

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS NOVEMBER 13, 2013

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, November 13, 2013 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. Donnelly.

Mr. Marshfield offered the invocation.

Ms. Molè led the Board in the Pledge of Allegiance to the Flag.

The minutes of the previous meeting were accepted as presented.

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

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

Medicaid providers operating under Articles 28 or 36 of the Public Health Law, Article 16 or 31 of the Mental Hygiene Law, or provide care, services, supplies, bill or claim \$500,000 or more from Medicaid over a twelve-month period are mandated to become corporate compliant. As the governing body, the Board of Supervisors must also receive compliance program training. Supervisors were given a copy of a booklet entitled: *Delaware County Public Health Nursing Service Compliance Program Training Booklet 18 NYCRR 521 Regulation* to review as part of the training.

Mrs. Hamilton explained each of the eight core elements required in an effective compliance program and the steps the Department of Public Health Nursing has taken to establish a system of checks and balances designed to detect and prevent inaccurate billing and inappropriate practices. She stressed that teamwork and open lines of communication are vital to an effective compliance plan. If there is an actual or potential problem, workforce members are encouraged to follow the proper channels for good faith reporting. The first contact at the county level is the county's compliance officer, Supervising Public Health Nurse Donna Jones, who can be reached at 607-832-5200. If after the proper channels have been exhausted with no satisfaction, the Office of Medicaid Inspector General should be contacted by calling the toll-free hotline number 1-877-873-7283 or by accessing the on-line reporting site at: <http://www.omig.state.ny.us/data/contnet/view/50/224/>.

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

For standing committee reports, Chairman of the Public Safety Committee Thomas Axtell noted that on November 12th WBNG-TV Binghamton aired a segment regarding the implementation of police presence in schools. Mr. Axtell asked Sheriff Thomas Mills and Undersheriff Craig DuMond to comment on the program.

Sheriff Mills explained that having a police presence in the schools, even on a part-time basis, can provide significant benefits. The program is about building relationships between the students and the police officer. Stamford Central School is the first to come on board and is very excited about the program. The school has established a sheriff substation to accommodate the officers. Other county schools are also interested in participating in the program.

In answer to Chairman Eisel, Sheriff Mills advised that as the officers patrol around the county they have the opportunity to stop at a participating school and walk around the hallways. The program helps familiarize officers with the layout of the school and how the school operates on a daily basis.

Mr. McCarthy stated that the program is a very good start in addressing problems the schools are facing.

Undersheriff DuMond added that many have the misconception that police officers spend most of their time arresting people. In reality, the greatest percentage of time is spent helping people and this will be reflected in the relationships developed at the schools. The program provides an exciting opportunity for law enforcement and is the next best thing to having a full-time officer present in the schools.

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

RESOLUTION NO. 183

**TITLE: 2013 BUDGET AMENDMENT
ACCEPTANCE OF 2013 BULLETPROOF VEST PARTNERSHIP GRANT
SHERIFF'S OFFICE**

WHEREAS, Delaware County is the recipient of a grant awarded by the US Department of Justice and administered by the Bulletproof Vest Partnership ("BVP") in an amount not to exceed \$2,114.92; and

WHEREAS, the grant, to be administered by the Delaware County Sheriff's Office, was awarded for the specific purpose of reimbursing Delaware County 50% of the cost of purchasing Bullet Proof Vests at a price not to exceed \$2,114.92 during the period commencing on November 1, 2013 and ending on August 31, 2015, unless extended; and

NOW, THEREFORE, BE IT RESOLVED that the 2013 budget be amended as follows:

INCREASE REVENUES:

10-13110-44432000/3110041/907	Federal Crime Control	\$2,114.92
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INCREASE APPROPRIATIONS:

The resolution was seconded by Mr. Spaccaforno and adopted by the following vote:
Ayes 4669, Noes 0, Absent 130 (Donnelly).

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

RESOLUTION NO. 184

**TITLE: 2013 BUDGET AMENDMENT
RECEIPT OF GRANT
DEPARTMENT OF EMERGENCY SERVICES**

WHEREAS, Delaware County has been awarded grant funding from the Delaware County Rural Health Care Alliance; and

WHEREAS, this grant was awarded in the amount of \$10,000.00 to Delaware County for the purposes of updating the Comprehensive Emergency Management Plan; implementing disaster preparedness training for seniors; prepare and train community-based agencies for disaster and emergency response; collection of data on needs, accessibility and availability of EMS and beginning an EMS planning study

NOW, THEREFORE, BE IT RESOLVED that the 2013 budget be amended as follows:

INCREASE REVENUES:

10-13640-42270602/3640044/911	Grants from Non-Profits	\$10,000.00
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INCREASE APPROPRIATIONS:

10-13640-54327000/3640044/911	General Grant Related Expenses	\$10,000.00
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The resolution was seconded by Mr. Spaccaforno and adopted by the following vote:
Ayes 4669, Noes 0, Absent 130 (Donnelly).

