

COMMITTEE APPROVAL
BY: Allen Hinkley
DATE: 1/16/2025
BY PHONE: BY EMAIL: ✓ IN PERSON:
PREFILED: ✓ NOT-PREFILED:

RESOLUTION NO. 21

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

WHEREAS, the New York State Office of Indigent Legal Services (ILS) increased 18-B 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 fourth quarter of 2024; and

WHEREAS, ILS approved the full reimbursement request in the amount of \$65,606.88.

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

INCREASE REVENUE:

10-11170-43302500	State Aid Indigent Legal Services	\$65,606.88
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INCREASE APPROPRIATION:

10-11170-54535060	Professional Fees - Attorney	\$65,606.88
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COMMITTEE APPROVAL
BY: Wayland Gladstone
DATE: 1/14/2025
BY PHONE: BY EMAIL: ✓ IN PERSON:
PREFILED: ✓ NOT-PREFILED:

RESOLUTION NO. 22

**TITLE: 2024 BUDGET AMENDMENT
APPROPRIATION OF FUNDS
SHERIFF’S OFFICE**

WHEREAS, funds have been made available to the Sheriff’s Office by way of General Dept. Income Schools, Personal Services reimbursement, and Accident Reports which is over the budgeted amount; and

WHEREAS, these funds are to help cover the expenses of the Contractual Expenses, and Personal Services for the Sheriff’s Office in 2024; and

WHEREAS, we are looking to appropriate the overage from the various revenues above to help offset these expenses.

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

INCREASE REVENUES:

10-13110-41128903	Other Gnrl Dept Inc Schools	\$61,842.16
10-13110-41128908	Other Gnrl Dept Reim Per Srvcs	\$946.58
10-13110-41158904	Ptr Pblc Sfty Dept Acdnt Rpts	\$392.00

INCREASE APPROPRIATIONS:

10-13110-51000000	Personal Services	\$50,227.45
10-13110-54420000	Maintenance Agreements	\$12,953.29

COMMITTEE APPROVAL
BY: Wayland Gladstone
DATE: 1/14/2025
BY PHONE: BY EMAIL: ✓ IN PERSON:
PREFILED: ✓ NOT-PREFILED:

RESOLUTION NO. 23

**TITLE: 2024 BUDGET AMENDMENT
APPROPRIATION OF FUNDS
DELAWARE COUNTY CORRECTIONAL FACILITY**

WHEREAS, funds have been made available to the Sheriff’s Office by way of Federal Board-ins, County Board-ins, and other department income which is over the allocated amount budgeted; and

WHEREAS, these funds are to help cover the expense of the Personal Services for the Correctional Facility in 2024; and

WHEREAS, we are looking to appropriate the overage from the various revenues above to help offset these expenses.

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

INCREASE REVENUES:

10-13150-41152501	Prisoner Charges (Federal) – JAIL	\$15,816.67
10-13150-41151300	Other Law Enforcement Agency – Training	\$1,500.00
10-13150-42226400	Jail Facilities Services Other Gov’t	\$7,157.13
10-13150-42270100	Refunds of Prior Years Expend.	\$600.00

INCREASE APPROPRIATION:

10-13150-51000000	Personal Services	\$25,073.80
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COMMITTEE APPROVAL
BY: Joe Cetta
DATE: 1/16/2025
BY PHONE: BY EMAIL: ✓ IN PERSON:
PREFILED: ✓ NOT-PREFILED:

RESOLUTION NO. 24

**TITLE: 2024 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 2024 Budget be amended as follows:

TRANSFER FROM:

10-14310-51000000	Personal Services	\$49,244.74
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TRANSFER TO:

10-14390-54535420	Professional Fees Psychiatric	\$49,244.74
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COMMITTEE APPROVAL
BY: Jerry Vernold
DATE: 12/11/2024
BY PHONE: BY EMAIL: IN PERSON: ✓
PREFILED: ✓ NOT-PREFILED:

RESOLUTION NO. 25

**TITLE: 2024 BUDGET AMENDMENT
ACCEPTANCE OF ADDITIONAL INTERVENOR FUNDING FOR USE IN PSL
ARTICLE VII “CLEAN PATH” TRANSMISSION PROJECT PROCEEDING AND
RESCIND RESOLUTION NO. 103 OF 2024 TO ACCEPT 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; and

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 Resolution No. 103 of 2024, entitled *Acceptance of Additional Intervenor Funding for Use in PSL Article VII “Clean Path” Transmission Project Proceeding* is hereby rescinded; and

BE IT FURTHER RESOLVED that the 2024 Budget be amended as follows:

INCREASE REVENUE:

10-18020-43358901/8020029/908	NYS Grant–Article VII Clean Path NY	\$31,950.00
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INCREASE APPROPRIATION:

10-18020-54327000/8020029/908	General Grant Related Exp	\$31,950.00
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COMMITTEE APPROVAL
BY: Wayne Marshfield
DATE: 1/17/2025
BY PHONE: BY EMAIL: ✓ IN PERSON:
PREFILED: ✓ NOT-PREFILED:

RESOLUTION NO. 26

**TITLE: 2025 BUDGET AMENDMENT
AMERICAN RESCUE PLAN ACT (ARPA)
GRANTS TO ENHANCE ADULT PROTECTIVE SERVICES
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 (ARPA3) and the Elder Justice Act Grant (EJA); 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, and is 100% reimbursed; and

WHEREAS, funding is available under the American Rescue Plan Act (ARPA) in the amount of \$30,504.00 (ARPA3), and \$7,442.00 (EJA).

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

INCREASE REVENUE:

10-16070-44467000/6010652/971	Federal Services for Recipients (ARPA3)	\$30,504.00
10-16070-44467000/6010653/971	Federal Services for Recipients (EJA)	\$7,442.00

INCREASE APPROPRIATION:

10-16070-54575000/6010652/971	Adult Protective Service Grant (ARPA3)	\$30,504.00
10-16070-54575000/6010653/971	Adult Protective Service Grant (EJA)	\$7,442.00

COMMITTEE APPROVAL
BY: Wayne Marshfield
DATE: 1/17/2025
BY PHONE: BY EMAIL: ✓ IN PERSON:
PREFILED: ✓ NOT-PREFILED:

RESOLUTION NO. 27

**TITLE: 2025 BUDGET AMENDMENT
FAMILY-CENTERED CASE MANAGEMENT SERVICES PROGRAM
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Delaware County Department of Social Services is the designated local agency to administer the Family-Centered Case Management Services; and

WHEREAS, the Department believes that this program will reduce dependence on government interventions for daily support; and

WHEREAS, the County will be 100% reimbursed by the State.

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

INCREASE REVENUE:

10-16109-44460900/6010651/971	Federal Family Assistance	\$64,332.00
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INCREASE APPROPRIATION:

10-16109-54113000/6010651/971	Services for Recipients	\$64,332.00
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COMMITTEE APPROVAL
BY: John Kosier
DATE: 1/16/2025
BY PHONE: <input checked="" type="checkbox"/> BY EMAIL: IN PERSON:
PREFILED: <input checked="" type="checkbox"/> NOT-PREFILED:

RESOLUTION NO. 28

**TITLE: 2025 BUDGET AMENDMENT
ACCEPTANCE OF TOURISM PROMOTION MATCHING FUNDS
DEPARTMENT OF ECONOMIC DEVELOPMENT
PROMOTION OF TOURISM**

WHEREAS, New York State provides funding through the Tourism Matching Funds Program to designated Tourism Promotion Agencies across the State for the purpose of marketing their destination to increase the number of visitors and the level of spending across the State; and

WHEREAS, the Delaware County Department of Economic Development was awarded \$53,463.00 in Tourism Matching Funds for 2025.

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

INCREASE REVENUE:

10-16420-43390201	State Empire Development Matching Funds Grant	\$52,533.00
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INCREASE APPROPRIATIONS:

10-16420-54105000	Advertising	\$10,000.00
10-16420-54245000	Dues And Memberships	\$21,000.00
10-16420-54535000	Professional Fees	\$21,533.00

COMMITTEE APPROVAL
BY: Jerry Vernold
DATE: 12/17/2024
BY PHONE: <input checked="" type="checkbox"/> BY EMAIL: IN PERSON:
PREFILED: <input checked="" type="checkbox"/> NOT-PREFILED:

RESOLUTION NO. 29

**TITLE: 2025 BUDGET AMENDMENT
AMEND FLOOD BUYOUT '16-18 AS ESTABLISHED BY RESOLUTION NO. 89 OF
2018 FOR THE GOVERNOR'S OFFICE OF STORM RECOVERY (GOSR), OFFICE OF
HOUSING AND URBAN DEVELOPMENT (HUD) AND FEDERAL EMERGENCY
MANAGEMENT AGENCY (FEMA) FOR THE HAZARD MITIGATION GRANT
PROGRAM FOR A VOLUNTARY FLOOD BUYOUT
IN THE VILLAGE AND TOWN OF SIDNEY
PLANNING DEPARTMENT**

WHEREAS, on or about December 1, 2016, Delaware County was awarded \$18,915,104.00 from HUD to acquire 129 homes and elevate 7 homes; and

WHEREAS, the project is a reimbursable program that would require Delaware County to upfront funding for purchases and payments to contractors before submitting to the GOSR for reimbursement; and

WHEREAS, the project is considered a 100% reimbursable program with the exception of local expenses including Planning Department staff administration time, local taxes, mowing and any environmental clean-up that may arise during demolition.

