

## REGULAR MEETING

### DELAWARE COUNTY BOARD OF SUPERVISORS JANUARY 28, 2015

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, January 28, 2015 at 1:00 p.m. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York, Chairman James E. Eisel, Sr. presiding.

The Clerk called the roll and all Supervisors were present except Mr. Axtell and Mr. Pigford.

Mr. Marshfield offered the invocation.

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

The minutes of the previous meeting were accepted as presented.

The Clerk noted that a get-well card is being passed around for Mr. Axtell. All other communications received have been referred to their respective committees for review.

Chairman Eisel noted that he spoke with Mr. Axtell and he sounded good as he talked about his upcoming procedure. He looked forward to being back to work soon.

Chairman Eisel granted privilege of the floor to Ms. Molé. Ms. Molé introduced Director of Public Health Bonnie Hamilton and County Compliance Officer Donna Jones to provide an overview of the Medicaid Compliance Program training.

Mrs. Hamilton explained that Medicaid providers are required to operate under established Medicaid Compliance regulations. As the governing body, the Board of Supervisors must also receive the compliance program training. The Supervisors were given a copy of a booklet entitled: *Delaware County Public Health Nursing Service Compliance Program Training Booklet 18 NYCRR 521 Regulation* to follow along with the presentation.

The topics contained within the Corporate Compliance booklet were discussed. It was noted that the Department of Public Health has an established system of checks and balances designed to detect and prevent inaccurate billing and inappropriate practices as required by regulations.

Mrs. Hamilton stated that the department recently completed a document review by a state educator and received a very satisfactory report. The Quality Assurance Corporate Compliance Committee will address any concerns raised from the review.

Mrs. Jones continued with an explanation of the role of the Compliance Officer and the various audits and guidelines that are involved. The Compliance Officer is tasked with the responsibility for the day-to-day operations of the compliance program. If there is an actual or potential problem, workforce members are encouraged to follow the proper channels for good faith reporting. If after the proper channels have been exhausted with no satisfaction, the Office of Medicaid Inspector General has an online report site:

<http://www.omig.state.ny.us/data/contnet/view/50/224/> and a toll-free hotline number 1-877-873-7283 that should be used to report a concern.

Mrs. Jones provided the Supervisors with a copy of the 2014 Delaware County Public Health Corporate Compliance Report adding that she can be reached at 607-832-5154 if there are any questions or concerns.

Supervisors were asked to sign the Attestation Form provided upon completion of the presentation. The forms will be retained as proof of their completion of the Medicaid Compliance Program training.

Mrs. Hamilton stated in reply to Mr. Taggart, that OMIG is an acronym for Office of the Medicaid Inspector General whose responsibility is to audit billers and determine means in which to recover erroneous billings.

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

### **RESOLUTION NO. 26**

#### **TITLE: ACCEPTANCE OF THE AWARD OF FUNDING FROM THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL FOR FISCAL YEAR 2015 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING DEPARTMENT OF ECONOMIC DEVELOPMENT**

**WHEREAS**, the County of Delaware has been awarded a Microenterprise Community Development Block Grant in the amount of \$200,000; and

**WHEREAS**, these funds are designed to assist local microenterprise agricultural entrepreneurs and businesses throughout Delaware County which is essential to the County's future economic vitality; and

**WHEREAS**, this program will result in the creation and retention of local jobs; and

**WHEREAS**, a grant agreement has been received by the County of Delaware and must be executed and returned within 45 days to formalize the acceptance of the funds; and

**WHEREAS**, the County of Delaware will enter into a sub-recipient agreement with the Delaware County Local Development Corporation (DCLDC), whereby the DCLDC will assume responsibility for the delivery and administration of the CDBG funds on behalf of the County.

**NOW, THEREFORE, BE IT RESOLVED** that the County of Delaware hereby authorizes and directs the Chairman of the Delaware County Board of Supervisors to formalize acceptance of the grant award by taking any and all steps necessary including, but not limited to, executing the NYS Community Development Block Grant Agreement and a sub-recipient agreement with the Delaware County Local Development Corporation, and establishing a non-interest bearing account for the specific use of this grant.

