

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS APRIL 23, 2014

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, April 23, 2014 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.

Mr. Marshfield offered the invocation.

Mr. Hynes 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 Delaware County Sheriff Tom Mills and Undersheriff Craig DuMond who presented Shawn Sulger as Employee of the Month.

Mr. Sulger began his employment with the Delaware County Sheriff's Office as a Corrections Officer in 2005 and promoted to his current position of Corrections Sergeant in 2014. As Corrections Sergeant, Mr. Sulger is assigned to Central Control and Intake.

Sheriff Mills stated that Mr. Sulger handles the inmate classification process and is one of the first people to interact with the inmate upon arrival at the jail. The classification process gathers criminal histories, incident and special reports as well as medical and mental health information. Mr. Sulger shows exceptional skill in performing the lengthy inmate review process and demonstrates a strong sense of ownership of his assigned responsibilities. Mastering the classification process requires patience and attention to detail. Mr. Sulger was very instrumental in revamping the jail's classification system with the New York State (NYS) Commission of Corrections and his work is recognized as a standard of excellence in the field. He can be counted on to give his utmost cooperation to supervisors and fellow employees and has earned the reputation as role model and the go-to person for his comprehension of complex issues.

Undersheriff DuMond stated that Mr. Sulger is greatly appreciated and an asset to the Sheriff's Office. The jail is a complex operation that encompasses a wide range of functions. Mr. Sulger and the other officers work quietly behind the scenes and are committed to the efficient operation and safety of the facility.

Sheriff Mills and Undersheriff DuMond presented Mr. Sulger with a \$50.00 check. Chairman Eisel presented him with the Certificate of Employee of the Month and thanked him for his dedicated service.

Mr. Sulger explained in answer to Mr. Rowe, that the NYS Commission of Corrections provides a template of what needs to be done when checking in an inmate but the jail has the flexibility to build its own process within the template. When an inmate arrives for boarding in

Delaware County from another county, a history typically comes with the inmate. The history is reviewed and considered, however, the classification process is still performed.

Mr. Sulger stated in answer to Chairman Eisel, that the two major classification categories are close custody and general.

Undersheriff DuMond added that Delaware County does not have access to another county's database but inmate information can be obtained by calling the county.

Chairman Eisel granted privilege of the floor to Ms. Molé. Ms. Molé introduced Director of Public Health Bonnie Hamilton and Health Education Coordinator Heather Warner to provide an update on the Community Health Assessment Plan and rabies.

Through a power point presentation, Mrs. Hamilton explained that the Community Health Assessment team was asked by NYS to assess the data available on the health of Delaware County and choose two objectives from the Prevention Agenda for 2013 through 2017. From the topics provided, the team selected the prevention of chronic disease and to promote mental health and prevent substance abuse. Complete Streets and Prescription Trails are programs that will educate the team in the direction of their objective. The committee will also focus on substance abuse and suicide prevention among youth and adults to aid in the promotion of mental, emotional, behavioral (MEB) and MEB disorder prevention.

Mrs. Hamilton answered in reply to Mr. Rowe, that the statistical information provided by the Alcohol and Drug Abuse Services indicates that 41 percent of the clients coming to the facility are seeking help with addiction to opiates. Director of Mental Health Cynthia Heaney added that the remaining 59 percent struggle with alcohol-related issues, or a combination of alcohol and opiate addiction. The clients come to the facility voluntarily or through the court system.

In response to Chairman Eisel, Mrs. Hamilton explained that the suicide statistics did not track data specific to veterans. Mrs. Warner added that the suicide rate indicated reflects all residents, teens through adults.

In answer to Mr. Donnelly, Mrs. Hamilton shared that the suicide rate among veterans is staggering. In the United States, 22 veterans a day are committing suicide with deployed veterans being at the greatest risk.