NOW, THEREFORE, BE IT RESOLVED Delaware County will commit additional funds in the amount of \$40,000.00 to be used for those exceptions listed above; and

BE IT FURTHER RESOLVED the 2025 Budget be amended as follows:

TRANSFER FROM:

10-11990-54900000	Contingency	\$40,000.00
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TRANSFER TO:

10-18020-54486000/8020025/908	Non-Reimb Flood Buyout Expenses	\$40,000.00
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COMMITTEE APPROVAL
BY: Wayland Gladstone
DATE: 1/17/2025
BY PHONE: <input checked="" type="checkbox"/> BY EMAIL: IN PERSON:
PREFILED: <input checked="" type="checkbox"/> NOT-PREFILED:

RESOLUTION NO. 30

**TITLE: APPOINTMENT OF DELAWARE COUNTY
FIRE ADVISORY BOARD**

BE IT RESOLVED that the following appointments be made to the Delaware County Fire Advisory Board in accordance with 225-a of the County Law for year 2025:

Chairman: John Gilmore, Sidney
Vice Chairman: Blaise Bojo, Hancock
Secretary: Mike Pietrantonio, Bloomville

Voting Departments:

Andes – Chief Dale Tait	Hobart – Chief Josh Mason
Arena – Chief Mike Sarrubi	Margaretville – Chief Nelson Delameter
Arkville – Chief Rob Sweeney	Masonville – Chief Matt Jones
Bloomville – Chief Mike Pietrantonio	Meridale – Chief Ed Fisher
Bovina – Chief Kevin Brown	Sidney – Chief John Gilmore
Delhi – Chief Tim Murray	South Kortright – Chief Andrew VanBuren
East Meredith – Chief David Briggs	Stamford – Chief Don VanEtten
Fleischmanns – Chief Todd Wickham	Treadwell – Chief Tony DeDominicis
Franklin – Chief Tom Worden	Trout Creek – Chief Josh LaTourette
Grand Gorge – Chief Hank Gockel	Walton – Chief Bob Brown
Hancock – Chief Blaise Bojo	

Alternate Departments

Cooks Falls – Chief Chris Jandl	Halcottsville – Chief Jeff Slauson
Davenport – Chief Karl Conklin	Pindars Corners – Chief Matt Accordino
Deposit – Chief – Shaun Rynearson	Roxbury – Chief Jim Bouton, Jr.
Downsville – Chief Sterling Murphy	Sidney Center – Chief Codey Lambrecht
East Branch – Chief Rod Keesler	

Voting departments were selected based on meeting attendance for the previous year.

LOCAL LAW INTRO NO. 1

DELAWARE COUNTY OCCUPANCY TAX LAW FOR LODGING ESTABLISHMENTS AND SHORT TERM RENTALS

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

Section 1. Title & Statement of Intent; Priority

This local law shall be known as the Delaware County Occupancy Tax Law. The intent of this local law shall be to promote tourism in Delaware County.

Section 2. Definitions.

When used in this local law, the following terms shall mean:

- (a) County - Delaware County, New York.
- (b) Effective Date - the date set forth in Section 28 of this local law.
- (c) Lodging Establishments and Short-Term Rentals - Any facility or portion thereof which is regularly used and made available for the lodging of guests. A facility comes within the definition of a lodging establishment or short-term rental if, among other factors:
 - i. sleeping accommodations are provided for the lodging of paying occupants on a regular basis;
 - ii. the typical occupant is a transient or public traveler;
 - iii. the relationship between the operator of the establishment and the occupant of the accommodations is that of an innkeeper and guest and not of a landlord and tenant; and,
 - iv. the occupant does not have an exclusive right or privilege with respect to any particular room or rooms, but instead merely has an agreement for the use or possession of a particular room or rooms.
- (d) Occupancy - The use of possession, or the right to the use or possession, of any room in a lodging establishment or short-term rental.
- (e) Occupant - A person who, for a charge or any consideration, uses, possesses, or has the right to use or possess, any room in a lodging establishment or short-term rental under any lease, concession, permit, right, license, agreement, or otherwise.
- (f) Operator - Any person operating a lodging establishment or short-term rental in Delaware County including but not limited to the owner, proprietor, lessee, sub-lessee, mortgagee in possession, licensee, or any other person otherwise operating

such lodging establishment or short-term rental.

- (g) Permanent Resident - Any person occupying any room or rooms in a lodging establishment or short-term rental for at least thirty-two (32) consecutive nights.
- (h) Person - An individual, partnership, society, association, joint stock company, corporation, limited liability company, general or limited or limited liability partnership, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and/or any combination of the foregoing.
- (i) Property Manager – a person, as defined within this Law, who provides services relating to the management of a lodging establishment or short-term rental including, but not limited to, such services; as the taking of reservations, the collection of rents and/or fees, the marketing of a lodging establishment or short-term rental, the keeping of financial records or the filing of returns, when such services are being provided on behalf of an operator to aid or assist in the management of such facility, regardless of whether or not such services are provided for a fee.
- (j) Rent - The charge and/or consideration received for occupancy valued in money, whether received in money or otherwise, including any fees related to such occupancy including, but not limited to, fees and/or charges for registration, cleaning, linens, and pets.
- (k) Return – A document or form, as prescribed by the Treasurer, to be filed or required to be filed as herein provided to establish and report occupancy and rents received, and that contains financial information of the operator or property manager.
- (l) Room - Any room or rooms of any kind in any part or portion of a lodging establishment or short-term rental, which is available for, rented or otherwise, let out for the lodging of guests.
- (m) Tax Imposition Date - the date set forth in Section 3 of this local law.
- (n) Tourism Advisory Board – a committee, comprised of elected and/or public officials and appointed members, who are charged with the decision making process and reporting requirements regarding the manner in which Occupancy Tax revenues are utilized in the promotion and development of the tourism industry in Delaware County.
- (o) Treasurer - The Delaware County Treasurer or the Treasurer’s designee.

Section 3. Imposition of Tax.

On and after the first day of March in the year two thousand and twenty-five, there is hereby imposed and there shall be paid a tax of two percent (2%) of the per diem rental rate for each room or rooms in a lodging establishment or short-term rental located within the County, except that such tax shall not be applicable to a permanent resident of a lodging establishment or short-term rental.

Section 4. Exempt organizations.

Except as otherwise provided in this section, any use or occupancy by any of the following shall not be subject to the tax imposed by this local law:

(a) The State of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada), improvement district or other political subdivision of the state;

(b) The United States of America, insofar as it is immune from taxation; and

(c) Any corporation or association, or trust, or community chest, fund or foundation, organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

Section 5. Territorial limitations.

The tax imposed by this local law shall apply only within the territorial limits of Delaware County.

Section 6. Registration of Operator.

(a) Any existing operator who is not currently registered shall file with the Treasurer a registration application in a form prescribed by the Treasurer within three (3) days after the effective date of this local law. In the case of an operator commencing business after such effective date every operator shall file with the Treasurer a registration application in a form prescribed by the Treasurer within three (3) days after such commencement or opening. Failure to register as an operator in a timely manner will result in the imposition of a \$100 penalty.

(b) The Treasurer shall within ten (10) days after receipt of a registration application issue without charge to the operator a certificate of authority empowering such operator to collect the tax from the occupant and duplicate thereof, for each additional lodging establishment or short-term rental of such operators.

(c) Each certificate shall state the lodging establishment or short-term rental to which it is applicable.

(d) Each certificate of authority shall be prominently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and person seeking occupancy.

(e) Certificates shall not be assignable or transferable, and shall be surrendered immediately to the Treasurer upon the cessation of business at, or upon the sale or conveyance of the lodging establishment or short-term rental named in such certificate(s).

(f) Thirty days prior to the cessation of business or sale or conveyance of a lodging establishment or short-term rental the certificate holder shall notify the Treasurer regarding the date of such cessation, sale or conveyance. Failure to make such notification on a timely basis shall result in the imposition of a penalty of \$100, in addition to any amount of tax, penalty and or interest due from such certificate holder.

Section 7. Property Manager

(a) Within twenty (20) days after the effective date of this local law, or in the case of a property manager commencing the provision of services to an operator after such effective date, within three (3) days after such commencement, every property manager shall file with the Treasurer a registration application in a form prescribed by the Treasurer. Failure to register as a property manager in a timely manner will result in the imposition of a \$100 penalty.

(b) Property managers are required to notify the Treasurer of any new clients within ten (10) days of commencement of any services for such client or clients which, in the discretion of the Treasurer, establishes them as a property manager under this Law. Failure to provide such notice in a timely manner will result in the imposition of a \$50 penalty per such newly acquired client or clients.

