

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

MARCH 27, 2019

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, March 27, 2019 at 1:00 p.m. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York, Chairman Tina B. Molé presiding.

The Clerk called the roll and all Supervisors were present except Mr. Marshfield and Mr. Spaccaforno.

Mr. Pigford offered the invocation.

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

Chairman Molé read a message addressed to the Board from Supervisor Michael Spaccaforno thanking the Board for their well wishes and prayers.

The minutes of the previous meeting were accepted as presented.

The Clerk noted that all communications received have been referred to the appropriate committees for review.

Chairman Molé granted privilege of the floor to Supervisor Eugene Pigford. Mr. Pigford introduced Deyanira Cisneros who serves as the Community Engagement Coordinator for Advancing Tobacco Free Communities of Delaware, Otsego and Schoharie Counties. Ms. Cisneros introduced Program Director Linda Wegner and Reality Check Youth Engagement Coordinator Bonnie Peck.

The initiative of Advancing Tobacco Free Communities (ATFC) is covered through the New York State Department of Health which is a grant-funded program through the Bureau of Tobacco Control (BTC) with 25 grantees throughout New York State. This program specifically targets Delaware, Otsego and Schoharie Counties (DOS). The AFTC DOS program focuses on educating decision makers, municipalities and other stakeholders about tobacco use and how it impacts the community.

Tobacco use is still the leading cause of preventable death and disability in the United States. The program helps promote local actions to help prevent or reduce the impact of tobacco use including the exposure to secondhand smoke. There is no safe level of exposure to secondhand smoke as it is known to cause stroke, lung cancer, and coronary heart disease.

The AFTC DOS advocates for the following tobacco-free policies:

- Tobacco-free litter. Tobacco litter greatly impacts the environment. This litter pollutes the land and water and is highly toxic and dangerous to children, domestic animals, and wildlife. This litter also negatively impacts the overall image of the facility.
- Reduction of fire risks. Combustible cigarette products that are discarded on the ground near flammable structures can cause severe fires. Property was destroyed in a nearby county facility as a result of a discarded cigarette.
- Smoking cessation. Cessation is available for those who are willing to change their habit. Tobacco use is an addiction similar to opioids, alcohol, or any other illicit substance.
- Financial burden. Tobacco use is a financial burden in our communities especially for employers. Tobacco-related illness decreases employee productivity when these employees cannot work. Employees who smoke miss on average 6.2 days of work due to sickness. Health care premiums are higher for employees who are tobacco users. Life and disability insurance costs are also considerably higher for those individuals. Employers pay an estimated \$6,000 more for an employee who uses tobacco compared to a non-smoking employee.

Ms. Cisneros stated that the ones who are most impacted by tobacco use are disparity groups such as low socio-economic, low education and those who are social determinates of health. These are the individuals who are being serviced in our communities particularly by local health departments, social services, and other social service agencies.

Ms. Cisneros reaffirmed their mission to prevent and reduce tobacco use and stated they would like to be a resource to the County and asked the Board to take advantage of their services to reduce local health and economic burdens. Tobacco use still needs to be reduced among disparity groups, particularly mental health. About 27% of mental health recipients are using some form of tobacco which directly impacts their health even further when they mix their psychotropic medication along with tobacco products.

In answer to Mr. Valente, Ms. Cisneros stated that there is no Constitutional right that people have to smoke or are allowed to smoke and nothing speaks constitutionally that a person has a right to smoke. Employers do have the right to set their own code of conduct and they also must protect the rights of nonsmokers.

Mr. Pigford opined that a no smoking policy is acceptable; however, a policy against smokers constitutes a form of discrimination. In response to Mr. Pigford, County Attorney Amy Merklen concurred that employers cannot have a policy stating they do not hire smokers. An acceptable policy would state that smoking is not allowed at the place of business. Employers cannot discriminate against employees because they smoke. Ms. Cisneros added that during an interview, employers legally cannot specifically ask a potential employee if they are a smoker. She stated that the focus of this program is not on the individual who smokes; their focus is on the smoke.

