

COMMITTEE APPROVAL
BY: Wayland Gladstone
DATE: 10/2/2025
BY PHONE: BY EMAIL: IN PERSON: √
PREFILED: √ NOT-PREFILED:

RESOLUTION NO. 164

**TITLE: 2025 BUDGET AMENDMENT
POLICE TRAFFIC SERVICES PROGRAM GRANT
SHERIFF'S OFFICE**

WHEREAS, the Sheriff's Office has been successful in securing grant funds with which to participate in the statewide Police Traffic Services Program; and

WHEREAS, the Sheriff's Office agrees to participate in the "Statewide Police Traffic Services Program", the goal of which is to increase seat belt usage and reduce dangerous driving behaviors in an effort to reduce serious injury and death from traffic crashes; and

WHEREAS, involvement will include using dedicated overtime enforcement hours to participate in joint checkpoints with the State Police or other agencies where practical, or independently, in the waves of high-visibility enforcement planned throughout the year; and

WHEREAS, participation in this program will result in the award of a grant in the amount of \$11,729.00 to be used to pay the salaries of the road patrol deputies participating in this program. Said program runs from October 1st, 2025 through September 30th, 2026.

NOW, THEREFORE, BE IT RESOLVED that the 2025 Budget be amended as follows:

INCREASE REVENUE:

10-13310-43338900/3310009/907	State OTR Public Safety	\$11,729.00
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INCREASE APPROPRIATION:

10-13310-51327000/3310009/907	Personal Services	\$11,729.00
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COMMITTEE APPROVAL
BY: Joe Cetta
DATE: 10/3/2025
BY PHONE: BY EMAIL: √ IN PERSON:
PREFILED: √ NOT-PREFILED:

RESOLUTION NO. 165

**TITLE: 2025 BUDGET AMENDMENT
TRANSFER OF FUNDS
DEPARTMENT OF MENTAL HEALTH**

WHEREAS, Delaware County Mental Health requests that Opioid Funds be transferred for the purchase of a Vein Visualization System; and

WHEREAS, funds need to be transferred from Opioid Contractual to Opioid Equipment.

NOW, THEREFORE, BE IT RESOLVED that the 2025 Budget be amended as follows:

TRANSFER FROM:

10-14317-54586000/132890/887	Opioid Contractual	\$5,699.00
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TRANSFER TO:

10-14317-52200004/1327890/887	Opioid Equipment	\$5,699.00
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COMMITTEE APPROVAL
BY: George Haynes
DATE: 9/17/2025
BY PHONE: ☒ BY EMAIL: IN PERSON:
PREFILED: ☒ NOT-PREFILED:

RESOLUTION NO. 166

**TITLE: APPROPRIATION OF SURPLUS
SOLID WASTE FUND
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the 2025 Solid Waste Budget is insufficient as budgeted due to unforeseen expenses; and

WHEREAS, a transfer from the Solid Waste Fund Balance is necessary.

NOW, THEREFORE, BE IT RESOLVED that the following 2025 Budget modification be made:

DECREASE FUND BALANCE:

22-00000-34915000	Assigned Unappropriated Fund Balance	\$250,000.00
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INCREASE APPROPRIATIONS:

22-18160-54238040	Disposal of Leachate	\$211,000.00
22-18160-54545000	Propane Gas	\$1,500.00
22-18160-54595000	Supplies	\$37,500.00

COMMITTEE APPROVAL
BY: George Haynes
DATE: 9/17/2025
BY PHONE: √ BY EMAIL: IN PERSON:
PREFILED: √ NOT-PREFILED:

RESOLUTION NO. 167

TITLE: CHANGE ORDER NO. 2 OF PROPOSAL SW2-24 RECLAMATION OF EXISTING CELL 1 DEPARTMENT OF PUBLIC WORKS

WHEREAS, Resolution No. 179 of 2024 authorized the award of Proposal No. SW 2-24 Reclamation of Existing Cell 1 to Byler Excavating, LLC., for the bid amount of \$2,477,940.00; and

WHEREAS, Resolution No. 105 of 2025 authorized change order No. 1 for a net decrease of \$6,818.50, bringing the contract to \$2,471,121.50; and

WHEREAS, the project is complete, and final quantities have been agreed upon; and

WHEREAS, work directive #3 has been completed resulting in an increase of \$53,621.78; and

WHEREAS, adjustments have been made to bid quantities, resulting in a decrease of \$392,226.00; and

WHEREAS, this results in a net decrease of \$338,604.22.

