

## **REGULAR MEETING**

### **DELAWARE COUNTY BOARD OF SUPERVISORS NOVEMBER 26, 2013**

The regular meeting of the Delaware County Board of Supervisors was held Tuesday, November 26, 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 Mrs. Donofrio and Mr. Hynes.

Mr. Marshfield offered the invocation.

Mr. Valente 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 Commissioner of Social Services William Moon who presented Sharon Radtke as Employee of the Month.

Mrs. Radtke began her employment with the Department of Social Services in February 1990 as a Social Services Welfare Examiner. In 1990 she was promoted to Social Services Program Specialist and trained in the Medicaid program. In 2007 she was promoted to Senior Social Services Program Specialist and placed in charge of the department's chronic care Medicaid eligibility program.

Commissioner Moon stated that Mrs. Radtke's area of expertise covers nursing home care and related long term care programing. She regularly sees families and individuals emotionally and physically challenged by health obstacles causing them to seek eligibility to the chronic care Medicaid program. Her compassion and desire to help her clients comes naturally and as a result she excels at what she does. As head of chronic care eligibility she spends many hours analyzing the challenges of her clients and seeking the best possible solution. She enjoys working with her clients and helping them find the strength to overcome their adversities. In addition, she is an active member of the CSEA Union and currently serves as secretary. Mrs. Radtke is an inspiration to others and fully deserves this award.

Commissioner Moon presented Mrs. Radtke with a \$50.00 check and thanked her for her dedication and commitment. Chairman Eisel presented Mrs. Radtke with the Certificate of Employee of the Month and thanked her for her dedicated service.

Mrs. Radtke thanked Commissioner Moon for the recognition and the county for offering a recognition program employees can participate in. She shared that it is her goal in life to inspire people to achieve all they can in life and not to give up when the going gets tough. She takes pride in the work she does and finds great satisfaction in helping people.

For standing committee reports Chairman of the Public Safety Committee Thomas Axtell announced that Director of Emergency Services Richard Bell has accepted a position with the New York State Office of People with Developmental Disabilities as their emergency management coordinator. Mr. Bell has played a significant role in the development of the public safety communication system and has helped to secure about \$5.5 million in grant funding to make this project a reality for the county. He has worked tirelessly during the past eight years managing the county's emergency management resources and will be missed.

Mr. Axtell on behalf of the Public Safety Committee and the Board of Supervisors thanked Mr. Bell for his dedication and commitment to the county and wished him much success as he begins the next chapter in his life.

Mr. Bell stated that leaving the county was not an easy decision to make. He thanked the Board of Supervisors for their support and for the privilege of serving the county for the past eight years. He is confident the employees of the Department of Emergency Services have the knowledge and commitment to continue the mission and vision that has been established for the department.

Chairman Eisel noted that Mr. Bell has graciously offered to help when needed to ensure the transition goes smoothly.

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

**RESOLUTION NO. 200**

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

**WHEREAS**, the department has exceeded the budgeted amount in maintenance for personal services; and

**WHEREAS**, the department has met its obligation to the State for purchasing road salt and has a sufficient amount in that account to cover purchases for the balance of the year

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

**FROM:**

24-15142-54160000	Chemicals	\$265,000.00
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**TO:**

24-15110-51000000	Personal Services	\$246,000.00
24-15110-58300000	Social Security Employer Contribution	\$15,433.00
24-15110-58900000	Medicare Employer Contribution	\$3,567.00

The resolution was seconded by Mr. Valente and adopted by the following vote: Ayes 4341, Noes 0, Absent 458 (Donofrio, Hynes).

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

**RESOLUTION NO. 201**

**TITLE: DIRECT TOWN TAX**

**BE IT RESOLVED** that pursuant to §233a of the County Law, the nineteen towns of the County be and hereby are charged \$140,326.63 for the assessment rolls, field books, tax bills, etc.; and

**BE IT FURTHER RESOLVED** that the Clerk of the Board of Supervisors be authorized and directed to apportion said sum against the taxable property of the nineteen towns of the County of Delaware and that said sum be incorporated into the County Treasurer's Preliminary Report of charges and credits to the said towns in accordance with the apportionment.

The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4341, Noes 0, Absent 458 (Donofrio, Hynes).