In response to Mr. Gladstone, Program Director Linda Wegner referenced the handout materials which include copies of two policies that were adopted in neighboring counties. AFTC

DOS can help develop a policy language and provide education as well as various forms of signage. A policy should incorporate all tobacco products including emerging electronic nicotine devices (ENDS).

In answer to Mr. Taggart, Ms. Peck explained that all Juul pods contain nicotine and ninety-eight percent of all other electronic tobacco products contain varying amounts of nicotine. The use of Juuls is a major problem that schools are dealing with. Ms. Cisneros pointed out that one Juul pod contains as much nicotine as one pack of cigarettes. Youth who smoke five Juul pods a day in essence are smoking an equivalent of five packs of cigarettes a day. Juuls are addictive and they contain about 7,000 toxic chemicals similar to those found in traditional combustible cigarettes including formaldehyde.

Chairman Molé commented that she would not seek to take away the right of individuals to smoke. A designated area must be provided for employees who want to smoke. Mr. Taggart stated that a designated area should be enforced. Ms. Wegner added that as of June 18, individuals will not be allowed to smoke within 100 feet of public and private libraries in the State of New York.

Mr. Taggart stressed the overall importance of educating youth. Ms. Cisneros concurred and stressed that nurturing the efforts would make the program effective. Education would not be effective unless the effort is supported by the community. To improve community health as a whole, everyone is held to the same standards. Ms. Cisneros thanked the Board and Ms. Walsh for bringing them in for today's presentation.

Chairman Molé granted privilege of the floor to Mr. Pigford. Mr. Pigford introduced Public Health Services Director Mandy Walsh.

Ms. Walsh presented the annual Delaware County Public Health Services Corporate Compliance Program to the Supervisors who must be certified every year. Each Supervisor received the 18 NYCRR 521 Regulation Compliance Program Training Booklet. This training must include certain elements of compliance in order to have effective Medicaid billing and be in compliance as required by the Office of the Medicaid Inspector General. Today's compliance program also covers Office for the Aging and Mental Health services.

Every year she is required to certify members of the Board of Supervisors. Requirements include staff training, certifying that they are following the code of ethics and following policies for billing as well as following privacy standards.

The New York State Social Services Law was expanded to include Article 28, Article 36, Mental Health Departments and any office that bills or deals with Medicaid in a financial capacity. The compliance program serves as an umbrella of protection and applies to billing, payments, mandatory reporting, credentialing, ethical behavior and all compliance conduct.

Ms. Walsh discussed the eight elements of compliance. She stated the core values of

public health include collaboration, equity, excellence, innovation, integrity, respect, and science. Other departments may have slightly different variations. Policies include the program overview, code of conduct, compliance officer designation, risk audit and self-evaluation, as well as a reporting and resolution policy.

Every year each department has to certify that staff is certified, that policies are up to date and reviewed on an annual basis and file the report with the Office of the Medicaid Inspector General. The report has to be completed by December 31 of each year. Ms. Walsh asked that Supervisors complete, sign and return the compliance program attestation forms.

Ms. Walsh reported that a resolution will be introduced later in the meeting for recognition of National Public Health Week. The tobacco-free group earlier spoke about healthy environments which is one piece that Public Health Services advocates for in our rural communities. The theme this year is “Creating the Healthiest Nation for Science, Action and Health.”

Public Health Services is also in the process of completing the community health assessment which is done every three to four years. The assessment is a large collaboration with the Office for the Aging, Office of Mental Health, Emergency Services, hospitals and many other health services. The assessment will be ready to present to the public in December.

Chairman Molé granted privilege of the floor to Mr. Triolo. Mr. Triolo introduced President of the Delaware County Chamber of Commerce Ray Pucci to give an update on the use of the occupancy tax funds.

Mr. Pucci introduced Lisa Wisely, owner of Blue Spark Creative Services who along with her team manages much of the tourism promotion program. Some of the programs funded with the TPA block grant funds include Family Farm Day, EscapeMaker.com, Great Western Catskills rebranding, as well as New York Best Adventures. The presentation focused on four programs, namely, the new GreatWesternCatskills.com website that is the tourism facing site along with an initiative to develop websites for lodging establishments and bringing them to the web as well as Ask a Local Campaign and other video projects that will be released over the next few weeks.