NOW, THEREFORE, BE IT RESOLVED that the Department of Public Works is herewith authorized to execute Change Order No. 2 for Proposal SW2-24 decreasing the Contract Amount by \$338,604.22 to \$2,132,517.28.

COMMITTEE APPROVAL
BY: George Haynes
DATE: 10/1/2025
BY PHONE: √ BY EMAIL: IN PERSON:
PREFILED: √ NOT-PREFILED:

RESOLUTION NO. 168

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

WHEREAS, Delaware County Department 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 on-line 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 on-line 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.

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REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

SEPTEMBER 24, 2025

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, September 24, 2025, at 1:00 p.m. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York, Chairman Tina B. Molé presiding.

The Clerk called the roll and all Supervisors were present except Mr. Gladstone, Ms. Boukai, and Mr. Ellis.

Reverend Brett White offered the invocation.

Mr. Smith led the Board in the Pledge of Allegiance to the Flag.

The minutes of the previous Board meeting were accepted as presented.

Mr. Merrill nominated James Ellis for Vice Chairman. The nomination was seconded by Mr. Layton and James Ellis was unanimously re-elected as Vice Chairman.

The Clerk noted that all communications received have been referred to their respective committees for review.

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

RESOLUTION NO. 149

**TITLE: PROCLAMATION IN RECOGNITION OF SHERIFF'S WEEK
SEPTEMBER 14 - 20, 2025**

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 do 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 14th to 20th, 2025 to be Sheriffs’ Week in Delaware County.

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

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

RESOLUTION NO. 150

TITLE: 2025 BUDGET AMENDMENT ACCEPTANCE OF SNAP ED FUNDING OFFICE FOR THE AGING

WHEREAS, the Office for the Aging has been granted \$148,184.00 from New York State to provide nutrition information through the Seniors’ Health Improvement & Nutrition Education (SNAP ED) program; and

WHEREAS, the program has been designed to break the state up in area clusters for the provision of service; and

WHEREAS, there are residents who struggle with proper nutrition and obesity; and

WHEREAS, this funding will be used to provide nutrition education through direct education, workshops, and various other events through Delaware, Greene and Sullivan Counties.

NOW, THEREFORE, BE IT RESOLVED that the 2025 Budget be amended as follows:

INCREASE REVENUE:

10-16772-43377200/6772067/977	State Programs for Aging	\$148,184.00
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INCREASE APPROPRIATIONS:

10-16772-54327470/6772067/977	General Nutritionist	\$18,283.00
10-16772-54327200/6772067/977	Grant Contractual	\$78,500.00
10-16772-54327625/6772067/977	Grant Travel	\$2,100.00
10-16772-54327595/6772067/977	Grant Supplies	\$21,800.00
10-16772-54565140/6772067/977	Rent/Lease Moveable	\$3,300.00
10-16772-54327000/6772067/977	General Grant Related Exp.	\$24,201.00

The resolution was seconded by Mr. Marshfield and adopted by the following vote:
Ayes 166, Noes 0, Absent 34 (Gladstone, Boukai, Ellis).

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

RESOLUTION NO. 151**TITLE: 2025 BUDGET AMENDMENT
TRANSFER OF FUNDS
DEPARTMENT OF MENTAL HEALTH**

WHEREAS, Delaware County inmates have been deemed incapacitated to meaningfully participate in their criminal defense proceedings and require care from a NYS Psychiatric hospital; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the 2025 Budget be amended as follows:

TRANSFER FROM:

10-11990-54900000	Contingency	\$101,829.42
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TRANSFER TO:

10-14390-54535420	Professional Fees Psychiatric	\$101,829.42
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The resolution was seconded by Mr. Vernold.

