

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

AUGUST 28, 2024

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, August 28, 2024, at 1:03 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. Driscoll, Mrs. Scott and Mr. Hinkley. Mr. Ellis arrived shortly after roll call.

Mr. Marshfield offered the invocation.

Mr. Kelso 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 Merrill. Mr. Merrill introduced District Attorney Shawn Smith. DA Smith introduced Anthony Miller from Advent eLearning to present an overview of the Advent Traffic Diversion Program.

Advent Traffic Diversion Program would allow defendants of approved traffic violation to have an alternative to going to court. The defendant would be able to apply for the program and if approved, pay a fee and take a driving course rather than go to court. This is all done online and would not require them to appear in person, saving the defendant time, travel and cost. This program would reduce the caseload for the District Attorney's office letting them focus on more serious cases. Advent Traffic Diversion Program would reduce costs associated with prosecution of traffic violations, while increasing efficiencies, participation and compliance. The use of traffic courses has shown to help reduce recidivism. The county would benefit from an increase in revenue while reducing workload for District Attorney's office at no cost to the county.

In reply to Mr. Marshfield, District Attorney Shawn Smith explained that there is currently a mail in system in which an Assistant District Attorney would review the charges and the driver's information. The Assistant District Attorney would then offer a plea or inform the individual that they would have to go to court. Mr. Smith estimates that there are approximately 6,000 cases per year that could be converted into this program. He explained the program would only be for minor traffic charges.

In reply to Supervisor Smith, District Attorney Shawn Smith stated that the judges have the option to be part of this or to continue as they are now. Some judges are on board with it, but

Mr. Smith feels that more will join after it is up and running. The tickets are submitted to the courts and the District Attorney's office would communicate with the court that the ticket has been satisfied by taking the courses. Currently judges are not allowed to do anything if fines are not paid, however this program will not allow the defendant to continue the process until the fees have been paid.

Assistant District Attorney Schuyler Kinneman said that he has spoken with many of the judges, many of whom are interested in this program, but some will continue as they are now. The judges questioned what type of offenses would this program cover, what it would do to their caseload and will it eliminate town court. It is not the intention of the District Attorney's office to eliminate or exclude the town court but to work with them.

Mr. Smith responded to Supervisor Smith that all money received through fees would stay in the county instead of sending surcharges to the state.

In reply to Mr. Marshfield, Mr. Smith stated that Advent would collect the fees and send them to the county. The fees are to be determined by the county as well as how it would be distributed to the towns and villages. The only cost is the price of the courses which would be covered by the fee paid by the participant.

In reply to Supervisor Faulkner the participant cannot move forward with the program without paying the fee and then would have to go to court. When the course is completed, a notification is sent to the court from the District Attorney's office. The process can be completed in one day.

Mr. Gladstone stated Public Safety Committee will discuss the program and if approved plan to introduce a resolution at the next Board meeting.

The Board thanked DA Smith and Mr. Miller.

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

RESOLUTION NO. 125

**TITLE: 2024 BUDGET AMENDMENT
ACCEPTANCE OF HEALTHCARE WORKER BONUS
SHERIFF'S OFFICE**

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

WHEREAS, Delaware County Sheriff's Office is a qualified employer and is required to claim the bonus for their employees; and

WHEREAS, qualified employee must be "front line health care and mental hygiene practitioners, technicians, assistants and aides that provide hands on health or care services to

individuals.”

NOW, THEREFORE, BE IT RESOLVED that the 2024 Budget be amended as follows:

INCREASE REVENUE:

10-13150-43349927	State Healthcare Worker Revenue	\$538.25
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INCREASE APPROPRIATIONS:

10-13150-51000000	Personal Services	\$500.00
10-13150-58300000	Social Security Employer Contribution	\$31.00
10-13150-58900000	Medicare Employer Contribution	\$7.25

The resolution was seconded by Mr. Ellis and adopted by the following vote: Ayes 178, Noes 0, Absent 22 (Driscoll, Scott, Hinkley).