**BE IT FURTHER RESOLVED** that the 2015 budget be amended as follows:

**INCREASE REVENUES:**

10-16326-44498900/6326015/972 Other Federal Grant Funds \$200,000.00

**INCREASE APPROPRIATIONS:**

10-16326-54327000/6326015/972 General Grant Related Expense \$200,000.00

The resolution was seconded by Ms. Miller and adopted by the following vote: Ayes 4051, Noes 0, Absent 748 (Axtell, Pigford).

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

**RESOLUTION NO. 27**

**TITLE: 2014 BUDGET AMENDMENT  
DEPARTMENT OF PUBLIC WORKS  
SOLID WASTE CAPITAL AND LANDFILL**

**WHEREAS**, a budget amendment needs to be made to the Solid Waste Capital and Landfill Budget to cover expenses for 2014; and

**WHEREAS**, 2014 sales tax revenue budgeted and received in Landfill shall be transferred to the Solid Waste Capital fund to cover additional expenses incurred in 2014.

**NOW, THEREFORE, BE IT RESOLVED** that the 2014 budget be amended as follows:

**DECREASE REVENUES:**

22-18160-45503101 Interfund Transf (Fr GF S/Tax) \$421,000.00

**DECREASE APPROPRIATIONS:**

22-18160-54238010 Disposal of C&D \$197,000.00  
22-18160-54238080 Disposal of Tires \$20,000.00  
22-18160-54231500 Fuel Oil \$15,000.00  
22-18160-54340000 Host Community Benefits \$13,500.00  
22-18160-54418040 Maint & Rep Building \$15,000.00  
22-18160-54418080 Maint & Rep Roads \$17,000.00  
22-18160-54515000 Petroleum Oil Lube \$27,000.00  
22-18160-54610000 Tires and Tubes \$10,500.00  
22-18160-54655000 Water and Leachate Testing \$10,000.00  
22-18160-51000000 Personal Services \$96,000.00

**INCREASE REVENUES:**

32-18161-45503101 Interfund Transf (Fr GF S/Tax) \$421,000.00

**INCREASE APPROPRIATIONS:**

32-18161-54000000 Contractual \$421,000.00

The resolution was seconded by Mr. Haynes.

Mr. Rowe noted the budget amendment is to pay off the new MRF building.

The resolution was adopted by the following vote: Ayes 4051, Noes 0, Absent 748 (Axtell, Pigford).

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

**RESOLUTION NO. 28**

**TITLE: 2014 BUDGET AMENDMENT  
DEPARTMENT OF PUBLIC WORKS - ROAD FUND**

**WHEREAS**, a budgetary entry is needed to increase appropriations to cover payroll expenses in the Road Fund for 2014; and

**WHEREAS**, it is necessary to obtain additional funding from the Unappropriated Fund Balance.

**NOW, THEREFORE, BE IT RESOLVED** that the 2014 budget be amended as follows:

**DECREASE FUND BALANCE:**

24-0000-34915000	Assigned Unapprop Fund Balance	\$165,075.00
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**INCREASE APPROPRIATIONS:**

24-15010-5100000	Personal Services	\$23,500.00
24-15020-5100000	Personal Services	\$10,000.00
24-15020-5830000	Social Security Empl Contrib	\$200.00
24-15020-5890000	Medicare Empl Contrib	\$75.00
24-15110-5100000	Personal Services	\$130,000.00
24-15110-5830000	Social Security Empl Contrib	\$1,000.00
24-15110-5890000	Medicare Empl Contrib	\$300.00

The resolution was seconded by Mr. Haynes and adopted by the following vote: Ayes 4051, Noes 0, Absent 748 (Axtell, Pigford).

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

**RESOLUTION NO. 29**

**TITLE: COUNTY POSITION ON NYSDOT DIVISIBLE LOAD PERMITS  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, NYS Department of Transportation (NYSDOT) issues Divisible Load Permits to trucking applicants who desire to haul heavier loads than is legally allowed under NYS Vehicle and Traffic Law; and

**WHEREAS**, said permits are only good for state roads and it is specifically stated on the permit that it is not valid on a county, town or village road or street without having a specific permit from those municipalities; and

**WHEREAS**, the majority of the roads and streets in Delaware County were not designed for the heavier loads allowed by these permits; and

**WHEREAS**, it is documented that heavier loads do exponentially more damage to roads per trip than do cars and light trucks; and

**WHEREAS**, the Department of Public Works did an evaluation in 2003 of the impact that endorsing divisible load permits would have on the county system of roads and bridges and decided that it was not in the best interest of the county to endorse divisible permits; and

**WHEREAS**, there are 210 County owned bridges on town roads and village streets that are not evaluated for divisible load permits and therefore should not have such loads crossing them.