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

RESOLUTION NO. 185

**TITLE: 2013 BUDGET AMENDMENT
TRANSFER OF FUNDS
OFFICE OF THE DISTRICT ATTORNEY**

WHEREAS, in Resolution No. 23-11 the sum of \$14,438.00 was received and made available to the District Attorney's Office to assist in the prosecution of offenses committed under New York State Penal Law Article 265 which deals with the possession of certain illegal weapons; and

WHEREAS, there is currently still available the sum of \$8,303.00; and

WHEREAS, the District Attorney's office is in need of a color printer and accessories

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

FROM:

10-11165-54465000/1165002/964 Miscellaneous \$844.98

TO:

10-11165-52200000/1165002/964 Equipment \$844.98

The resolution was seconded by Mr. Spaccaforno and adopted by the following vote:
Ayes 4669, Noes 0, Absent 130 (Donnelly).

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

RESOLUTION NO. 186

**TITLE: 2013 BUDGET AMENDMENT
TRANSFER OF FUNDS
DEPARTMENT OF SOCIAL SERVICES/YOUTH BUREAU**

WHEREAS, the following 2013 appropriation account is in need of funds

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

FROM:

10-16010-51000000 DSS Personal Services \$100,000.00

TO:

10-17310-51000000 Youth Bureau Personal Services \$100,000.00

The resolution was seconded by Mr. Marshfield.

Commissioner of Social Services William Moon explained that the transfer consists of overtime funding for caseworkers in the schools and for the Summer Youth Employment Program. These expenditures have been funded in the Social Services budget requiring a resolution to transfer funds. Beginning with the 2014 budget both of these expenditures will be accounted for in the Youth Bureau budget.

In answer to Mr. Marshfield, Commissioner Moon noted that the Summer Youth Employment Program represents about half of the transfer.

The resolution was adopted by the following vote: Ayes 4092, Noes 577 (McCarthy), Absent 130 (Donnelly).

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

RESOLUTION NO. 187

**TITLE: 2013 BUDGET AMENDMENT
TRANSFER OF FUNDS
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 173 of 2013 made an adjustment in engineering for personal services; and

WHEREAS, the corresponding fringe benefit adjustments were not made.

NOW, THEREFORE, BE IT RESOLVED that the 2013 County Budget be amended as follows:

FROM:

24-15010-58300000	Social Security Employer Contribution	\$3,720.00
24-15010-58900000	Medicare Employer Contribution	870.00

TO:

24-15020-58300000	Social Security Employer Contribution	\$3,720.00
24-15020-58900000	Medicare Employer Contribution	870.00

The resolution was seconded by Mr. Spaccaforo and adopted by the following vote: Ayes 4669, Noes 0, Absent 130 (Donnelly).

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

RESOLUTION NO. 188

**TITLE: CONVEYANCE OF COUNTY OWNED PROPERTY
TO THE INDUSTRIAL DEVELOPMENT AGENCY
TREASURER'S OFFICE**

WHEREAS, tax map no. 27.-2-25 in the Town of Kortright, previously assessed to Wissahickon Spring Water is a Commercial Property; and

WHEREAS, the Industrial Development Agency can reach potential buyers through their advertising sites; and

WHEREAS, the County and the IDA intend to enter into an agreement whereby the IDA will pay to the county an amount of up to the in lieu of tax of \$66,946.43 from the net proceeds of a sale of this property

NOW, THEREFORE, BE IT RESOLVED that the following described parcel of tax acquired property be sold to the party indicated for the price herein stated and the County Treasurer is authorized to execute and deliver deed, therefor, and to cancel all Delaware County tax liens thereon, upon receipt of cash consideration hereinafter set forth.

ASSESSED TO:

WISSAHICKON SPRING WATER INC

TOWN OF:	124000:KORTRIGHT
TAX MAP NO:	27.-2-25
SCHOOL DISTRICT:	125201:STAMFORD
ACREAGE:	15.88A ACRES
CONVEYED TO:	INDUSTRIAL DEVELOPMENT AGENCY ONE COURTHOUSE SQUARE SUITE 4 DELHI NY 13753
CASH CONSIDERATION:	\$1.00

The resolution was seconded by Mr. Triolo.

In answer to Mr. Bower, Chairman Eisel said the Industrial Development Agency will pick up the insurance on the property and include the property as part of its inventory with the hope of inciting someone to build or use the facility.