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

RESOLUTION NO. 126

**TITLE: 2024 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 these funds in 2024.

NOW, THEREFORE, BE IT RESOLVED that the 2024 Budget be amended as follows:

INCREASE REVENUES:

10-14310-43349927	State Healthcare Worker Rev.	\$1,614.75
10-14312-43349927	State Healthcare Worker Rev	\$1,614.75

INCREASE APPROPRIATIONS:

10-14310-51000000	Personal Services	\$1,500.00
10-14310-58300000	Social Security Employer Contribution	\$93.00
10-14310-58900000	Medicare Employer Contribution	\$21.75

10-14312-51000000	Personal Services	\$1,500.00
10-14312-58300000	Social Security Employer Contribution	\$93.00
10-14312-58900000	Medicare Employer Contribution	\$21.75

The resolution was seconded by Mr. Marshfield and Mr. Vernold and adopted by the following vote: Ayes 178, Noes 0, Absent 22 (Driscoll, Scott, Hinkley).

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

RESOLUTION NO. 127

**TITLE: 2024 BUDGET ADMENDMENT
NON-RESIDENTIAL DOMESTIC VIOLENCE EXPANSION
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Delaware County Department of Social Services is the designated local agency to administer the County’s Non-Residential Domestic Violence program for 2024-2025; and

WHEREAS, said monies are to be utilized for the expansion of Non-Residential Domestic Violence services to persons with incomes up to 200% of the poverty level; and

WHEREAS, said monies are to be utilized to reimburse the County at 100% of its expenditures.

NOW, THEREFORE, BE IT RESOLVED that the 2024 Budget be amended as follows;

INCREASE REVENUE:

10-16010-44461000	Federal Social Services Administration	\$25,000.00
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INCREASE APPROPRIATION:

10-16010-54427010	DV Non-Res Expanded	\$25,000.00
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Mr. Marshfield specified that this is fully reimbursable.

The resolution was seconded by Mr. Faulkner and adopted by the following vote: Ayes 178, Noes 0, Absent 22 (Driscoll, Scott, Hinkley).

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

RESOLUTION NO. 128

**TITLE: 2024 BUDGET AMENDMENT
TRANSFER OF FUNDS
PROBATION DEPARTMENT**

WHEREAS, Delaware County Probation Department is a core component of the law enforcement and public safety programs in Delaware County; and

WHEREAS, members of the Probation Department have been trained and licensed as pilots for unmanned aerial systems; and

WHEREAS, there is a need for Probation Department pilots to engage in and continuously participate in necessary training in the use and flight operations of an unmanned aerial system; and

WHEREAS, funding is needed by the Probation Department for the acquisition of an unmanned aerial system to facilitate necessary training opportunities.

NOW, THEREFORE, BE IT RESOLVED that the 2024 Budget be amended as follows:

TRANSFER FROM:

10-13140-54397700	Lease-Vehicles	\$2,502.20
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TRANSFER TO:

10-13140-52200000	Equipment	\$2,502.20
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The resolution was seconded by Mr. Vernold and adopted by the following vote:
Ayes 178, Noes 0, Absent 22 (Driscoll, Scott, Hinkley).

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

RESOLUTION NO. 129

**TITLE: 2024 BUDGET AMENDMENT
TRANSFER OF FUNDS
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the following 2024 Appropriation accounts are in need of funds:

NOW, THEREFORE, BE IT RESOLVED that the 2024 Budget be amended as follows:

TRANSFER FROM:

10-16010-51000000	Personal Services	\$60,000.00
10-16145-54000000	RTA Contractual	\$350,000.00
10-16145-54575000	RTA Services Recipients	\$130,000.00
10-16145-54313150	RTA Foster Child Care	\$675,000.00
10-16145-54372000	RTA Juvenile Delinquents	\$110,000.00

TRANSFER TO:

10-16055-54200025	Day Care Services	\$425,000.00
10-16119-54313150	Foster Care	\$720,000.00
10-16119-54313151	Committee Special Education	\$180,000.00

Mr. Marshfield explained the need to transfer funds from the Raise the Age accounts to Daycare, Foster Care and CSE accounts. The number of children that require special services has increased. There are seven or eight children who are now in residential care, which is more expensive. These children cannot be housed in the traditional programs. CSE was budgeted for three children but now has four, at a cost of \$200,000-\$250,000 per child per year. The income eligibility for daycare services has been raised. More families that are now qualified are taking advantage of that service. There are currently 80-85 children that are in foster care.