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Board of Supervisors herewith acknowledges that the DPW does not indorse divisible load permits for use on county roads or bridges; and

**BE IT FURTHER RESOLVED** that the Board of Supervisors herewith encourages all of the towns and villages not to endorse divisible load permits on their roads and streets.

The resolution was seconded by Mr. Spaccaformo and adopted by the following vote: Ayes 4051, Noes 0, Absent 748 (Axtell, Pigford).

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

**RESOLUTION NO. 30**

**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>Employer Rec. of Time Worked (Y/N)</u>	<u>Days Per Month Based on Record of Activities</u>
<b><u>ELECTED OFFICIALS:</u></b>					
Supervisor - Middletown	Marjorie Miller	6	01/01/14 - 12/31/15	N	6.27
<b><u>APPOINTED OFFICIALS:</u></b>					
Clerk of the Board	Christa M. Schafer	7	01/01/15 - 12/31/15	Y	N/A
Director, Emergency Services	Stephen Hood	7	01/01/15 - 12/31/18	Y	N/A
Director, Information Technology	Joseph deMauro	7	01/01/15 - 12/31/18	Y	N/A
Director, Office for the Aging	Wayne Shepard	7	01/01/15 - 12/31/16	Y	N/A

Commissioner, Public Works	Wayne Reynolds	7	01/01/15 - 12/31/18	Y	N/A
Commissioner, Social Services	Dana Scuderi-Hunter	7	01/07/15 - 1/07/20	Y	N/A
Director, Veterans' Services	Charles Piper	7	01/05/15 - 12/31/16	Y	N/A

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

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

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

**RESOLUTION NO. 31**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,370,729.32 are hereby presented to the Board of Supervisors for approval of payment;

**NOW, THEREFORE, BE IT RESOLVED** that the County Treasurer be directed to pay said expenditures as listed below:

General Fund	\$1,005,788.10
OET	\$5,849.76
Public Safety Comm System	\$14,100.36
Highway Audits, as Follows:	
Weights and Measures	\$716.90
Landfill	\$109,023.99
Road	\$157,694.32
Machinery	\$65,560.03
Capital Road & Bridge	\$11,995.86
Capital Solid Waste	\$0.00

The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4051, Noes 0, Absent 748 (Axtell, Pigford).

Chairman Eisel opened the floor to recall Local Laws 1 through 11.

Mr. Marshfield noted that he would be voting against the salary increases based on the taxpayer's plight. He referenced with concern the increase in the County Budget followed by significant increases to the county and town taxes. His finding from a salary comparison of similar size counties shows that the current county salaries are very good. His vote in no way minimizes the job performance, dedication and contribution made by the department heads.

Chairman Eisel explained in answer to Mr. Marshfield, that the District Attorney's salary is set by the state. This year about 35 percent of the salary is on the local levy. That percentage

has been decreasing yearly. The reason for this local law is that the salary increase is in the middle of the term.

Mr. Hynes noted that the salary increases were approved when the 2015 Budget was approved. He pointed out that it is already difficult to replace department heads because the pay scale is lowered for the new hire.

Mr. Taggart stated that in his opinion offering a two-percent increase was not an equitable solution based on salaries. The county is fortunate to have good employees but there is a limit to what the taxpayers can pay.

Mr. Spaccaforo pointed out that the county is losing dedicated employees based on the county's pay scale. There has to be a balance but felt the Board should not withhold salary increases. He believes the increases showed good faith and the employees understand the situation the county is in.

Mr. Dolph pointed out that all of the county employees are taxpayers and face the same cost of living increases. The county has very dedicated employees working under an established union contract negotiated to keep salary increases under control.

