

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

MAY 8, 2019

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, May 8, 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. Spaccaforno.

Mr. Marshfield offered the invocation.

Mr. Davis 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 all communications received have been referred to the appropriate committees for review.

Chairman Molé granted privilege of the floor to Mr. Marshfield. Mr. Marshfield introduced Director of Veterans Service Agency Charles Piper to discuss the VA MISSION Act of 2018.

Mr. Piper stated that the VA MISSION Act of 2018 set the foundation for the new community care program that will be initiated in June. He said that through the VA MISSION Act, veterans can expect a variety of improvements to community care. Eligibility criteria will be different, a new urgent care benefit will be provided, and customer service will be better.

Under the VA MISSION Act, the US Department of Veterans Affairs is establishing a new Community Care Network (CCN). The CCN will serve as a high-performing network of community providers. The CCN will streamline the existing CHOICE program, the current care program and non-VA care into a single community care program. The CCN will give veterans greater choices over their health care and customer service will improve. Local healthcare providers will need to join the CCN to partner with the VA in order to provide care for veterans.

The new urgent care benefit will provide eligible veterans with access to non-emergency care for certain conditions in the VA network of community providers. Veterans will be able to go to any urgent care or walk-in care provider in the VA's network without prior authorization as long as they have used VA healthcare services within the last 24 months. There will be no copay for the first two visits for urgent care. Details about the new urgent care benefit are still being finalized.

In addition, VA is modernizing its information technology (IT) systems. Once in place, the new IT systems will speed up all aspects of community care—eligibility, authorizations, appointments, care coordination, claims, payments—while improving overall communication between veterans, community providers, and VA staff members.

The new community care program is expected to become effective June 6, 2019, at which time the VA's traditional community care program and the Veterans CHOICE program will end. A complete rollout of all six regions of the Community Care Network is expected by 2020.

In answer to Mr. Eisel, Mr. Piper confirmed that if a veteran is located more than 30 miles from the VA, the veteran will be allowed to see a local physician as long as that provider is in the CCN and the veteran has prior VA approval.

Mr. Marshfield said the Veterans Service Agency offers a great service to individuals who need to understand the MISSION Act or has questions about the administrative changes.

In response to Mr. Cetta, Mr. Piper said that in general veterans understand the VA processes but are mostly challenged with the paperwork necessary to receive services.

Chairman Molé thanked Mr. Piper for his presentation to the Board.

Chairman Molé granted privilege of the floor to Mr. Marshfield. Mr. Marshfield introduced Commissioner of Social Services Dana Scuderi-Hunter to discuss the Child Advocacy Mobile Center relative to upcoming Resolution 65.

Mrs. Scuderi-Hunter thanked Chairman Molé, the Board, and the Social Services Committee for support in their work to improve the lives of our most vulnerable neighbors. The Delaware County Department of Social Services first began planning the development of a child advocacy center in 2009. The department revived this effort in 2017 and began a search for county-owned available office space to create a child advocacy center. The goal has always been to provide quality services while being fiscally responsible. The work in developing this necessary service will ultimately ease the suffering of abused children and their non-offending caregivers in addition to supporting the prosecution and conviction of an offender. When the suffering of one life is reduced, the cycle of abuse is broken and life is improved for generations to come.

A multi-disciplinary team of professionals was established and began meeting in January 2018 and have met consistently since on a monthly basis to collaborate regarding investigation of child sexual and physical abuse. Mrs. Scuderi-Hunter introduced the members of the multi-disciplinary team who were present: District Attorney John Hubbard, Delaware Opportunities Executive Director Dr. Shelly Bartow, Director of Safe Against Violence from Delaware Opportunities Stacy Osborn, Huntington Family Centers Executive Director Mary Lou Sales, Bassett Healthcare Sexual Assault Nurse Examiner Joan Pyle, Delaware County Department of Social Services Director of Services Tatiana Amadon, and New York State Police Investigators

Erick McLaughlin and Brian Dengler.

In August 2018, the New York State Office of Children and Family Services informed the department that Delaware County is one of seven counties being awarded a custom-built, fully equipped mobile child advocacy center due to the county's geographical size. Together with their long-standing partner, Delaware Opportunities, the department will bring the center to fruition, removing barriers to transportation and providing vital services to suffering children and their families.

Mrs. Scuderi-Hunter introduced Staff Development Coordinator Trish Tyrell to describe the purpose of the child advocacy center and a multi-disciplinary team (MDT), why this service is necessary, and how they are able to provide it all to Delaware County at no additional cost.

Ms. Tyrell thanked the MDT and said that members of the MDT represent the core disciplines which are child protective services, law enforcement, district attorney, medical, victim advocacy, and mental health. The purpose of this presentation is to show how the Delaware County mobile child advocacy center is a tool to be used to investigate child sexual and physical abuse.

