the hope to obtain more in the future.

Mr. Taggart reiterated he is not against accepting the offer of funding, but that he strongly believes the funding being offered is not enough. Why should we spend one hundred and eighteen thousand dollars to discern how to fight a battery storage fire? That should be covered entirely by the State or the Power Authority, because they own the facility. Why should the taxpayers of Delaware County and of the towns involved take on any expense? It isn't right that locals foot the bill when the power is going to NYC.

Mr. Merrill agreed with Mr. Taggart and Mr. Marshfield. The one hundred and eighteen thousand dollars being granted is a pittance compared to the billions of dollars being put into the project. It is insulting that they will be going through our towns and basically giving us nothing.

Mr. Hinkley added that equipment needed for fire protection for the battery system far exceeds what any fire department in the County would have on hand or be capable of combatting. He perceives that the cost to be equipped to properly combat such a fire would cost three times what we are being granted.

In response to Mr. Hinkley, Mr. Marshfield stated that the grant is meant to hire experts to evaluate the cost to combat a potential fire. Additional funding can then be pursued.

In mutual agreement, Mr. Hinkley and Mr. Taggart reiterated that the funding should be accepted but it must be made clear that it is not nearly enough.

Mr. Cetta stated that he was under the assumption that if the County theoretically turned down the funds, the only towns which would be affected would be Delhi, Colchester, Hamden, and Hancock.

In response to Mr. Cetta, Mr. Taggart added that the County as a whole would be affected, including our emergency services.

Mr. Marshfield stated that he had read an article about a battery fire in Jefferson County which was combatted by every fire department in that county for over six days. Mr. Hinkley expressed concern for the chemicals involved in fighting the fire and in the battery storage facility itself. Mrs. Valente maintained that all the firefighters are volunteers.

Mr. Marshfield stated that we need this funding so that we can seek more funding. In agreement with Mr. Marshfield, Mr. Taggart added that our acceptance of the funding should include wording that this funding is insufficient.

Mr. Tuthill recalled that almost thirty years ago, NYSEG transferred ownership of the equipment at the Hamden Hill substation in Delhi to the Power Authority. A few years ago the Power Authority proposed installing some extra capacitors inside the fenced-in area of the existing substation, which was approved by the Planning Board. However, it became clear that the volume of construction vehicles did not equate to the approved installation, and upon inspection it was apparent that they had built another substation without approval. The dead-end town road was destroyed, and all the Power Authority offered to repair it was thirty thousand dollars. After threatening to go to the press, the town finally obtained the full amount of funding needed to fix the road. He stated that the 'lion's share' of the investment is on Hamden Hill, and if that isn't deserving of a pilot host community benefit package, he doesn't know what is. He also lamented that the funding allocated for 'disadvantaged communities' is not accessible to us and is only for communities on the other end of the powerline. Yet our community is the one which faces safety issues, fire concerns, road issues, and stream crossing issues. He expressed gratitude that we as communities are banding together to make waves. He stated that he is in communication with state representatives as well.

Mr. Taggart added that pilot programs are funded by tax levies through towns and the County; the State does not contribute to them. Pilot programs cut back what communities receive through property taxes, which is further impacted when tax exempt entities like the Power Authority own properties in communities. He expressed how unfair it is that corporations and commercial businesses receive tax breaks and grants from the State, when homeowners receive no tax breaks for owning their homes and properties.

In agreement with Mr. Taggart, Mr. Tuthill recalled that when NYSEG had been taken off the Town of Delhi's tax rolls \$17.2 million in tax base was lost as the Power Authority is tax exempt.

Mr. Marshfield reiterated that the \$11 billion Clean Path Transmission Project will generate zero tax dollars for the towns or county.

Mr. Taggart concluded that the situation is a one-way street, and one-way streets don't work.

The resolution was adopted by the following vote: Ayes 4162, Noes 0, Absent 637 (Gladstone, Scott, Davis).

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

RESOLUTION NO. 145

TITLE: ALLOCATION OF CAPITAL FUNDS DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Department of Public Works has been tasked with the Demolition of the Flood Buyout houses in the Village of Sidney; and

WHEREAS, this project is driven by the New York State Department of Homeland Security & Emergency Services (DHSES) and the Governor's Office of Resilient Homes and Communities (RHC); and

WHEREAS, DPW has issued bids for the traditional demolition of residential houses; and

WHEREAS, the bids were opened at 2:00 p.m. on August 10, 2023; and

WHEREAS, the Department is working with RHC to evaluate the bids so that award can be made; and

WHEREAS, DPW needs to ensure that they can keep the project moving forward as funding expires at the end of the year; and

WHEREAS, the Department would like to allocate the necessary funding directly for this project so that award can be made as soon as they receive approval from RHC.