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

**RESOLUTION NO. 202**

**TITLE: LEVY OF TOWN ACCOUNTS**

**WHEREAS**, there has been presented to the Board of Supervisors the County Treasurer's 2013 Preliminary Report with the following amounts to be charged to the several towns:

<u>TOWNS</u>	<u>CHARGES</u>	<u>CREDIT</u>
Andes	\$9,082.77	
Bovina	\$4,174.42	
Colchester	\$10,682.50	
Davenport	\$7,429.61	
Delhi	\$9,806.41	
Deposit	\$4,593.37	
Franklin	\$9,910.04	
Hamden	\$4,235.82	
Hancock	\$10,810.04	
Harpersfield	\$4,591.93	
Kortright	\$10,364.81	
Masonville	\$5,936.98	

Meredith	\$9,802.56	
Middletown	\$13,443.03	
Roxbury	\$8,918.18	
Sidney	\$23,521.30	
Stamford		\$4,371.82
Tompkins	\$1,840.59	
Walton		\$2,235.00

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

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

**RESOLUTION NO. 203**

**TITLE: YEAR-END ACCOUNTING MODIFICATIONS TO THE 2013 BUDGET  
DEPARTMENT OF FISCAL AFFAIRS**

**WHEREAS**, there are many bookkeeping entries that are needed to close out the books for 2013; and

**WHEREAS**, there will be no increase in the actual spending, just a balancing of accounts between personal services, equipment, contractual, employee benefits and undistributed employee benefits; and

**WHEREAS**, an accounting of all transactions will be presented to the Board of Supervisors upon completion of the annual report

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors authorizes the Department of Fiscal Affairs to make the necessary adjustments to the 2013 Budget and to file a written report to the Finance Committee before the books for 2013 are actually closed.

The resolution was seconded by Mr. Triolo.

In response to Mr. McCarthy, Clerk of the Board Christa Schafer explained that this resolution allows the Department of Fiscal Affairs to make the necessary journal entries to close the county books. A report is provided to the Finance Committee on a regular basis and to the Board of Supervisors when the county books are closed.

The resolution was adopted by the following vote: Ayes 4341, Noes 577 (McCarthy), Absent 458 (Donofrio, Hynes).

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

**RESOLUTION NO. 204**

**TITLE: AUTHORIZATION TO ENTER INTO CONTRACT FOR PROFESSIONAL SERVICES ASSOCIATED WITH THE ADMINISTRATION OF THE FEMA FUNDED VOLUNTARY FLOOD BUYOUT PLANNING DEPARTMENT**

**WHEREAS**, in August/September 2011, Delaware County experienced widespread catastrophic flooding from Hurricane Irene and Tropical Storm Lee, adversely affecting many of its towns and villages, warranting the declaration of a countywide “State of Emergency”; and

**WHEREAS**, NYS OEM and FEMA announced funds available for a voluntary flood buyout program; and

**WHEREAS**, the Delaware County All-Hazards Mitigation Plan was accepted by the Delaware County Board of Supervisors to ensure Delaware County eligibility for State and Federal Hazard Mitigation monies; and

**WHEREAS**, the Delaware County Planning Department applied for funding from NYS OEM and FEMA for a voluntary flood buyout program for properties affected by the flooding; and

**WHEREAS**, Delaware County was awarded two grants from FEMA and New York State to conduct the buyout on March 21, 2013; and

**WHEREAS**, on October 9, 2013, the Delaware County Board of Supervisors accepted the grant awards as per Resolution No. 164 to conduct a voluntary flood buyout program; and

**WHEREAS**, the Delaware County Planning Department prepared Requests for Proposals to seek professional services for surveying, title search, and appraisals associated with the flood buyout; and

**WHEREAS**, the proposals were received and evaluated by Delaware County Planning staff; and

**WHEREAS**, based on qualifications and complete proposals the staff scored and ranked all proposals to select:

- Appraisal services: R.P.I. Appraisal Services
- Survey services: Thomas F. Leo, LS, PC
- Title/Abstract services: Delaware Abstract

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Board of Supervisors authorizes hiring each of the stated consultants and authorizes the Chairman of the Board to sign contracts for each upon review and acceptance by the County attorney.

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

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

**RESOLUTION NO. 205**

**TITLE: EXCEPTION TO RESOLUTION NO. 269-1990  
OFFICE FOR THE AGING  
DEPARTMENT OF SOCIAL SERVICES  
VETERANS' SERVICE AGENCY**

**WHEREAS**, Resolution No. 269 of 1990 prohibited county employees from holding more than one county position simultaneously except if such dual employment is specifically authorized by resolution of the Board of Supervisors; and

**WHEREAS**, the Department of Social Services, Office for the Aging and the Veterans' Service Agency are experiencing difficulties in recruiting bus drivers for example to serve as drivers on a regularly needed basis to serve the elderly and medically needy; and

**WHEREAS**, from time to time employees in other county departments may be willing to work on a per-hour, as-needed basis

**NOW, THEREFORE, BE IT RESOLVED** that Resolution No. 269 of 1990 is hereby temporarily waived until December 31, 2014 for county employees who are willing to work on a per-hour, as-needed basis for the Department of Social Services, Office for the Aging and the Veterans' Service Agency.

