

**REGULAR MEETING**

**DELAWARE COUNTY BOARD OF SUPERVISORS  
MARCH 11, 2015**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, March 11, 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. Hynes.

Mr. Marshfield offered the invocation.

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

Chairman Eisel welcomed back Mr. Axtell noting that he looked in very good health.

Mr. Axtell conveyed his appreciation for all the expressions of kindness, cards and calls during his recovery. He said he is doing very well and is pleased to be back.

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. 50**

**TITLE: RESOLUTION TO APPOINT THE COMMISSIONER OF SOCIAL SERVICES  
TO THE POSITION OF PART-TIME EXECUTIVE DIRECTOR OF THE  
DELAWARE COUNTY YOUTH BUREAU**

**BE IT RESOLVED** that Dana A. Scuderi-Hunter is hereby appointed as part-time Executive Director of the Delaware County Youth Bureau for a term of office effective March 11, 2015 and ending December 31, 2015.

The resolution was seconded by Ms. Miller and unanimously adopted.

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

**RESOLUTION NO. 51**

**TITLE: AUTHORIZATION FOR DISPOSITION OF PERSONAL PROPERTY  
NO LONGER NECESSARY FOR PUBLIC USE  
SHERIFF'S OFFICE**

**WHEREAS**, section 215 of the County Law stipulates that the Board of Supervisors must authorize for the disposition of personal property no longer necessary for public use.

**NOW, THEREFORE, BE IT RESOLVED** that the Sheriff's Office is authorized to sell by auction or sealed bid or destroy the following items:

<u>Car No:</u>	<u>Description</u>	<u>Vehicle Identification No.:</u>
79	2000 Ford F150	2FTRX18W3YCA99161
50	2006 Chevy Impala	2G1WS581569411464
54	2007 Chevy Impala	2G1WS58RX79352516
52	2006 Chevy Impala	2G1WS581269410661
75	2000 Chrysler Voyager	2C4GJ25R5YR894867
72	2005 Dodge Durango	1D4HB48N65F566515

The resolution was seconded Mr. Axtell.

In answer to Mr. Taggart, Commissioner of Public Works Wayne Reynolds explained that the county has a contract with an online auction service and the department is currently in the process of developing a policy. Once a policy is in place a resolution will be brought before the Board for approval, then the online auction will be implemented.

In reply to Mr. Marshfield, Sheriff Mills noted that the 2000 Chrysler Voyager is a seized vehicle and is well beyond its usefulness, all other vehicles were used by the Sheriff's Office.

The resolution was unanimously adopted.

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

#### **RESOLUTION NO. 52**

#### **TITLE: SUPPORT FOR THE MODIFICATIONS TO THE OPERATION SYSTEM TOOL/ FLEXIBLE FLOW MANAGEMENT PLAN (OST/FFMP) THE UPPER DELAWARE RIVER TAILWATERS COALITION (UDRTC) HAS ENDORSED DEPARTMENT'S OF ECONOMIC DEVELOPMENT/WATERSHED AFFAIRS**

**WHEREAS**, the OST/FFMP, the current 1954 Decree Party Plan, that dictates the release of water from the Pepacton, Cannonsville and Neversink reservoirs for various purposes, may be extended as is or revised by June 1, 2015; and

**WHEREAS**, the UDRTC is currently a coalition of the Towns of Hancock, Colchester, Deposit and Tompkins; the Villages of Deposit and Hancock; and the Friends of the Upper Delaware River that has a vested interest in modifications to the OST/FFMP because of direct impacts of decisions by the OST/FFMP on them; and

**WHEREAS**, the negotiations for changes to the OST/FFMP is not an open process it is important to provide comments prior to the negotiations in an attempt to promote or influence changes by the Decree Parties; and

**WHEREAS**, Delaware County recognizes and appreciates the complexities involved in the management of the Delaware basin reservoirs and the need to address the interests of

multiple stakeholders and in consideration of said complexities believes the UDRTC positions will help improve river based economic and ecological conditions in their communities and the County in total; and

**WHEREAS**, the OST/FFMP includes consideration for impacts fisheries and recreational activities the Upper Delaware River Cold Water Fishing and Boating Economic Impact Study (April 2014), clearly demonstrated that the economic net present value of the local fishery and recreational activities is \$414 million over 20 years. The study also showed that with more consistent releases associated with the OST/FFMP that the \$414 million net present value could increase by an additional \$274 million over the same timeframe which is an important economic consideration for communities located in the immediate tailwaters.