Mr. Cetta relayed information from Director of Community Health Doug Elston who said over the last year two individuals have been placed in inpatient hospitalization. Mr. Cetta said one individual was released last week, and the other individual will potentially be released by the end of October. Mr. Cetta said the next payment should be reduced by half.

The resolution was unanimously adopted.

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

RESOLUTION NO. 152

TITLE: AN AGREEMENT BETWEEN THE TOWN OF DELHI, COUNTY OF DELAWARE AND THE DELAWARE ACADEMY CENTRAL SCHOOL TAX CERTIORARI PROCEEDINGS: SAPUTO CHEESE USA AND BURDKIDZ, LLC

WHEREAS, a tax certiorari proceeding has commenced against the Town of Delhi challenging its assessment; and

WHEREAS, any change in assessment could impact governmental operations and tax rates of the County, Town and School District; and

WHEREAS, the County previously adopted Resolution No. 168, dated September 24, 2014, setting forth the standards and process by which it may choose to participate in litigation challenging Real Property tax assessments in the County; and

WHEREAS, those standards and processes have been met; and

WHEREAS, the Town of Delhi, the County of Delaware and the Delaware Academy Central School District at Delhi, will reach an Agreement regarding the payment and reimbursement of the costs incurred as a result of said proceeding that is fair and equitable.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board of Supervisors is hereby authorized to enter into an Intermunicipal Agreement that has been agreed upon by the aforementioned taxing jurisdictions regarding such litigation.

The resolution was seconded by Mr. Vernold.

In response to Mr. Marshfield, Economic Development Director Glenn Nealis said Burdkidz, LLC owns the Price Chopper Plaza located at 3 Main Street, Delhi.

The resolution was unanimously adopted.

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

RESOLUTION NO. 153

TITLE: REAPPOINTMENT OF DIRECTOR OF REAL PROPERTY TAX SERVICES II

BE IT RESOLVED that in accordance with §1530 of the Real Property Tax Law, Sherri Falcone is hereby reappointed as Director of Real Property Tax Services II for a six-year term of office effective October 1, 2025, and ending September 30, 2031, at the salary contained in the budget.

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

Mr. Kosier introduced Local Law Intro. No. 2 of 2025 to authorize 12- and 13-Year Old Licensed Hunters.

LOCAL LAW INTRO. NO. 2 OF 2025

LOCAL LAW AUTHORIZING 12- AND 13-YEAR-OLD LICENSED HUNTERS TO HUNT DEER WITH A FIREARM OR CROSSBOW DURING HUNTING SEASON WITH THE SUPERVISION OF AN ADULT LICENSED HUNTER

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

Section 1. Legislative Intent

The intent of this Local Law is to authorize Delaware County to permit 12- and 13-year-old individuals to continue to participate in the hunting opportunities in accordance with Environment Conservation Law § 11-0935. In 2021, New York State established a pilot program, allowing young hunters, ages 12 and 13, to hunt deer with firearms and crossbow through 2025 if a county authorizes such action within their municipality. The State recently extended the pilot program through 2028. Delaware County passed a local law in 2024 to allow youth hunters to participate in the pilot program through 2025 and is passing this local law to extend the County's participation in this program through December 31, 2028.

Section 2. Pilot Program Authorization

Pursuant to Environmental Conservation Law, ECL 11-0935, Delaware County elects to continue to participate in the program to allow for young hunters, ages twelve (12) and thirteen (13), to hunt deer with a firearm, to include rifles, shotguns, and muzzle loaded firearms or crossbow through 2028.