The resolution was unanimously adopted.

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

RESOLUTION NO. 189

**TITLE: AUTHORIZATION FOR AWARDS -
DEPARTMENT OF PUBLIC WORKS**

LETTING OF OCTOBER 25, 2013

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

BE IT RESOLVED, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. SW8-13 Material Recovery Facility Building and Site Work to:

Contract 2 – General Construction

LeChase Construction Services, LLC
300 Trolley Blvd.
Rochester, NY 14606

Bid Price:\$3,534,000.00

Contract 3 – Mechanical & Plumbing

Petcosky & Sons Plumbing & Heating, Inc.
421 Commerce Road
Vestal, NY 13850

Bid Price:\$257,977.00

Contract 4 – Electrical Construction
NELCORP Electrical Contracting Corp.
2500 Watson Road
Endwell, NY 13760

Bid Price:\$395,700.00

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors.

The resolution was seconded by Mr. Spaccaforno.

Mr. Rowe stated that the cost of building the new Material Recovery Facility is about \$7.6 million of which \$2.1 million has already been paid. The remaining amount will be covered by grant monies from the New York State Department of Environmental Conservation (NYSDEC) and combined New York State Energy Research and Development Authority (NYSERDA) and NYSDEC sources. Sufficient funding is available to provide complete construction of the new facility without the use or need for any borrowing or bonding of monies.

In answer to Chairman Eisel, Director of Solid Waste Management Susan McIntyre stated that the plan is to break ground as soon as possible with an anticipated operational date of summer/fall 2014.

The resolution was adopted by the following vote: Ayes 4669, Noes 0, Absent 130 (Donnelly).

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

RESOLUTION NO. 190

**TITLE: AUTHORIZATION FOR SUPPLEMENTAL NO. 1, BR 80
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 132 of 2013 authorized the Department to enter into an agreement with Modjeski and Masters P.C. for the environmental studies and design of the replacement of County Bridge 80, BIN 3353090, Bridge Street over Bush Kill in the Village of Fleischmanns; and

WHEREAS, it was envisioned that the FEMA Flood Insurance modeling would be used as the basis for sizing the new structure's waterway opening; and

WHEREAS, it has been determined that the model is not detailed enough to use for the structure in this highly sensitive area; and

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Department of Public Works is authorized to accept supplemental #1 to the contract in the amount of

\$47,700.00 which includes; additional survey to capture more stream detail including work recently completed by others adjacent to the project, a more detailed hydraulic model, and any additional right of way mapping required as a result of the new model. The new maximum amount payable will be \$288,400.00.

The resolution was seconded by Ms. Miller.

In reply to Mr. Marshfield, Commissioner of Public Works Wayne Reynolds stated that the supplemental cost of the project is covered by FEMA. Upon completion of the project ownership will be transferred to the Village of Fleischmanns.

The resolution was adopted by the following vote: Ayes 4669, Noes 0, Absent 130 (Donnelly).

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

RESOLUTION NO. 191

**TITLE: CONTROL OF SNOW AND ICE ON COUNTY HIGHWAYS
BY TOWN FORCES SECTION 135-A OF THE HIGHWAY LAW
DEPARTMENT OF PUBLIC WORKS**

BE IT RESOLVED that pursuant to Section 135-a of the Highway Law, the Board of Supervisors of Delaware County hereby authorizes the Delaware County Commissioner of Public Works to enter into an agreement with the Town Highway Superintendents of the Towns of Colchester, Harpersfield, Kortright, Masonville, Middletown, Roxbury, Stamford and Tompkins for the performance, by the Towns, of the work of control of snow and ice on the County Roads within the boundaries of the County, upon terms and regulations as are contained in such agreements for a five year period from December 2013 - May 2018.

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

Mr Rowe offered the following resolution and moved its adoption:

RESOLUTION NO. 192

**TITLE: CONTROL OF SNOW AND ICE ON NEW YORK CITY ROADS
BY TOWN FORCES
DEPARTMENT OF PUBLIC WORKS**

BE IT RESOLVED that pursuant to an agreement between New York City and the County of Delaware, and by Resolution No. 46 of 1991, Delaware County hereby authorizes the Delaware County Commissioner of Public Works to enter into agreements with the Town Highway Superintendents of the Towns of Andes, Colchester, Middletown, Roxbury, Tompkins and Walton for the performance, by the Towns, of the work of control of snow and ice on the New York City Roads within the boundaries of the County, upon terms and regulations as are contained such agreements for a five year period from December 2013 - May 2018.

