

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

JUNE 26, 2024

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, June 26, 2024, 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. Marshfield offered the invocation.

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

RESOLUTION NO. 96

**TITLE: 2024 BUDGET AMENDMENT
LEGAL AID TO INDIGENTS**

WHEREAS, the New York State Office of Indigent Legal Services (ILS) increased 18B assigned counsel rates effective April 1, 2023; and

WHEREAS, ILS has provided for partial reimbursement for increased costs due to the rate change; and

WHEREAS, the Public Defender's Office submitted a request for reimbursement for the first quarter of 2024; and

WHEREAS, ILS approved the full reimbursement request in the amount of \$59,365.73; and

WHEREAS, the County received said reimbursement on June 4, 2024.

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

INCREASE REVENUE:

10-11170-43302500	State Aid Indigent Legal Services	\$59,365.73
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INCREASE APPROPRIATION:

10-11170-54535060	Professional Fees - Attorney	\$59,365.73
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The resolution was seconded by Mr. Vernold and adopted by the following vote:
Ayes 200, Noes 0, Absent 0.

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

RESOLUTION NO. 97

**TITLE: 2024 BUDGET AMENDMENT
ACCEPTANCE OF RURAL HEALTHCARE ALLIANCE FUNDS
PUBLIC HEALTH SERVICES**

WHEREAS, Public Health Services has received funding support through the Rural Healthcare Alliance to distribute tick removal kits and to provide the community with information on safe tick removal, tick identification and prevention of Lyme disease and tick-borne illness; and

WHEREAS, Lyme disease incidence per 100,000 in Delaware County is 276.2 which is higher than New York State and other counties in the Southern Tier Region. According to the New York State Department of Health (NYSDOH) Community Health Indicator Reports (CHIRS) Dashboard, Delaware County is at higher risk for Lyme disease; and

WHEREAS, Delaware County's beautiful environment and recreational activities attract residents and visitors to participate in many outdoor activities; hiking, gardening, kayaking and camping. A large portion of the Delaware County population works outdoors putting them at risk for Lyme or other tick-borne diseases. Climate change also has contributed to expanded range of ticks, increasing the potential risk of tick-borne illnesses.

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

INCREASE REVENUE:

10-14012-42270603/4012028/906	Grants-Local Sources	\$5,000.00
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INCREASE APPROPRIATION:

10-14012-54327000/4012028/906	General Grant Related Exp	\$5,000.00
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The resolution was seconded by Mr. Cetta and adopted by the following vote: Ayes 200, Noes 0, Absent 0.

Mr. Marshfield offered the following resolution and moved its adoption

RESOLUTION NO. 98
TITLE: 2024 BUDGET AMENDMENT
SUMMER YOUTH EMPLOYMENT PROGRAM
DEPARTMENT OF SOCIAL SERVICES

WHEREAS, the Delaware County Department of Social Services is the designated local agency to administer the Summer Youth Employment Program; and

WHEREAS, funding is to be used for summer youth employment and education training for economically disadvantaged youth and is 100% reimbursed.

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

INCREASE REVENUE:

10-16010-44482002	Summer Youth Employment	\$144,070.00
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INCREASE APPROPRIATION:

10-16010-54665002	Summer Youth Employment	\$144,070.00
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The resolution was seconded by Mr. Vernold.

Mr. Marshfield commented that this program is for disadvantaged youth through OET and the Youth Bureau.

In response to Chairman Molé, several Supervisors replied that they have hired youth through these programs.

The resolution was adopted by the following vote: Ayes 200, Noes 0, Absent 0.

Mr. Marshfield offered the following resolution and moved its adoption

RESOLUTION NO. 99
TITLE: 2024 BUDGET AMENDMENT
ADULT PROTECTIVE COMMUNITY LIVING SERVICES GRANT
DEPARTMENT OF SOCIAL SERVICES

WHEREAS, the Delaware County Department of Social Services is the designated local Agency to administer the Adult Protective Community Living Grant; and

WHEREAS, the funding is to be used to enhance, improve, and expand Adult Protective Services ability to investigate allegations of abuse, neglect, and exploitation in the context of COVID-19, and is 100% reimbursed; and

WHEREAS, additional funding is available under the American Rescue Plan Act (ARPA) in the amount of \$55,000.00.