The resolution was seconded by Mr. Vernold and adopted by the following vote: Ayes 178, Noes 0, Absent 22 (Driscoll, Scott, Hinkley).

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

RESOLUTION NO. 130

**TITLE: CHANGE ORDER NO. 1 & 2 OF PROPOSAL NO. 27-22
REPLACEMENT OF THE ARBOR HILL ROAD BRIDGE OVER THE LITTLE
DELAWARE RIVER, BIN 3352240, TOWN OF DELHI,
COUNTY OF DELAWARE PIN 9752.97, LD036413
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Proposal No. 27-22, "Replacement of the Arbor Hill Road Bridge over the Little Delaware River, BIN 3352240, Town of Delhi, Delaware County, PIN 9752.97, LD036413" was awarded to Vector Construction Inc., 6364 Island Road, Cicero, NY 136039 for the bid amount of \$4,218,920.75; and

WHEREAS, the project has progressed nicely; and

WHEREAS, Change Order No. 1 addresses a change made to the concrete formula to give an improved final product at an increase of \$2,370.00; and

WHEREAS, Change Order No. 2 addresses a no cost change to the asphalt quantities required for the project.

NOW, THEREFORE, BE IT RESOLVED that the Department of Public Works is herewith authorized to execute Change Orders No. 1, increasing the project total by \$2,370.00 to \$4,221,290.75 and No. 2 making the required quantity adjustments to the asphalt at no additional cost.

The resolution was seconded by Mr. Ellis and Mr. Cetta and adopted by the following vote: Ayes 178, Noes 0, Absent 22 (Driscoll, Scott, Hinkley).

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

RESOLUTION NO. 131

**TITLE: AUTHORIZATION FOR DISPOSITION OF PERSONAL PROPERTY
NO LONGER NECESSARY FOR PUBLIC USE
DEPARTMENT OF PLANNING AND WATERSHED AFFAIRS**

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 Planning and Watershed Affairs is authorized to sell by trade-in or online auction or dispose of as unserviceable the following item:

<u>Dept. Vehicle No.</u>	<u>Description</u>	<u>Serial Number/VIN</u>
PLN 7	2010 Ford Fusion	3FAHP0GA9AR285737

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

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

RESOLUTION NO. 132

**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 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>
DPW 362	2006 International 4300	1HTMMAAN47H412233
DPW 963	2006 Bandit Chipper	4FMUS15186R021693
COMPOST	Four (4) 40 Yd Open Top Boxes	

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

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

RESOLUTION NO. 133

**TITLE: PROCLAMATION IN RECOGNITION OF SHERIFFS' WEEK
SEPTEMBER 15 - 21, 2024**

WHEREAS, the Office of Sheriff has been an integral part of the criminal justice system in New York State and in Delaware County throughout our history, having been established in the State's first Constitution in 1777 and having been continued in every succeeding Constitution, and having been one of our original Constitutional offices upon the founding of our County; and

WHEREAS, despite changes in its function, status and powers during its long history, the Office of Sheriff has maintained a continuous existence, preserved its distinguishing heritage, and continued to be an essential component of our criminal justice community; and

WHEREAS, the Office of Sheriff has evolved into a modern, professional, full-service law enforcement and corrections agency, manned by well-trained police officers and correctional officers, using state-of-the-art technology and applying the latest and most advanced theories and practices in the fields of law enforcement and corrections; and

WHEREAS, the Office of Sheriff is unique in the community, and the duties of the Office go far beyond the traditional role of "Keeper of the Peace," and extend into many facets of public service beyond law enforcement and corrections, to include providing security in our courts, dispatching emergency services, and handling the civil process for our courts; and

WHEREAS, as a constitutionally empowered Office directly responsible to the People, the ancient Office of Sheriff remains, even today, responsive and accountable to the public it serves; and

WHEREAS, it is fitting to celebrate the historical contributions of the Office of Sheriff and the significant role that the Sheriffs play in our modern criminal justice system.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors does hereby recognize the important services provided to the citizens of this County by Sheriff Craig S. DuMond and the members of the Sheriff's Office, and do hereby proclaim September 15th to 21st, 2024 to be Sheriffs' Week in Delaware County.