(c) Property managers are required to submit an annual report as of December 31st of each year to the Treasurer, to be submitted by January 20th of the following year. The annual report shall be in a form prescribed by the Treasurer, and at a minimum shall detail all of the lodging establishments and/or short-term rentals to whom they have provided services during such applicable year. Failure to provide such report in a timely manner will result in the imposition of a graduated penalty based upon the number of lodging establishments and/or short-term rentals to whom they have provided services during such applicable year, as set forth below:

- i. For property managers providing services to less than 10 lodging establishments and/or short-term rentals, the penalty shall be \$100.
- ii. For property managers providing services to 10 to 30 lodging establishments and/or short-term rentals, the penalty shall be \$500.
- iii. For property managers providing services to more than 30 lodging establishments and/or short-term rentals, the penalty shall be \$1,000.

Section 8. Administration and collection.

(a) The tax imposed by this local law shall be administered and collected by the Treasurer, or such other employees of the County as the Treasurer may designate, by such means and in such manner as are other taxes which are now collected and administered or as is otherwise provided by this local law.

(b) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement or charge made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the County, and the operator shall be liable for the collection thereof and for the tax. The operator shall be ultimately liable for the accuracy and collection of a tax due, whether or not such operator utilizes the services of a property manager for such tasks.

(c) The operator, any officer of any corporate operator and a property manager (as applicable) shall be personally liable for the tax collected or required to be collected under this local law, and the operator or property manager shall have the same right in respect to collecting the tax from the occupant, or in respect to nonpayment of the tax by the occupant as if the tax were part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession and enforcement of any innkeeper's lien that he may have in the event of non-payment of rent by the occupant; provided, however, that the Treasurer shall be joined as a party in any action or proceeding brought by the operator or property manager to collect or enforce collection of the tax.

(d) The Treasurer may, whenever he or she deems it necessary for the proper enforcement of this local law, provide by order that the occupant shall file returns and pay directly to the Treasurer the tax herein imposed, at such times as returns are required to be filed and payment made by the operator or property manager.

(e) The tax imposed by this local law shall be paid upon any occupancy on and after the tax imposition date, although if such occupancy was pursuant to a contract, lease or other arrangement made prior to such date; and where rent is paid, charged, billed or falls due on either a weekly, monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on and after the tax imposition date.

(f) Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the Treasurer may by order provide for credit and/or refund of the amount of such tax upon application therefore as provided in section fourteen of this local law.

(g) For the purpose of the proper administration of this local law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator, property manager and/or occupant.

(h) Where an occupant claims exemption(s) from the tax under the provisions of

section five of this local law, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a properly completed, executed and certified Exemption Certificate from taxes imposed pursuant to Articles 28 and 29 of the New York Tax Law, such certificate to be in the form and to contain the content approved and required by the New York State Department of Taxation.

Section 9. Records to be kept.

(a) Every operator, and where applicable as determined by the Treasurer, every property manager shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the Treasurer may by regulation or order require.

(b) All records shall be available for inspection and examination at any time upon demand by the Treasurer, or the Treasurer's duly authorized agent or employee, and shall be preserved for a period of not less than three (3) years, except that the Treasurer may consent in writing to their destruction within that period or may in writing require that such records be kept and maintained for a specified period in excess of three (3) years.

Section 10. Returns.

(a) After the date set forth in Section 3 of this local law, and except as provided in subdivision (b) of this section, every operator or property manager (as applicable) shall file with the Treasurer a return of occupancy and of rents, and of the taxes payable thereon, for the same quarterly periods and on the same dates as returns for New York State sales and use taxes are filed or to be filed.

(b) Notwithstanding the provisions of paragraph (a) of this section, the Treasurer may permit or require returns to be made by other periods and upon such other dates as the Treasurer may specify by rule or order so as to carry out the purposes of this local law.

(c) All returns shall be filed with the Treasurer within twenty (20) days from the expiration of the period covered thereby.

(d) The forms of returns shall be prescribed by the Treasurer and shall contain such information as the Treasurer may deem necessary for the proper administration of this local law.

(e) The Treasurer may require amended returns to be filed within twenty (20) days after notice of such requirement to file an amended return is given to such filer and to contain the information specified in the notice.

(f) If a return required by this local law is not filed, or if a return when filed is incorrect or insufficient on its face or otherwise, the Treasurer shall take the necessary steps to enforce the filing of a properly completed and sufficient return or of a corrected return.

(g) Any operator required to file a return under this Law shall be allowed a credit against the taxes required to be reported on, and paid with, such return when such person files the return on or before the filing due date and pays or pays over with such return the full amount shown on such return. The amount of the credit authorized by this paragraph shall be five percent of the amount of taxes (but not including any penalty or interest thereon) required to be reported on, and paid or paid over with such return, but not more than fifty dollars.

Section 11. Payment of Tax.

(a) Any tax imposed by this local law shall be paid by the occupant to the operator or property manager (as applicable) of the lodging establishment or short-term rental room occupied or to the person entitled to be paid the rent or charge for the lodging establishment or short-term rental room occupied for and on account of the County, and such operator, property manager or person entitled to be paid the rent or charge shall be liable for the collection and payment of tax to the County.

(b) The owner of the lodging establishment or short-term rental room or the person entitled to be paid the rent or charge for the lodging establishment or short-term rental room shall have the same right in respect to collecting the tax from the occupant, or in respect to non-payment of the tax by the occupant, as if the tax were a part of the rent or charge and payable at the same time as the rent or charge. In any action or proceeding brought by an owner or a person entitled to be paid the rent or charge for the purpose of collecting the rent or charge, or the tax imposed by this local law, the Treasurer shall be joined as a party.

(c) At the time of filing a return of occupancy and of rents, each operator or property manager (as applicable) shall pay to the Treasurer the taxes imposed by this local law upon the rents required to be included in such return, as well as all other moneys collected by the operator or property manager acting or purporting to act under the provisions of this local law.

(d) All taxes and other moneys required to be paid under and pursuant to this local law shall be due from the operator or property manager (as applicable) and paid to the Treasurer on the date limited for the filing of the return for such period, without regard to whether a return is filed, or whether the return which is filed correctly shows the amount of rents and taxes due thereon.

Section 12. Bonds & Security for Payment of Tax.

Where the Treasurer, in the exercise of the Treasurer's discretion, deems it necessary to protect revenues to be obtained under this local law, the Treasurer may by rule or order require any operator or property manager required to collect the tax imposed by this local law to file with the Treasurer a bond to secure the payment of any tax and/or penalties and interest due or which may become due from such operator.

Section 13. Determination of tax.

(a) Upon the filing of a return, the Treasurer shall determine and verify the amount of tax due under and pursuant to this local law.

(b) If a return required by this local law is not filed, or if a return when filed is incorrect or insufficient as to the amount of tax due, the amount of tax due under and pursuant to this local law shall be determined by the Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors.

(c) Notice of a determination under subdivision (b) of this section shall be furnished in writing to the person liable for the collection and/or payment of the tax.

(d) Any determination by the Treasurer under subdivision (b) of this section shall finally and irrevocably fix the tax, unless

- (1) within thirty (30) days after the issuance of the notice of such determination the person against whom it is assessed shall apply in writing to the Treasurer for a hearing, or
- (2) the Treasurer shall, in the Treasurer's sole discretion, reconsider and re-determine the amount of tax due.

(e) Within fifteen (15) days after the conclusion of a hearing conducted pursuant to subdivision (d) (1) of this section, the Treasurer shall give written notice of the Treasurer's determination to the person against whom the tax is assessed.

(f) Except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return; provided, however, that

- (1) where no return has been filed as provided by this local law the tax may be assessed at any time; and/or
- (2) where, before expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period or any extension(s) thereof.

Section 14. Refunds.

(a) In the manner provided in this section the Treasurer shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid provided that written application for such refund shall be made to the Treasurer within one year from the payment thereof.

(b) An application for refund or credit may be made only by the occupant, operator, or other person who has actually paid the tax.

(c) An application for a refund or credit made as herein provided shall not be complete unless the same includes copies of all documentation and evidence upon which the applicant relies in support thereof, but nothing shall prohibit or prevent the Treasurer from receiving any other evidence with respect thereto.

(d) No application for a refund or credit shall be accepted or considered unless such application has been actually received by the Treasurer within one year of the payment of the tax.

(e) The determination to deny or allow a refund or credit shall be made by the Treasurer in writing, stating the reason(s) therefore, and the Treasurer shall give notice of such determination to the applicant.

(f) No refund shall be made to an operator who has collected and paid over such tax to the Treasurer unless and until such operator shall first establish, to the satisfaction of the Treasurer under such regulations as the Treasurer may prescribe, that such operator has repaid to the occupant(s) the amount of tax for which refund is sought.

(g) The Treasurer may, in the Treasurer's discretion and in lieu of the payment of any refund determined to be due, allow credit therefore on and against payments due from the applicant.

Section 15. Disposition of Revenues.