The new GreatWesternCatskills.com website is built on WordPress which allows for ease of updates and has a lot of flexibility to present new and updated content. The site is built to expand and grow and will be continuously updated. The previous platform did not allow for changes and that was not efficient in the tourism industry. The new site allows the user to sort by town when search for lodging options. The site is compatible with mobile devices and has mapping capabilities that are responsive to where the user is while searching. Another highlight of the new site is that each listing has its own mini site with their address, phone number, links, email address and site location with directions on the map. The Chamber encourages property owners to collaborate and add package deals and create specials for the packages.

The site launched in early September 2018 and has had a great response. There have been over 81,000 page views through over 16,000 users and over 19,000 sessions. Almost 60% of the traffic has been on mobile devices.

In October 2017, the Chamber launched the Delaware County Lodging website program which offered to produce low cost websites for lodging businesses with 50% of the cost of the site being covered by the lodging business and the balance to be covered by the tax occupancy grant. The original budget included enough funds to create 25 sites. About 16 sites have been produced to date and the program is ongoing. The only criteria in place was that the lodging establishment needed to be registered with the Treasurer's Office for the occupancy tax program. These are simple sites that work and are driving visitors to the area.

Ask a Local Campaign started in 2018 when Blue Spark began interviewing charismatic locals who own or run tourism related businesses. The Chamber is using long-form and short-form video to give tourists inside information on what's happening in Delaware County. Short-form videos are about one minute and are played on YouTube as a pre-roll to featured videos. The level of sophistication allows for specific targeting and would require viewers to watch one of these pre-rolls ahead of their target video.

These videos allow the Chamber to showcase the best of our business culture and the authentic experience available to tourists. The images and videos are genuine Delaware County landscape and Delaware County people. Ask a Local also includes a section that has the participant's favorite things to do in Delaware County as downloadable print pieces.

Recently, the Chamber followed avid hikers and licensed guides and created a number of hiking videos to show the variety of hiking experiences that are offered in our area. Motorcycle riding is hugely popular as a recreational activity in the Catskills. In conjunction with Blue Spark Creative Services, the Chamber is producing videos that focus on motorcycle experiences in Delaware County. They shot five different routes in the county and this series will be launched this spring. These videos have spectacular views. These motorcycle enthusiasts eat in our restaurants, take advantage of our lodging establishments, and are spending real dollars here.

Another program underway is the production of event videos to showcase major draw events such as the Ice Harvest Festival which takes place at the Hanford Mills Museum every February.

Tourism Economics reporting on traveler spending shows that spending in Delaware County increased 11.6% to \$111,908,000 in 2017 generating \$6,154,310 in state taxes and \$6,689,199 in local taxes in Delaware County.

In answer to Mr. Valente, Mr. Pucci said the Chamber works closely with neighbors in the Catskill Region for Visit the Catskills which has built a new website over the past few years and is getting more attraction. The Chamber also works closely with the I Love New York campaign. Ms. Wisley stated that Visit the Catskills is their number one referral and the leading

way that people visit their website. She said they also get a lot of traffic from paid search words through Google Ads.

Responding to Mr. Valente, Mr. Pucci said they are able to do more promotion with more money. Delaware County tourism dollars are very small compared to our competitive neighboring county dollars. For example, Ulster County and Greene County each have a budget specifically for tourism of over \$1,000,000. Sullivan County is anticipating next year's tourism promotion budget to be between \$2.5 and \$3 million. Ms. Wisely stated that digital promotion has been cost effective because people really do engage with videos. They watch and share videos which has helped bring traffic to the site.

In reply to Mr. Valente, Mr. Pucci confirmed that local businesses are on board with promotion on the website. Property owners are able to upload their own information to the site which is creating shared responsibility. The Chamber reviews and edits information before it goes live to assure quality viewing.