NOW, THEREFORE, BE IT RESOLVED that \$151,300.00 be allocated from Account 34-15112-54000000 to cover the cost of this project.

The resolution was seconded by Mr. Kosier and adopted by the following vote: Ayes 4162, Noes 0, Absent 637 (Gladstone, Scott, Davis).

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

RESOLUTION NO. 146

**TITLE: SALE OF TAX ACQUIRED PROPERTY
AMEND RESOLUTION NO. 102 OF 2023**

WHEREAS, it has been determined that the deed for Tax Map No. 154.-1-8.2 which was authorized by Resolution No. 102 of 2023 to be sold to Michael Scarimbolo must be issued in the purchaser's name instead of the purchaser's corporation.

NOW, THEREFORE, BE IT RESOLVED that the following described parcel of tax acquired property be sold to the party indicated for the price herein stated and the County Treasurer is authorized to execute and deliver deed, therefor, and to cancel all Delaware County tax liens thereon, upon receipt of cash consideration hereinafter set forth.

ASSESSED TO:

TOWN OF:	BOV18TX.003
TAX MAP NO:	<u>A CIOLLI INC</u>
SCHOOL DISTRICT:	122200:BOVINA
ACREAGE:	154.-1-8.2
CONVEYED TO:	122801:DELAWARE ACADEMY
	97.50A ACRES
	MICHAEL SCARIMBOLO
	464 SHAVER HILL RD
	EAST MEREDITH, NY 13757
CASH CONSIDERATION:	\$200,000.00
TAX DEFICIT:	\$14,317.15

The resolution was seconded by Mr. Haynes and adopted by the following vote: Ayes 4162, Noes 0, Absent 637 (Gladstone, Scott, Davis).

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

RESOLUTION NO. 147

**TITLE: AUTHORIZATION FOR DISPOSITION OF PERSONAL PROPERTY
NO LONGER NECESSARY FOR PUBLIC USE
DEPARTMENT OF SOCIAL SERVICES**

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

NOW, THEREFORE, BE IT RESOLVED that the Department of Social Services is authorized to sell by trade-in, on-line auction or for scrap the following items:

<u>Description:</u>	<u>Serial Number:</u>
Motorola 2 way radio set + charger	RR27WLD07RW, RR27WLD07QN
Cogent CSD450 fingerprint reader	P110901588
Topaz T-L460-HSB-R signature reader	TL460HN13C3124
Toshiba DR430 DVDRW recorder/player	D24A8077KU6301
Sony BM-575 micro cassette recorder	0508976
Sony M-530V micro cassette recorder	419108
Unisys UMS1500-CAB high volume printer	433893905
Dell V313 printer	FBBQDJ1

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

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

RESOLUTION NO. 148

TITLE: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF DELAWARE INCREASING TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, ON OCCUPANCY OF HOTEL ROOMS AND ON AMUSEMENT CHARGES PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK

Be it enacted by the Board of Supervisors of the County of Delaware, as follows:

SECTION 1. Section 4-A of Resolution No. 144, enacted by the Board of Supervisors of the County of Delaware on June 13, 1990, imposing sales and compensating use taxes, as amended, is amended to read as follows:

SECTION 4-A. Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional one percent rate of such sales and compensating use taxes, for the period beginning December 1, 2003, and ending November 30, 2025. Such additional

taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 2. Paragraph (C) of subdivision (1) of section 11 of Resolution No. 144, enacted by the Board of Supervisors of the County of Delaware on June 13, 1990, imposing sales and use taxes, as amended, is amended to read as follows:

(C) With respect to the additional tax of one percent imposed for the period beginning December 1, 2003, and ending November 30, 2025, in respect to the use of property used by the purchaser in this county prior to December 1, 2003.

SECTION 3. This enactment shall take effect December 1, 2023.

The resolution was seconded by Mr. Marshfield.

Mr. Merrill clarified that the language of the resolution was dictated by New York State in 1990 and refers to the increase in sales tax from 1990. There is no increase in sales tax at this time, the resolution seeks to extend the right to collect sales tax, which must be done every two years.

The resolution was unanimously adopted.

Mr. Hinkley recalled Local Law Intro. No. 20 to provide real property tax exemptions for volunteer firefighters and ambulance workers pursuant to Section 466-A of the real property tax law. The local law was seconded by Mr. Taggart and adopted by the following vote: Ayes 4162, Noes 0, Absent 637 (Gladstone, Scott, Davis).