(a) All revenues resulting from the imposition of the tax under this local law shall be paid into the treasury of the County and shall be credited and deposited into a special tourism development and promotion fund under the trust and care of the Treasurer, and thereafter to be allocated for the promotion and development of the tourism industry in Delaware County by a committee hereafter established (section 15, part b) as the Tourism Advisory Board; provided, however, that the County shall have the right to retain up to ten per cent (10%) of the gross revenues to cover the Treasurer's costs for administration and collection; and

(b) The Board of Supervisors shall establish a committee known as the Tourism Advisory Board which shall review and approve proposals for the use of the funds raised from this tax for the promotion and development of the tourism industry in Delaware County. The Tourism Advisory Board shall be comprised of no fewer than seven (7) persons, to be appointed by the Delaware County Board of Supervisors, for staggered terms of three years. Appointments shall be made upon the recommendation of the Director of Economic Development with effort to ensure geographical representation of the County, per the following:

1. The Director of Economic Development of Delaware County.
2. Two members of the County Board of Supervisors.
3. No fewer than four representatives of businesses actively engaged in the tourism industry, at least two of which should be representative of lodging operators.

The Tourism Advisory Board shall report quarterly to the Delaware County Board of Supervisors' Committee on Economic Development with regards to all expenditures, as well as all plans and marketing. Revenues paid from the Treasurer's Office and all expenditures shall be accepted, paid and recorded with the Treasurer's Office of Delaware County.

Section 16. Reserves.

Whenever the occupant or operator has applied for a refund and has instituted a proceeding under article seventy-eight of the civil practice law and rules to review a determination adverse to such occupant or operator on such application for refund, the Treasurer shall set up appropriate reserves to meet any decision adverse to the County.

Section 17. Remedies exclusive.

The remedies provided by sections thirteen and fourteen of this local law shall be exclusive remedies available to any person for the review of tax liability imposed by this local law; and no determination or proposed determination of tax or determination on any application for refund or credit shall be enjoined, contested or reviewed by any action or proceeding, except by a proceeding under article seventy-eight of the civil practice law and rules pursuant to section twenty-three of this local law.

Section 18. Proceedings to recover tax.

Whenever any operator or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this local law as herein provided, or whenever any occupant shall fail to pay any such tax, penalty or interest, the County Treasurer may utilize any and all remedies as provided by law to collect such sum, including but not limited to the imposition of a tax lien upon the real property and personal property of the owners or operator. The lien of this tax shall have priority over all other real and personal property liens in the same manner as a real property tax levied pursuant to the New York State Real Property Tax Law.

Section 19. General Powers of the Treasurer.

In addition to the powers granted to the Treasurer by County Law and this local law, the Treasurer is hereby authorized and empowered:

(a) To make, adopt and amend rules and regulations, and to issue orders, appropriate to the carrying out of this local law and the purposes thereof;

(b) To extend for cause shown the time of filing any return for a period not exceeding thirty days; and for cause shown, to remit or waive penalties but not interest; and to compromise disputed claims in connection with the taxes hereby imposed;

(c) To request information from the tax commission of the state of New York or the treasury department of the United States relative to any person; and to afford information to such tax commission or such treasury department relative to any person, any other provision of this

local law to the contrary notwithstanding;

(d) To delegate his or her functions hereunder to any employee or employees of the County Treasurer;

(e) To prescribe methods for determining the rents for occupancy and to determine the taxable and non-taxable rents;

(f) To require any operator or property manager (as applicable) within the county to keep detailed records of the nature and type of lodging establishment or short-term rental maintained, nature and type of service rendered, the rooms available and rooms occupied daily, lease's or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this local law, and to furnish such information upon request to the County Treasurer;

(g) To assess, determine, revise and readjust the taxes imposed under this local law.

Section 20. Administration of Oaths and Compelling Testimony.

(a) The Treasurer, or the Treasurer's duly designated and authorized employee(s) or agent(s), shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of the Treasurer's powers and duties under this local law.

(b) The Treasurer shall have power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of his duties hereunder and of the enforcement of this local law, and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before the Treasurer or excused from attendance.

(c) A justice of the Supreme Court, either in court or at chambers, shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the Treasurer under this local law.

(d) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the Treasurer under this local law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment.

(e) The officers who serve the summons or subpoena of the Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided.

(f) The County Sheriff, the Sheriff's duly appointed deputies, and any officer or employee of the Treasurer designated to serve process under this local law, are hereby authorized and empowered to serve any summons, subpoena, order, notice, document, instrument, or other

process to enforce or carry out this local law.

Section 21. Reference to tax.

Wherever reference is made in placards or advertisements or in any other publications to this tax such reference shall be substantially in the following form: "Tax on occupancy of lodging establishment and short-term rental rooms"; except that in any bill, receipt, statement or other evidence or memorandum of occupancy or rent charge issued or employed by the operator or property manager, the word "tax" will suffice.

Section 22. Penalties, Interest & Violations.

(a) Any person failing to file a return or to pay or pay over any tax to the Treasurer within the time required by this local law shall be subject to

- (1) a penalty of five per centum (5%) of the amount of tax due; plus
- (2) interest at the rate of one per centum (1%) of the amount of tax due for each month of delay, except that no interest shall be charged for the first thirty (30) days immediately after the date such return was required to be filed or such tax became due.

(b) Notwithstanding the provisions of paragraph (a) of this section, the Treasurer may, if satisfied that the delay was excusable, cancel and remit all or part of such penalty, but may not cancel or remit any portion of the interest.

(c) All penalties and interest shall be paid and disposed of in the same manner as other revenues from this local law.

(d) Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this local law.

(e) Officers and/or members of an owner or operator which is a corporation, limited liability company, limited liability partnership, or partnership shall be personally liable for the tax collected or required to be collected and paid by such corporation under this local law, and shall also be personally liable for the penalties and interest herein imposed.

(f) In addition to the penalties herein or elsewhere prescribed, any person, whether operator, property manager or other person, found to have committed any of the following acts shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment:

- (1) failing to file a return required by this local law,
- (2) filing or causing to be filed, or making or causing to be made, or giving or causing to be given, any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this local law

which is willfully false,

- (3) willfully failing to file a bond required to be filed pursuant to this local law,
- (4) failing to file a registration certificate and such data in connection therewith as the Treasurer may by order, regulation or otherwise require,
- (5) failing to display, or to surrender upon demand of the Treasurer, the certificate of authority as required by this local law,
- (6) assigning or transferring such a certificate of authority,
- (7) willfully failing to charge separately from the rent the tax herein imposed, or willfully failing to state such tax separately on any evidence of occupancy and on any bill or statement or receipt of rent issue or employed by the operator,
- (8) willfully failing or refusing to collect any tax imposed by this local law from the occupant, or
- (9) failing to keep or maintain the records required by this local law.

(g) The certificate of the County Treasurer to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed, or that information has not been supplied pursuant to the provisions of this local law, shall be presumptive evidence thereof.

Section 23. Judicial Review.

Any final determination of the amount of any tax payable pursuant to this local law, as well as any final determination on an application for refund or credit under section 14 of this local law, shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the civil practice law and rules if application therefore is made to the supreme court within thirty days after the giving of the notice of such final determination, provided, however, that any such proceeding under article seventy-eight of the civil practice law-and rules shall not be instituted unless:

(a) The amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law or regulation shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

(b) At the option of the petitioner such undertaking may be in a sum sufficient to cover the taxes, interests and penalties stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be

required to pay such taxes, interest or penalties as a condition precedent to any tax imposed pursuant to this section shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the proper fiscal officer or officers, and such officer or officers shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under article seventy-eight of the civil practice law and rules, provided, however, that such proceeding is instituted within thirty days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and that an undertaking is filed with the proper fiscal officer or officers in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

Section 24. Returns to be confidential.

- (a) Except in accordance with proper judicial order, or as otherwise provided by law,
 - (1) it shall be unlawful for the Treasurer or any agent, employee or designee of the Treasurer to divulge or make known in any manner the rents or other financial information relating to the business of an operator contained in any return required under this local law; and
 - (2) the officers charged with the custody of such returns shall not be required to produce any of such returns or evidence of anything contained therein in any action or proceeding in any court, except on behalf of the Treasurer in an action or proceeding under the provisions of this local law, or on behalf of any party to any action or proceeding under the provisions of this local law when the returns or facts shown thereby are directly involved in such action or proceeding, provided that in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more.
- (b) Notwithstanding the provisions of paragraph (a) of this section, nothing herein shall be construed to prohibit
 - (1) the delivery to a taxpayer or such taxpayer's duly authorized representative of a copy of any return filed in connection with this local law, or
 - (2) the provision of statistics, so classified as to prevent the identification of particular returns and items thereof, to the Director of Economic Development when such information to be provided shall be utilized solely for the purpose of the development and/or promotion of the tourism industry or
 - (3) the inspection by the county attorney or other legal representatives of the county, or by the district attorney of any county, of the return(s) of any

taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty.