**NOW, THEREFORE, BE IT RESOLVED** the Delaware County Board of Supervisors supports the position of the UDRTC for modifying the OST/FFMP and public process and requests that the Decree Parties give full and reasonable consideration for proposed modifications as follows:

- A new Thermal Program to cool water temperatures during heat waves
- New language that commits to improved releases from Delaware reservoirs once Croton system goes back online
- Smoother directed releases
- Spread out directed releases to Pepacton and Neversink reservoirs when possible (not just the Cannonsville)
- A one year only extension of the OST/FFMP until the impacts of the Croton system can be evaluated
- Establishment of a public comment opportunity in this process
- DRBC Regulated Flow Advisory Committee meeting prior to May 1, 2015

**BE IT FURTHER RESOLVED** this resolution be forwarded to the Decree Party Members (Governors of PA, NY, NJ and DE, NYC Mayor), Decree Party Principals, Delaware River Congressional Task Force, the Delaware River Basin Commission and Executive Director, NYS Assemblyman Clifford Crouch and NYS Senators John Bonacic and Tom Libous.

The resolution was seconded by Ms. Miller.

Commissioner of Watershed Affairs Dean Frazier noted that the process for making the determination on the OST/FFMP is a closed process. The resolution is primarily about releases, but more transparency is also sought regarding the process.

In response to Chairman Eisel, Commissioner Frazier said that because the process is closed the only way to get concerns to OST/FFMP is to appeal to the Decree Party Members in advance of any decisions so they are aware of the concerns in the tailwaters.

Mr. Merrill explained that greater consistency in water level is essential for recreational activities and better temperatures for the fisheries. The resolution is also seeking more opportunity for water to come from the Pepacton and Neversink reservoirs so as to not rely so much on the Cannonsville reservoir.

Chairman Eisel noted that the economic opportunity is huge, \$400 million over twenty years.

Mr. Rowe noted that the UDRTC positions will help improve river-based economic and ecological conditions in the communities and the county. The comments outlined in the resolution will create significant opportunity to the municipalities impacted and to the county overall.

He pointed out that a study is long overdue. The current release schedule does not allow for the stable temperature required for the fisheries and is not enough water to keep the river wet from shoreline to shoreline. As a result, tourism suffers as the ecological conditions are changing and recreational activities such as fishing, tubing, and kayaking are less enjoyable.

Mr. Rowe referenced the information kiosk located in the East Branch rest area, stating that the Chamber of Commerce placed it there because 220,000 vehicles a year stop there. The more people that can be directed off the highway and onto the main streets of towns and villages the better for the whole county.

He stated that he looks forward to the day the Towns of Colchester, Deposit and Hancock are considered the gateway to Delaware County. He thanked the Board of Supervisors for their support.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 53**

**TITLE: RESOLUTION FOR DELAWARE COUNTY REGARDING  
JAIL MEDICAL COSTS FOR PROVIDING HIV AND HEPATITIS C  
TREATMENT FOR INMATES  
SHERIFF'S OFFICE**

**WHEREAS**, in 2009, Governor Paterson signed into law the "Department of Health Oversight Law" (A.903/S.3842) as Chapter 419 of the laws of 2009 that requires the New York Department of Health (DOH) to conduct annual reviews of HIV and Hepatitis C care in state and local correctional facilities; and

**WHEREAS**, this law mandates changes to healthcare provided in a correctional setting, making care in those institutions comparable to community standards of care; and

**WHEREAS**, since the enactment of this law, county jails have been required to provide more extensive testing to inmates for HIV and Hepatitis C, and more instances of these diseases have been discovered and subsequently required treatment; and

