

REGULAR MEETING
DELAWARE COUNTY BOARD OF SUPERVISORS
SEPTEMBER 27, 2023

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, September 27, 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. Mr. Taggart arrived shortly after roll call.

Mr. Marshfield offered the invocation.

Mrs. Valente 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. 152

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

WHEREAS, the NYS Office of Mental Health (OMH) has allocated Cost of Living Adjustment (COLA) for contract program, Dwyer Veteran Peer-to-Peer; and

WHEREAS, Clear Path for Veterans 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:

10-14310-43349020	State Aid Veteran P2P	\$4,000.00
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INCREASE APPROPRIATION:

10-14310-54200038 Veteran Peer to Peer Contract \$4,000.00

The resolution was seconded by Mr. Vernold and adopted by the following vote:
Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 153

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

WHEREAS, the Delaware County Board of Supervisors approved Resolution No. 144 on August 23, 2023 authorizing acceptance of the designated intervenor funds on behalf of Delaware County and the affected towns, and authorized 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

WHEREAS, discussions amongst the host municipalities has led to concerns that the projected review costs would exceed the initial award; and

WHEREAS, Delaware County and the Towns of Delhi, Colchester, Hamden, and Hancock have applied for and been granted additional intervenor funding in the amount of \$24,750.00 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 to cover projected legal expenses; and

WHEREAS, the intervenor funding awarded to date for the review of the Clean Path Transmission Project totals \$143,500.00.

NOW, THEREFORE, BE IT RESOLVED that Delaware County accepts the additional 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 NYS Dept Grant \$24,750.00

INCREASE APPROPRIATION:

10-18020-54327000-8020029-908 Clean Path \$24,750.00

The resolution was seconded by Mr. Ellis and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 154

**TITLE: 2023 BUDGET ADMENDMENT
TRANSFER OF FUNDS
PUBLIC HEALTH SERVICES**

WHEREAS, our Childhood Lead Poisoning Prevention Program (CLPPP) grant objectives include education on lead risk factors. Delaware County Public Health Services sponsored a free EPA Certified Lead Renovator Training Course for Delaware County residents; and

WHEREAS, Childhood Lead Screening Community Outreach & Education account does not have sufficient funds to complete these grant reimbursable activities.

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

TRANSFER FROM:

10-14060-54360000	Itinerate Providers	\$3,000.00
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TRANSFER TO:

10-14050-54183000	Community Outreach & Education	\$3,000.00
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The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 155

**TITLE: 2023 BUDGET AMENDMENT
TRANSFER OF FUNDS
DEPARTMENT OF MENTAL HEALTH**

WHEREAS, Delaware County Mental Health was approved to purchase computer equipment in 2023; and

WHEREAS, the quoted amount budgeted is not sufficient for the purchase.

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

TRANSFER FROM:

10-14310-54418040	Maint & Repair Building	\$507.42
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TRANSFER TO:

10-14310-52200000	Equipment	\$507.42
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The resolution was seconded by Mr. Merrill and Mr. Vernold and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 156

**TITLE: 2023 BUDGET AMENDMENT
TRANSFER OF FUNDS
DEPARTMENT OF MENTAL HEALTH**

WHEREAS, an inmate at the Delaware County Correctional Facility has been deemed incompetent and requires care from a NYS Psychiatric hospital; and

WHEREAS, Delaware County is 100% responsible for inpatient psychiatric hospital cost; and

WHEREAS, additional funding is needed to cover current inpatient hospitalization.

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

TRANSFER FROM:

10-11990-54900000	Contingency	\$15,000.00
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TRANSFER TO:

10-14390-54535420	Professional Fees Psychiatric	\$15,000.00
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The resolution was seconded by Mr. Merrill.

Mr. Cetta noted that up until a few years ago, the State covered 50% of the cost of inpatient care for psychiatric hospitalization of incompetent persons.

The resolution was adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 157

**TITLE: 2023 BUDGET AMENDMENT
TRANSFER OF FUNDS
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the following 2023 Appropriation account is in need of funds.

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

TRANSFER FROM:

10-16010-51000000	Personal Services	\$300,000.00
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TRANSFER TO:

10-16119-54313150	Foster Care	\$300,000.00
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The resolution was seconded by Mr. Taggart.