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

INCREASE REVENUE:

10-16070-44467000-6010649-971	Federal Services for Recipients (ARPA2)	\$55,000.00
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INCREASE APPROPRIATION:

10-16070-54575000-6010649-971	Adult Protective Service Grant (ARPA2)	\$55,000.00
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The resolution was seconded by Mr. Vernold.

Mr. Marshfield clarified that this is not to be confused with the County ARPA funds. This is separate federal funding that Department of Social Services receives for this program.

The resolution was adopted by the following vote: Ayes 200, Noes 0, Absent 0.

Mr. Marshfield offered the following resolution and moved its adoption

RESOLUTION NO. 100

**TITLE: 2024 BUDGET AMENDMENT
SUMMER YOUTH EMPLOYMENT PROGRAM
YOUTH BUREAU**

WHEREAS, the Delaware County Department of Social Services is the designated local agency to administer the Summer Youth Employment Program; and

WHEREAS, funding is to be used for summer youth employment and education training for economically disadvantaged youth and is 100% reimbursed; and

WHEREAS, the Delaware County Youth Bureau will be hiring some of the participants, paying the related costs, and being reimbursed by the Department of Social Services.

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

INCREASE REVENUE:

10-17310-41128901	Otr Gnrl Dept Inc Otr Dept	\$70,604.00
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INCREASE APPROPRIATION:

10-17310-51000000	Personal Services	\$57,000.00
10-17310-58100000	State Retirement System	\$4,674.00
10-17310-58300000	Social Security Employer Contribution	\$3,534.00

10-17310-58400000	Workers Compensation	\$4,560.00
10-17310-58900000	Medicare Employer Contribution	\$827.00
10-17310-54595320	Supplies Office	\$9.00

The resolution was seconded by Mr. Hinkley.

Mr. Marshfield indicated that this is related to the previous Resolution No. 98. This portion has been allocated to the Youth Bureau with the remainder going to OET. Mr. Marshfield stated that generally OET deals with applicants from schools and the Youth Bureau deals with young people who are in foster care and preventive care.

The resolution was adopted by the following vote: Ayes 200, Noes 0, Absent 0.

Mr. Merrill offered the following resolution and moved its adoption

RESOLUTION NO. 101

**TITLE: 2024 BUDGET AMENDMENT
ACCEPTANCE OF GRANT FUNDING FOR
BINGOCIZE FALL PREVENTION PROJECT
OFFICE FOR THE AGING**

WHEREAS, the Office for the Aging has been granted \$5,000.00 from Cornell Cooperative Extension to expand the agency’s new Bingocize Fall Prevention program for the county’s older population; and

WHEREAS, this funding will be used to engage in activities to support fall prevention and stay-healthy wellness programs.

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

INCREASE REVENUE:

10-16772-42270602/6772078/977	Grants from Nonprofit	\$5,000.00
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INCREASE APPROPRIATIONS:

10-16772-54327000/6772078/977	General Grant Related Expenses	\$3,000.00
10-16772-54327625/6772078/977	Travel	\$2,000.00

The resolution was seconded by Mr. Ellis.

In response to Mrs. Walley, Mr. Merrill explained that the amount allocated for travel is to reimburse the mileage rate for the people who teach these classes and drive from site to site. There is a limited number of people who are trained to conduct these classes and may have to drive long distances between the sites.

The resolution was adopted by the following vote: Ayes 200, Noes 0, Absent 0.

Mr. Merrill offered the following resolution and moved its adoption

RESOLUTION NO. 102

**TITLE: 2024 BUDGET AMENDMENT
ACCEPTANCE OF GRANT FUNDING FOR
TAI CHI FOR ARTHRITIS PROJECT
OFFICE FOR THE AGING**

WHEREAS, the Office for the Aging has been granted \$6,450.00 from Cornell Cooperative Extension to expand the agency’s existing Tai Chi for Arthritis program for the county’s older population; and

WHEREAS, this funding will be used to engage in activities to support health promotion and stay-healthy wellness programs.

NOW, THEREFORE, BE IT RESOLVED that the estimated revenues and appropriations for the year 2024 will be increased as follows:

INCREASE REVENUE:

10-16772-42270602/6772079/977	Grants from Nonprofit	\$6,450.00
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INCREASE APPROPRIATIONS:

10-16772-54327000/6772079/977	General Grant Related Expenses	\$3,950.00
10-16772-54327625/6772079/977	Travel	\$2,500.00

The resolution was seconded by Mr. Ellis.