This year the Chamber is cataloging a town-by-town assessment of various attractions and outdoor activities which will be included with the popular map printed in the travel guide. The new travel guide will be available early May. Anyone can submit an event or listing by going to GreatWesternCatskills.com and selecting the Event tab.

Mr. Merrill opined that training may be needed for people at these establishments who don't know how to use the technology. In addition, there has been discussion at Travel Advisory Board meetings of groups asking for vendors to their events which often are scheduled at the same time and there aren't that many vendors. It would be ideal to coordinate a calendar and help guide groups to empty spots on the calendar as opposed to everyone planning events on the same weekend.

Mr. Eisel stated that a hugely popular event is coming up in Arkville this summer. Mr. Pucci confirmed that Thomas the Tank Engine will return to the Delaware and Ulster Railroad twice this summer.

Mr. Davis stated that the Catskill 3500 Club would be a great resource to discover secret spots in the Catskills. This hiking group is largely familiar with 35 peaks in the Catskill Mountains over 3,500 feet and this group knows where the best kept secrets are in the Catskills. Mr. Pucci stated that a couple of those peaks are located here in Delaware County.

Mr. Davis commented that he still performs fire inspections at the fire tower on top of Balsam Mountain. Hikers come every weekend starting in early April and they want to continue hiking into the fall. However, volunteers don't like to stay at the tower in the colder weather when there's no heat. Recently the state passed a rule that wood fires are allowed if a fire inspection is done. Mr. Davis suggested that towns get the fire inspection done to get more visitors and maintain a longer season. He believes a lot of local people have never hiked to the tops of these mountains to see what Delaware County has for these best kept secrets.

Mr. Valente said this reinforces the effort to go town by town and involve local governments to participate and pool resources for great sites. Mr. Pucci said they have always followed a team approach. They would appreciate and enjoy participation at the town level as well.

Delaware County is a spectacular place to live and a great product to promote. Mr. Pucci thanked the Board for their support through occupancy tax dollars and the budget to support this very important part of our local economy.

There were no standing committee reports.

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

RESOLUTION NO. 45

**TITLE: 2019 BUDGET ADMENDMENT
TRANSFER OF FUNDS
PUBLIC HEALTH SERVICES**

WHEREAS, Public Health Services has been awarded opioid grant funding;

WHEREAS, one of the objectives of the Opioid Crisis work plan is improving quality and timeliness of overdose data;

WHEREAS, the opioid grant has approved the purchase of laptops for Delaware County medical examiners to utilize the Electronic Death Registration System (EDRS) to achieve this objective;

WHEREAS, a transfer of funds is necessary to complete this purchase;

NOW, THEREFORE, BE IT RESOLVED that the 2019 budget be amended as follows:

INCREASE APPROPRIATIONS:

10-14012-52200001/4012017/906	Equipment-Grants	\$1,744.00
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DECREASE APPROPRIATIONS:

10-14012-54327000/4012017/906	General Grant Related Exp	\$1,744.00
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The resolution was seconded by Mr. Tuthill and adopted by the following vote: Ayes 4535, Noes 0, Absent 264 (Marshfield, Spaccaforo).

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

RESOLUTION NO. 46

**TITLE: 2019 BUDGET AMENDMENT
TRANSFER OF FUNDS
COUNTY INSURANCE**

WHEREAS, it is necessary to fund the County Insurance account to cover premiums on purchased policies for 2019 incidental liability claims, administrative costs and continued funding of the insurance reserve account,

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

FROM:

10-11010-54350200	Board of Supervisors	\$6,765.00
10-11040-54350200	Clerk of the Board	2,075.00
10-11165-54350200	District Attorney	3,235.00
10-11325-54350200	County Treasurer	3,895.00
10-11327-54350200	Fiscal Affairs	1,930.00
10-11355-54350200	Real Property Tax Services	2,570.00
10-11410-54350200	County Clerk	9,710.00
10-11420-54350200	County Attorney	3,000.00
10-11430-54350200	Personnel	2,500.00
10-11450-54350200	Board of Elections	1,780.00
10-11620-54350200	Buildings	18,265.00
10-11670-54350200	Printing	55.00
10-11680-54350200	Information Technology	16,805.00
10-11185-54350200	Medical Examiner	\$715.00
10-13110-54350200	Sheriff	41,051.00
10-13140-54350200	Probation	17,810.00
10-13150-54350200	Jail	85,840.00
10-13620-54350200	Code Enforcement	550.00
10-13640-54350200	Emergency Services	12,215.00
10-14012-54350200	Public Health Services	13,385.00
10-14310-54350200	Mental Health Clinic	28,240.00
10-14317-54350200	Alcoholism	13,410.00
10-14321-54350200	Expanded Mental Health Programs	1,195.00
10-16010-54350200	Social Services	60,345.00
10-16326-54350200	Economic Development	2,600.00
10-16510-54350200	Veteran's Service Agency	1,905.00
10-16610-54350200	Sealer of Weights & Measures	810.00
10-16772-54350200	Office for Aging	7,370.00
10-17510-54350200	County Historian	145.00

10-18020-54350200	Planning Department	3,685.00
10-18740-54350200	Watershed Affairs	2,300.00
22-18160-54350200	Solid Waste	73,210.00
26-15130-54350200	Highway Department	<u>143,850.00</u>
	Total:	\$583,216.00

TO:

10-19000-42280100	Interfund Revenue Insurance	\$583,216.00
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INCREASE REVENUE:

10-19000-42280100	Interfund Revenue Insurance	\$583,216.00
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INCREASE APPROPRIATION:

10-11910-54350200	Unallocated County Insurance	\$583,216.00
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BE IT FURTHER RESOLVED, that any unexpended year-end balance in account 10-11910-54350200 Unallocated County Insurance be transferred to 10-19901-59990200 Operating Transfer (out) for transfer to the Insurance Reserve Fund.

The resolution was seconded by Mr. Merrill and adopted by the following vote: Ayes 4535, Noes 0, Absent 264 (Marshfield, Spaccaforo).

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

RESOLUTION NO. 47

**TITLE: DELAWARE COUNTY PUBLIC HEALTH SERVICES CELEBRATES
NATIONAL PUBLIC HEALTH WEEK
APRIL 1 – APRIL 7, 2019**

WHEREAS, the week of April 1-7, 2019, is National Public Health Week; with a theme of “Creating the Healthiest Nation: For Science. For Action. For Health.”

WHEREAS, since 1995, the American Public Health Association, through its sponsorship of National Public Health Week, has educated the public, policymakers and public health professionals about issues important to improving the public’s health; and

WHEREAS, rural communities face a range of health disparities from higher burdens of chronic disease to limited access to primary care and prevention services. Rural Americans face a greater risk of heart disease, cancer, unintentional injury, chronic lower respiratory disease and stroke. Suicide rates are higher in rural areas and rural residents face social determinants such as poverty, transportation barriers and lack of higher paying jobs, which negatively impacts health. We must remove barriers and utilize new technology and approaches to improving health. Everyone has the right to good health; and

WHEREAS, our health is connected to our environments; our food system should

provide affordable food with nutritious ingredients, free from harmful contaminants. What happens upstream to our environments at work, school and home affects our health downstream. We must protect the air we breathe indoors and outdoors and the clean water we drink as well as protect our health from natural and manmade weather events and disasters; and

WHEREAS, people’s health, longevity and well-being are connected to their communities. Health must be a priority in designing our communities, from healthy housing to parks and playgrounds so everyone can live, work, learn and play; and

WHEREAS, we can’t do it all on our own. We must expand our partnerships to collaborate with planners, education officials, public, private and community agencies – everyone who has an impact on our health; and

WHEREAS, during National Public Health Week the public health community comes together to celebrate accomplishments and bring a renewed focus to the work ahead - and what it will take to become the Healthiest Nation; and

WHEREAS, strong public health systems are critical for sustaining and improving community health.

NOW, THEREFORE, BE IT RESOLVED that Delaware County recognizes April 1-7, 2019 as Public Health Week.