Mr. Marshfield stated that they had budgeted for three foster children, but there are currently five.

The resolution was adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 158

**TITLE: 2023 BUDGET AMENDMENT
TRANSFER OF FUNDS
DEPARTMENT OF PLANNING AND WATERSHED AFFAIRS**

WHEREAS, the Planning Director, the Planning, Recreation, Culture and Community Committee, the Finance Committee, and the Budget Officer have agreed that additional funding is needed for furniture and a new vehicle for the Department of Planning and Watershed Affairs; and

WHEREAS, the vehicle currently being used by the department will no longer pass NYS Inspection; and

WHEREAS, new furniture is needed by the Department being that the furniture being used in the old building will not be able to be moved to the new building due to frailty as well as some of it being built into the structure of the old building.

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

<u>TRANSFER FROM:</u>		
10-18020-51000000	Personal Services	\$60,882.45

<u>TRANSFER TO:</u>		
10-18020-52200000	Equipment	\$60,882.45

The resolution was seconded by Mr. Ellis and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 159

**TITLE: 2023 BUDGET AMENDMENT
TRANSFER OF FUNDS
DEPARTMENT OF PLANNING AND WATERSHED AFFAIRS**

WHEREAS, the Delaware County Board of Supervisors passed Resolution No. 128 on July 27, 2022 in support of increasing the Watershed Affairs Professional Services budget for legal expenses associated with the new negotiations to address the NASEM recommendations as part of a new water supply permit and Filtration Avoidance Determination application to be submitted to the Environmental Protection Agency; and

WHEREAS, the beginning budget for these expenses as of January 1, 2023 was \$45,000.00; and

WHEREAS, those funds have been expended and more funds are needed to replenish the account to continue paying legal expenses associated with the on-going negotiations; and

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

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

<u>TRANSFER FROM:</u>		
10-11990-54900000	Contingency	\$30,000.00

<u>TRANSFER TO:</u>		
10-18740-54535060	Professional Service (WSA)	\$30,000.00

The resolution was seconded by Mr. Ellis and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 160

**TITLE: CHANGE ORDER NO. 1 OF PROPOSAL NO. 28-21,
HVAC CONSTRUCTION CONTRACT
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 71 of 2021 authorized award of Proposal No. 28-21 Construction of Three New Facilities for Delaware County Department of Public Works, HVAC Construction Contract to J&K Plumbing and Heating Co., Inc., for the amount of \$2,112,000.00; and

WHEREAS, in response to design adjustments at the County Highway Patrol Garage at Bloomville the following changes have been made:

Item #1 Change Request HVAC-3 was issued to add HVAC items required for the added IT rooms 105 and 119 per Drawings SK-M01 and SK-M02 issued on March 22, 2023.
\$32,852.74

Item #2 During review of the ERV Platform requirements and during coordination between the General Contractor and HVAC contractor's work, it was determined that the specified access platforms could be eliminated. (\$5,000.00)

WHEREAS, these changes have been negotiated and agreed upon by all parties.

NOW, THEREFORE, BE IT RESOLVED that the Department of Public Works is herewith authorized to execute Change Order No. HVAC-1 in the amount of \$27,852.74 increasing the contract amount from \$2,112,000.00 to \$2,139,852.74.

The resolution was seconded by Mr. Vernold and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 161

**TITLE: CHANGE ORDER NO. 2 OF PROPOSAL NO. 28-21,
HVAC CONSTRUCTION CONTRACT
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 71 of 2021 authorized award of Proposal No. 28-21 Construction of Three New Facilities for Delaware County Department of Public Works, HVAC

Construction Contract to J&K Plumbing and Heating Co., Inc., for the amount of \$2,112,000.00; and

WHEREAS, Resolution No. 160 of 2023 authorized the Department of Public Works to execute Change Order HVAC-1 in the amount of \$27,852.74 bringing the contract amount to \$2,139,852.74; and

WHEREAS, in response to design adjustments at the Heavy Mechanic Facility at Neale Road in Walton the following changes have been made:

Item #1 Change Request HVAC-6 was issued to add HVAC items required for the added IT room per SI-45 and Drawings JDGC07 and SK-M03 issued on August 18, 2023.
\$21,198.78

Item #2 During review of the ERV Platform requirements and during coordination between the General Contractor and HVAC contractor's work, it was determined that the specified access platforms could be eliminated. (\$2,500.00)

WHEREAS, these changes have been negotiated and agreed upon by all parties.