Section 3. State Requirements to Adhere Once Authorized

Twelve (12) and thirteen (13) year-old licensed hunters shall be allowed to hunt deer with the following requirements to be followed:

- Twelve (12) and thirteen (13) year old licensed hunters shall be under the supervision of a licensed adult hunter, age 21 years or older, with a rifle, shotgun, or muzzle loading firearm in areas where and during the hunting season in which such firearms may be used; and

- Twelve (12) and thirteen (13) year old licensed hunters shall be allowed to hunt deer under the supervision of a licensed adult hunter, age 21 years or older, with a crossbow during the times when other hunters may use crossbows; and
- Supervision of a licensed adult hunter, age twenty-one (21) years or older, with at least three (3) years of experience who exercises dominion and control over the youth hunter at all times is required; and
- All licensed twelve (12) and thirteen (13) year-old hunters as well as their adult supervisors shall be required to wear fluorescent orange or pink clothing while engaged in hunting to an extent and covering so designated pursuant to the law, rules, and regulations promulgated by the State of New York; and
- All licensed twelve (12) and thirteen (13) year-old hunters shall remain at ground level while hunting deer with a crossbow, rifle, shotgun, or muzzleloader; and
- Notwithstanding any State or Federal Law to the contrary, this local law shall not authorize the hunting of bear by twelve (12) and thirteen (13) year-olds with a firearm or crossbow.

Section 4. Local Law Filing Requirements

A copy of this local law shall be sent to the New York State Department of Conservation as well as the NYS Department of State

Section 5. Severability

If any clause, sentence, paragraph, subdivision, section or part of this law, or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon filing and publication in accordance with Section 27 of the Municipal Home Rule.

Mr. Kosier said the youth hunting program has been enacted in the past as a pilot program and has gone well. Mr. Kosier said youth hunters are required to complete a hunter's safety course, making them safer hunters and they hunt with an adult. This opportunity is met with great enthusiasm.

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

RESOLUTION NO. 154

TITLE: PUBLIC HEARING ON LOCAL LAW INTRO. NO. 2 OF 2025 LOCAL LAW AUTHORIZING 12- AND 13-YEAR-OLD LICENSED HUNTERS TO HUNT DEER WITH A FIREARM OR CROSSBOW DURING HUNTING SEASON WITH THE SUPERVISION OF AN ADULT LICENSED HUNTER

WHEREAS, a proposed local law authorizing 12- and 13-year-old licensed hunters to hunt deer with a firearm or crossbow during hunting season with the supervision of an adult licensed hunter in Delaware County has been offered for adoption by the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held on the 8th day of October 2025 at 1:05 p.m. at the Delaware County Office Building located at 111 Main Street, Delhi, New York.

The resolution was seconded by Mrs. Driscoll and unanimously adopted.

Ms. Molé reiterated the public hearing will be held on Wednesday, October 8 in the Supervisors' meeting room at 1:05 p.m.

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

RESOLUTION NO. 155

TITLE: DESIGNATION OF DELAWARE COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT AS TOURISM PROMOTION AGENCY FOR DELAWARE COUNTY FOR 2026 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 2026 program.

The resolution was seconded by Mrs. Driscoll and unanimously adopted.

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

RESOLUTION NO. 156

TITLE: AUTHORIZATION FOR DISPOSITION OF PERSONAL PROPERTY NO LONGER NECESSARY FOR PUBLIC USE VETERANS SERVICE AGENCY

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 Veterans Service Agency is authorized to sell by trade-in, on-line auction or for scrap the following item:

<u>Dept. Vehicle No.</u>	<u>Description</u>	<u>Serial Number/VIN</u>
VA 432	2018 Toyota Sienna	5TDJZ3DC0JS194950

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

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

RESOLUTION NO. 157

TITLE: A PROCLAMATION CELEBRATING NATIONAL 4-H WEEK OCTOBER 5-11, 2025

WHEREAS, this year's National 4-H Week theme, "Beyond Ready," reminds us that 4-H is building a ready generation in a world of change and equips young people with skills for the future while meeting them where they are today; and

WHEREAS, 4-H is America's largest youth development organization, supporting six million youth across the country; and

WHEREAS, 4-H programs are delivered by the Cooperative Extension System—a community of more than 100 public land-grant colleges and universities across the Nation—that provides experiences for young people to learn by doing; and

WHEREAS, 4-H is in every city and county in the United States and helps 6 million youth become engaged, successful and independent; and

WHEREAS, 4-H connects young people and adults to their communities, preparing them for work and life through experiential and inquiry-based learning while providing emerging research for positive youth development; and

WHEREAS, expanding from its strong agricultural roots, 4-H helps young people explore the world around them and grow into productive adults; and

WHEREAS, supporting future leaders in science, agriculture and community leadership is an important imperative for U.S. Department of Agriculture National Institute of Food and Agriculture 4-H program.