Mr. Merrill stated there are similar travel expenses for this program. Chairman Molé commented that this is a very popular program for seniors.

The resolution was adopted by the following vote: Ayes 200, Noes 0, Absent 0.

Mr. Vernold offered the following resolution and moved its adoption

RESOLUTION NO. 103

**TITLE: 2024 BUDGET AMENDMENT
ACCEPTANCE OF ADDITIONAL INTERVENOR FUNDING FOR USE IN
PSL ARTICLE VII “CLEAN PATH” TRANSMISSION PROJECT PROCEEDING
PLANNING DEPARTMENT**

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

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

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

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

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

WHEREAS, Delaware County and the Towns of Delhi, Colchester, Hamden and Hancock have applied for and been granted additional intervenor funding in the amount of \$37,500 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 additional projected legal expenses; and

WHEREAS, the total intervenor funding awarded to date for the review of the Clean Path Transmission Project totals \$180,500; and

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

NOW, THEREFORE, BE IT RESOLVED Delaware County accepts the additional designated intervenor funding on behalf of itself and the affected Towns and designates the Department of Planning & 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 2024 Budget be amended as follows:

INCREASE REVENUE:

10-18020-43358901-8020029-908 NYS Dept Grant -- Article VII Clean Path NY \$37,500.00

INCREASE APPROPRIATION:

10-18020-54327000-8020029-908 General Grant Related Exp \$37,500.00

RESOLUTION NO. 105

**TITLE: AUTHORIZATION FOR AWARDS
DEPARTMENT OF PUBLIC WORKS**

LETTING OF JUNE 11, 2024

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

BE IT RESOLVED that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. 29-24 Purchase of New 2000-Gallon Water Tank Kit to: Curry Supply Co.,
1477 Degol Industrial Drive, Holidaysburg, PA 16648

Bid Price: \$28,214.00

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors.

The resolution was seconded by Mr. Cetta and adopted by the following vote: Ayes 200, Noes 0, Absent 0.

Mr. Haynes offered the following resolution and moved its adoption

RESOLUTION NO. 106

**TITLE: AUTHORIZATION FOR AWARDS
DEPARTMENT OF PUBLIC WORKS
SOLID WASTE DIVISION**

LETTING OF MAY 29, 2024

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

BE IT RESOLVED that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. SW1-24 Temporary Rain Cover - Cell 4S- North to:
Chenango Contracting, Inc.,
29 Arbutus Rd., Johnson City, NY 13790

Bid Price: See Summary Sheet
Base Bid \$49,925.00

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors.

The resolution was seconded by Mr. Kosier.

In reply to Mr. Marshfield, Commissioner of Public Works Jim Thomas stated the cover goes over the unused portion of cell 4. It is to keep rainwater from going into the leachate, which we would have to pay to dispose of. Water that falls on the rain cover would be pumped out. The cover would pay for itself in about one year.

The resolution was adopted by the following vote: Ayes 200, Noes 0, Absent 0.

Mr. Kosier offered the following resolution and moved its adoption

RESOLUTION NO. 107

TITLE: AUTHORIZING THE SCHEDULING/PUBLICATION OF A PUBLIC HEARING TO OBTAIN CITIZEN INPUT REGARDING THE COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY ACT (CARES) DEPARTMENT OF ECONOMIC DEVELOPMENT

WHEREAS, the New York State Office of Community Renewal administers funds made available to the State by the U. S. Department of Housing & Urban Development through the Community Development Block Grant Program; and

WHEREAS, the Community Development Block Grant Program provides funding to eligible entitlement communities for housing, and community & economic development projects; and

WHEREAS, Delaware County administered the program to provide financial assistance, in the form of small, matching grants to local entrepreneurs and businesses; and

WHEREAS, the NYS Office of Community Renewal requires that the governing body of the recipient provides opportunities for community engagement and feedback through the hosting of a public hearing to obtain citizen's views regarding the implementation and administration of the project.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors hereby authorizes the scheduling and publication of a public hearing to solicit citizen input regarding the CDBG program and the review of the administration of the CARES ACT grant in Delaware County to be held on July 24, 2024, at 1:00 p.m.