NOW, THEREFORE, BE IT RESOLVED that the Department of Public Works is herewith authorized to execute Change Order No. HVAC-2 in the amount of \$18,698.78 increasing the contract amount from \$2,139,852.74 to \$2,158,551.52.

The resolution was seconded by Mr. Vernold and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 162

**TITLE: CHANGE ORDER NO. 4 OF PROPOSAL NO. 28-21
GENERAL BUILDING CONSTRUCTION CONTRACT
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 71 of 2021 authorized award of Proposal No. 28-21 Construction of Three New Facilities for Delaware County Department of Public Works, General Building Construction Contract to Andrew R. Mancini Associates, Inc., 129 Odell Avenue, Endicott NY 13760 for the amount of \$14,825,000.00; and

WHEREAS, Resolution No. 108 of 2021 authorized the Department of Public Works to execute Change Order No. GC-1 increasing the contract by \$81,462.00 for a contract amount of \$14,906,462.00; and

WHEREAS, Resolution No. 41 of 2022 authorized the Department of Public Works to execute Change Order No. GC-2 increasing the contract by \$48,871.00 for a contract amount of \$14,955,243.00; and

WHEREAS, Resolution No. 59 of 2022 authorized the Department of Public Works to execute Change Order No. GC-3 increasing the contract by \$555,855.00 for a contract amount of \$15,511,098.00; and

WHEREAS, contract changes to the Administration Building in Delhi, which includes previously filed Construction Change Directives (CCD) and Change Proposal Requests (CPR), the following changes are proposed:

Item #1 CCD GC-22 was issued to add a fire barrier in the ductwork chase wall in Storage Room 225 and Corridor 302 walls. Job Drawing JDGC-31 Shaft Plan was issued on October 27, 2022 for use in the field to construct the fire barrier changes.
\$1,275.78

Item #2 CCD GC-24 was issued on November 17, 2022 to add a slip joint cover over the fire joint in the stairways as approved by submittal 440-09. \$4,905.02

Item #3 CCD GC-25 & 26 were issued on January 31, 2023 and March 26, 2023 for miscellaneous finish changes. Including adjusting the windowsills in the stairways, boxing out and adding a table surface around the plumbing items in the library room and minor patching and painting for miscellaneous plumbing changes. \$1,480.00

Item #4 CPR GC-14 was issued in conjunction with SI-33 accompanied with JDGC-29 & JDGC-30 on September 22, 2022 for boxing out around the pilasters at Delhi as time and materials.
\$10,565.59

Item #5 Credit for elimination of HVAC Pad in the 3rd Floor Mechanical Room
(\$736.29)

WHEREAS, these changes have been agreed upon.

NOW, THEREFORE, BE IT RESOLVED that the Department of Public Works be authorized to execute Change Order No. GC-4 – Construction Change Directives and Change Proposal Requests for Delhi Administration Building in the amount of \$17,490.00 increasing the contract amount to \$15,528,588.00.

The resolution was seconded by Mr. Vernold and adopted by the following vote:
Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 163

**TITLE: CHANGE ORDER NO. 3 OF PROPOSAL NO. 31(2)-22
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 189 of 2022 authorized the award of Proposal No. 31(2)-22, “Delaware County Bridge Structural Steel Preservation Project, PIN 9754.60, LD040413” to Rover Contracting, Inc., 251 Upper North Road, Highland, NY 12528 for the bid amount of \$633,320.00; and

WHEREAS, Resolution No. 100 of 2023 authorized the County to execute Change Order No. 1 which extended the contract until July 14, 2023 at no additional cost; and

WHEREAS, Resolution No. 133 of 2023 authorized a second no cost time extension until July 28, 2023; and

WHEREAS, the work is now complete and the final quantities have been agreed upon resulting in a net decrease of \$69,682.00.

NOW, THEREFORE, BE IT RESOLVED that the Department of Public Works is herewith authorized to execute Change Order No. 3 for Proposal No. 31(2) reducing the contract amount by \$69,682.00 from \$633,320.00 to \$563,638.00.