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

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

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

RESOLUTION NO. 48

**TITLE: 2019 BUDGET AMENDMENT
ACCEPTANCE OF GRANT
DEPARTMENT OF EMERGENCY SERVICES E911**

WHEREAS, the Emergency Services Department applied for and was awarded a grant from New York State Division of Homeland Security and Emergency Services Statewide Interoperable Communications Grant (SICG) which shall allow for the purchase of P25 compliant interoperable communications equipment; and

WHEREAS, the grant award will allow for the purchase of end user UHF mobile radios for all Delaware County fire apparatus and personnel for use with the new communications system; and

WHEREAS, this grant was awarded in the amount of \$497,400.00 to Delaware County.

THEREFORE, BE IT RESOLVED that the Emergency Services Office is authorized to accept this grant funding and the 2019 Emergency Services budget be amended as follows:

REVENUE ACCOUNT:

38-13640-43338900/3640391/911	State Civil Defense	\$497,400.00
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APPROPRIATION ACCOUNT:

38-13640-52200001/3640391/911	Grant Equipment	\$497,400.00
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The resolution was seconded by Mr. Davis

In answer to Mr. Triolo, Director of Emergency Services Steve Hood stated this grant will be used to purchase portable radios for all the officers in each fire department. The type of radio will vary based on the communications capability at each fire department.

In response to Chairman Molé, Mr. Hood confirmed that this is additional money that coincides with last year's funding for the purchase of mobile radios for every fire truck and ambulance in the County. Obtaining this grant will now allow for the purchase of the handheld radios.

In answer to Mr. Davis, Mr. Hood specified that this grant will be used to purchase approximately 500 2-way radios for officers and 1,000 pagers for fire district members. He stated that the radios have 240 channels and are compatible with 4-channel systems and will operate with surrounding county systems.

Mr. Davis stated that the radios will be upgradable and P25 compliant which is what the state and federal governments are requiring of emergency services communication systems. He opined that in the future they may be required to switch to P25 and current communication systems need to ready. With P25 technology, new programming and data can easily be installed simultaneously across the board with all counties and the state.

In answer to Mr. Valente, Mr. Hood stated that the end goal is that all cell towers will be in use by the end of the year.

The resolution was adopted by the following vote: Ayes 4535, Noes 0, Absent 264 (Marshfield, Spaccaforo).

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

RESOLUTION NO. 49

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,388,666.52 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	\$594,419.79
OET	\$5,182.07
Public Safety Comm System	\$7,700.00
CAP 97-Main Street	\$0.00
Highway Audits, as Follows:	
Weights and Measures	\$881.14
Landfill	\$63,237.02
Road	\$138,433.43
Machinery	\$53,335.50
Capital Road & Bridge	\$114,465.68
Capital Solid Waste	\$411,011.89

The resolution was seconded by Mr. Taggart and Mr. Triolo and adopted by the following vote: Ayes 4535, Noes 0, Absent 264 (Marshfield, Spaccaforo).

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

RESOLUTION NO. 50

TITLE: EXECUTIVE SESSION

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

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

The meeting reconvened in regular session with all Supervisors present except Mr. Marshfield and Mr. Spaccaforo.

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

RESOLUTION NO. 51

**TITLE: APPROVAL TENTATIVE AGREEMENT
CSEA, LOCAL 1000 AFSCME, AFL-CIO**

WHEREAS, the Human Resources Committee has reached a tentative agreement with the Delaware County CSEA, Local 1000 AFSCME, AFL-CIO for the terms and conditions of employment for the years 2019, 2020, 2021 and 2022.

NOW, THEREFORE, BE IT RESOLVED that said tentative agreement is hereby approved as presented to the Board, and the Chairman of the Board is authorized to execute a collective bargaining agreement which incorporates the terms of said tentative agreement.

The resolution was seconded by Mr. Gladstone, Mr. Merrill and Mr. Vernold and unanimously adopted.

Upon a motion by Mr. Merrill and seconded by Mr. Taggart, the meeting was adjourned at 3:11 p.m.