A mobile child advocacy center is a trauma informed approach to investigating abuse. Understanding trauma will help in understanding of how this center will be an effective tool. Simply defined, trauma is an event or series of events that overwhelms an individual's ability to use normal coping mechanisms to adapt to a situation and disrupts an individual's frame of reference. Adverse childhood experiences (ACEs) include sexual abuse, physical abuse, emotional abuse, neglect, domestic violence, incarcerated parent(s), or parent(s) with severe mental illness or substance abuse issues. The more ACEs a child has, the more likely they will experience significant issues into adulthood. This is why it is so important to employ a trauma informed method of care. The five principles of trauma informed care are safety, choice, collaboration, trustworthiness, and empowerment. These principles are used to help avoid re-traumatizing youth or individuals. Unfortunately, the current systems used to help victims allows for ways to unintentionally re-traumatize people, most commonly when victims are forced to tell their story over and over. This results in a lot of negative outcomes for the child as well as for the investigation.

Having the ability to offer a child the opportunity to tell their story only once, especially where it may be the most horrible experience that could ever happen to a child, and understanding that they are talking to complete strangers with regards to this experience would be why it is optimal to have them only tell their story once through a video recorded forensic interview. A child advocacy center (CAC) provides a safe, child friendly and neutral location where law enforcement and child protective services can conduct an interview. Also, it is a place where the child and family can be offered supportive services such as victim advocacy, medical examination, mental health, and other services. The CAC is a trauma informed tool in the investigation.

Without a CAC, individuals are left to navigate systems that they are completely unfamiliar with. This could include the Department of Social Services, victim advocacy, getting appropriate medical treatment, or going through the court system. With a CAC, all of these services can be brought to the child and family right from the onset. The center's MDT will be guiding them through the process from the very beginning in order to assist the victim and begin the healing process.

Ms. Tyrell explained that the mobile child advocacy center is meant to be a supplement of services and used to help get to people when those people cannot get to services. The mobile center is a white unmarked mobile unit custom designed with interview, observation, and waiting areas. She explained that the mobile center will be titled to Delaware County Department of Social Services and Delaware Opportunities will insure and register the vehicle with the County named as an additional insured. There will be no liability to the County for the unit. Use of the mobile CAC will provide greater efficiency in conducting forensic interviews, providing services, and prosecution of criminal cases. The mobile unit will be driven by Delaware Opportunities employees and housed there when not in use.

Ms. Tyrell opened the floor to the Supervisors with questions for the MDT panel. Through many questions and much discussion, the consensus among the supervisors is that a physical location would be ideal. A mobile center is only a bridge on the way to a permanent solution and this amount of funding would be better spent on a physical location. Mr. Marshfield stated that the committee has looked for a permanent site for years.

Several supervisors expressed their concern that anonymity will be nonexistent with a mobile unit anytime it travels through any given town. The panel stated that the mobile unit will remain unmarked for confidentiality and will never be parked at a home but rather in a discreet or inconspicuous area in or near the town or perhaps even in an adjacent town. In the winter months, the mobile unit will be parked and used at Delaware Opportunities.

In answer to Chairman Molé, Ms. Tyrell stated that the most challenging issues of using a neighboring CAC is the distance and availability of that center. Naturally, other counties give priority to their own cases.

Mr. Triolo commented that child advocacy is after the fact. It's a cure—not the prevention noting that we haven't figured out how to stop the abuse.

Mr. Marshfield thanked the panel for attending today's meeting and for sharing their expertise and for their service to the County.

Chairman Molé thanked the panel.

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

RESOLUTION NO. 65
TITLE: 2019 BUDGET AMENDMENT
MOBILE CHILD ADVOCACY CENTER
DEPARTMENT OF SOCIAL SERVICES

WHEREAS, the Delaware County Department of Social Services is the designated local agency responsible for investigating allegations of child abuse and neglect; and

WHEREAS, the use of a Multi-Disciplinary Team and Child Advocacy Center is considered a best practice ensuring a less traumatic experience for child victims of abuse; and

WHEREAS, the Delaware County Department of Social Services is a member of the Delaware County Multi-Disciplinary Team responsible for investigating child abuse in collaboration with the District Attorney, Law Enforcement, Medical Professionals, Victim Advocacy Specialists and other supportive services; and

WHEREAS, the Delaware County Department of Social Services has been one of seven New York State counties identified and awarded a Mobile Child Advocacy Center valued at \$250,000 by the New York State Office of Child and Family Services; and

WHEREAS, the State of New York is providing 100% of the funding to purchase the Mobile Child Advocacy Center; and

WHEREAS, the State of New York is providing \$50,000 for each of the next three years to maintain the Mobile Child Advocacy Center.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors agrees to accept the total amount of funding for the Mobile Child Advocacy Center on behalf of the people of Delaware County and that the 2019 Budget be amended as follows:

INCREASE REVENUE:

10-16010-43361000	State Social Services Admin	\$300,000.00
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INCREASE APPROPRIATION:

10-16010-52200001	Equipment-Grant	\$247,716.00
10-16010-54200056	Child Advocacy	\$52,284.00

The resolution was seconded by Mr. Taggart and Mr. Hynes and adopted by the following vote: Ayes 2902, Noes 1765 (Molé, Merrill, Tuthill, Axtell, Eisel, Ellis, Davis, Layton), Absent 132 (Spaccaforno).