BE IT FURTHER RESOLVED that if the City at any time does not renew its contract with the County, the County's contracts with the Towns for the plowing of the City roads will also be terminated.

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

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

RESOLUTION NO. 193

**TITLE: AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH
THE CORP OF ENGINEERS (COE) FOR THE UPPER DELAWARE RIVER
WATERSHED FEASIBILITY STUDY
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the US Army Corps of Engineers (COE) was authorized to conduct a reconnaissance study of the Upper Delaware River Watershed in New York; and

WHEREAS, that study determined that further planning in the nature of a feasibility study of flood damage reduction and ecosystem restoration should proceed; and

WHEREAS, it would be in the county's best interest to partner with the COE to perform a feasibility study because stream instability issues in Sands and Cadosia Creeks, the East and West Branch of the Delaware and other tributaries to them contribute to localized flooding and damage to public and private infrastructure; and

WHEREAS, the county's participation in the study will be a 50% match which will be met with in-kind services.

NOW, THEREFORE, BE IT RESOLVED that the Department of Public Works is hereby authorized to enter into an agreement with the Corps of Engineers for a feasibility study at a total cost of \$100,000 with \$50,000 being provided by the county in the form of in-kind services.

The resolution was seconded by Mr. Spaccaforno.

Mr. Rowe explained that the Friends of the Upper Delaware River (FUDR) have spent significant resources working toward mitigation alternatives for the Sands and Cadosia Creeks stream instability issues. As a result of this process they became aware of money left over from the Corps of Engineers (COE) feasibility study in Livingston Manor which brought a partnership opportunity to the county's attention.

This resolution allows the Department of Public Works to partner with the COE to perform a feasibility study for the Sands and Cadosia Creeks and is a means to provide funding to non-watershed towns. This partnership will benefit New York State, the county, and the Towns of Hancock and Tompkins.

The resolution was adopted by the following vote: Ayes 4669, Noes 0, Absent 130 (Donnelly).

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

RESOLUTION NO. 194

**TITLE: AUTHORIZATION TO ENTER INTO A LEASE FOR THE
REHABILITATION, REPLACEMENT, MODIFICATION AND EXPANSION OF THE
DELAWARE COUNTY EMERGENCY RADIO COMMUNICATIONS SYSTEM LEASE
OF THE COON HILL SITE (TOWN OF HANCOCK)
DEPARTMENT OF EMERGENCY SERVICES**

WHEREAS, the Delaware County Department of Emergency Services is progressing with the project of rehabilitation, replacement, modification and expansion of the Emergency Radio Communications System as previously authorized; and

WHEREAS, a site in the Town of Hancock has been identified as being a site which will provide increased and improved coverage to that area of the county as set forth in Resolution No. 136 of 2012 (dated September 26, 2012); and

WHEREAS, the Department of Emergency Services has followed all appropriate requirements for the lease of property for public agencies, and has negotiated with the holders of the prime lease, Han Cel Inc., for the lease of a 150' x 150' parcel of land in the Town of Hancock on which to erect a communications tower and related appurtenances; and

WHEREAS, the Board of Supervisors has previously reviewed the Full Environmental Assessment Form and issued a Negative Declaration as its SEQRA determination for the Overall Project and for this particular Site. In that Negative Declaration, it was identified that a viewshed analysis would be conducted to confirm that the proposed project will not reduce the public use or enjoyment, or the character or quality, of the surrounding landscape; and

WHEREAS, Tectonic Engineering has conducted such an analysis which confirms that the viewshed will not be negatively impacted. As such, the Board of Supervisors confirms its issuance of the Negative Declaration for this site, and

NOW, THEREFORE, BE IT RESOLVED that the County Department of Emergency Services is herewith authorized to enter into a lease with Han Cel Inc., in the name of the County of Delaware, for a portion of Tax Map Parcel Number 417.-1-51 in the Town of Hancock. As consideration for this lease, Han Cel Inc. will pay the monthly rental amount to the property owner and for its consideration Delaware County will erect a new tower and allow Han Cel Inc. and others to collocate on the tower at no cost.

The resolution was seconded by Mr. Spaccaforo.

In answer to Mr. Marshfield, Director of Emergency Services Richard Bell stated that this is an existing site that is need of a new tower. The county is leasing the land and receiving free access to the site as long as we allow them to collocate on the tower at no cost.

In answer to Chairman Eisel, Mr. Bell noted that the county will erect the new tower. This is a twenty-five year site. The lease agreement is initially for 49 years with five year optional extensions.

The resolution was unanimously adopted.

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

RESOLUTION NO. 195

TITLE: APPORTIONMENT OF COUNTY SELF INSURANCE BUDGET

RESOLVED that the budget for the County Self Insurance Fund for Workers' Compensation and Volunteer Firemen's Benefits in the total amount of \$1,870,000, as set forth below be accepted as part of the records of this Board.