The resolution was seconded by Mr. Kosier and adopted by the following vote:
Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 164

**TITLE: AUTHORIZATION TO ENTER INTO CONTRACT WITH AN ONLINE
AUCTION SERVICE FOR THE SALE OF SURPLUS EQUIPMENT
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Delaware County Department of Public Works and other County departments have surplus equipment from time to time to dispose of; and

WHEREAS, after the Board of Supervisors passes a resolution declaring the equipment as surplus it needs to be sold by public bid; and

WHEREAS, numerous towns in the County have successfully used Auctions International for the disposition of their property through an online auction to maximize the exposure to interested bidders and therefore maximize the revenue gained; and

WHEREAS, Auctions International has proposed a two-year contract to provide online auction services to the County with all commissions being paid by the purchasers not the County; and

WHEREAS, the County Attorney has reviewed and approved the contract.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board of Supervisors is herewith authorized to enter into the agreement with Auctions International, Inc., 11167 Big Tree Road, East Aurora, NY 14052 for the sale of surplus equipment.

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

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

RESOLUTION NO. 165

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

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

NOW, THEREFORE, BE IT RESOLVED that the Department of Public Works is authorized to sell by online auction or scrap the following items and all spare parts:

<u>Dept. Vehicle No.</u>	<u>Description</u>	<u>Serial Number/VIN</u>
DPW 669	2001 JD Tractor w/Flail Mower	L06310S002336
DPW 717	2000 Grove Crane	476TS0540YS221854

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

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

RESOLUTION NO. 166

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

<u>Dept. Vehicle No.</u>	<u>Description</u>	<u>Serial Number/VIN</u>
DSS 432	2014 Ford Focus	1FADP3E20EL351169
DSS 433	2014 Ford Focus	1FADP3E27EL351170

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

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

RESOLUTION NO. 167

**TITLE: DESIGNATION OF DELAWARE COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT AS TOURISM PROMOTION AGENCY FOR DELAWARE COUNTY FOR 2024
DEPARTMENT OF ECONOMIC DEVELOPMENT**

BE IT RESOLVED that the Delaware County Department of Economic Development be designated as the Tourism Promotion Agency for Delaware County, for the purpose of making applications for and receiving grants under Section 100[6] of the Economic Development Law, with Delaware County to provide the required local matching funds for the "I Love New York" tourism promotion 2024 program.

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

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

RESOLUTION NO. 168

**TITLE: URGING GOVERNOR HOCHUL TO VETO A.04282B/S.3505B
BOARD OF ELECTIONS**

WHEREAS, the Delaware County Board of Supervisors believes that increasing participation in the election process and reducing costs of government operations is good for our republic; and

WHEREAS, during the 2023 legislative session, Assemblymember Amy Paulin and State Senator James Skoufis reintroduced this legislation, which would move local elections to even-numbered years; and

WHEREAS, versions of this legislation were introduced in previous years and failed to reach the floor for a vote due to lack of support; and

WHEREAS, after the 2022 session concluded, the bill sponsor indicated that hearings would be held on the proposal through the Election Committee process; and

WHEREAS, no such hearings were held; and

WHEREAS, the proposed legislation circumvented the legislative committee process during the legislative session, limiting public input and understanding of the impacts; and

WHEREAS, there has been no financial analysis or operational analysis of the impacts on local Boards of Elections; and

WHEREAS, this legislation passed in the middle of the night on the last days of the legislative session, which is counter to the idea of an open and transparent government; and

WHEREAS, the Delaware County Board of Supervisors has many concerns with this bill, especially its diminishment of adequate attention to local issues and local voices; and

WHEREAS, by forcing local elections to compete against national and state-level campaigns, this legislation will decrease voters' attention to important local issues and deprive local candidates of appropriate platforms to explain their stance on issues; and

WHEREAS, moving local elections to even-numbered years would increase the cost of campaigns for local office due to advertising prices being driven up by demand from national and state level campaigns, thereby reducing the ability of local campaigns to get their messages out; and

WHEREAS, this legislation excludes elections to offices in New York City and all other cities and villages in New York State, as well as certain offices within all counties and towns, thereby negating any possible savings to local Boards of Election; and

WHEREAS, this legislation usurps Home Rule powers reserved by local governments and protected by the Constitution of the State of New York, raising questions of legality and constitutional authority; and