(c) Returns shall be preserved by the Treasurer for not less than three (3) years or for such longer period of time as the Treasurer determines.

(d) Any violation of paragraph (a) of this section shall be punishable by a fine not exceeding one thousand dollars, and if the offender be an officer or employee of the county such officer or employee shall be subject to appropriate discipline.

Section 25. Confidentiality of Registrant Information

(a) Except in accordance with proper judicial order, or as otherwise provided by law,

(1) The Treasurer may keep certain information of operators and property managers confidential when making such information available to the public would potentially lead to harm of the business, person and/or the real or personal property of the same.

(2) Notwithstanding the provisions of paragraph (a) (1) of this section, the Treasurer shall provide, on an annual basis, a list of all properties registered under the Occupancy Tax Law to the Town Supervisor in which municipality the property is located, and/or to such municipal officials(s) as the Town Supervisor may designate. Such information shall include the name of the operator, property manager and/or owner, the contact information of the same (including address), business name, contact information of the business (including contact name and address), property location, date of registration, date of notice of cessation of business, sale or conveyance.

(b) Notwithstanding the provisions of paragraph (a) of this section, nothing herein shall be construed to prohibit

(1) the provision of any information contained on the certificate of authority, in the case of an operator, and/or the information contained on the registration form, in the case of a property manager, to a person requesting such information, when such person attests in writing that such information will not be used for the purpose of solicitation.

Section 26. Notices and Limitations of Time.

(a) Any notice authorized or required under the provisions of this local law may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed pursuant to the provisions of this local law, or in any application made by such person, or if no return has been filed or application made then to such address as may be obtainable.

(b) The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed.

(c) Any period of time which is determined according to the provisions of this local law by the giving of notice shall commence to run from the date of mailing of such notice.

(d) The provisions of the civil practice law and rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the county to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this local law.

Section 27. Limitation of Effect of Local Law.

This local law shall remain in full force and effect for a period of three (3) years from the date of enactment by the Board of Supervisors; except that nothing shall prohibit or prevent the adoption and enactment of subsequent local laws continuing or imposing the tax authorized hereby after the expiration of this local law.

Section 28. Separability.

If any provision of this local law or the application thereof to any person or circumstance shall be held invalid, the remainder of this local law and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 29. Effective Date.

This local law shall take effect upon March 1, 2025.

COMMITTEE APPROVAL
BY: John Kosier
DATE: 1/8/2025
BY PHONE: <input checked="" type="checkbox"/> BY EMAIL: IN PERSON:
PREFILED: <input checked="" type="checkbox"/> NOT-PREFILED:

RESOLUTION NO. 31

TITLE: PUBLIC HEARING ON LOCAL LAW INTRO. NO. 1 OF 2025

**DELAWARE COUNTY OCCUPANCY TAX LAW
FOR LODGING ESTABLISHMENTS AND SHORT TERM RENTALS
DEPARTMENT OF ECONOMIC DEVELOPMENT**

WHEREAS, a proposed Local Law extending the occupancy tax for lodging establishments and short-term rentals 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 26th day of February 2025 at 1:00 p.m. to be held at the Delaware County Office Building located at 111 Main Street, Delhi, New York.

COMMITTEE APPROVAL
BY: Jim Ellis
DATE: 1/16/2025
BY PHONE: BY EMAIL: IN PERSON: ✓
PREFILED: ✓ NOT-PREFILED:

RESOLUTION NO. 32

**TITLE: STANDARD WORK DAY AND REPORTING RESOLUTION
NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM**

BE IT RESOLVED that the County of Delaware hereby establishes the following as standard workdays for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body.

<u>Title</u>	<u>Name</u>	<u>Standard Work Day (hrs/day)</u>	<u>Term Begin-End</u>	<u>Days Per Month Based on Record of Activities</u>
<u>ELECTED OFFICIAL:</u>				
Supervisor-Franklin	Donald Smith	6	1/01/24-12/31/25	2.90
<u>APPOINTED OFFICIAL:</u>				
County Clerk	Haley Gransbury	6	7/21/24-12/31/25	25.50

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ORGANIZATIONAL MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

JANUARY 8, 2025

The Organizational Meeting of the Delaware County Board of Supervisors was held Wednesday, January 8, 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.

Clerk of the Board, Penny A. Bishop, called the meeting to order and read the Notice of Meeting:

TO ALL SUPERVISORS:

Pursuant to County Law §151 and Board Rule 1, the Organizational Meeting of the Delaware County Board of Supervisors will be held in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York, on Wednesday, January 8, 2025 at 1:00 p.m.

The meeting is called for the purpose of organizing for the year 2025, including election of a Chairman, Vice Chairman, Clerk of the Board, and Budget Officer.

Any other business that may properly be brought before the Board will be conducted.

Penny A. Bishop, Clerk
Delaware County Board of Supervisors

The Clerk called the roll by towns and the following Supervisors were present:

Wayland Gladstone	PO Box 125	Andes
Tina B. Molé	PO Box 63, Bovina Center	Bovina
Arthur Merrill	PO Box 321, Downsville	Colchester
Timothy S. Kelso	2686 Charlotte Creek Road	Davenport
Maya Boukai	5 Elm Street	Delhi
Wayne E. Marshfield	6754 Basin Clove Road	Hamden
Jerry Vernold	661 West Main Street	Hancock
Lisa M. Driscoll	25399 State Hwy 23	Harpersfield
George E. Haynes, Jr.	51971 State Hwy 10, Bloomville	Kortright
James G. Ellis	4187 Turnpike Road, Delhi	Meredith
Glen Faulkner	PO Box 577, Margaretville	Middletown
Allen R. Hinkley	56 Hillcrest Drive	Roxbury
Eric T. Wilson	44 Grand Street	Sidney
John S. Kosier	PO Box M, Hobart	Stamford

William Layton	PO Box 139, Trout Creek	Tompkins
Joseph M. Cetta	129 North Street	Walton

The following Supervisors arrived shortly after roll call:

Donald T. Smith	450 Hodge Road	Franklin
Betty L. Scott	PO Box 313	Masonville

The following Supervisor was absent:

Rebecca Walley	3 Elm Street	Deposit
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Chaplin Donna Ladner offered the invocation.

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

The Clerk requested nominations for Chairman. Mr. Merrill nominated Tina Molé. The nomination was seconded by Mr. Layton and Tina Molé was unanimously re-elected as Chairman.

County Clerk Haley Gransbury administered the Oath of Office to Ms. Molé.

Mr. Vernold nominated James Ellis for Vice Chairman, which was seconded by Mrs. Driscoll and James Ellis was elected as Vice Chairman was unanimously re-elected.

Upon a nomination by Mr. Ellis, seconded by Mr. Vernold, Penny A. Bishop was unanimously re-elected as Clerk of the Board.

Upon a nomination by Mr. Haynes, seconded by Mr. Ellis, Arthur Merrill was unanimously re-elected as Budget Officer.

Chairman Molé gave the following statement:

Good afternoon and Happy New Year.

I want to take a few moments to reflect on why Delaware County is such a special place and why I find being a member of this board so fulfilling.

This is my ninth year as Chairman and my 24th year as a member of this Board, serving as Supervisor for the Town of Bovina. Over that time, I have learned many lessons, weathered many storms and most importantly watched Delaware County excel as a leader in almost all areas of local government. First and foremost, I attribute that success to the talents, professionalism and expertise of our department heads and staff. However, I also believe that success is a direct result of the guidance and support of this Board. As a representative government that operates through a committee system, I believe we have been able to give appropriate guidance while maintaining a strong fiscal responsibility to our taxpayers.

We have 11 committees consisting of five to seven members each, and we have 26 individual departments, many of which oversee multiple programs. As Chairman I try to attend

as many committee meetings each month as I can, keeping myself apprised of the needs of our departments and the demands for their services. It can be overwhelming to hear about all the needs, state and federal mandates, and projects that are being worked on each and every day in our County. It is even more impressive when we note the number of ways we excel and lead the way in addressing the needs of our constituents.