<u>Participant</u>	<u>Full Value Assessment</u>	<u>Apportioned Amount to Raise</u>
County of Delaware	5,567,748,600	\$867,966.54
<u>Towns</u>		
Andes	426,188,948	\$66,439.38
Bovina	142,237,901	\$22,173.73
Colchester	796,649,808	\$124,191.20
Davenport	207,388,039	\$32,330.10
Delhi	335,446,054	\$52,293.30
Deposit	276,536,080	\$43,109.72
Franklin	200,613,676	\$31,274.03
Hamden	154,844,286	\$24,138.96
Hancock	377,799,338	\$58,895.83
Harpersfield	148,455,749	\$23,143.04
Kortright	162,833,249	\$25,384.37
Masonville	105,150,836	\$16,392.16
Meredith	144,803,199	\$22,573.64
Middletown	704,604,984	\$109,842.16
Roxbury	388,433,841	\$60,553.66
Sidney	289,683,166	\$45,159.24

Stamford	174,261,169	\$27,165.89
Tompkins	163,395,473	\$25,472.02
Walton	368,422,804	\$57,434.11

Villages

Delhi	102,344,641	\$15,954.70
Deposit	35,555,912	\$5,542.89
Franklin	17,592,116	\$2,742.47
Hancock	68,641,424	\$10,700.64
Stamford (Harpersfield)	31,822,699	\$4,960.90
Stamford (Stamford)	30,201,071	\$4,708.10
Fleischmanns	38,482,749	\$5,999.15
Sidney	169,219,537	\$26,379.94
Hobart	54,689,222	\$8,525.60
Walton	133,842,702	\$20,864.99

Fire Districts

Stamford, Jefferson	30,276,540	\$4,719.87
Stamford, Gilboa	53,100,809	\$8,277.98
Arena, Hardenburgh	15,866,462	\$2,473.45
Midd.-Hard., Hardenburgh	44,484,998	\$6,934.85
Deposit	33,878,582	\$5,281.39
TOTAL	11,995,496,664	\$1,870,000.00

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

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

RESOLUTION NO. 196

**TITLE: RATIFICATION OF BAGS LANDFILL
BUDGET FOR 2014**

BE IT RESOLVED that the 2014 budget for the BAGS Landfill in the total amount of \$7,100.00 with \$1,820.35 the apportioned cost to the Town of Sidney be ratified as presented.

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

Ms. Molé offered the following resolution and moved its adoption:

RESOLUTION NO. 197

**TITLE: RESOLUTION IN SUPPORT OF ESTABLISHING
A SOUTHERN TIER OFFICE OF MENTAL HEALTH
DEPARTMENT OF MENTAL HEALTH**

WHEREAS, the New York State Office of Mental Health (OMH) has proposed a major redesign of the agency under a “Regional Centers of Excellence” (RCE) model and has divided the state into five distinct regions (Western, Central, Hudson River, New York City and Long Island) with fifteen RCE; and

WHEREAS, the OMH PLAN in its current form designates the closure of all state operated inpatient services at the Elmira Psychiatric Center and Greater Binghamton Health Center by July 2014 and creates two Community Outpatient Service Hubs at those locations instead; and

WHEREAS, the Greater Binghamton and Elmira Centers currently serve a largely rural population of nearly 1.5 million people in fifteen counties of the Southern Tier and parts of the Finger Lakes, covering over 11,400 square miles, comprising nearly one quarter of the state and lacking access to public transportation; and

WHEREAS, the OMH plan exclusively follows an urban “thruway corridor” model, requiring rural, often poor, residents of the Southern Tier to travel hours to urban areas along the New York State Thruway for inpatient care (Buffalo or Syracuse for adults and Buffalo or Utica for children); and

WHEREAS, the United States Government has already designated many of the counties served by Elmira and Greater Binghamton to be “Federally Designated Underserved Areas,” prior to the removal of inpatient services by OMH; and

WHEREAS, the OMH plan removes 100% of the state operated child and adolescent inpatient services from these fifteen rural counties, and would also have these fifteen counties with no private hospital children’s beds (under 12 years of age) and only six private hospital adolescent beds (ages 12-17) located in Tompkins County; and

WHEREAS, the OMH plan leaves local hospitals that predominately rely on public mental health services to choose between high risk discharges or weeks of uncompensated care, while awaiting access to the urban RCE; and

WHEREAS, the Greater Binghamton and Elmira Centers are among the top performing hospitals in OMH relative to access, quality and productivity, providing timely access to a

comprehensive array of high quality child and adult acute, intermediate, residential educational, clinic and recovery focused services; and