NOW, THEREFORE, BE IT RESOLVED The Delaware County Board of Supervisors, does hereby proclaim October 5–11, 2025 as NATIONAL 4-H WEEK throughout Delaware County, and encourages all our citizens to recognize 4-H for the significant impact it has made and continues to make by empowering youth with the skills they need to lead for a lifetime.

The resolution was seconded by Mrs. Driscoll and unanimously adopted.

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

RESOLUTION NO. 157A

TITLE: EXECUTIVE SESSION

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

The resolution was seconded by Mrs. Driscoll and unanimously adopted.

The meeting reconvened in regular session with all Supervisors present except Mr. Gladstone, Ms. Boukai, Mr. Ellis, and Mr. Kelso who left part-way through executive session.

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. 158

**TITLE: 2025 BUDGET AMENDMENT
TRANSFER OF FUNDS
TREASURER'S OFFICE**

WHEREAS, the Treasurer's Office has been actively and successfully collecting delinquent taxes, resulting in a significant increase in payments by taxpayers; and

WHEREAS, our credit card company recently increased its fees; and

WHEREAS, a large share of the tax payments have been made with credit card transactions; and

WHEREAS, the increased volume of these electronic transactions and the fee increases resulted in merchant service fees exceeding the amount originally budgeted.

NOW, THEREFORE, BE IT RESOLVED that the 2025 Budget be amended as follows:

TRANSFER FROM:

10-11325-51000000	Personal Services	\$50,000.00
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TRANSFER TO:

10-11325-54304000/8906401/909	Fees - Credit Cards	\$50,000.00
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The resolution was seconded by Mr. Cetta.

Ms. Walley questioned whether the county applies a fee when someone pays with a credit card. In response, Mr. Merrill explained the county does impose a credit card fee, but the timeline to pay the credit card bills differs from collected tax payments, requiring the transfer.

The resolution was adopted by the following vote: Ayes 153, Noes 0, Absent 47 (Gladstone, Kelso, Boukai, Ellis).

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

RESOLUTION NO. 159

**TITLE: 2025 BUDGET AMENDMENT
TRANSFER OF FUNDS
LEGAL AID TO INDIGENTS**

WHEREAS, the account line for professional attorneys is exhausted; and

WHEREAS, additional funding is needed in the professional attorney account.

NOW, THEREFORE, BE IT RESOLVED that the 2025 Budget be amended as follows:

TRANSFER FROM:

10-11990-54900000	Contingency	\$100,000.00
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TRANSFER TO:

10-11170-54535060	Professional Fees Attorney	\$100,000.00
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The resolution was seconded by Mrs. Driscoll and adopted by the following vote: Ayes 153, Noes 0, Absent 47 (Gladstone, Kelso, Boukai, Ellis).

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

RESOLUTION NO. 160

**TITLE: CHANGE ORDER NO. 1, PROPOSAL SW 3-25
LANDFILL RAIN COVER – CELLS 5 & 6**

WHEREAS, Proposal No. SW 3-25, “Landfill Rain Cover – Cells 5 & 6” was awarded to Chenango Contracting, Inc., 29 Arbutus Road, Johnson City, NY 13790 for the bid amount of \$762,162.50; and

WHEREAS, the final reconciliation has occurred, and the final quantities have been agreed upon resulting in a net decrease of \$92,042.50.

NOW, THEREFORE, BE IT RESOLVED that the Department of Public Works is herewith authorized to execute Change Order No. 1, reducing the final contract amount by \$92,042.50 to \$670,120.00.