Mr. Kosier stated that a public hearing is a requirement to receive the grant. Nine hundred and forty-one thousand dollars was distributed to small businesses and helped keep other businesses going during the COVID-19 pandemic.

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

Mr. Vernold offered the following resolution and moved its adoption

RESOLUTION NO. 108

TITLE: PUBLIC HEARING FOR THE INCLUSION OF AGRICULTURALLY VIABLE LAND INTO CERTIFIED AGRICULTURAL DISTRICTS DURING THE DESIGNATED THIRTY-DAY PERIOD FOR ANNUAL DISTRICT REVIEW PLANNING DEPARTMENT

WHEREAS, the Delaware County Board of Supervisors, in accordance with Chapter 523 of the Laws of 2003 amended NYS Agricultural and Markets Law, designated a thirty-day review period starting on April 1, 2024 and closing April 30, 2024 during which landowners may submit requests for inclusion of predominately viable agricultural land within a Certified Agricultural District prior to the County established review period; and

WHEREAS, the Delaware County Agricultural and Farmland Protection Board has identified each parcel proposed as “viable agricultural land”, eligible for inclusion into a Certified Agricultural District; and

WHEREAS, the Delaware County Board of Supervisors must hold a Public Hearing to consider the requests and recommendations of the County Agricultural Farmland Protection Board concerning the inclusion of land(s) into Agricultural District(s) No. 2 & 3.

Town of Walton: Agricultural District No. 2

Tax Map ID# 253.-2-19 (13.8 acres)

Tax Map ID# 253.-1-2 (21.8 acres)

Tax Map ID# 253.-2-16 (8.39 acres)

Town of Bovina: Agricultural District No. 3

Tax Map ID# 151.-2-12.2 (84.43 acres)

Tax Map ID# 151.-2-14.2 (20.73 acres)

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors does hereby schedule a Public Hearing for Wednesday, July 24th, 2024, at 1:05 p.m. in the Board of Supervisors Room of the County Office Building, 111 Main Street, Delhi, NY.

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

Mr. Gladstone introduced Local Law No 20 of 2024 entitled A Local Law Of The County Of Delaware, New York, Known As The “False Alarm Reduction Act”. The Local Law was seconded by Mr. Hinkley.

LOCAL LAW INTRO. NO. 20 OF 2024

**A LOCAL LAW OF THE COUNTY OF DELAWARE, NEW YORK, KNOWN AS THE
“FALSE ALARM REDUCTION ACT”**

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

SECTION 1. TITLE.

This Local Law shall be known by and may be cited as the False Alarm Reduction Act.

SECTION 2. LEGISLATIVE FINDINGS.

The Delaware County Board of Supervisors hereby finds and declares that false alarms drain resources of the Delaware County Sheriff, police officers, and other first responders such as firefighters and emergency services workers. Each false alarm amounts to a waste of taxpayer money without any public safety benefit and otherwise imperils the rest of the public who may need actual assistance. The Delaware County Board of Supervisors hereby further finds it important and necessary to ensure that the alarms being called into the Delaware County Sheriff, police officers and other first responders such as firefighters and emergency services workers must have proper notification issued to the Delaware County Emergency Services Office. For those reasons, and in furtherance of enhancing the public’s health, safety, and general welfare, this law is enacted. Therefore, the fines levied in accordance with this Local Law shall be used to offset the administrative and operational expenses caused by the large number of responses by the Delaware County Sheriff, police officers and other first responders.

SECTION 3. DEFINITIONS.

As used in this Chapter, the following terms shall have the following meanings:

“Alarm System” shall mean a device or series of devices, including but not limited to devices interconnected with a telephone and/or radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon the Law Enforcement and/or fire protection and/or medical emergency service and/or Emergency Services which perform services in Delaware County or a Municipality therein. "Alarm System" shall not include any personal alarm device nor any vehicle alarm device unless the vehicle is permanently located at a site where the device or devices constituting the Alarm System are intended to summon Emergency Services to.

“County” shall mean the County of Delaware.

“County Attorney” shall mean the Delaware County Attorney.

“Treasurer” shall mean the Delaware County Treasurer.