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

RESOLUTION NO. 66

**TITLE: INCREASING THE PETTY CASH FUND
DEPARTMENT OF PUBLIC WORKS – SOLID WASTE DIVISION**

WHEREAS, a petty cash fund for the Solid Waste Division improves the efficiency of the operation of the landfill; and

WHEREAS, Resolution No. 157 of 1990 established a petty cash fund in the amount of \$150.00 in accordance with Section 371 of County Law; and

WHEREAS, Resolution No. 115 of 2001 increased this amount to \$250.00; and

WHEREAS, both inflation and an increase in the total amount of fee based waste going into the landfill necessitates an increase in the petty cash fund amount.

NOW, THEREFORE, BE IT RESOLVED that the petty cash fund established under Resolution No. 157 of 1990 and increased by Resolution No. 115 of 2001 be increased to \$500.00 in accordance with Section 371 of County Law.

The resolution was seconded by Mr. Davis and adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Spaccaforo).

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

RESOLUTION NO. 67

TITLE: APPORTIONMENT OF MORTGAGE TAX

WHEREAS, §261 of the Tax Law makes it mandatory to apportion the mortgage tax semi-annually and a report has been received from the recording officer and the County Treasurer for the period ending April 29, 2019.

NOW, THEREFORE, BE IT RESOLVED that the County Treasurer be directed to pay to the several towns and villages of Delaware County the amounts stated below; the same having been apportioned according to the aforementioned §261; and

BE IT FURTHER RESOLVED that the foregoing statement shall be to the County Treasurer a sufficient warrant for the payment of said monies.

Town	Amount Allocated to Tax District	Amount Apportioned to Town	Amount Apportioned to Village
Andes	\$16,727.23	\$16,727.23	
Bovina	\$9,106.13	\$9,106.13	
Colchester	\$14,077.57	\$14,077.57	
Davenport	\$18,400.70	\$18,400.70	
Delhi	\$23,268.17	\$19,819.61	\$3,448.56
Deposit	\$6,895.83	\$2,371.29	\$4,524.54
Franklin	\$12,633.09	\$12,085.38	\$547.71
Hamden	\$7,584.61	\$7,584.61	
Hancock	\$14,215.02	\$12,984.34	\$1,230.68
Harpersfield	\$10,122.31	\$9,066.64	\$1,055.67
Kortright	\$12,466.07	\$12,466.07	
Masonville	\$11,856.27	\$11,856.27	
Meredith	\$14,491.44	\$14,491.44	
Middletown	\$37,281.37	\$33,858.98 FL	\$1,009.22
		MV	\$2,413.17
Roxbury	\$32,679.71	\$32,679.71	
Sidney	\$27,929.81	\$19,981.24	\$7,948.57
Stamford	\$9,489.01	\$7,358.07 ST	\$873.44
		HO	\$1,257.50
Tompkins	\$6,513.95	\$6,513.95	
Walton	\$21,872.10	\$17,936.61	\$3,935.49
Totals ...	\$307,610.39	\$279,365.84	\$28,244.55

The resolution was seconded by Mr. Marshfield and adopted by the following vote:
Ayes 4667, Noes 0, Absent 132 (Spaccaforno).

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

RESOLUTION NO. 68

TITLE: REAPPOINTMENT PERSONNEL OFFICER

BE IT RESOLVED that pursuant to Article 2, Section 15 of the Civil Service Law, Linda Pinner is hereby reappointed as Delaware County Personnel Officer for a six-year term effective April 28, 2019 and ending April 27, 2025 at the salary contained in the budget.

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

Mr. Ellis introduced Local Law Intro. No. 21 which was seconded by Mr. Davis.

LOCAL LAW INTRO NO. 21

TITLE: SALARY INCREASE DISTRICT ATTORNEY

Section 1. The salary of John Hubbard, District Attorney shall be Two hundred thousand, four hundred dollars [\$200,400] per annum effective April 1, 2019, pursuant to Judiciary Law §183-a.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

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

RESOLUTION NO. 69

**TITLE: PUBLIC HEARING
LOCAL LAW INTRO. NO. 21 OF 2019
SALARY INCREASE FOR DISTRICT ATTORNEY**

WHEREAS, Local Law Intro. No. 21 has been introduced to increase the 2019 salary of District Attorney John Hubbard.

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held on Local Law Intro. No. 21 on the 22nd day of May 2019 at 12:45 p.m. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York.

The resolution was seconded by Mr. Vernold.

Chairman Molé reminded the Board that the Public Hearing will be held before the next Board of Supervisors meeting, May 22 at 12:45 p.m.

Mr. Valente remarked that the state mandates this salary for the District Attorney.

The resolution was unanimously adopted.

Mr. Ellis introduced Local Law Intro. No. 22 which was seconded by Mr. Davis.