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

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

**RESOLUTION NO. 206**

**TITLE: AUTHORIZATION OF FOUR-DAY WORK WEEK  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, Resolution No. 55 of 1993, as modified, authorizes a four ten-hour-per-day work week in the Public Works Department which is subject to annual approval by the County and Public Works employees,

**NOW, THEREFORE, BE IT RESOLVED** that subject to approval of the Public Works employees, four day work schedules for 2013 are hereby approved in the Public Works Department as follows:

- 1.) January 1 to March 29, 2014: Bridge Crews only.
- 2.) March 30 to October 25, 2014: All Public Works employees, except those employees specifically excluded from the four day work week by agreement with the union, i.e., landfill employees, certain engineering staff, etc.
- 3.) November 22 to December 31, 2014: Bridge Crews only.

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

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

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

**RESOLUTION NO. 207**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$912,200.99 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	\$531,271.42
OET	\$38,250.01
Public Safety Comm System	\$7,764.71
Highway Audits, as Follows:	
Weights and Measures	\$13.18
Landfill	\$90,103.26
Road	\$29,521.13
Machinery	\$49,384.30
Capital Road & Bridge	\$28,330.07
Capital Solid Waste	\$137,562.91

The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4341, Noes 0, Absent 458 (Donofrio, Hynes).

Mr. Dolph recalled Local Law Intro. No. 11 to override the tax levy limit established in General Municipal Law §3-c. The Local Law was seconded by Ms. Molè and adopted by the following vote: Ayes 3042, Noes 1299 (Valente, Bower, Spaccaforo, McCarthy, Layton), Absent 458 (Donofrio, Hynes).

Budget Director Bruce Dolph provided the Supervisors with a list of changes made to the 2014 Tentative Budget since the last Board of Supervisors meeting. The Budget Committee was able to achieve an increase of only 3.82 percent due to the hard work and willingness of the department heads to think outside of how things have always been done and cut where possible. Mr. Dolph noted that this budget represents a change from previous budgets as it states revenues and expenses more realistically, has delineated revenue and appropriation accounts for better representation and has removed all unfunded positions. He believes this is a solid spending plan for 2014.

Mr. Marshfield provided a synopsis of the 2014 Tentative Budget explaining that the budget has increased slightly over \$1 million. The increase is mainly due to decreased reimbursement to mandated programs and increases in wages and fringes.

The Budget Committee added to the projected sales tax revenue, increased revenues received from interest and penalties, eliminated vacancies and decreased the amount needed from the general fund balance.

In his opinion, there is still no significant sign of mandate relief. These mandated programs have a dramatic effect on the county's essential services. Additionally, the Department of Information Technology (IT) must look at how to address departmental technology requirements that are causing a substantial increase in the IT budget. He pointed out and explained other increases in expenditures and decrease in revenues of various departments.

Mr. Axtell speaking as Chairman of the Public Safety Committee stated that the committee still feels that the DSS Investigators should not be part of the District Attorney's Office (DA) as the arrangement increases exposure for potential liability against the county. He recognized the importance of passing a budget but could not vote for the budget as it stands.

Mr. Bracci stated that he has looked into this concern and does not see a liability issue. The matter has also been reviewed by the County Attorney as well as the District Attorney; both have stated that they do not see where this arrangement creates a significant liability issue for the county.

Mr. Spaccaforo noted that it was made clear to him in communications with the insurance company and the New York State Department of Criminal Justice that there is an exception taken by the insurance company if the county does not conform to the State of New York procedures for civil service requirements. At this time, there is not a civil service test that these employees can take to allow them to perform in a dual role. He noted that only 10 percent of the work performed by the DSS Investigators is out of their title. In his opinion, it would make sense to have the DSS Investigators work within their title and the duties that require police power be done by the Sheriff's Office (SO) in order to eliminate liability issues.

He further stated that it is very disheartening that two committees voted against transferring the DSS Investigators to the DA and it happened anyway. The budget represents due diligence on the part of the Budget Committee but he will be voting against it as he feels it puts the county at a higher risk for liability and he does not feel it is in the best interest of the taxpayers.