**WHEREAS**, county and jail officials have the responsibility for providing adequate and prompt medical treatment to inmates within their facilities; and

**WHEREAS**, the jail's medical professional ultimately determines the level and type of treatment each inmate should receive, depending on a number of factors including their disease and symptoms; and

**WHEREAS**, recently, new drugs for treating Hepatitis C have been approved by the FDA with an estimated cost for the 24 week treatment of \$201,600.00; and

**WHEREAS**, for many counties, the cost of providing such treatment to inmates can be exorbitant, causing great financial strain to jail medical budgets; and

**WHEREAS**, once an individual begins treatment on this medication, he or she must continue the full course of treatment for it to be effective, which requires jail officials to monitor and maintain an inmate's treatment record and required doses over a period of time which may precede or follow their incarceration; and

**WHEREAS**, Delaware County has seen +/- 5 cases of Hepatitis C in our jail in the past year, this would make incurring costs for treatment of inmates, 7 pills per week at \$1,200.00 each, multiplied by 24 weeks, equals \$201,600.00 per inmate, multiplied by 5 equals \$1,008,00.00. This represents 171% of Delaware County jail's entire medical budget; and

**WHEREAS**, the state enacted this new law without providing financial support to counties to be able to provide this new level of care and treatment to individuals diagnosed with these diseases.

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Board of Supervisors calls for the state to provide support and 100% financial reimbursement to the counties to offset the costs of providing HIV and Hepatitis C treatment to incarcerated individuals; and

**BE IT FURTHER RESOLVED** that copies of this resolution be sent to Governor Andrew M. Cuomo, members of the New York State Legislature, the Commissioner of the NYS Department of Health, the NYS Commission of Correction, the Association of Counties, and all others deemed necessary and proper.

The resolution was seconded by Mr. Axtell.

Mr. Spaccaforno remarked that this is another unfunded state mandate. The county has seen about five cases of Hepatitis C in its jail this past year. The treatment for this communicable disease costs about \$200,000 per inmate. To be effective the full course of treatment must be completed. As he understands the mandate, the county is responsible to provide and monitor the regimen even if it extends past the inmate's incarceration.

Mr. Marshfield noted that he learned from Public Health there are hundreds of people affected with Hepatitis C and some insurance companies do not cover the cost of some of the new treatments. He shared that he has a dear friend diagnosed with Hepatitis C after receiving blood transfusions many years ago. He knows the struggles his friend has had working with the insurance company to cover the cost of treatment. He opined that it seems unfair for law-abiding residents to struggle while individuals in a correctional setting have the opportunity to receive treatment free of charge. He understands the necessity to diagnose and treat the incarcerated population but the state needs to provide funding.

Mr. Spaccaforo shared a similar story and expressed concern that the prison population could potentially increase as an affected individual may find incarceration the way to receive treatment.

In answer to Mr. Taggart, Public Health Epidemiologist Amanda Walsh said that although she is not familiar with this piece of the corrections law, the basis for the extended treatment follow-up is likely due to the prison population being considered a high-risk population. This population is less likely to see a healthcare provider on a regular basis for testing and treatment.

Ms. Walsh explained that the Delaware County Public Health Disease Control Program conducts daily disease surveillance for a variety of reportable communicable diseases. The system is based on lab reporting. Public Health tracks the number of people with positive hepatitis reports but does not individually track Hepatitis treatment. When a person is placed in the local jail or other state or federal prisons, their insurance ceases. Medical care including treatment and monitoring for a disease then becomes the responsibility of that jail or prison system. Medical care in the county jail is paid through local dollars. Ideally, once a person is released from jail, they could then apply for Medicaid or other insurance and then see a medical provider for their health needs.

Mr. Dolph opined that if an individual is not treating the disease it is questionable as to whether or not there was an earlier diagnosis. The diagnosis at the local jail might be the first awareness the individual has. While he understands the importance of this treatment, he believes the state should fund the mandate.

Chairman Eisel stated that these individuals need treatment however, this is a costly mandate that the state needs to help fund.

The resolution was unanimously adopted.