Here are just a few of the ways Delaware County serves our communities above and beyond other places in New York State:

1. We have the only municipal composting facility in New York State and only one of a handful in the country. Our facility is complemented by a state-of-the-art recycling program and an innovative and state-of-the-art landfilling system that is sensitive to the needs of our local community members and the environment. It is also the only municipally owned solid waste facility in New York State that does not charge our residents for garbage disposal.
2. Our county DPW's Century 21 Bridge Program, instituted in the 1990s, supports towns and villages by taking ownership, maintenance and oversight of almost all bridge structures larger than 20 feet in length. The program makes sure all bridges are designed, built and maintained to standards that exceed state and federal requirements, significantly reducing our number of deficient structures across the county. It is complemented by our highway management program developed by our DPW and GIS staff to identify, name and rate all culverts, highway conditions and structures on town and county roads. This inventory with associated map books is maintained by our county planning department and GIS staff for all 19 towns in the county and serves to provide necessary information for compliance with state and federal accounting and maintenance systems.
3. Our county-wide town planning advisory service has operated since the 1980s and works to provide technical expertise, guidance and support to our rural planning and zoning boards. This service allows our volunteer boards to address land uses based on the needs and character of the individual communities while providing guidance on the ever-changing demands for developable land and the complications that arise when there are competing uses for those lands. It is complemented by a suite of services including a county run GIS program, environmental planning services and landscape architectural services.
4. We operate a drone program in Delaware County that has proven to be an asset in many ways. Our two drones are operated by county employees that have taken the additional responsibility associated with becoming pilots to ensure a robust program can deliver multiple benefits. We have been able to deploy the drones for search and rescue missions, safe evaluation of rivers and streams during high water events and identification of potential damaging ice jams in the winter. We have supported economic development projects that allow for site development mapping and a laundry list of flights in support of local projects including mapping for new trails, parks and even housing development potential. With the use of lidar cameras and 3D modeling we can truly support development projects that will enhance all of our communities.
5. Delaware County has the only Watershed Affairs program to address not only our challenging relationship with the New York City watershed, but the needs, legal challenges and

influences of the other watersheds in the county including the Upper Delaware and the Susquehanna River's Chesapeake Bay watershed.

6. Delaware County excels at creating partnerships that seek to find commonality among programs and supporting services with our sister agencies to ensure the greatest services are provided to our residents. Our Core group is made up of representatives from our own technical staff at DPW, Planning, Watershed Affairs, Code Enforcement, Economic Development and Emergency Services along with staff from Cornell Cooperative Extension, the Delaware County Soil and Water Conservation District and the Watershed Agricultural Council with the Catskill Watershed Corporation as consulting members. This group of professionals provides unbiased, scientifically supported and evidence-based information to ensure we are making sound decisions on this board floor. This group has developed programs such as DCAP, precision feed management, emergency stream intervention and local flood analysis programs. It was the work of this group that provided all the support needed to ensure the National Academy of Sciences understood the importance of our position regarding land acquisition in 2020. This led to the 2024 decision by New York City to cease acquisitions in Priority Areas 3 and 4. The work of this group of collaborators cannot be understated and has led to state and federal policy changes to duplicate our work. They support agricultural innovation, hazard mitigation, economic development, highway management and local infrastructure concerns. This group of professionals has proven over the past 30 years that science-based decision making creates results and sets the stage for our recognized success, catching the attention of academia, state legislators and federal programs that seek out advice from these very individuals.

7. Collaboration within our many human service programs lends itself to the greatest service possible. Contracting services with agencies such as Delaware Opportunities and Cornell Cooperative Extension allows us to provide innovative services while seeking new ways to meet the needs of our most vulnerable populations. Programs and services such as HEAP, weatherization, meals on wheels, medical transport and child advocacy are all essential programs required to meet the needs of our aging, our youth and our growing population of working poor. We are not immune to societal issues including homelessness, food insecurity, addiction and crime. Our ability to build bridges with agencies that provide expertise in these areas and complements our own staffing is essential to meeting these needs. Like all other things, we excel in this area and provide services that are far superior to some of our neighboring communities as we are always seeking new and creative solutions to these problems.

Our accomplishments have not gone unnoticed. In 2024 two of our own department heads were elected to state level positions. Sheriff Craig DuMond was elected the President of the New York State Sheriffs' Association and Probation Director, Scott Glueckert, was elected the Area Representative for the State of New York to serve on the American Probation and Parole Association. The dedication, expertise and common sense of these department heads are being recognized at the state level and making a difference in some of the most profound ways.

In 2024 we celebrated with a ribbon cutting ceremony, signaling the completion of the multi-year construction project for the three new DPW facilities. We also saw substantial completion of the two new Department of Social Services facilities to house our homeless and provide safe and private visitation for our foster families. These capital projects have been planned for many years and it is wonderful to see them come to completion, allowing us to better

serve our county. Impressively we have been able to complete these significant projects while paying off our debts. The ability of the men and women around this table to continue to be fiscally responsible while still providing substantial programming to our communities is a testament to the work each of you puts into this job.

Probably the most profound difference this Board and its members have made to the lives of our residents and the quality of life in Delaware County is represented by the commitment of our ARPA funds. The impressive list of projects we supported included funding to support local farmers, preservation of historically significant structures, enhancement of broadband services across the county, improved county infrastructure, a commitment to strategic planning for our future and support of our county fairgrounds. The difference we have been able to make with this funding will be felt by many generations.

As we move into 2025, I am certain we will continue to see additional unfunded mandates from the state, increasing energy costs across New York State and the implementation of new regulations in support of the Climate Leadership and Community Protection Act. We will be faced with challenges at both our local town and village levels as we are forced to implement new building code standards, fund additional programming for human services and provide for our aging population and the needs of our working families. It is important that we continue to work toward the common goals of preserving our communities, supporting programs at the county that serve our local towns and villages and seek new ways to work together while providing the highest level of services to our residents. We will continue to be successful as we learn from our mistakes and build on our successes while continuing to be a leader in New York State, making a difference every day as we support our county department heads and in turn our taxpayers.

As we look forward to the new year and we set the stage for a fruitful 2025 I just want to thank each person around this table and all our department heads and staff for your continued dedication and support of all county residents, visitors and businesses.

Chairman Molé gave the following tribute to James Thomson.

Delaware County is mourning the loss of a life-long resident of the Town of Delhi and Delaware County. James Thomson served as chairman of the Delaware County Industrial Development Agency (IDA) for 30 years where he advocated and supported growing businesses and job creation throughout the County. Jim was a local business owner himself, growing the insurance company his father began before him. He worked tirelessly to help support other local family-owned businesses grow and thrive in the County while encouraging, seeking and often romancing new businesses to come to the area. He firmly believed in preserving our rural character and enhancing agriculture throughout the County, making him a leader in financing agri-business and businesses that support and complement our agriculture community.

In the early 1990s while the New York City Watershed Filtration Avoidance program was being developed, Jim had the foresight to see the potential harm new rules and regulations could have on our local businesses, especially our agricultural community. As chairman of the IDA, he worked closely with the Planning and Economic Development Director, Kenneth Bieri,

to bring attention to the impacts the new proposed rules and regulations could have on our ability to support our rural communities. Ultimately these rallying cries led to the formation of the Catskill Watershed Towns and the negotiations that developed the Memorandum of Agreement in 1997.

Jim will be remembered for his love of Delaware County and his passion to make life in our little corner of the world better. His many contributions to the business community will be part of his legacy and we as a community will forever be grateful for his vision, commitment and dedication.

The minutes of the previous meeting were accepted as presented.

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

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

RESOLUTION NO. 1

TITLE: RE-APPOINTMENT COMMISSIONER BOARD OF ELECTIONS DEMOCRAT

BE IT RESOLVED that Judith Garrison is hereby reappointed as the Democratic Commissioner of Elections for a term of two years effective January 1, 2025, and ending December 31, 2026 at the salary contained in the budget.

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

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

RESOLUTION NO. 2

TITLE: RE-APPOINTMENT DIRECTOR OF INFORMATION TECHNOLOGY

BE IT RESOLVED that Joseph deMauro is hereby reappointed as Director of Information Technology for a term effective January 1, 2025, and ending December 31, 2026 at the salary contained in the budget.

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

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

RESOLUTION NO. 3

TITLE: RE-APPOINTMENT OF DIRECTOR OFFICE FOR THE AGING

BE IT RESOLVED that Wayne Shepard is hereby reappointed as Director Office for the Aging for a term of two years effective January 1, 2025, and ending December 31, 2026, at the salary contained in the budget.

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

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

RESOLUTION NO. 4

TITLE: RE-APPOINTMENT OF PUBLIC DEFENDER

BE IT RESOLVED that Joseph Ermeti is hereby reappointed as Public Defender for a term of two years effective January 1, 2025, and ending December 31, 2026 at the salary of \$195,625 in addition to any on-call pay incurred.

The resolution was seconded by Mr. Cetta

The resolution was adopted by voice vote with three opposed (Boukai, Marshfield, Vernold).

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

RESOLUTION NO. 5

TITLE: RE-APPOINTMENT OF STOP DWI COORDINATOR

BE IT RESOLVED that Scott Glueckert is hereby reappointed as Stop DWI Coordinator for a term of two years effective January 1, 2025, and ending December 31, 2026, at the salary contained in the budget.

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

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

RESOLUTION NO. 6

TITLE: RE-APPOINTMENT DIRECTOR OF VETERANS SERVICE AGENCY

BE IT RESOLVED that in accordance with Section 357 of the Executive Law, the re-appointment of Mark Dunlop by the Chairman of the Board as Director of Veterans Service Agency for a term of office of two years effective January 1, 2025, and ending December 31, 2026, at the salary contained in the budget is hereby approved; and

BE IT FURTHER RESOLVED that in accordance with Section 148 of the General Municipal Law, Mark Dunlop is hereby designated as the person to oversee the burial of

members of the Armed Forces of the United States and their families who do not have sufficient means to defray their funeral expenses.