WHEREAS, the Greater Binghamton and Elmira Centers began working together in late 2012 toward combining operational elements, reducing the duration of inpatient hospitalization and achieving joint efficiencies that are amongst the best in OMH; and

WHEREAS, the Elmira and Greater Binghamton Centers have substantially achieved most of the access, quality and productivity objectives ostensibly serving as the basis of the OMH RCE; and

WHEREAS, while this body largely supports the overall goals of the OMH plan, it is inadequate to meet the challenges of the most economically distressed part of the state at a time when the need for mental health services is on the rise

NOW, THEREFORE, BE IT RESOLVED that the the Delaware County Board of Supervisors urges the Commissioner of Mental Health, Governor Andrew Cuomo, the New York State Senate and the New York State Assembly to support the inclusion of of a Southern Tier OMH Region with a Southern Tier based RCE, serving the Southern Tier and portions of the Finger Lakes. This would include continued access to child, adolescent and adult inpatient and community services, managed under a locally responsive rural model as an alternative to the exclusively urban thruway model currently under consideration

BE IT FURTHER RESOLVED that certified copies of this resolution be sent to the Commissioner of Mental Health, Governor Andrew M. Cuomo, Senator John Bonacic, Senator James L. Seward, Senator Thomas W. Libous, Assemblyman Clifford W. Crouch, Assemblyman Peter Lopez, Assemblywoman Claudia Tenney, and the New York State Association of Counties (NYSAC).

The resolution was seconded by Mrs. Capouya.

Director of Mental Health Cynthia Heaney explained that the current OMH Plan designates the closure of state operated inpatient services in the Southern Tier creating a significant hardship. The plan exclusively follows an urban “thruway corridor” model requiring rural residents of the Southern Tier to travel hours to urban areas along the New York State Thruway for inpatient care.

Chairman Eisel noted that if the proposed plan is put into place it will create even greater hardships in dealing with and caring for those that require these services. These are facilities that are desperately needed.

The resolution was adopted by the following vote: Ayes 4092, Noes 577 (McCarthy), Absent 130 (Donnelly).

Chairman Eisel waived Board Rule 10 to permit the introduction without objection of the following not-pre-filed resolutions.

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

RESOLUTION NO. 198

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$2,375,205.67 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	\$1,236,953.87
OET	\$76,699.75
Public Safety Comm System	\$266,882.54
Highway Audits, as Follows:	
Weights and Measures	482.77
Landfill	\$97,821.16
Road	\$36,820.71
Machinery	\$228,850.96
Capital Road & Bridge	\$258,659.05
Capital Solid Waste	\$172,034.86

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4669, Noes 0, Absent 130 (Donnelly).

Mr. Dolph recalled Local Law Intro. No. 1 to set the 2014 salary of Richard Bell, Director of Emergency Services at \$54,312. The Local Law was seconded by Mr. Rowe and adopted by the following vote: Ayes 4372, Noes 297 (Valente), Absent 130 (Donnelly).

Mr. Dolph recalled Local Law Intro. No. 2 to set the 2014 salary of Joseph deMauro, Director of Information Technology at \$76,642. The Local Law was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4372, Noes 297 (Valente), Absent 130 (Donnelly).

Mr. Dolph recalled Local Law Intro. No. 3 to set the 2014 salary of Judith Garrison, Election Commissioner at \$21,176. The Local Law was seconded by Mr. Hynes and adopted by the following vote: Ayes 3795, Noes 874 (Valente, McCarthy), Absent 130 (Donnelly).

Mr. Dolph recalled Local Law Intro. No. 4 to set the 2014 salary of William Moon, Commissioner of Social Services at \$97,048. The Local Law was seconded by Ms. Molè and adopted by the following vote: Ayes 3420, Noes 1249 (Valente, Miller, McCarthy), Absent 130 (Donnelly).

Mr. Dolph recalled Local Law Intro. No. 5 to set the 2014 salary of Wayne Reynolds, Commissioner of Public Works at \$91,079. The Local Law was seconded by Mr. Rowe and adopted by the following vote: Ayes 4372, Noes 297 (Valente), Absent 130 (Donnelly).

Mr. Dolph recalled Local Law Intro. No. 6 to set the 2014 salary of Michael Sabansky, Director Real Property Tax Services II at \$59,401. The Local Law was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4122, Noes 547 (Valente, Hynes), Absent 130 (Donnelly).