WHEREAS, local municipalities have had the ability to change their elections to even-numbered years for decades, and have chosen not to do so; and

WHEREAS, establishing the schedule of local elections is the right of the local government, supported by more than a century of precedent; and

WHEREAS, the Assembly Bill sponsor indicated that she had not received any messages of support for this proposal from any of the 57 Counties and 933 Towns across New York State impacted by this legislation.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors calls on Governor Hochul to strongly oppose this legislation and utilize her veto authority to reject this proposal; and

BE IT FURTHER RESOLVED that the Clerk of the Delaware County Board of Supervisors be, and hereby is, directed to forward certified copies of this resolution to Governor

Kathy Hochul, Senate Majority Leader Andrea Stewart Cousins, Assembly Speaker Carl Heastie, Senate Minority Leader Robert Ortt, Assembly Minority Leader William Barclay, Assembly Bill Sponsor Amy Paulin, Senate Bill Sponsor James Skoufis, Senator Peter Oberacker, and Assemblymen Brian Maher, Chris Tague, and Joe Angelino, as well as to any others deemed necessary and appropriate.

The resolution was seconded by Mr. Vernold

Ms. Molé stated that the legislation would move local elections to even-numbered years.

The resolution was unanimously adopted.

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

Mr. Gladstone introduced Local Law Intro. No. 21 to authorize Delaware County to enter a fifteen-year lease of a communications facility with Cellco Partnership D/B/A Verizon Wireless which was seconded by Mr. Vernold.

LOCAL LAW INTRO. NO. 21 OF 2023

LOCAL LAW OF THE COUNTY OF DELAWARE TO AUTHORIZE A LEASE OF A PORTION OF REAL PROPERTY LOCATED IN THE TOWN OF SIDNEY OWNED BY THE COUNTY OF DELAWARE BETWEEN THE COUNTY OF DELAWARE AND CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS TO ALLOW VERIZON WIRELESS TO COLLOCATE ON THE COUNTY'S PINE HILL ROAD COMMUNICATIONS FACILITY

Section 1. Delaware County has carefully reviewed the lease and finds that entering into the lease with a term of fifteen (15) years with Verizon Wireless will result in a significant benefit to the County, the public and emergency services agencies.

Section 2. An analysis of the potential environmental impacts of the said lease, if any, has been done under the State Environmental Quality Review Act ("SEQRA") and Delaware County determined the proposed action constitutes an unlisted action and because the Verizon Wireless proposal involves collocating on the existing County communications facility, such proposal will not result in any significant adverse environmental impacts.

Section 3. This local law is enacted to amend and supersede County Law Section 215 so as to authorize Delaware County to enter into a lease with Verizon Wireless for a term exceeding five (5) years; and

Section 4. The Chairman of the Board of Supervisors of the County of Delaware is authorized to sign and execute the lease and any related documents deemed necessary by the County Attorney for the lease of the above-described property from Delaware County for a period of fifteen (15) years; and

Section 5. This local law shall take effect upon filing in accordance with the provisions of the Municipal Home Rule Law of the State of New York.

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

RESOLUTION NO. 169

TITLE: PUBLIC HEARING ON PROPOSED LOCAL LAW INTRO. NO. 21 OF 2023

WHEREAS, Cellco Partnership d/b/a Verizon Wireless (hereinafter “Verizon Wireless”) is a public utility engaged in the provision of personal wireless services; and

WHEREAS, Verizon Wireless desires to enter into a lease agreement with the County of Delaware for a portion of land owned by the municipality, located at no number Pine Hill Road, together with the right to place communications antennas, equipment, utilities and related appurtenances on the County communications facility (the “Lease”); and

WHEREAS, the Verizon Wireless proposes the installation of panel antennas and the installation of coaxial or similar feed lines which is necessary to enable Verizon Wireless to provide wireless services to the surrounding area, for emergency and non-emergency use by the general public; and

WHEREAS, the Board of Supervisors of the County of Delaware desires to conduct a public hearing on the proposed lease prior to making a decision on the same; and

WHEREAS, a local law to authorize the County of Delaware to enter into the lease has been introduced to the Board of Supervisors; and

WHEREAS, copies of the aforementioned local law have been laid upon the desks of each member of the Delaware County Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED that the Board of Supervisors of the County of Delaware will conduct a public hearing on the proposed Lease at the next regularly scheduled Board meeting on October 11, 2023 at 1:00 p.m. at which time all persons interested in commenting on this proposal will have an opportunity to be heard. A notice of public hearing shall be published in the official newspapers of the County of Delaware at least five (5) days prior to the date of the public hearing, in accordance with applicable law.