“Director” shall mean the Director of Delaware County Emergency Services

“Dispatched” means a verbal, electronic, or written communication to Law Enforcement or Emergency Services made through the Delaware County Sheriff’s Office, 911, or local law enforcement dispatch and caused through an Alarm System which actually causes a police officer, firefighter (paid or volunteer), ambulance volunteer or employee, rescue squad worker (paid or volunteer), or auxiliary member of any police or fire department or ambulance or rescue squad to physically leave the premises such person is at or change directions in their motor vehicle with the plan to respond (or actually responding) to what is determined to be a false alarm.

“Emergency” shall mean (i) a need for prompt medical services; and/or (ii) a need for prompt police services due to an impending or actually occurring trespass, break in, robbery; and/or (iii) a circumstance perceived by a human witness or believed by a person based on his or her actual observation or the observation of another human reporting such human’s personal, for anything described in (i) or (ii).

“Emergency Services” shall mean a fire department, district, company, ambulance, or rescue squad.

“False Alarm” shall mean an automated action which emanates from an Alarm System in a structure and causes a call or signal to come into an Delaware County Sheriff’s Office, 911, or local law enforcement dispatch where a person therein contacts Law Enforcement or Emergency Services and dispatches Law Enforcement or Emergency Services to such structure (whether the Law Enforcement personnel or Emergency Services personnel actually arrive at such structure or not) without any actual emergency existing at that structure.

“Law Enforcement” shall mean the Delaware County Sheriff and the Deputies who work under the Sheriff, and members or officers of any City, Town, or Village police department, or the New York State Police.

“Municipality” shall mean any City, Town, or Village wholly contained within the County of Delaware and Delaware County.

“Notice of Installation (NOI)” shall mean paperwork obtained from and remitted to the Delaware County Emergency Services Office as outlined in Section 6 of this Law

“Owner” shall mean the person, firm, partnership, association, or corporation which has legal title to the real property where the false alarm emanates from.

“Police phone number” shall mean emergency communications or any phone number designed to be answered by Law Enforcement or Emergency Services.

“Sheriff” shall mean the Delaware County Sheriff.

“Statement” shall mean a written invoice stating a fine. Such statement shall include a statement that the addressee or his or her attorney or a tenant of the addressee acting with the written (notarized) approval of the addressee may appeal the fine provided for in the invoice in the process authorized under law. Statements shall be served personally upon the addressee or may be served

certified mail return receipt requested along with a copy sent first class mail at the address of the property owner.

“Structure” shall mean a physical improvement to real property which has an alarm in it placed there by or under the control of an owner or tenant of the structure.

SECTION 4. EXEMPTIONS.

The requirements of this Local Law shall not apply to any Delaware County municipality that has enacted local false alarm reduction legislation.

SECTION 5. FALSE ALARMS PROHIBITED.

False Alarms caused by an Alarm System are prohibited. It is the responsibility of the property owner to ensure that their Alarm System is properly installed, in proper working order and does not cause a False Alarm.

SECTION 6. NOTIFICATION OF INSTALLATION (NOI) REQUIRED; APPLICATION; TRANSFERABILITY; FALSE STATEMENTS.

(A) A person commits a violation if he or she operates or causes an alarm system to operate that results in a call to the Delaware County Sheriff, police officers, and other first responders such as firefighters and emergency services without a Notification of Installation (NOI) issued to the Delaware County Emergency Services. A separate NOI shall be required for each alarm system.

(B) It shall be the responsibility of the alarm system installer at the time of installation or activation to submit an NOI to the Delaware County Emergency Services Office on behalf of the user, unless the installer has confirmed that the user already has submitted an NOI. It shall be the responsibility of the alarm company that monitors the alarm system to ensure, prior to commencing any such service contract, that there is a current NOI. Notwithstanding the provisions of this subdivision, the alarm system user shall be deemed the NOI applicant and owner for purposes of this Local Law.

(C) Upon receipt of a completed NOI the Delaware County Emergency Services shall issue signed receipt to an applicant unless the applicant has,

- Failed to pay any penalty assessed pursuant to this Local Law; or
- Had an NOI revoked and the cause for such revocation has not been corrected at the time the NOI is received by the Delaware County Emergency Services.

(D) Every NOI for an alarm system shall include the following information:

- The name, mailing address, and telephone number(s) of the person who shall be responsible for the proper maintenance and operation of the alarm system and payment of fees and assessments pursuant to this title;
- For each alarm system located at the alarm site, the purpose of the alarm, to wit: burglary, robbery, personal hostage, panic, fire etc.;
- Street address and nearest cross street of the building in which the alarm system is housed.