LOCAL LAW INTRO NO. 22

TITLE: ESTABLISHMENT OF THE DELAWARE COUNTY PUBLIC DEFENDER'S OFFICE

BE IT ENACTED by the Board of Supervisors of the County of Delaware in accordance with County Law, as follows:

Section I. There is hereby established the Office of Public Defender.

Section II. The head and chief executive officer of said department shall be known as the Public Defender. The term of office shall be set at two (2) years. The salary for said position shall be set by the Board of Supervisors.

Section III. This local law shall take effect immediately.

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

RESOLUTION NO. 70

TITLE: PUBLIC HEARING ON LOCAL LAW INTRO. NO. 22 OF 2019 ESTABLISHMENT OF THE DELAWARE COUNTY PUBLIC DEFENDER'S OFFICE

WHEREAS, a proposed Local Law to establish the Delaware County Public Defender's Office has been offered for adoption by the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held on Local Law Intro. No. 22 on the 22nd day of May 2019 at 12:50 p.m. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York.

The resolution was seconded by Mr. Vernold and Mr. Ellis.

Chairman Molé stated that the public hearing will be held immediately following the

public hearing for Local Law Intro. No. 21, District Attorney salary increase on May 22.

The resolution was unanimously adopted.

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

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

RESOLUTION NO. 71

TITLE: IN MEMORY OF DONALD SMITH

WHEREAS, Donald Smith passed away on Sunday, May 5, 2019, having served as Town of Franklin Supervisor from 1991 until 2013; and

WHEREAS, he served with distinction and will be remembered for his dedication and hard work.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors extends its sympathy to the family of Donald Smith and recognizes with gratitude his contributions to this County, his Town and neighbors.

The resolution was seconded by Mr. Marshfield, Mr. Vernold, and Mr. Eisel.

Mr. Taggart said he has worked with Don since 1996 as a member of the Franklin Town Board. Don was his neighbor who lived only 4 miles down the road. Don was a good man and a community man. He lived by three Fs: Family, Farm, and Franklin.

Mr. Marshfield said he served with Don for 19 years on this Board. He noted that Don really never said a lot but he always thought things through. He was a gentleman. He said that he noticed when something didn't quite strike his fancy, Don would get a little red and have a scowl on his face but that's all you'd get out of him. He was a great guy.

Ms. Molé stated that Mr. Smith was very well respected.

Mr. Eisel said Don was a great guy. He was very much down to earth. Having served with Don for many years, Mr. Eisel said he could always depend on Don's support. He really enjoyed working with Don and said he and the Board will greatly miss him.

The resolution was unanimously adopted.

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

RESOLUTION NO. 72

**TITLE: AUTHORIZATION FOR DISPOSITION OF PERSONAL PROPERTY
NO LONGER NECESSARY FOR PUBLIC USE
DEPARTMENT OF BUILDING AND GROUNDS**

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 Department of Building and Grounds is authorized to sell by trade-in, on-line auction or for scrap the following items:

<u>Vehicle No.</u>	<u>Description</u>	<u>Vehicle Identification No.</u>
BM 20	2007 Ford Expedition	1FMFU16567LA47769

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

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

RESOLUTION NO. 73

**TITLE: A RESOLUTION TO ADOPT AN AFFIRMATIVE ACTION PLAN AS
REQUIRED UNDER THE NEW YORK STATE COMMUNITY DEVELOPMENT
BLOCK GRANT DISASTER RECOVERY (CDBG-DR) PROGRAM
PLANNING DEPARTMENT**

WHEREAS, Delaware County is a subrecipient receiving New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) funds, as administered by the Governor's Office of Storm Recovery (GOSR) of the New York State Housing Trust Fund Corporation (HTFC) to assist in addressing unmet needs from either Hurricane Irene, Tropical Storm Lee, or Superstorm Sandy; and

WHEREAS, participation in the New York State CDBG-DR Program requires the adoption and implementation of an Affirmative Action Plan to meet the Equal Employment Opportunity (EEO) requirements of Executive Order 11246 and other program policies; and

WHEREAS, the purpose of this plan is to prohibit workplace employment discrimination on the basis of age, race, color, religion, gender, creed, national origin, physical or mental disability, marital status, veteran status, disabled veteran status, or status as a member of any other protected group or activity.

NOW, THEREFORE, BE IT RESOLVED by the Delaware County Board of Supervisors that the following Affirmative Action Plan be hereby officially adopted for implementation in the Delaware County Flood Buyout New York State CDBG-DR Program.

**DELAWARE COUNTY
NEW YORK STATE
GOVERNOR'S OFFICE OF STORM RECOVERY (GOSR)
COMMUNITY DEVELOPMENT BLOCK GRANT
DISASTER RECOVERY (CDBG-DR) PROGRAM**

AFFIRMATIVE ACTION PLAN

The Delaware County Board of Supervisors has adopted the following Affirmative Action Plan to meet the Equal Employment Opportunity (EEO) requirements of Executive Order 11246 and the program policies of the New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) Program. Executive Order 11246 prohibits federal contractors and subcontractors from engaging in workplace employment discrimination on the basis of age, race, color, religion, gender, creed, national origin, physical or mental disability, marital status, veteran status, disabled veteran status, or status as a member of any other protected group or activity.