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

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

RESOLUTION NO. 170

TITLE: ADOPTION OF STATE ADVISORY EQUALIZATION RATES

BE IT RESOLVED that the following State Equalization Rates be adopted for the apportionment of the 2024 County Tax Levy pursuant to Title 2 of Article 8 of the Real Property Tax Law:

ANDES	82.75
BOVINA	14.40
COLCHESTER	2.33
DAVENPORT	54.30
DELHI	36.00
DEPOSIT	3.67
FRANKLIN	76.00
HAMDEN	93.50
HANCOCK	8.39
HARPERSFIELD	17.75
KORTRIGHT	64.60
MASONVILLE	70.95
MEREDITH	64.60
MIDDLETOWN	69.40
ROXBURY	68.00
SIDNEY	58.55
STAMFORD	16.86
TOMPKINS	2.70
WALTON	77.00

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

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

RESOLUTION NO. 171

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$2,850,837.88 were hereby presented to the Finance Committee for approval for payment on September 13, 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	\$1,313,446.47
OET	\$23,606.06
Public Safety Comm System	\$0.00
Insurance Risk	\$0.00
CAP 97 Main	\$0.00
CAP MH	\$0.00
CAP DSS	\$5,885.09
Highway Audits, as Follows:	
Weights & Measures	\$0.00
Solid Waste/Landfill	\$150,976.22
Road	\$752,414.13
Machinery	\$66,125.72
Capital Solid Waste	\$0.00
Capital Road & Bridge	\$538,384.19
CAP DPW Complex	\$0.00

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$3,431,293.33 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	\$1,060,397.67
OET	\$2,962.03
Public Safety Comm System	\$0.00
Insurance Risk	\$0.00
CAP 97 Main	\$0.00
CAP MH	\$0.00
CAP DSS	\$217,337.67
Highway Audits, as Follows:	
Weights & Measures	\$0.00
Solid Waste/Landfill	\$128,313.07

Road	\$378,201.86
Machinery	\$876,416.92
Capital Solid Waste	\$0.00
Capital Road & Bridge	\$226,924.79
CAP DPW Complex	\$540,739.32

The resolution was seconded by Mr. Taggart and adopted by the following vote:
Ayes 4799, Noes 0, Absent 0.

Chairman Molé made the following committee appointment:

SOUTHERN TIER REGIONAL PLANNING AND DEVELOPMENT BOARD (ST8)

Complete Supervisor Taggart's term ending December 31, 2023

Appoint:

Supervisor Allen Hinkley

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

RESOLUTION NO. 172

TITLE: EXECUTIVE SESSION

BE IT RESOLVED that the Delaware County Board of Supervisors convene in executive session to discuss legal matters.

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

The meeting reconvened in regular session with all Supervisors present.

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

RESOLUTION NO. 173

TITLE: EXECUTIVE SESSION

BE IT RESOLVED that the Delaware County Board of Supervisors convene in executive session to discuss litigation.

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

The meeting reconvened in regular session with all Supervisors present.

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

RESOLUTION NO. 174

TITLE: DELAWARE COUNTY STAYS ITS APPEAL SEEKING LEAD AGENCY STATUS AND DIRECTS THE DEPARTMENT OF PLANNING TO PURSUE NEGOTIATIONS WITH NEW YORK CITY ON FOURTH SIDE AGREEMENT CONSISTENT WITH THE TERMS AND CONDITIONS OF THE 1997 MEMORANDUM OF AGREEMENT

WHEREAS, in June 2022, the City of New York Department of Environmental Protection (“NYCDEP”) applied for a water withdrawal permit pursuant to N. Y. Environmental Conservation Law (ECL), Article 15. The application sought a new permit to supplement the Watershed Protection Program agreed to in the 1997 Watershed Memorandum of Agreement (“MOA”) with the purchase of an additional 53,000 acres of developable land (“Ownership Expansion Proposal” or the “Proposal”); and