- The name and phone number of (2) local key holders who may be available to respond at the time of an alarm. Local in this sense meaning within 20 minutes' drive time.
- NOI forms can be obtained from the Emergency Services Office during regular business hours.

(E) Any false statements made by the applicant in conjunction with obtaining an NOI shall be sufficient cause for the Emergency Services Office to refuse the NOI.

(F) All alarm owners shall advise the Delaware County Emergency Services of any changes in the information contained within the NOI.

(G) An NOI may not be transferred to another person without the filing of a new NOI.

(H) An alarm owner shall advise the alarm company that monitors the alarm system of the Delaware County Sheriff Department's telephone number upon receiving the receipt of NOI from the Delaware County Emergency Services.

(I) The Delaware County Emergency Services may revoke an NOI if it determines that:

- There is a false statement made in the NOI; or
- The owner has violated any provision of this Local Law; or
- The owner has failed to make timely payments of any penalties or fees pursuant to this Local Law; or
- There are five (5) or more false alarms in a year and satisfactory documentation or repair of the alarm system has not been submitted.

(J) A person whose NOI has been revoked may submit a new NOI if the person:

- Submits an updated NOI; and
- Pays or otherwise disposes of all penalties issued
- pursuant to this Local Law; and
- Submits proof that the alarm system has been inspected and properly maintained.

SECTION 7. PENALTIES, PAYMENT, AND COLLECTION THEREOF.

(A) Penalties for False Alarms. When Law Enforcement or Emergency Services are dispatched to a false alarm, the owner of the real property Law Enforcement or Emergency Services was dispatched to, shall be liable for a civil penalty in the following amount in any calendar year:

- \$0 for the first and second false alarm;
- \$50 for the third false alarm;
- \$200 for the fourth and each and every subsequent false alarm(s);

Civil penalties shall be made payable to the Delaware County Treasurer and deposited by him or her into a segregated fund as established in this law for the benefit of the Delaware County Emergency Services 911.

(B) Penalties for operating an alarm system without a valid NOI. When Law Enforcement or Emergency Services are dispatched to a false alarm and the alarm system is in operation without a valid NOI, the owner of the real property in which the alarm system is installed shall be liable for a civil penalty in the following amount in any calendar year:

- Upon the first false alarm, a warning shall be issued to the homeowner and such homeowner shall have 14 days to submit an NOI;
- \$100.00 for the second false alarm;
- \$200.00 for the third and each and every subsequent false alarm(s);

(C) Reporting of False Alarm. When Law Enforcement employed by the County of Delaware are dispatched to what he or she ascertains to be a False Alarm such Law Enforcement employed by the County of Delaware shall, within seventy-two hours of being dispatched, report the same to his or her immediate Supervisor in the Delaware County Sheriff's Office. Such Supervisor or his or her designee shall enter such False Alarm into a database to be maintained by the Delaware County Emergency Services Office of reported False Alarms. Such database shall contain the information required by the Emergency Services Office. Law Enforcement other than Law Enforcement employed by the County of Delaware or Emergency Service may also report the same to the Delaware County Emergency Services Office pursuant to any procedure established by the Director of Delaware County Emergency Services and agreed upon by the Chief of Police, or if there be none, Officer in Charge of such police department or Emergency Service of such District, City, Town, or Village. Such procedure shall be in writing and filed with the Director of Delaware County Emergency Services and shall call for any report to be made to the Director within seventy-two hours of the dispatch occurring. To the extent that an intermunicipal agreement is determined to be necessary to effectuate any purpose of this law, the Chairman of the Delaware County Board of Supervisors is hereby authorized to sign the same upon the approval by the County Attorney of such agreement or agreements or amendments thereto.

(D) Upon the occurrence of the first False Alarm, if the alarm system is operated without an NOI or a third False Alarm if the alarm system is operated with an NOI, in a calendar year the Director of Emergency Services shall cause a Statement to be mailed to the property owner instructing the property owner to return the fine in the designated amount, made payable to the Delaware County Treasurer. Such Statement from the Director shall require the fine to be paid within thirty days of the date of the Statement sent from the Director. Such Statement shall be mailed within thirty days by the Director.