- 1) Delaware County is committed to equal employment opportunity and as part of its Affirmative Action Plan shall:
 - a) Recruit, hire, upgrade, train, and promote in all job classifications, without regard to age, race, color, religion, gender, creed, national origin, physical or mental disability, marital status, veteran status, disabled veteran status, or status as a member of any other protected group or activity.
 - b) Base employment decisions on the principles of equal employment opportunity, and with the intent to further Delaware County's commitment to affirmative action;
 - c) Ensure that all terms and conditions of employment such as compensation, benefits, layoff, return from layoff, training, educational tuition assistance, and social and recreation programs, shall be administered without regard to age, race, color, religion, gender, creed, national origin, physical or mental disability, marital status, veteran status, disabled veteran status, or status as a member of any other protected group or activity.
 - d) Ensure that promotion decisions will be made in accordance with the principles of affirmative action by imposing only valid requirements for promotional opportunities;
 - e) Take action to prevent harassment or intimidation of all employees, particularly those encompassed by Delaware County's affirmative action efforts.
- 2) Delaware County will post the federal EEO Poster in a conspicuous location.
- 3) In all solicitations or advertisements for employment Delaware County shall state that all qualified applicants will receive consideration for employment without regard to age, race, color, religion, gender, creed, national origin, physical or mental disability, marital status,

veteran status, disabled veteran status, or status as a member of any other protected group or activity.

- 4) Delaware County will maintain written employment records to demonstrate compliance with Executive Order 11246.
- 5) Delaware County will pursue opportunities to recruit and develop qualified job candidates to avoid employment barriers and to ensure equal opportunity for candidates.
- 6) Delaware County's Affirmative Action Plan will be posted on the Human Resources Office web page at www.co.delaware.ny.us
- 7) The Delaware County Personnel Officer has been assigned responsibility for the implementation and administration of this Affirmative Action Plan

The resolution was seconded by Mr. Ellis.

In response to Chairman Molé, Director of Planning Shelly Johnson-Bennett confirmed that all three resolutions are required for Delaware County to get reimbursement under the Community Development Block Grant Flood Buyout program.

The resolution was unanimously adopted.

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

RESOLUTION NO. 74

TITLE: A RESOLUTION ADOPTING THE FOLLOWING SECTION 504 POLICIES AND GRIEVANCE PROCEDURES FOR DELAWARE COUNTY PLANNING DEPARTMENT

SECTION 504 RESOLUTION/DELAWARE COUNTY

WHEREAS, Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in programs and activities conducted by the U.S. Department of Housing and Urban Development (HUD) or by grantees that receive financial assistance from HUD; and

WHEREAS, Part 8 of Title 24 of the Code of Federal Regulations (24 CFR) requires adoption of grievance procedures to address complaints of those who feel they may have been discriminated against on the basis of disability and also requires the provision of notice of said grievance procedures; and

WHEREAS, it is the policy of Delaware County not to discriminate against any individual, person, or group on the basis of disability and the intent of Delaware County to

address any complaints that may arise pursuant to Section 504.

NOW, THEREFORE, BE IT RESOLVED that Delaware County does hereby adopt by resolution internal grievance procedures (the “Procedure”) providing for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 of the U.S. Department of Health and Human Services regulations implementing the Act, and

BE IT FURTHER RESOLVED, that Delaware County does hereby designate the Delaware County Personnel Officer as the Grievance Coordinator who shall be responsible for receiving and addressing complaints pursuant to the Procedure adopted hereby and attached hereto, and

BE IT FINALLY RESOLVED, that Delaware County will place its employee, the public, and potential beneficiaries of certain federal public programs on notice by undertaking certain actions that will include, but may not be limited to (1) providing a copy of the grievance procedure to its employees, (2) putting the public on notice by placing a notice in the official Delaware County newspaper(s), posting of notices in the Delaware County Personnel offices and facilities, placing notices in all appropriate Delaware County publications, and/or distribution of memoranda or other written communications subsequent to adoption of this Procedure, (3) placing copies of the Procedure in the Personnel Office for review and dissemination, and (4) adding language to federal program brochures to insure all potential program beneficiaries are aware of Delaware County’s adopted grievance procedures.

BACKGROUND: Section 504 of the Rehabilitation Act of 1973 (the “Act”) as amended prohibits discrimination on the basis of disability in programs and activities conducted by HUD or that receive financial assistance from HUD. This includes the New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) Program funded by HUD, administered by the Governor’s Office of Storm Recovery (GOSR), and under which Delaware County has received financial assistance. The Act specifically provides that no qualified individual shall, solely by reason of his or her handicap, be excluded from program participation, including employment, be denied program benefits, or be subjected to discrimination. The Americans with Disabilities Act of 1990 (ADA) established provisions for assuring equality of opportunity, full participation, independent living, and self-sufficiency of disabled persons relative to employment, benefits and services, accommodations, commercial facilities, and multi-family housing.