Mr. Rowe noted that he would be voting for the salary increases. The Supervisors are not in the position to take over the duties of a departing department head and felt many are not earning a comparable salary. He opined there are more difficult decisions that need to come before this Board. This state is extremely liberal with escalating social programs and diminishing state funding. Speaking as the Chairman of the Department of Public Works Committee, he stated that it is getting harder and harder to support the current level of services.

Chairman Eisel stated that the county has a tremendous asset in its department heads. They have a wealth of experience and should be appreciated as well as compensated for their dedication and commitment to the efficient running of the county. These are very tough times but as a Board, we are tasked with the responsibility of providing the residents with needed services and seamless transitions when changes are made. He stated that he would be voting for all of the salary increases.

Mr. Dolph recalled Local Law Intro. No. 1 to set the 2015 salary of Porter Kirkwood, County Attorney at \$125,917. The Local Law was seconded by Ms. Molé and adopted by the following vote: Ayes 3919, Noes 132 (Marshfield), Absent 748 (Axtell, Pigford).

Mr. Dolph recalled Local Law Intro. No. 2 to set the 2015 salary of Cynthia Heaney, Director of Community Mental Health Services at \$89,324. The Local Law was seconded by Ms. Molé and adopted by the following vote: Ayes 3919, Noes 132 (Marshfield), Absent 748 (Axtell, Pigford).

Mr. Dolph recalled Local Law Intro. No. 3 to set the 2015 salary of William J. Campbell, Election Commissioner at \$21,576. The Local Law was seconded by Mr. Donnelly and Ms. Molé and adopted by the following vote: Ayes 4051, Noes 0, Absent 748 (Axtell, Pigford).

Mr. Dolph recalled Local Law Intro. No. 4 to set the 2015 salary of Dean Frazier, Commissioner of Watershed Affairs at \$72,206. The Local Law was seconded by Mr.

Spaccaforno and adopted by the following vote: Ayes 3919, Noes 132 (Marshfield), Absent 748 (Axtell, Pigford).

Mr. Dolph recalled Local Law Intro. No. 5 to set the 2015 salary of Nicole Franzese, Director Planning Department at \$77,238. The Local Law was seconded by Mr. Hynes and adopted by the following vote: Ayes 3678, Noes 373 (Taggart, Marshfield), Absent 748 (Axtell, Pigford).

Mr. Dolph recalled Local Law Intro. No. 6 to set the 2015 salary of Michael Sabansky, Director of Real Property Tax Services II at \$60,201. The Local Law was seconded by Ms. Molé and adopted by the following vote: Ayes 3669, Noes 382 (Marshfield, Hynes), Absent 748 (Axtell, Pigford).

Mr. Dolph recalled Local Law Intro. No. 7 to set the 2015 salary of Leonarda T. Storey, Personnel Officer at \$66,830. The Local Law was seconded by Ms. Miller and adopted by the following vote: Ayes 3919, Noes 132 (Marshfield), Absent 748 (Axtell, Pigford).

Mr. Dolph recalled Local Law Intro. No. 8 to set the 2015 salary of Glenn Nealis, Director of Economic Development at \$76,238. The Local Law was seconded by Ms. Miller and adopted by the following vote: Ayes 3678, Noes 373 (Taggart, Marshfield), Absent 748 (Axtell, Pigford).

Mr. Dolph recalled Local Law Intro. No. 9 to set the 2015 salary of Bonnie Hamilton, Director of Public Health at \$85,162. The Local Law was seconded by Mr. Donnelly and Ms. Molé and adopted by the following vote: Ayes 3919, Noes 132 (Marshfield), Absent 748 (Axtell, Pigford).

Mr. Dolph recalled Local Law Intro. No. 10 to set the 2015 salary of Beverly Shields, Treasurer at \$63,292. The Local Law was seconded by Ms. Miller and adopted by the following vote: Ayes 3919, Noes 132 (Marshfield), Absent 748 (Axtell, Pigford).

Mr. Dolph recalled Local Law Intro. No. 11 to set the 2015 salary of Richard Northrup, District Attorney at \$152,500. The Local Law was seconded by Ms. Miller and adopted by the following vote: Ayes 3919, Noes 132 (Marshfield), Absent 748 (Axtell, Pigford).

Chairman Eisel appointed Joanne Sampson to the Community Services Board.

Upon a motion, the meeting adjourned at 1:45 p.m.