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

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

RESOLUTION NO. 149

TITLE: AUTHORIZATION FOR DISPOSITION OF PERSONAL PROPERTY NO LONGER NECESSARY FOR PUBLIC USE PROBATION DEPARTMENT

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 Probation Department is authorized to sell by trade-in the following items:

<u>Dept. Vehicle No.</u>	<u>Description</u>	<u>Serial Number/VIN</u>
PRO 12	2017 Nissan Altima	1N4AL3AP5HN320010
PRO 14	2017 Nissan Altima	1N4AL3AP5HN320411
PRO 16	2018 Jeep Renegade	ZACCJABB4JPH26910
PRO 18	2018 Jeep Renegade	ZACCJABB7JPH28876
PRO 20	2019 Chevrolet Impala	2G11X5S30K9150809
PRO 22	2019 Chevrolet Impala	2G11X5S3XK9150798
PRO 23	2020 Chevrolet Malibu	1G1ZC5ST1LF126915
PRO 84	2016 Chevrolet Impala	2G1WA5E3XG1163995
PRO 85	2016 Chevrolet Impala	2G1WA5E33G1163630

The resolution was seconded by Mr. Vernold.

In response to Mr. Taggart, Ms. Molé confirmed that the reason for disposition of these vehicles is because they are being traded in now that the Probation Department has entered into a lease agreement.

The resolution was unanimously adopted.

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

RESOLUTION NO. 150

**TITLE: AUTHORIZATION TO EMPLOY SPECIAL PATROL OFFICERS
SHERIFF'S OFFICE**

WHEREAS, there have been requests from area school districts for the Delaware County Sheriff's Office to provide the contracted services of a Special Patrol Officer; and

WHEREAS, the governing board of any political subdivision may authorize a law enforcement agency to employ Special Patrol Officers pursuant to General Municipal Law, Article 10, Chapter 24, Section 209-V.

NOW, THEREFORE, BE IT RESOLVED that authorization is hereby given for the Delaware County Sheriffs' Office to employ Special Patrol Officers; and

BE IT FURTHER RESOLVED that authorization is also hereby given for the creation of temporary positions for Special Patrol Officers as needed through December 31, 2023, at the salary determined by the Human Resources Committee, with such positions to be evaluated for inclusion in the 2024 Budget.

The resolution was seconded by Mr. Axtell.

In response to Mr. Marshfield and Mr. Taggart, Sheriff Craig DuMond explained that there is currently a School Resource Officer Program which employs one full-time Deputy Sheriff in two different school districts, those being the Sidney Central School District and DCMO BOCES in Masonville. Several other school districts have expressed interest in having a School Resource Officer. He furthered that because of a special provision in the general municipal law, retired police officers can be considered to fill these positions. School districts provide the funding for these officers, and the Sheriffs Department provides the staff and the training. Reimbursement for all costs associated with this program comes from the school districts.

The resolution was unanimously adopted.

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

RESOLUTION NO. 151

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$1,352,258.81 were hereby presented to the Finance Committee for approval for payment on August 9, 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	\$1,290,909.51
OET	\$6,951.71
Public Safety Comm System	\$0.00
Insurance Risk	\$0.00
CAP 97 Main	\$0.00
CAP MH	\$0.00
CAP DSS	\$21,114.28
Highway Audits, as Follows:	
Weights & Measures	\$0.00
Solid Waste/Landfill	\$7,957.84
Road	\$143.69
Machinery	\$23,946.41
Capital Solid Waste	\$0.00
Capital Road & Bridge	\$0.00
CAP DPW Complex	\$1,235.37

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$6,107,668.03 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	\$1,153,852.41
OET	\$3,955.89
Public Safety Comm System	\$107,891.73
Insurance Risk	\$0.00
CAP 97 Main	\$0.00
CAP MH	\$0.00
CAP DSS	\$3,995.67
Highway Audits, as Follows:	
Weights & Measures	\$0.00
Solid Waste/Landfill	\$115,167.49
Road	\$1,130,500.82
Machinery	\$387,728.93
Capital Solid Waste	\$22,350.96
Capital Road & Bridge	\$2,563,682.28
CAP DPW Complex	\$618,541.85

The resolution was seconded by Mr. Taggart and adopted by the following vote:
Ayes 4162, Noes 0, Absent 637 (Gladstone, Scott, Davis).

Mr. Vernold expressed his gratitude for the fantastic job that Attorney Kevin Young and the Young/Sommer LLC law firm are doing for the Intervenor Fund situation. He stated that they have sent the pre-final draft certificate, which is seventy-five pages long, and he is very pleased with their work.

Upon a motion, the meeting was adjourned at 1:33 p.m.