SECTION 504 POLICY/COMPLIANCE: Part 8 of Title 24 of the Code of Federal Regulations (24 CFR) requires the adoption and notice/publication of ADA grievance procedures for municipalities with 15 or more employees, Sections 8.53 and 8.54, respectively. Therefore, be it known that it is the policy of Delaware County not to discriminate on the basis of disability. Towards that end, Delaware County has adopted by resolution an internal grievance procedure providing for prompt and equitable resolution of

complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) of the U.S. Department of Health and Human Services regulations implementing the Act. The subject law and implementing regulations may be examined in the Personnel office. The Delaware County Personnel Officer Delaware County has been designated to coordinate the efforts of Delaware County with respect to Section 504 compliance. This information can also be accessed on the Internet at the following address: http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/disabilities/sect504. The Personnel Officer is located at 1 Courthouse Square, Suite 2, Delhi, NY. The Section 504 Coordinator can be reached at (607) 832-5678.

GRIEVANCE PROCEDURE: Any person who believes he or she has been subjected to discrimination on the basis of disability may file a grievance under the procedure adopted by the Delaware County Board of Supervisors outlined below.

- Grievances must be submitted to the Section 504 Coordinator within 60 days of the date the person filing the grievance becomes aware of the alleged discriminatory action.
- A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought.
- The Section 504 Coordinator (or her/his designee) shall conduct an investigation of the complaint. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Section 504 Coordinator will maintain the files and records of Delaware County relating to such grievances.
- The Section 504 Coordinator will issue a written decision on the grievance no later than 30 days after its filing.
- The person filing the grievance may appeal the decision of the Section 504 Coordinator by writing to the Delaware County Board of Supervisors within 15 days of receiving the Section 504 Coordinator's decision. The Delaware County Board of Supervisors shall issue a written decision in response to the appeal no later than 30 days after its filing.
- The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Health and Human Services, Office for Civil Rights.

Delaware County will make appropriate arrangements to ensure that disabled persons are provided accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing taped cassettes of material for the blind, or assuring a barrier-free location for the proceedings. The Section 504 Coordinator will be responsible for such arrangements.

It is against the law for Delaware County to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

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

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

RESOLUTION NO. 75

**TITLE: A RESOLUTION TO ADOPT A CITIZEN PARTICIPATION PLAN AS
REQUIRED UNDER THE NEW YORK STATE COMMUNITY DEVELOPMENT
BLOCK GRANT DISASTER RECOVERY (CDBG-DR) PROGRAM
PLANNING DEPARTMENT**

WHEREAS, Delaware County is a subrecipient receiving New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) funds, as administered by the Governor's Office of Storm Recovery (GOSR) of the New York State Housing Trust Fund Corporation (HTFC) to assist in addressing unmet needs from either Hurricane Irene, Tropical Storm Lee, or Superstorm Sandy; and

WHEREAS, participation in the New York State CDBG-DR Program requires the adoption and implementation of a Citizen Participation Plan to meet the Equal Employment Opportunity (EEO) requirements of Executive Order 11246 and other program policies; and

WHEREAS, the purpose of this plan is to ensure the full and total involvement of all residents of the community in the composition, implementation, and assessment of its Community Development Block Grant-Disaster Recovery (CDBG-DR) Program. Attempts will be made to reach all citizens, with particular emphasis on participation by persons of low and moderate income (LMI), residents of slum and blighted areas, and of areas in which funds are proposed to be used.

NOW, THEREFORE, BE IT RESOLVED by the Delaware County Board of Supervisors that the attached Citizen Participation Plan be hereby officially adopted for implementation in the Delaware County Flood Buyout New York State CDBG-DR Program.

**DELAWARE COUNTY
NEW YORK STATE
GOVERNOR'S OFFICE OF STORM RECOVERY (GOSR)
COMMUNITY DEVELOPMENT BLOCK GRANT
DISASTER RECOVERY PROGRAM

CITIZEN PARTICIPATION PLAN**

The Delaware County Board of Supervisors has adopted the following Citizen Participation Plan to meet the citizen participation requirements of Section 508 of the Housing and Community Development Act of 1974, as amended, and the program policies of the New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) Program.

Delaware County is committed through adoption of this plan to the full and total involvement of all residents of the community in the composition, implementation, and assessment of its Community Development Block Grant-Disaster Recovery (CDBG-DR) Program. Attempts will be made to reach all citizens, with particular emphasis on participation by persons of low and moderate income (LMI), residents of slum and blighted areas, and of areas in which funds are proposed to be used. A copy of this plan will be made available to the public upon request.