The resolution was seconded by Mr. Kosier and adopted by the following vote: Ayes 153, Noes 0, Absent 47 (Gladstone, Kelso, Boukai, Ellis).

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

RESOLUTION NO. 161

TITLE: EXPANSION OF 4-H CAMP SHANKITUNK

WHEREAS, Delaware County owns the property upon which 4-H Camp Shankitunk operates, however, due to the success of the camp over the years, its expansion is butting against its boundaries; and

WHEREAS, the Dent Family, a long-time supporter of 4-H Camp Shankitunk and current neighbor, has offered property to the County to expand 4-H Camp Shankitunk beyond its current border; and

WHEREAS, Resolution No. 77, Expansion of 4-H Camp Shankitunk, allowed the purchase of the property being offered to the County as follows: more or less twelve (12) acres for the price of \$107,000.00. The Board of Supervisors authorized the Chairperson to sign the required documents; and

WHEREAS, since Resolution No. 77 was issued, an additional three acres, more or less, is planned to be purchased by Delaware County from the Dent Family for the price of \$21,000.00; and

WHEREAS, the total acreage to be purchased from the Dent Family is more or less fifteen (15) acres for the total price of \$128,000.00. In order to move forward with this revised purchase agreement, the Board of Supervisors must authorize the Chairperson to sign the required documents.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors authorizes the Chairperson to execute any and all documents to complete this purchase on behalf of the County.

The resolution was seconded by Mr. Wilson and adopted by the following vote: Ayes 153, Noes 0, Absent 47 (Gladstone, Kelso, Boukai, Ellis).

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

RESOLUTION NO. 162

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,156,194.86 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	\$910,270.31
OET	\$45,600.89
Public Safety Comm System	\$13,899.33
Insurance Risk	\$0.00
CAP 97 Main	\$5,816.81
CAP MH	\$3,380.68
CAP DSS	\$0.00
Highway Audits, as Follows:	
Weights & Measures	\$0.00
Solid Waste/Landfill	\$110,449.86
Road	\$3,382.32
Machinery	\$63,017.17
Capital Solid Waste	\$0.00
Capital Road & Bridge	\$377.49
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 \$1,007,652.65 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	\$695,283.94
OET	\$0.00
Public Safety Comm System	\$3,918.70
Insurance Risk	\$0.00
CAP 97 Main	\$0.00
CAP MH	\$22,649.54
CAP DSS	\$99.00
Highway Audits, as Follows:	
Weights & Measures	\$116.28
Solid Waste/Landfill	\$60,736.04

Road	\$7,307.36
Machinery	\$65,085.55
Capital Solid Waste	\$7,964.43
Capital Road & Bridge	\$63,724.56
Capital Solid Waste Improvements	\$34,147.92
CAP DPW Complex	\$46,619.33

The resolution was seconded by Mr. Vernold and adopted by the following vote:
Ayes 153, Noes 0, Absent 47 (Gladstone, Kelso, Boukai, Ellis).

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

RESOLUTION NO. 163

TITLE: PURSUANT TO MOA SECTION 85 THAT FUNDING FOR LOCAL WATERSHED PROTECTION AND PARTNERSHIP PROGRAMS CONTINUE TO BE A REQUIREMENT OF THE NYC LAND ACQUISITION PROGRAM PERMIT AND THAT PURSUANT TO MOA SECTION 180, DEP AGREE TO OBTAIN THE CONSENT OF THE COMMUNITIES AS A CONDITION PRECEDENT TO A TEN- YEAR EXPANSION OF ITS LAND ACQUISITION AUTHORITY

WHEREAS, Delaware County is home to 17 towns and 7 villages that are signatories to the 1997 New York City Watershed Memorandum of Agreement (1997 Watershed MOA); and

WHEREAS, the core tenant of the 1997 Watershed MOA is that local communities consented to the New York City Department of Environmental Protection (NYCDEP) Watershed Protection Program that included the Watershed Rules and Regulations (“WRR”) as set forth in MOA Article III, a 15-year land acquisition program as set forth in MOA Article II , and the locally administered Watershed Protection and Partnership Programs as set forth in MOA Article V; and