(E) Appeal process. If the addressee of the Statement desires to appeal the fine and/or revocation of the NOI, the fine and/or revocation of the NOI shall be stayed pending the appeal. The Appeal shall be made in writing to the Director of Delaware County Emergency Services or an employee of the Delaware County Emergency Services office designated to hear such appeal or alternatively to an attorney appointed by the Director with the consent of the Delaware County Attorney to hear such an appeal. Appeals may be in writing or by personal appearance within thirty days of the date of the Statement sent from the Director. Upon filing an appeal, the individual hearing the appeal (designated herein as the "hearing officer"), shall send written instructions to the property owner stating when the appeal shall be heard (either upon written submission or orally or both). The hearing officer shall render a decision on the appeal within

thirty days and shall send such decision, which shall constitute a final determination pursuant to Article 78 of the Civil Practice Law and Rules, to the property owner where the structure was on which the False Alarm emanated from. Thereafter, if the decision is that the fine and/or revocation of permit is upheld by the hearing officer, such fine shall be payable within thirty days of the decision of the hearing officer and such revocation of NOI shall take effect immediately upon the decision of the hearing officer. An aggrieved party may institute a proceeding or action pursuant to the provisions of Article 78 of the Civil Practice Law and Rules to challenge such final determination by the hearing officer. If no appeal is taken, the mailing of the Statement by the Director or his or her representative shall constitute a final determination appealable pursuant to this law or otherwise pursuant to Article 78 of the Civil Practice Law and Rules.

(F) Levy on Tax Bill. The Treasurer or any Delaware County employee authorized by him or her is authorized to levy on the county tax bill of any property owner any unpaid fine authorized and finally determined under this Chapter.

(G) Civil Action. The County Attorney is authorized to commence a separate civil action to collect any fine authorized under this Chapter.

(H) Dedicated Fund. Fines received or taxes paid as a result of this Chapter shall be deposited by the Treasurer into a dedicated account and utilized by the Director of Emergency Services/911 subject to appropriation by the Delaware County Board of Supervisors pursuant to law.

SECTION 8. GOVERNMENTAL IMMUNITY/NO SPECIAL DUTY CREATED.

Responding to or failing to respond to an alarm does not create any special duty by Delaware County; nor does it create any special duty by any municipality within Delaware County. Any and all liability and consequential damage resulting from either (a) responding; or (b) the failure to respond to an alarm system signal is hereby disclaimed and governmental immunity is retained. Responses by Law Enforcement, fire department and/or medical emergency response may be based on factors such as availability of police, fire and/or medical emergency units, priority of calls, weather conditions, traffic conditions, emergency conditions and staffing levels. No duty to respond to an alarm is represented herein as being made or promised.

SECTION 9. SEVERABILITY.

If any word, phrase, clause, sentence, paragraph, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the word, phrase, clause, sentence, paragraph, section of part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 10. EFFECTIVE DATE.

This Local Law shall take effect September 1, 2024.

Steve Hood, Director of Emergency Services explained the need for a NOI and possible fines. The goal is make sure that the alarm systems are working properly. The filing of the NOI is to have a database of the alarm systems and the contact information for those systems. Some

calls can be handled by a local key person rather than emergency responders or law enforcement.

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

RESOLUTION NO. 109

TITLE: PUBLIC HEARING ON PROPOSED LOCAL LAW INTRO. NO. 20 OF 2024

WHEREAS, a proposed Local Law called “False Alarm Reduction Act” has been offered for adoption by the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held on July 24, 2024, at 1:10 p.m. in the Supervisors’ Room of the County Office Building, 111 Main Street, Delhi, New York.

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

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

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

RESOLUTION NO. 110

**TITLE: OPPOSITION TO THE PROPOSED OSHA CHANGES TO
FIRE BRIGADE STANDARD, 29 CFR 1910.156
DEPARTMENT OF EMERGENCY SERVICES**

WHEREAS, the U.S Department of Labor’s Occupational Safety and Health Administration (OSHA) has recently proposed new amendments to its Fire Brigade Standard, 29 CFR 1910.156; and

WHEREAS, the proposed regulations will apply to all fire departments in New York State, including volunteer departments; and

WHEREAS, the 608 pages of proposed regulations include required updates to personal protective equipment (PPE), changes to first responder medical and physical requirements, and additional training requirements to name a few; and

WHEREAS, Delaware County is served by volunteer fire departments and a county-funded emergency services agency, all of which are understaffed and struggling with recruitment; and