As part of the citizen participation requirements and to maximize citizen interaction, Delaware County shall:

- 1) Provide citizens with reasonable and timely access to local meetings, information, and records relating to the State's proposed method of distribution, as required by the Secretary of Housing and Urban Development, and relating to the actual use of funds under Title I of the Housing and Community Development Act of 1974, as amended;
- 2) When applicable, provide for public hearings and respond to proposals and questions at all stages of the community development program. These hearings will consist of the development of needs and proposed activities and review of program performance. These hearings will be held after adequate notice, a minimum of five (5) calendar days, at times and locations convenient to potential or actual beneficiaries with accommodations for persons with disabilities;
- 3) Provide for and encourage citizen participation with particular emphasis on participation by persons of low and moderate income and residents of slum and blighted areas as well as those affected by the proposed project;
- 4) Provide technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals;
- 5) Where applicable, identify how the needs of non-English speaking residents will be met in the case of public hearings; and
- 6) Provide for a formal written procedure that will accommodate a timely written response, within fifteen (15) days where practicable, to written complaints and grievances.

I. PUBLIC HEARINGS

If a public hearing is held to obtain citizen input, notices informing citizens of any public hearings will appear in the official newspaper or in a newspaper having general circulation within the

municipality, of Delaware County a minimum of five (5) calendar days prior to the hearing. In addition, notices will also be posted publicly in municipal office buildings and the hearing will be publicized through local community organizations, and/or posting of information in LMI areas. Hearings will be held at times and locations convenient to potential or actual beneficiaries with accommodations for individuals with disabilities and non-English speaking persons. Whenever possible, these hearings will be held within or near the LMI areas, at times affording participation by the most affected residents.

Written minutes of the hearings and an attendance roster will be maintained by the Delaware County Board of Supervisors Clerk of the Board.

II. APPLICATION

1. Seven (7) calendar days, at a minimum, prior to the scheduled submittal of the application for project funding through the NY Rising Community Reconstruction Program or Infrastructure Program, a notice shall appear in the official newspaper, if applicable, or in a newspaper having general circulation within the municipality, informing the citizens of the following:
 - a. Proposed submittal date of the application;
 - b. Proposed objectives;
 - c. Proposed activities;
 - d. Location of proposed activities;
 - e. Dollar amount of proposed activities; and
 - f. Location and hours the application is available for review.

In addition, the notice shall state "all citizens, particularly persons of low and moderate income and residents of slum and blighted areas as well as those affected by the proposed project, are encouraged to review the proposed application and submit any written comments on the application to:

The Delaware County Board of Supervisors
111 Main Street
Delhi, NY 13753

2. The public notice will also state that the following information is available:
 - a. The amount of funds, including program income, available for proposed community development disaster recovery activities for the current fiscal year;

- b. The range of CDBG-DR activities that may be undertaken,
 - c. The estimated amount of CDBG-DR funds proposed to be used for activities that will meet the national objective of benefitting low and moderate income persons; and
 - d. The plan(s) designated for minimizing displacement of persons as a result of activities assisted with such funds and the benefits to be provided by Delaware County to persons actually displaced as a result of such activities.
3. In addition, the application will be published on Delaware County's website.

Comments received, along with the response, will be incorporated in the application to the New York State Governor's Office of Storm Recovery (GOSR) or the application will be withdrawn if necessary.

III. AMENDMENTS

Program amendments, which substantially alter the CDBG-DR project from that approved in the original application, shall not be submitted to the State without publication of notice in the official newspaper, if applicable, or in a newspaper having general circulation within the municipality, informing citizens of the following:

- a. Proposed submittal date of the amendment;
- b. Proposed objectives;
- c. Proposed activities;
- d. Location of proposed activities;
- e. Dollar amount of proposed activities; and
- f. Location and hours the application is available for review.

In addition, the notice shall state "all citizens, particularly persons of low and moderate income and residents of slum and blighted areas as well as those affected by the proposed project, are encouraged to review the proposed application and submit any written comments on the application to:

The Delaware County Board of Supervisors
111 Main Street
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Any comments received including the responses will be submitted with the request for the amendment.

Citizens may, at any time, contact GOSR directly to register comments, objections, or complaints concerning the subrecipient's CDBG-DR application(s), amendment(s), and/or performance. Citizens are encouraged, however, to attempt to resolve any complaints at the local level as outlined above prior to contacting GOSR.

IV. CONSIDERATION OF OBJECTION TO APPLICATION OR AMENDMENT

Persons wishing to object to approval of an application or amendment by the State may make such objection known to:

New York State
Governor's Office of Storm Recovery
25 Beaver Street
Post Office Box 230
New York, New York 10004
Email: citizenparticipation@stormrecovery.ny.gov

V. LIMITED ENGLISH PROFICIENCY

Whenever a significant number of persons and/or residents of blighted neighborhoods communicate with a primary language other than English attend public hearings, Delaware County will provide an interpreter for dissemination of information to them provided Delaware County is given sufficient notification of three (3) calendar day(s). Documents will be available in the appropriate languages for the geographic area served by Delaware County.