WHEREAS, when the MOA was being presented to the Towns and Villages for execution, a main focus of concern was the ability of the communities to enforce the funding terms of MOA Article V that were critical to their survival. To the communities, the MOA Articles II and III were a cliff – it allowed DEP to adopt and enforce the Watershed Rules and Regulations (“WRR”) that would potentially bankrupt their communities and allowed DEP to purchase large amounts of developable property to limit future development and sequester it in perpetuity. The communities believed that without the Article V Partnership Programs, the communities would not be sustainable; and

WHEREAS, Section 85 of the MOA was drafted to provide the communities with a tool to enforce the City’s funding obligations. Section 85 provides as follows:

85. Permit Conditions. (a) In order, in part, to provide additional security for the agreements set forth in Article V, the water supply permit for the land acquisition program issued pursuant to paragraph 58 shall be conditioned on the City

executing and maintaining valid and enforceable program contracts which include the terms and conditions required by Article V of this Agreement for the following programs: Catskill Watershed Corporation Funding (paragraph 120); SPDES Upgrades (paragraph 121); New Sewage Treatment Infrastructure Facilities (paragraph 122); Septic System Rehabilitations and Replacements (paragraph 124); Stormwater Retrofits (paragraph 125); Sand and Salt Storage Facilities (paragraph 126); WOH Future Stormwater Controls (paragraph 128); Alternate Design Septic Systems (paragraph 129); Public Education (paragraph 131); WOH Economic Development Study (paragraph 134); Catskill Fund for the Future (paragraph 135); Tax Consulting Fund (paragraph 136); Funding of the Watershed Protection and Partnership Council (paragraph 137); Watershed Planning in the Croton System (paragraph 138); Sewage Diversion Feasibility Studies (paragraph 139); EOH Water Quality Investment Program (paragraph 140); Upgrades to Existing WWTPs (paragraph 141); Phosphorus Controls in Cannonsville (paragraph 144); Payment of Costs and Expenses (paragraph 146); Good Neighbor Payments (paragraph 147); and Local Consultation on Land Acquisition (paragraph 148).

WHEREAS, as part of the 1997 presentations to the town boards in Delaware County to garner support for the communities' execution of the MOA, the communities were promised that once they accepted Article III (WRR) and Article II (a 15-year land acquisition program), that DEP could not delete partnership programs or add additional landowner controls (modifications to Articles II and III) **"in a manner that diminishes the rights of [a community] without the written consent of such [community]."** That promise was embodied in Section 180 of the MOA. Without Section 180, there would be no MOA. Section 180 of the MOA provides as follows:

180. Complete Agreement. This Agreement, including the annexed Attachments A through XX, represents the complete understanding of the Parties with respect to the terms of this Agreement and supersedes all inconsistent prior understandings and agreements with respect to such terms. This Agreement does not preclude future duly authorized written agreements between two or more of the Parties, provided that such future agreement does not diminish the rights of any other Party under this Agreement. **This Agreement cannot be amended in a manner that diminishes the rights of any Party without the written consent of such Party.**

WHEREAS, the 1997 presentation to the town boards included a cartoon showing the Coalition Chairman Perry Sheldon and the DEP Commissioner shaking hands but surrounded by and connected by chains. Sections 85 and 180 of the MOA were critical components of the chains.

WHEREAS, as confirmation of these MOA promises, pursuant to Environmental Conservation Law section 15-1503(4), NYSDEC determined as part of the 2010 Water Supply Permit that the Watershed Protection and Partnership Programs, including Catskill Watershed Corporation (CWC) programs, Watershed Agricultural Council, and the Stream Management Program "will foster cooperation with persons affected the land acquisition program and assure the LAP is just and equitable to all affected municipalities for their inhabitants and in particular

with regard to their present and future needs for sources of water supply;” and

WHEREAS, as confirmation of these MOA promises, the 2010 Water Supply Permit, NYSDEC required that pursuant to Environmental Conservation Law section 15-1503(4) NYCDEP fund CWC programs, the Watershed Agricultural Council, and the Stream Management Program (collectively Watershed Protection and Partnership Programs); and