WHEREAS, many of the changes and new requirements will negatively impact already struggling fire and emergency service departments in the county, further hampering recruitment and retention efforts; and

WHEREAS, costs associated with compliance, new equipment and training exceed the current financial capacity of local fire districts and potentially threatens the viability of our local volunteer squads; and

WHEREAS, the Firefighters Association of the State of New York (FASNY) has raised concerns regarding the impact of these new regulations on local fire departments' ability to continue to protect the public because of the changes; and

WHEREAS, Senator Helming has called for a moratorium on the implementation of these new regulations for fire and EMS services and has asked Governor Hochul to establish a Blue-Ribbon Commission to review the new regulations and provide guidance to fire departments to help them comply with the mandates.

NOW, THEREFORE, BE IT RESOLVED Delaware County opposes the blanket adoption of the proposed OSHA Fire Brigade Standard, 29 CFR 1910.156 as it is currently written and supports Senator Helming's call for a moratorium; and

BE IT FURTHER RESOLVED Delaware County requests Governor Hochul to accept the proposal of Senator Helming to establish a Blue-Ribbon Commission to review the standards and further requests representatives of FASNY and the Association of Fire Districts of the State of New York (AFDOSNY) be included as part of the commission to provide real life data and experiences from volunteer companies; and

BE IT FURTHER RESOLVED the Delaware County Board of Supervisors directs this resolution be sent to the attention of Governor Kathy Hochul, OSHA, Senator Helming, Senator Oberacker, FASNY and AFDOSNY.

In reply to Chairman Molé, Director of Emergency Services Steve Hood, explained why it is important it is to oppose these mandates. Mr. Hood expressed that the cost alone would be prohibitive to all fire departments in Delaware County. The administrative cost and the recording keeping requirement by OSHA would be financially crippling and would necessitate the need paid fire chief in every fire district. The administrative regulation would be debilitating that is not include the cost of additional training, planning vehicle regulations and facility regulations. This would also affect cost for private companies that have safety response teams that would have to follow these regulations. Senator Oberacker has an online petition opposing this.

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

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

RESOLUTION NO. 111

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$2,187,957.35 were hereby presented to the Finance Committee for approval for payment on June 12, 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	\$1,987,287.56
OET	\$49,385.42
Public Safety Comm System	\$5,707.36
Insurance Risk	\$0.00
CAP 97 Main	\$0.00
CAP MH	\$0.00
CAP DSS	\$73,419.89
Highway Audits, as Follows:	
Weights & Measures	\$0.00
Solid Waste/Landfill	\$43,515.26
Road	\$385.29
Machinery	\$25,456.39
Capital Solid Waste	\$0.00
Capital Road & Bridge	\$0.00
CAP DPW Complex	\$2,800.18

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$2,525,409.02 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	\$814,203.78
OET	\$12,797.48
Public Safety Comm System	\$0.00
Insurance Risk	\$0.00
CAP 97 Main	\$0.00
CAP MH	\$0.00
CAP DSS	\$12,576.52

Highway Audits, as Follows:

Weights & Measures	\$422.77
Solid Waste/Landfill	\$249,207.12
Road	\$285,920.68
Machinery	\$46,724.43
Capital Solid Waste	\$43,899.60
Capital Road & Bridge	\$582,515.86
CAP DPW Complex	\$477,140.78

The resolution was seconded by Mr. Gladstone and adopted by the following vote:
Ayes 200, Noes 0, Absent 0.

Economic Development Specialist Lindsay Whitbeck introduced their summer intern Tyler Brannigan, who is a second-year student at Syracuse University and will be working on strategic plans.

In reply to Mrs. Walley asking for an update on the Cornell Cooperative Extension situation, Mrs. Scott reported that the investigation of the Executive Director has been completed. Nothing unlawful was found, nonetheless, the Executive Director and Cornell Cooperative Extension have decided to pursue other options and the previous executive director will not be returning. Interim Executive Director Nancy Grotevant will continue as interim for the next few months. Mrs. Scott confirmed 4-H Camp Shankitunk starts this weekend, although with the shortage of staff, they will not be taking any further camper registrations.

Supervisors thanked Mrs. Scott for her hard work on the Cornell Cooperative Board. Mrs. Scott noted they are working to rebuild the staff at CCE.

Upon a motion, the meeting was adjourned at 1:40 p.m.