VI. TECHNICAL ASSISTANCE

Technical assistance may be provided directly by Delaware County to any citizen, particularly to low and moderate income persons, residents of blighted neighborhoods and minorities, who request assistance in the development of proposals and statement of views concerning the CDBG-DR Program. Local officials will conduct informational meetings with the residents of the low to moderate income areas if a written request is received by Delaware County with at least a one (1) week notification. The persons who conduct the technical assistance meetings will disseminate information on the program and answer all pertinent questions.

VII. TIMELY ACCESS AND ADEQUATE INFORMATION

Delaware County shall provide timely disclosure of records, information and documents related to the CDBG-DR program activities. Documents will be made available for copying upon request at the Delaware County Board Offices, Monday thru Friday, 9:00 a.m. thru 5:00 p.m. Such documents may include the following:

1. All meetings and promotional materials;
2. Records of hearings and meetings;

3. All key documents, including prior applications, letters, grant agreements, citizen participation plans, and proposed applications;
4. Copies of the regulations concerning the program; and,
5. Documents regarding other important requirements, such as Procurement Procedures, Fair Housing, Equal Employment Opportunity, Uniform Act, Labor Provisions, and Environmental Procedures.

VIII. CITIZEN COMPLAINT PROCEDURE

SECTION 1

It is the policy of Delaware County to review all complaints received.

SECTION 2

The following procedures will be followed on all complaints received by Delaware County:

1. The complainant shall notify the Clerk of the Board of Supervisors of the complaint. The initial complaint may be expressed orally or by written correspondence.
2. The Clerk of the Board will notify the Chief Elected Official or designated representative of the complaint within three (3) working days.
3. The Chief Elected Official or designated representative will investigate the complaint and will report the findings to the Clerk of the Board within five (5) working days.
4. The Clerk of the Board will notify the complainant of the findings of the Chief Elected Official or designated representative in writing or by telephone within five (5) working days.
5. If the complainant is aggrieved by the decision, he must forward the complaint in writing (if previously submitted orally) to the Clerk of the Board who will forward the complaint and all actions taken by the Chief Elected Official or designated representative to the appropriate committee for its review. This will be accomplished within thirty (30) working days of receipt of the written complaint.
6. The appropriate oversight committee will have fifteen (15) working days to review the complaint and forward its decision to the complainant in writing.
7. If the complainant is aggrieved with the decision of the committee, he must notify the Clerk of the Board in writing that he desires to be afforded a hearing by the Legislative Committee. The complainant will be placed on the next regularly scheduled agenda. The Clerk of the Board will notify the complainant in writing of the date of the hearing.

8. The complainant must bring all relevant data, witnesses, etc., to the hearing. The Legislative Committee, at the hearing, will review the complaint and forward within fifteen (15) days a certified copy of the minutes of the meeting at which the hearing was conducted and a decision was rendered to the complainant. If a decision is not reached at the hearing, the Clerk of the Board will inform complainant of an appropriate date to expect a response. Within five (5) working days of reaching a decision, the complainant will be notified in writing of the decision.

SECTION 3

All citizen complaints relative to Fair Housing/Equal Opportunity violations alleging discrimination shall be forwarded for disposition to the:

Fair Housing Complaints
New York State
Office of the Attorney General
Civil Rights Bureau
120 Broadway
New York, New York 10271
(212) 416-8250 (Voice)
(800) 788-9898 (TDD)
Email: civil.rights@ag.ny.gov
Website: www.ag.ny.gov

Complaints of Discrimination
New York State
Division of Human Rights
One Fordham Plaza, 4th Floor
Bronx, New York 10458
(718) 741-8300 (Voice & TDD)
Website: www.dhr.state.ny.us

SECTION 4

Delaware County will maintain a file for the purpose of keeping reports of complaints.

SECTION 5

This policy does not invalidate nor supersede the personnel or other policies of Delaware County which are currently adopted, but is intended to serve as a guide for complaints.

SECTION 6

This policy may be amended by a majority vote at any of the Delaware County Board of Supervisor's regularly scheduled meetings.

ADOPTION

This Citizen Participation Plan was adopted by the Delaware County Board of Supervisors in regular session on the 8th day of May, 2019, under Resolution No. 75.

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

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

RESOLUTION NO. 76

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$576,161.09 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	\$283,912.14
OET	\$3,647.48
Public Safety Comm System	\$17,496.07
Highway Audits, as Follows:	
Weights and Measures	\$0.00
Landfill	\$67,064.58
Road	\$19,348.08
Machinery	\$46,905.24
Capital Road & Bridge	\$136,535.00
Capital Solid Waste	\$1,252.50

The resolution was seconded by Mr. Taggart and adopted by the following vote: Ayes 4667, Noes 0, Absent 132 (Spaccaformo).

Mr. Marshfield announced that Supervisors have received their summer youth employment packets. If anyone has any questions, please see Lara Yambor from the Youth Bureau who is in attendance.

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

RESOLUTION NO. 77

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. Ellis and unanimously adopted.

The meeting reconvened in regular session with all Supervisors present except Mr. Spaccaforno.

Upon a motion by Mr. Taggart and seconded by Mr. Marshfield, the meeting was adjourned at 3:45 p.m.