Mr. Dolph recalled Local Law Intro. No. 7 to set the 2014 salary of Leonarda Storey, Personnel Officer at \$66,030. The Local Law was seconded by Mr. Bower and adopted by the following vote: Ayes 4372, Noes 297 (Valente), Absent 130 (Donnelly).

Mr. Dolph recalled Local Law Intro. No. 8 to set the 2014 salary of Wayne Shepard, Director Office for the Aging at \$64,597. The Local Law was seconded by Ms. Molè and adopted by the following vote: Ayes 4095, Noes 574 (Valente, McCarthy), Absent 130 (Donnelly).

Mr. Dolph recalled Local Law Intro. No. 9 to set the 2014 salary of Sharon O'Dell, County Clerk at \$62,492. The Local Law was seconded by Mr. Bower and adopted by the following vote: Ayes 4372, Noes 297 (Valente), Absent 130 (Donnelly).

Mr. Dolph recalled Local Law Intro. No. 10, to set the 2014 salary of Thomas Mills, Sheriff at \$70,309. The Local Law was seconded by Mr. Bower and adopted by the following vote: Ayes 3997, Noes 672 (Valente, Miller), Absent 130 (Donnelly).

Budget Director Bruce Dolph introduced the 2014 Tentative Delaware County Budget. He thanked the department heads and committees involved for their help and support during the preparation of the budget.

Mr. McCarthy stated that he is not pleased with the preparation process of the budget and believes that each department's budget should be approved by the whole board. He further stated that he will not support this budget.

Chairman Eisel stated in reply to Mr. McCarthy, that many hours were spent in the preparation of this budget. He believes this is a good budget with a reasonable percentage of increase.

In response to Mr. McCarthy, Commissioner Moon explained that the increase in the appropriation to DS&S Contracts is the result of moving programs previously funded under another expense account.

In answer to Mr. Spaccaforo, Clerk of the Board Christa Schafer explained that the county auditors suggested that all of the county's sales tax should be recorded in the General Fund and then be transferred appropriately. Previously, the portion of the sales tax budgeted for the Department of Public Works (DPW) did not pass through the General Fund but, went directly into the DPW budget.

Mr. Bower questioned how and why the decision was made to include the Department of Social Service (DSS) Investigators in with the District Attorney (DA). He pointed out that the Legislative and Public Safety Committees were not in favor of a transfer of the DSS Investigators to the DA.

Chairman Eisel explained in answer to Mr. Bower, that once the Legislative Committee rejected the idea it was brought to the Finance Committee. The Finance Committee unanimously agreed that the DSS Investigators should be transferred to the DA. The matter was then referred back to the Social Services Committee because that is where it originated. All but one member of the Social Services Committee approved the transfer.

Mr. Spaccaforno raised the concern of liability to the county and asked Mr. Bower to speak to the appropriateness of this decision based on his research.

Mr. Bower stated that his research, which included conversation with the county's insurance agents and the New York State Department of Criminal Justice (NYSDCJ), indicates that a more appropriate choice would be to make the DSS Investigators employees of the Sheriff Office (SO). The SO is an accredited agency with an established command control structure. The opinion of those he sought is that the SO is the best place for the DSS Investigators and eliminates the question of liability.

County Attorney Porter Kirkwood, in answer to Mr. Bracci, stated that based on the information he has reviewed he did not believe the transfer of DSS Investigators to the DA created a significant liability issue for the county.

Mrs. Donofrio, Mr. Bower and Mr. Sapaccaforno expressed their disagreement with Mr. Porter's statement.

Mr. Bower pointed out that the best coverage for the county is to have the DSS Investigators become employees of the SO if they are going to continue to operate outside of the DSS Investigator title in the DSS.

Mr. Marshfield noted that the duties of a DSS Investigator are varied and include investigating public assistance applicants and workers' compensation cases, fraud referrals, child abuse and maltreatment cases, pre-employment investigations, building security, serving summons, and assisting police departments when necessary. If the DSS Investigators were transferred to the SO, DSS would have to hire additional personnel.

His research concluded that if DSS Investigators were transferred to the SO it would cost county taxpayers an extra \$200,000 or another one percent on the tax levy. It makes the most financial sense for the taxpayers to have the investigators with the DA and this arrangement ensures that the investigators retain their police powers and continue to perform their limited but necessary policing duties.

In answer to Mr. Bracci, District Attorney Richard Northrup stated that he agreed to this transfer because he believes the DSS Investigators need to retain their police officer status. These investigators deal with difficult and dangerous situations out in the field and need to have the authority to carry a gun and do what needs to be done to protect the people of this county. He did not see a problem in terms of liability and believes it has become a conclusion without factual basis.