WHEREAS, for the past three years, NYCDEP, the local communities and other stakeholders have been negotiating the terms and conditions of an expansion of the City land acquisition authority in MOA Article II to allow land acquisition during the period 2026 through 2035. (the land acquisition authorized under MOA Article II was limited to the 15-year period 1997 through 2012). As part of those negotiations, consistent with Section 180, in emails to all stakeholders dated September 25th and October 16th, 2023, the City agreed that “these discussions will be memorialized in a written agreement, similar to the agreements that were entered in conjunction with DEC’s issuance of the 2010 Water Supply Permit, and again in conjunction with the 2013 and 2016 modifications to that Permit.” In response to that commitment, on September 27th, 2023, the Delaware County Board of Supervisors passed Resolution No. 174 (attached and incorporated herein) instructing Delaware County Planning to stay the County appeal to the DEC Commissioner on the lead agency dispute and to proceed with negotiations of the 4th Side Agreement; and

WHEREAS the City has now informed local stakeholders that it is changing course. Delaware County Planning’s understanding of the City’s new plan is to negotiate with NYSDEC, behind closed doors, a new water supply permit. Once there is an agreement between DEP and DEC, DEC would proceed with the statutory process to issue the permit. DEP would be declared the lead agency under the State Environmental Quality Review Act and will, most likely, issue a negative declaration in due course. The new permit would reflect the terms agreed upon in the prior negotiations to the extent determined by DEC and DEP. The communities retain the right to oppose the permit (or some of its terms) in the permit proceeding; and

WHEREAS, upon information and belief, in a draft permit DEP submitted to DEC in September 2025, in violation of Paragraph 85 of the 1997 Watershed MOA, DEP limited its funding obligations/linkage to only those partnership programs required in future FADs; and

WHEREAS the partnership programs required in future FADs are determined by New York State Department of Health and DEP based upon the programs proposed by DEP in its FAD application. Informally, DEP has expressed an intent to downsize its funding obligations in the West of Hudson Watershed in order, in part, to focus funding on new emergent threats to water quality.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors demand that NYCDEP agree that the Water Supply Permit be linked in accordance with MOA Section 85 to the partnership programs referenced therein regardless of whether such programs appear in future FADs and that DEP adhere to its agreement pursuant to MOA Section 180, as a condition precedent to a 10-year expansion of the land acquisition program, to obtain the consent of the watershed communities pursuant to a 4th Side Agreement.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors directs that the Delaware County Planning Department, in consultation with other stakeholders, develop a plan, using all available tools/resources, to ensure that DEP does not delete partnership programs or add additional landowner controls (modifications to Articles II and III) **“in a manner that diminishes the rights of [a community] without the written consent of such [community].”**

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors are extremely proud and appreciative of their relationship with DEP (and its staff) since the execution of the MOA. In accordance with the MOA, for the past 28 years, Delaware County and DEP have worked as partners to ensure the dual goals of the MOA (water quality protection and community vitality/sustainability). DEP and its staff have been excellent partners. Delaware County is extremely proud of the accomplishments of that partnership and anticipates another 28 years of partnership in the development and implementation of Watershed Water Quality Protection Program; and

BE IT FURTHER RESOLVED that a copy this resolution be sent to the Director of Region 2 of the United States Environmental Protection Agency, the Commissioner of the New York State Department of Environmental Conservation, the Commissioner of the New York State Department of Health, the Watershed Inspector General’s Office of the New York State Attorney General, and the Commissioner of the New York City Department of Environmental Protection.

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

Ms. Molé made the following committee appointment:

YOUTH BUREAU BOARD OF DIRECTORS

3-year term ending December 31, 2027

Appoint:

Jerry Vernold, Hancock Town Supervisor
Shannon Ward

Mr. Haynes announced that the Shared Services Committee would meet after the Board Meeting.

Upon a motion, the meeting was adjourned at 2:35 p.m.