WHEREAS, by notice dated July 8, 2023, Delaware County informed other identified “involved agencies” and “interested agencies” of its desire to act as “lead agency” in a coordinated environmental review under the State Environmental Quality Review Act (“SEQRA”) of the Ownership Expansion Proposal; and

WHEREAS, the New York State Department of Environmental Conservation (“DEC”), NYCDEP, and New York State Department of Health (“NYSDOH”) objected to Delaware County acting as lead agency claiming that Delaware County was not an involved agency with respect to the Proposal and thus cannot be the lead agency; and

WHEREAS, in the MOA, the parties agreed to the following MOA Statement of Rights:

- a. “[T]he parties recognize that the goals of drinking water protection and economic vitality within the watershed communities are not inconsistent, and it is the intention of the parties to enter into a new era of partnership to cooperate in the development and implementation of a watershed protection program that maintains and enhances the quality of New York City drinking water supply and the economic vitality and social character of the watershed communities.”
- b. “The parties agree that the City’s Land Acquisition Program, the City’s watershed regulations, and the other programs and conditions contained in this agreement, when implemented in conjunction with one another, would allow existing development to continue and future growth to occur in a manner that is consistent with the existing community character and planning goals of each of the watershed communities; and that the City’s land acquisition goals ensure that the availability of developable land in the watershed will remain sufficient to accommodate projected growth without anticipated adverse effect on water quality and without substantially changing future population patterns in the watershed communities;” and

WHEREAS, in the MOA and under Section 2 of the 1997 Water Supply Permit, the Land Ownership Program was limited to a 15-year period (1997 through 2012) funded up to

\$300,000,000. In Section 62 of the MOA, the City reserved its right to seek additional land ownership and the Watershed Communities (as a party to the MOA) “retain their full legal rights with respect to such request by the City.” Any such ownership expansion would be pursuant to a new permit application – not a renewal; and

WHEREAS, in order to secure each parties rights under the MOA, the parties agreed in Section 180 that the MOA could not “be amended in a manner that diminishes the rights of any Party without the written consent of such Party;” and

WHEREAS, the watershed community rights under the MOA include, but are not limited to the following:

- a. The right to be a part of a “partnership [with the City] to cooperate in the development and implementation of a **watershed protection program** that maintains and enhances ... the economic vitality and social character of the watershed communities.”
- b. The right to a Watershed Protection Program that “when implemented in conjunction with one another, would allow existing development to continue and future growth to occur in a manner that is consistent with the existing community character and planning goals of each of the watershed communities.”
- c. The right to consent (or not consent) to any expansion of “controls” within the Watershed Protection Program that potentially diminishes the communities’ rights contained in the MOA including the Watershed Protection Program created and modified thereunder (Section 180); and

WHEREAS, under the MOA, the City has an obligation to partner **with the watershed communities** in the development and implementation of a “**watershed protection program** that maintains and enhances the economic vitality and social character of the watershed communities.” The modifications to the **watershed protection programs** must be designed to “allow existing development to continue and future growth to occur in a manner that is consistent with the existing community character and planning goals of each of the watershed communities.” The MOA is a partnership agreement and changes to the partnership agreement that diminishes a partner’s right thereunder require the consent of the impacted partner; and

WHEREAS, Delaware County has concluded that the best way to ensure compliance with Section 180 of the MOA is for the City and the interested watershed communities whose rights are potentially diminished (and/or their representatives) to negotiate an enforceable agreement on modifications to the Watershed Protection Program that allows an expansion of the land acquisition program consistent with the MOA; and

WHEREAS, the City has confirmed its intent to pursue the expansion of ownership control within the Watershed Protection Program (i.e., the Proposal) is condition on negotiating with the interested watershed communities whose rights are potentially diminished (and/or their representatives) an enforceable agreement on modifications to the Watershed Protection Program

that allows an expansion of the land ownership consistent with the MOA and the watershed communities rights under the MOA.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors stays its appeal/petition seeking lead agency status and directs the Department of Planning to pursue negotiations on behalf of the County and its impacted watershed communities of a fourth side agreement consistent with the terms and conditions of the 1997 MOA and consistent with the Board of Supervisors prior land acquisition resolutions and Resolution No. 162 of 2021.

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

Upon a motion, the meeting was adjourned at 2:45 p.m.