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

Mr. Gladstone remarked that we are very fortunate to have a dedicated Sheriff's Office and they deserve the recognition. Sheriff DuMond thanked the Supervisors for their support

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

RESOLUTION NO. 134

**TITLE: COOPERATIVE AGREEMENT WITH THE TOWN OF BOVINA
FOR ASSESSMENT SERVICES**

WHEREAS, Real Property Tax Law (RPTL) Section 1537(4) authorizes municipalities which have adopted a resolution subject to permissive referendum providing for a single appointed assessor to enter into an agreement with counties for assessment services; and

WHEREAS, the County Real Property Tax Service Office employs a staff member who is qualified to act as a local assessor for towns; and

WHEREAS, the Town has requested that the County enter into a municipal cooperation agreement to provide for an employee of the County Real Property Tax Service Office to provide assessment services to the Town, and the County is able to provide such services by designating an employee of the County Real Property Tax Service Office to act as the Town's sole assessor; and

WHEREAS, copies of the aforementioned proposed municipal cooperation agreement have been laid upon the desks of each member of the Delaware County Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors hereby authorizes the Chairman of the Board to enter into a contract known as the Cooperative Agreement with the Town of Bovina for Assessment Services.

Chairman Molé reply to Mr. Smith this is a pilot program that the town of Bovina is trying out. The town has been unsuccessful at finding an assessor. Bovina is asking the county as trial run for two years to take over the town assessing. That contract does not include reevaluations or Pictometry. Bovina is the first town going into this agreement will pay the county what would normally be paid to an assessor hired by the town. Currently Bovina will be paying the county \$18,600.00. As other towns voluntary join into this program the cost will be reevaluated to a per parcel charge so that it is equal amongst the towns. This could be a county wide option, but it is only voluntary. It is not the intention to make it a county wide requirement.

The resolution was seconded by Mr. Vernold and adopted by the following vote: Ayes 178, Noes 0, Absent 22 (Driscoll, Scott, Hinkley).

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

RESOLUTION NO. 134A

TITLE: EXECUTIVE SESSION

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

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

The meeting reconvened in regular session with all Supervisors present except Mrs. Driscoll, Mrs. Scott and Mr. Hinkley

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

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

RESOLUTION NO. 135

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$2,446,342.85 were hereby presented to the Finance Committee for approval for payment on August 14, 2024 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	\$2,085,042.50
OET	\$15,417.65
Public Safety Comm System	\$0.00
Insurance Risk	\$0.00
CAP 97 Main	\$0.00
CAP MH	\$0.00
CAP DSS	\$263,712.47
Highway Audits, as Follows:	
Weights & Measures	\$0.00
Solid Waste/Landfill	\$33,279.99
Road	\$39.01
Machinery	\$44,682.85
Capital Solid Waste	\$0.00
Capital Road & Bridge	\$0.00
CAP DPW Complex	\$4,168.38

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s

office in the amount of \$4,555,279.54 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	\$1,006,121.58
OET	\$17,454.49
Public Safety Comm System	\$0.00
Insurance Risk	\$0.00
CAP 97 Main	\$0.00
CAP MH	\$0.00
CAP DSS	\$8,984.99
Highway Audits, as Follows:	
Weights & Measures	\$224.61
Solid Waste/Landfill	\$159,121.78
Road	\$1,839,235.97
Machinery	\$88,019.43
Capital Solid Waste	\$12,299.85
Capital Road & Bridge	\$1,273,493.67
CAP DPW Complex	\$150,323.17

The resolution was seconded by Mr. Kosier and adopted by the following vote:
Ayes 178, Noes 0, Absent 22 (Driscoll, Scott, Hinkley).

Upon a motion, the meeting was adjourned at 2:58 p.m.