In reply to Mr. Northrup, Mr. Bower advised that Otsego County has three part-time DA Investigators. The risk consultant, who also covers Otsego County, voiced the same concern for them. The Otsego County DA is waiting to see what happens in this county.

Mr. Dolph shared NYMIR's response on the matter of coverage stating that the individuals in question will be covered under the Law Enforcement Policy regardless of the decision the governing board makes. Of the choices being considered the SO has an established chain of command structure and might be the most optimum choice. With that said, if the investigators receive their oversight from DSS or the DA, what is necessary is a clear command and control structure. The majority of Law Enforcement Agencies NYMIR insures are not accredited. The Department of Criminal Justice accreditation does not play into this decision or cloud the matter of coverage for the county.

Mr. Rowe noted that his research supports that statement. The work of these investigators is outstanding. DSS Investigators are trained for the specific situations they are called to. What they are involved with is very nasty stuff and for twenty-five years DSS Investigators have performed their duties with significant results.

Chairman Eisel answered in reply to Mr. Spaccaformo, that the DSS Investigators would lose their police officer status if they were to remain in DSS. They will have police powers with the DA and continue to perform their job as in the past.

Commissioner Moon, in answer to Mr. Bracci, shared the history behind the use of DSS Investigators and discussed the essential services these investigators perform for the department. The first DSS Investigator was appointed in the 1970s following the Child Support Enforcement Act. The services of the DSS Investigators are fundamental to meeting the mandates and obligations of doing what the department is charged to do.

When the SO learned that the DSS Investigators could no longer operate as part-time deputies under the SO and advised that they either had to leave the SO or become full-time deputies it raised the question of how to move forward to meet the needs of the DSS.

If the DSS Investigators were to become full-time deputies, the Director of Investigations would not have been allowed to continue. This would separate the investigators from the top of the chain of command under the SO structure. The Director of Investigation is the top person in the chain of command under the DA. The chain of command under the DA is a Director of Investigations under the DA, Senior Investigator, and two investigators at this time.

To solve the major issues arising from this change the DA was asked if he would be interested in accepting the DSS Investigators. The DA accepted and the DSS Investigators were transferred part-time to the DA. The investigators are salaried through the DSS and receive their part-time police powers from the DA as they did previously through the SO.

Undersheriff Craig DuMond responding to Commissioner Moon's comments shared that it was through the accreditation process that the concern was identified.

Mr. Dolph shared as the Budget Director he considered the significant increase to the budget if the investigators become employees of the SO. He believes it is in the best interest of the taxpayers to continue the arrangement with the DA as an essential element of what these investigators do would be lost if they remain in DSS.

In answer to Mr. Bower, Chairman Eisel stated that in his opinion it was not feasible to separate the director from the investigators making the DA a more appropriate choice.

Mr. Bower expressed concern that the SO has not been given authorization to hire an additional deputy. He felt the request was appropriate and the revenue increase from the boarding-in of prisoners would offset the expense costing the county nothing for the additional services the deputy would provide.

Mr. Dolph explained in answer to Mr. Bower, that revenues are used to offset the budget. In addition, as a cost-saving measure where possible, any funded vacant positions have been removed from the budget.

Mr. Rowe expressed concern that the anticipated revenue from the boarding-in of prisoners may be overstated as counties are seeking alternatives to the expense of boarding-out prisoners.

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

RESOLUTION NO. 199

**TITLE: PUBLIC HEARING
2014 TENTATIVE BUDGET**

BE IT RESOLVED that the budget, with the changes discussed, be adopted as the Tentative 2014 Delaware County Budget and a public hearing be held on the 26th day of November, 2013 at 12:30 p.m. in the Supervisors' Room of the County Office Building, 111 Main Street, Delhi, New York.

The resolution was seconded by Mr. Marshfield.

Mr. Dolph noted that he would be available to any Supervisor desiring to discuss questions or concerns regarding the Tentative Budget. The budget is still a work in process and if needed, changes can still be made. This resolution allows the process to move forward to the public hearing.

Chairman Eisel stated that the public hearing will be held prior to the Board of Supervisors meeting on Tuesday, November 26th at 12:30 p.m.

In answer to Mr. Hynes, Chairman Eisel noted that the 2014 Tentative Budget appropriates the cost of DSS Investigators in the budget of the DA because that is where they have been operating from.

In reply to Mr. McCarthy, Chairman Eisel stated that the budget needs to be adopted towards the end of December. By law, if the budget is not adopted by that timeframe the county will be governed by the 2013 budget.

The resolution was adopted by the following vote: Ayes 3792, Noes 877 (Bower, Spaccaforo, McCarthy), Absent 130 (Donnelly).

Upon a motion, the meeting adjourned at 3:20 p.m.