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

#### **RESOLUTION NO. 54**

#### **TITLE: RESOLUTION URGING THE NEW YORK STATE LEGISLATURE TO HONOR HOME RULE REVENUE REQUESTS IN A TIMELY AND ORDERLY FASHION BY ENACTING AN OMNIBUS SALES TAX BILL THAT RENEWS ALL COUNTY SALES TAX RATES AT CURRENT LEVELS**

**WHEREAS**, counties continue to face significant challenges in balancing their budgets while also meeting the goals of the property tax cap and property tax freeze; and

**WHEREAS**, counties must administer and pay for more than 40 state programs that can consume up to 85 percent of a county's entire budget; and

**WHEREAS**, many local revenue options must be approved by the State Legislature including local sales tax rates above three percent subject to state approvals every two years; and

**WHEREAS**, in 2013 one county was denied an extension of their local sales tax rate

above three percent creating a shortfall exceeding \$5 million; and

**WHEREAS**, counties' ability to raise revenues from the property tax are limited by the state imposed property tax cap; and

**WHEREAS**, locally raised revenues are necessary to implement and deliver state mandated programs as well as local public health and safety, economic development and "quality of life" services demanded and expected in our communities; and

**NOW, THEREFORE, BE IT RESOLVED** the Delaware County Board of Supervisors calls upon the Governor and State Legislature to reform the home rule process so it works as efficiently as possible for local taxpayers, eliminates unnecessary and duplicative legislative activity at the state and local level that is currently required under state law, and allows county elected officials, in conjunction with residents in their respective communities, to determine the mix of locally raised revenues they deem least burdensome; and

**BE IT FURTHER RESOLVED** the state should renew current local sales tax rate in a single omnibus bill to streamline the process and improve government efficiency; and

**BE IT FURTHER RESOLVED** that counties strongly encourage the state assembly to support recent efforts by the Governor and the Senate to allow counties to renew their existing local sales tax rates every two years without state legislature approval; and

**BE IT FURTHER RESOLVED** that copies of the resolution be sent to the sixty-two counties of New York State encouraging member counties to enact similar resolutions; and

**BE IT FURTHER RESOLVED** that copies of this resolution be sent to Governor Andrew M. Cuomo, the New York State Legislature and all other deemed necessary and proper.

The resolution was seconded by Mr. Donnelly and Mr. Marshfield.

Mr. Dolph explained that this resolution is requesting the Governor and Legislature to allow counties to renew their existing local sales tax rates without state approval.

The resolution was unanimously adopted.

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

#### **RESOLUTION NO. 55**

#### **TITLE: LEGISLATIVE APPROVAL FOR CONTINUATION OF SALES TAX LEVY**

**WHEREAS**, Senate Bill 4143 and Assembly Bill 5765 have been introduced to allow the continuation of the 4% local sales and use tax rate;

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Board of Supervisors requests the passage and enactment of Senate Bill 4143 and Assembly Bill 5765 entitled "AN ACT to amend the tax law, in relation to extending the authorization of the County of Delaware to impose an additional one percent of sales and compensating use taxes"; and

**BE IT FURTHER RESOLVED** that the Clerk of the Board of Supervisors is directed and authorized to file with the Senate and Assembly Home Rule Messages or forms as needed to certify this resolution.

The resolution was seconded by Mr. Marshfield.

Mr. Dolph stated that this resolution is part of the current process counties have to follow in order to continue the one percent sales taxes.

The resolution was 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 for its adoption:

**RESOLUTION NO. 56**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,580,384.50 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	\$1,206,060.56
OET	\$15,646.04
Public Safety Comm System	\$64,696.93
Highway Audits, as Follows:	
Weights and Measures	\$96.69
Landfill	\$21,631.24
Road	\$163,546.23
Machinery	\$93,672.47
Capital Road & Bridge	\$15,034.34
Capital Solid Waste	\$0.00

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4549, Noes 0, Absent 250 (Hynes).

Chairman Eisel appointed Chas Decker, a student at South Kortright Central School to the Youth Bureau Board of Directors.

Upon a motion, the meeting adjourned at 1:30 p.m.