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

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

RESOLUTION NO. 7

TITLE: APPOINTMENT OF YOUTH BUREAU DIRECTOR

BE IT RESOLVED that Keith Weaver is hereby appointed as Youth Bureau Director for a term of one year effective January 1, 2025, and ending December 31, 2025.

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

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

RESOLUTION NO. 8

**TITLE: DESIGNATION OF COUNTY NEWSPAPERS
PURSUANT COUNTY LAW §214(2)**

WHEREAS, the County is required pursuant County Law §214(2) to designate newspapers for printing the County's local laws and notices and/or other matters required by law to be published in print;

NOW, THEREFORE, BE IT RESOLVED that the newspapers designated pursuant County Law §214(2) are the Hancock Herald and the Mountain Eagle for the calendar year 2025.

The resolution was seconded by Mr. Vernold.

The resolution was adopted by voice vote with three opposed (Gladstone, Boukai, Marshfield).

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

RESOLUTION NO. 9

TITLE: DESIGNATION OF DEPOSITORY FOR DELAWARE COUNTY FUNDS

BE IT RESOLVED, pursuant to Section 212 of the County Law, as amended and now in force, the bank hereinafter specified is hereby designated as a depository for County Funds, together with the maximum amount that may be kept on deposit therein at any one time, and the County Treasurer is hereby authorized and directed to deposit County monies in the bank herein designated.

NOW, THEREFORE, BE IT RESOLVED the County Treasurer is authorized to wire funds and use electronic transfer of funds (ACH) from or to each facility; and

BE IT FURTHER RESOLVED that one certified copy of the resolution shall be filed in the office of the County Clerk, one in the office of the State Comptroller and two in the office of the County Treasurer by the Clerk of the Board of Supervisors.

Wayne Bank	\$120,000,000.00
The Delaware National Bank of Delhi	\$70,000,000.00
The Delaware National Bank of Delhi (Court and Trust Fund Designated by NYS Comptroller)	\$5,000,000.00
The National Bank and Trust Company	\$80,000,000.00
JP Morgan Chase	\$250,000.00
Community Bank NA	\$250,000.00

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

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

RESOLUTION NO. 10

**TITLE: 2024 BUDGET AMENDMENT
TRANSFER OF FUNDS
SHERIFF'S OFFICE**

WHEREAS, funds have been made available to the Sheriff's Office by way of Other County Board-ins, which is over the amount budgeted; and

WHEREAS, these funds are to help cover the expense of the Equipment and Personal Services for the Correctional Facility in 2024; and

WHEREAS, we are looking to transfer the overage from boarding in inmates to help offset these expenses.

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

INCREASE REVENUE:

10-13150-41158905	Otr Pub Sfty Inmate Phone	\$19,071.72
10-13150-42226400	Jail Facilities Srvcs Otr Gov	\$2,552.04

INCREASE APPROPRIATION:

10-13150-54000000	Contractual Expenses	\$21,623.76
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The resolution was seconded by Mr. Faulkner and adopted by the following vote:
Ayes 194, Noes 0, Absent 6 (Walley).

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

RESOLUTION NO. 11

**TITLE: 2024 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 2024 Budget be amended as follows:

TRANSFER FROM:

10-11990-54900000	Contingency	\$47,656.20
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TRANSFER TO:

10-14390-54535420	Professional Fees Psychiatric	\$47,656.20
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The resolution was seconded by Mr. Faulkner.

In response to Mr. Marshfield, Mr. Cetta stated that yes this is the same as prior resolutions and hopefully this is the last for 2024. It was a considerable amount above what was budgeted last year because the state no longer pays 50% it is now the County's responsibility to pay 100%.

The resolution was adopted by the following vote: Ayes 194, Noes 0, Absent 6 (Walley).

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

RESOLUTION NO. 12

**TITLE: 2025 BUDGET AMENDMENT
TRANSFER OF FUNDS
PROBATION DEPARTMENT**

WHEREAS, Resolution No. 212 of 2024 authorized the establishment of a 25-year retirement plan for Peace Officers employed at the Delaware County Probation Department; and

WHEREAS, said 25-year retirement plan became effective January 1, 2025; and

WHEREAS, an amount of \$65,600 is needed to initiate the 25-year retirement plan.

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

TRANSFER FROM:

10-11990-54900000	Contingency	\$65,600.00
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TRANSFER TO:

10-13140-58100000	State Retirement System	\$65,600.00
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The resolution was seconded by Mr. Faulkner and adopted by the following vote: Ayes 194, Noes 0, Absent 6 (Walley).

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

RESOLUTION NO. 13

**TITLE: 2025 BUDGET AMENDMENT
ACCEPTANCE OF FRIENDS OF RECOVERY-
DEDICATED TO OTHERS FUNDING
DEPARTMENT OF MENTAL HEALTH**

WHEREAS, NYS Office of Addiction Services and Supports (OASAS) has allocated funding for Friends of Recovery- Dedicated to Others Program; and

WHEREAS, Delaware County Community Services will contract with Friend of Recovery-Dedicated to Others to provide services to Delaware County Residents that are in need for peer recovery support services; and

WHEREAS, Delaware County Community Services will receive state aid in 2025.

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

INCREASE REVENUE:

10-14317-43349302	St. Aid Local Asst. Al. Clinic	\$535,000.00
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INCREASE APPROPRIATION:

10-14317-54200013	Contracted Svcs FOR-DO	\$535,000.00
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The resolution was seconded by Mr. Vernold.

In response to Mr. Marshfield, Mr. Cetta stated that this is substantial larger than normal. Just like funding for the Alcohol and Drug Council this is funneled through the Department of Mental Health. It is very good for the residents that use these services.

The resolution was adopted by the following vote: Ayes 194, Noes 0, Absent 6 (Walley).

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

RESOLUTION NO. 14

**TITLE: PAYMENT OF MACHINERY RENTALS
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, various authorized expenditures from the Machinery Fund are being made, especially for the purchase of new equipment; and

WHEREAS, anticipated rentals earned from the County Road Fund appear insufficient to meet those expenditures during the next several months.

NOW, THEREFORE, BE IT RESOLVED that the County Treasurer is hereby authorized to pay in advance such highway equipment rentals as are necessary to cover the cash needs of the Machinery Fund; and to credit subsequent rental warrants against the amount so advanced, provided that the total advanced and credited shall not exceed the amounts authorized in the budget for 2025.

The resolution was seconded by Mr. Kosier and adopted by the following vote: Ayes 194, Noes 0, Absent 6 (Walley).

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

RESOLUTION NO. 15

**TITLE: CHANGE ORDER NO. 4, 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 13039 for the bid amount of \$4,218,920.75; and

WHEREAS, Resolution No. 130 of 2024 authorized the signing of Change Orders No. 1 and No. 2 increasing the total project cost by \$2,370.00 to \$4,221,290.75; and

WHEREAS, Resolution No. 206 of 2024 authorized the signing of Change Order No. 3, allowing the reconciliation of final quantities at no additional cost; and

WHEREAS, the final reconciliation has occurred, and the final quantities have been agreed upon resulting in a net decrease of \$365,238.33.

NOW, THEREFORE, BE IT RESOLVED that the Department of Public Works is herewith authorized to execute Change Order No. 4, reducing the final contract amount by \$365,238.33 to \$3,856,052.42.

The resolution was seconded by Mr. Ellis.

Mr. Ellis commented that it was a nice project and looks good.

The resolution was adopted by the following vote: Ayes 194, Noes 0, Absent 6 (Walley).

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

RESOLUTION NO. 16

TITLE: AUTHORIZING THE IMPLEMENTATION, AND FUNDING OF A TRANSPORTATION PROJECT, WHICH MAY BE ELIGIBLE FOR FEDERAL-AID AND/OR STATE-AID, OR REIMBURSEMENT FROM BRIDGE NY FUNDS DEPARTMENT OF PUBLIC WORKS

WHEREAS, a Project for the CR 41 over the East Branch Delaware River (BIN 3353180) Bridge Replacement (BNY23), Town of Roxbury, County of Delaware, PIN 9755.87 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, 23CFR and PUB L. 117-58 also known as the "Bipartisan Infrastructure Law" (BIL); and

WHEREAS, the County of Delaware will design, let and construct the Project; and

WHEREAS, the County of Delaware desires to advance the Project by making a commitment of 100% of the costs of the Preliminary Engineering/Design and Right-of-Way Incidentals work for the Project or portions thereof.