Mr. Bower commented that the county should consider best practice. The current arrangement, in his opinion, is not best practice.

In answer to Mr. Bracci, County Attorney Porter Kirkwood stated that he does not see a liability issue.

Mr. Spaccaforo provided copies of a handout for the Supervisors to review from Brett Carruthers, Manager for Wright Risk Management Services supporting the position of transferring the DSS Investigators to the SO.

Ms. Miller noted that she does not always like how the current system works but she is having difficulty with the matter holding up a vote on the budget. She suggested that moving forward the County Attorney in conjunction with the appropriate committees could create guidelines around the dual performance of these employees. She expressed concern that the

discussion is coming down to procedural issues that do not have anything to do with passing this budget.

Mr. Triolo noted that lawsuits have been and will continue to be brought against law enforcement agencies. He pointed out that the issue of liability for the county will not go away simply by removing the police powers from the DSS Investigators.

Chairman Eisel stated that the matter was referred back to the Finance Committee because it has a financial impact on the budget. The committee supported the transfer and the matter was then referred back to the Social Services Committee.

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 if they are under the direction of the SO or the DA. 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 chain of 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.

He believes the decision to place the DSS Investigators under the authority of the DA is the best scenario for the county. He pointed out that any other arrangement would have significant financial impact to the budget. If the DSS Investigators lose police powers there would be a need to hire additional personnel to accommodate the duties no longer performed by the investigators. If the DSS Investigators became SO employees the county would lose revenue from reimbursements received through DSS funding.

Mr. Bower pointed out that the e-mail Mr. Dolph shared identified several requirements the county would not have to meet if the DSS Investigators were transferred to the SO as the deputies are under an accredited and established chain of command.

Mr. Dolph stated that based on the information he has reviewed he is comfortable with the decision to have the DSS Investigators under the DA and does not see a need to make a change that will significantly increase the budget.

Chairman Eisel noted if the arrangement was so out of line the State of New York would have challenged it a long time ago. The DSS Investigators have been operating under the authority of the DA since the passing of a resolution in March of this year and the arrangement has been working successfully. If there comes a time when this arrangement no longer works the departments can re-evaluate the matter.

Mr. Rowe advised that he has taken the time to review the body of work the DSS Investigators have done and found it to be extremely credible. He did not see the liability issue and suggested that best practice for the county should be to continue doing what works best.

Mr. Marshfield referenced a serious child abuse situation in the Town of Hamden requiring the specialized skills of the DSS Investigators. He stated that the DSS Investigators are

trained for special circumstances such as child abuse. Their specific training and professionalism in the handling of the case in his town resulted in a solid prosecution.

Mr. Bracci stated that the DSS Investigators are an asset to this county. He noted that while employed in his position of law enforcement he had the opportunity to work with the DSS Investigators and can attest to what Mr. Marshfield has shared. They handle situations discretely and the quality of their work is extremely credible.

Chairman Eisel stated that while this budget increase is over the tax cap limit it is a solid spending plan for 2014. He opined that an increase of 3.82 percent that calls for no reduction in employees and the continuation of essential services for our residents in these inflationary times is minimal. He encouraged the Supervisors to look at the budget in its entirety and vote for what is best for the county.

Mr. McCarthy remarked that he feels this budget stinks and will be voting against it.

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

#### **RESOLUTION NO. 208**

##### **TITLE: ADOPTION OF 2014 DELAWARE COUNTY BUDGET**

**WHEREAS**, the Tentative Budget for the year 2014 has been presented to the Board by the Budget Officer and duly discussed and a public hearing having been held thereon as required by law;

**NOW, THEREFORE, BE IT RESOLVED** that pursuant to §360 of the County Law, the Tentative Budget, as amended, for 2014 be adopted.

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 2871, Noes 1470 (Valente, Axtell, Bower, Spaccaferno, McCarthy, Layton), Absent 458 (Donofrio, Hynes).

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

#### **RESOLUTION NO. 209**

##### **TITLE: APPROPRIATION RESOLUTION**

**WHEREAS**, this Board by Resolution No. 208 dated November 26, 2013 adopted a budget for the fiscal year 2014;

**RESOLVED** that the several amounts specified in the column "Adopted" be and hereby are appropriated for the objects and purposes specified effective January 1, 2014.

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4341, Noes 0, Absent 458 (Donofrio, Hynes).

Chairman Eisel wished everyone a very Happy Thanksgiving.

Upon a motion, the meeting adjourned at 2:18 p.m.