NOW, THEREFORE, the Delaware County Board of Supervisors, duly convened does hereby

RESOLVE that the Delaware County Board of Supervisors hereby approves the above-subject project; and it is further

RESOLVED that the Delaware County Board of Supervisors hereby authorizes the County of Delaware to pay 100% of the cost of Preliminary Engineering/Design and Right-of-Way Incidentals work for the Project or portions thereof with the understanding that qualified costs may be eligible for Federal-aid, state-aid, or reimbursement from Bridge NY funds; and it is further

RESOLVED that the sum of \$720,000.00 is hereby appropriated from 34-15112-54000000 and made available to cover the cost of participation in the above phase(s) of the Project; and it is further

RESOLVED that the Delaware County Board of Supervisors hereby agrees that the County of Delaware shall be responsible for all costs of the Project which exceed the amount of Federal-aid, state-aid or Bridge NY funding awarded to the County of Delaware; and it is further

RESOLVED that in the event the Project costs not covered by Federal-aid, State-aid or Bridge NY funding exceeds the amount appropriated above, the Delaware County Board of Supervisors shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED that the County of Delaware hereby agrees that the construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and it is further

RESOLVED that the Chairman of the Board of Supervisors of the County of Delaware be and is hereby authorized to execute on behalf of the County of Delaware all necessary Agreements, certifications or reimbursement requests for Federal-aid and/or state-aid with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the County of Delaware's funding of Project costs and permanent funding of the local share of Federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED this Resolution shall take effect immediately.

The resolution was seconded by Mr. Kosier and adopted by the following vote: Ayes 194, Noes 0, Absent 6 (Walley).

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

RESOLUTION NO. 17

**TITLE: AUTHORIZING THE IMPLEMENTATION, AND FUNDING OF A
TRANSPORTATION PROJECT, WHICH MAY BE ELIGIBLE FOR FEDERAL-AID
AND/OR STATE-AID, OR REIMBURSEMENT FROM BRIDGE NY FUNDS
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, a Project for the Corbett Road over the East Branch Delaware River (BIN 3352060) Bridge Rehabilitation (BNY23), Town of Colchester, County of Delaware, PIN 9755.29 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, 23CFR and PUB L. 117-58 also known as the "Bipartisan Infrastructure Bill" (BIL); and

WHEREAS, the County of Delaware will design, let and construct the Project; and

WHEREAS, the County of Delaware desires to advance the Project by making a commitment of 100% of the costs of the Preliminary Engineering/Design work for the Project or portions thereof.

NOW, THEREFORE, the Delaware County Board of Supervisors, duly convened does hereby

RESOLVE that the Delaware County Board of Supervisors hereby approves the above-subject project; and it is further

RESOLVED that the Delaware County Board of Supervisors hereby authorizes the County of Delaware to pay 100% of the cost of Preliminary Engineering/Design work for the Project or portions thereof with the understanding that qualified costs may be eligible for Federal-aid, state-aid, or reimbursement from Bridge NY funds; and it is further

RESOLVED that the sum of \$450,000.00 is hereby appropriated from 34-15112-54000000 and made available to cover the cost of participation in the above phase(s) of the Project; and it is further

RESOLVED that the Delaware County Board of Supervisors hereby agrees that the County of Delaware shall be responsible for all costs of the Project which exceed the amount of Federal-aid, state-aid or Bridge NY funding awarded to the County of Delaware; and it is further

RESOLVED that in the event the Project costs not covered by Federal-aid, state-aid or Bridge NY funding exceeds the amount appropriated above, the Delaware County Board of Supervisors shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED that the County of Delaware hereby agrees that the construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and it is further

RESOLVED that the Chairman of the Board of Supervisors of the County of Delaware be and is hereby authorized to execute on behalf of the County of Delaware all necessary Agreements, certifications or reimbursement requests for Federal-aid and/or state-aid with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the County of Delaware's funding of Project costs and permanent funding of the local share of Federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED this Resolution shall take effect immediately.

The resolution was seconded by Mr. Merrill and adopted by the following vote: Ayes 194, Noes 0, Absent 6 (Walley).

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

RESOLUTION NO. 18

TITLE: PROCLAMATION FOR 100-YEAR ANNIVERSARY OF THE NEW YORK STATE ASSOCIATION OF COUNTIES (NYSAC)

WHEREAS, the New York State Association of Counties (NYSAC) was founded 100 years ago to serve as a unified voice and advocate for the 57 counties of New York State, including the five boroughs of New York City; and

WHEREAS, NYSAC has consistently worked to enhance the effectiveness of county governments through robust advocacy, comprehensive education, and meticulous research, all aimed at addressing the unique challenges faced by county officials and their constituents; and

WHEREAS, over the past century, NYSAC has played an instrumental role in promoting the interests of county governments at the state and federal levels, ensuring that the voices of local governments are heard and their needs addressed; and

WHEREAS, NYSAC has provided invaluable resources and training to county officials, empowering them with the knowledge and tools necessary to deliver efficient and effective services to the residents of New York State; and

WHEREAS, through its commitment to research, NYSAC has fostered innovative solutions and best practices that have strengthened county operations and improved the quality of life for millions of New Yorkers; and

WHEREAS, NYSAC has built a legacy of collaboration and partnership among county governments, fostering a spirit of unity and mutual support that has been crucial to addressing common challenges and advancing shared goals; and

WHEREAS, the centennial anniversary of NYSAC is a momentous occasion to celebrate the association's enduring dedication to public service and its profound impact on the governance and well-being of New York State's counties.

NOW, THEREFORE, the Delaware County Board of Supervisors does hereby proclaim the year 2025 as the Centennial Year of the New York State Association of Counties and extend heartfelt congratulations and gratitude to NYSAC for 100 years of exemplary service and leadership.

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. Hinkley offered the following resolution and moved its adoption:

RESOLUTION NO. 19

**TITLE: AUTHORIZATION TO HIRE OUTSIDE THIRD-PARTY VENDOR
FOR PENDING LITIGATION MATTERS**

WHEREAS, Delaware County has determined the need to hire an outside third-party forensic vendor; and

WHEREAS, this cost may be covered by the County's insurance carrier; and

WHEREAS, the County must engage an outside vendor without regard to cost or insurance coverage per order of the Federal court.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors authorizes payment for the service; and

BE IT FURTHER RESOLVED that Resolution No. 216 of 2024 is hereby rescinded.

In response to Mr. Gladstone and Ms. Boukai, County Attorney Amy Merklen stated that this is an open-ended resolution, and it is still pending if the insurance company will pay.

Mr. Gladstone stated that the taxpayers should not be responsible to pay for this litigation.

Chairman Molé agreed but said that there is no choice; we are being ordered to do so.

The resolution was adopted by voice vote with two opposed (Gladstone, Boukai).

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

RESOLUTION NO. 20

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$2,127,558.08 were hereby presented to the Finance Committee for approval for payment on December 23, 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	\$1,476,545.11
Insurance Risk	\$396.40
OET	\$60,984.62
CAP DSS	\$218.67
Highway Audits, as Follows:	
Weights & Measures	\$105.86
Solid Waste/Landfill	\$39,070.75
Road	\$112,003.20
Machinery	\$54,922.14
Capital Solid Waste	\$28,214.00
Capital Road & Bridge	\$124,563.29
CAP DPW Complex	\$230,534.04

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$761,519.88 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	\$529,899.12
OET	\$30,564.42
Public Safety Comm System	\$324.40
Highway Audits, as Follows:	

Solid Waste/Landfill	\$36,031.80
Road	\$126,112.42
Machinery	\$34,224.04
CAP DPW Complex	\$4,363.68

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 194, Noes 0, Absent 6 (Walley).

Chairman Molé made the following committee appointments:

COMMUNITY SERVICES BOARD

4-year term ending December 31, 2028

Reappoint:

Supervisor Arthur Merrill

Jayne Francisco

Dr. Sally George

COOPERATIVE EXTENSION SERVICE

1-year term ending December 31, 2025

Reappoint:

Supervisor Wayland Gladstone

DELAWARE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

3-year term ending December 31, 2027

Appoint:

Noel Goodspeed

Christopher Price

Reappoint:

Michael O'Brien

DELAWARE COUNTY LOCAL DEVELOPMENT CORPORATION

3-year term ending December 31, 2027

Reappoint:

Michael O'Brien

DELAWARE COUNTY PLANNING BOARD

3-year term ending December 31, 2027

Reappoint:

Bruce Dolph

Art Edel

HEALTH SERVICES ADVISORY BOARD

2-year term ending December 31, 2026

Appoint:

Supervisor Rebecca Walley

Liliana Morgan

Reappoint:

Supervisor Arthur Merrill
Supervisor Wayne Marshfield
Supervisor Joseph Cetta
Dr. Rohan Jayasena
Wayne Shepard

SOIL & WATER CONSERVATION DISTRICT BOARD

1-year term ending December 31, 2025

Reappoint:

Supervisor James Ellis
Supervisor George Haynes

3-year term ending December 31, 2027

Reappoint:

Bruce Dolph
Jerome Fraine

TOURISM ADVISORY BOARD

3-year term ending December 31, 2027

Reappoint:

Glenn Nealis
Michael Argiros
Kim Riera

YOUTH BUREAU BOARD

3-year term ending December 31, 2027

Appoint:

Muhammed Bhatti
Cooper Harvey
Angela Kelly
Chris Maney
Jocelyn Plows
Susan Sainsbury
Crystal Trask

Chairman Molé requested the Board go into a closed session to confer with counsel.

The meeting reconvened with all Supervisors present except Mrs. Walley.

Upon a motion, the meeting was adjourned at 2:15 p.m.