Mrs. Hamilton said the impending closure of the Bassett Crisis Center adds another level of concern when responding to a mental health crisis. Director of Veterans' Affairs John Boecke has been very vocal in supporting our veterans but without the Bassett Crisis Center our veterans will be bused two hours to the Albany Stratton VA Medical Center for help in a mental health crisis. The situation is challenging and intervention in a mental health crisis is imperative. Mrs. Heaney has been working on ways to address the situation and is researching a mobile crisis assessment team model.

Mrs. Hamilton said the reason the committee chose Complete Streets and Prescription Trails is that Delaware County lacks the infrastructure needed to deal with the problems that arise from the chosen objectives.

In reply to Mr. Hynes, Mrs. Hamilton said that HCR continued some of the department's practices and she has heard some good feedback, but had no further information regarding them.

Mrs. Hamilton advised that the rabies season is upon us. She explained that the cost to treat a person bitten by a rabid or supposed-rabid animal is about \$2,500. The county is required to pay the cost of rabies treatment for uninsured individuals. A domestic animal involved in a bite to a human is confined and observed for behavior changes for 10 days. Upon completion of the 10 days if the animal shows no behavioral changes it is considered well and the case is closed.

A Dog Control Officer is not required to do a 10-day confinement check per Agriculture and Market Laws. It is difficult to find personnel willing to take on the task but it is necessary to assure the animal is still well. She asked the Supervisors to speak with people in their town and come back to her with options.

In answer to Chairman Eisel, Mrs. Hamilton advised that administering treatment after the 10-day confinement period is not too late. She added if an animal that runs away and is not caught bites a person, it is presumed rabid and the person is authorized to receive treatment immediately. Rabies is preventable, but if contracted, can be fatal.

In response to Mr. Marshfield, Mrs. Hamilton explained that an animal is put in a six-month confinement when there is a great chance the animal may have been exposed to rabies. The animal is quarantined for six months in a locked, double-caged confinement and if at the end of six months the animal shows no behavioral changes it is considered well and can be vaccinated and let go. This six-month confinement process is an extremely difficult time for the animal.

Mrs. Hamilton stated in answer to Mr. Ellis, that the county is required to hold a minimum of one rabies clinic a quarter. The department offers about 15 rabies clinics a year and is only limited by the number of veterinarians they are able to contract with. Donations are accepted but the clinics are free to the residents.

The rabies clinics are very important and owners are encouraged to get their animals vaccinated.

Chairman Eisel granted privilege of the floor to Mr. Triolo who introduced Economic Development Specialist William Willis.

Mr. Willis shared that the Delaware County Industrial Development Agency and the Upper Delaware Council funded an Economic Impact Study of the Upper Delaware River Cold Water Fishing and Boating industry in the region. A copy of the study entitled: *Upper Delaware River Cold Water Fishing & Boating Economic Impact Study* was given to each Supervisor. The study evaluated the potential economic impact of more consistent cold-water releases from New York City (NYC) reservoirs. The study found that NYC could alleviate the dramatic fluctuations in river flows and provide more water at the appropriate times to protect cold-water habitat and enhance recreational opportunities in the Upper Delaware River. With the study complete, plans to promote the industry can begin.

Mr. Willis introduced Planning and Research Consultant Tom Shepstone to present the findings of the study.

Mr. Shepstone explained that the Delaware County Industrial Development Agency, the Delaware County Department of Economic Development, Friends of the Upper Delaware River and the Upper Delaware Council joined efforts to sponsor this study. The study found that the lack of consistent cold-water releases has kept the local boating and fishing industry from

capitalizing on about 40 percent of the recreational opportunities that could exist. After considering a variety of data sources, it became clear that it is possible to obtain an estimated \$414 million, \$305 million in economic activity plus \$109 million in second home real estate values. It is further estimated that the value of the cold-water fishery as both a boating and fishing resource as well as a foundation for camping and second home visitation would be enhanced by \$274 million, \$203 million in economic activity plus another \$71 million in second home real estate values. While consistent cold-water releases would not totally remove the possibility of low-flow days during peak weekends, it would dramatically reduce the number of those days.

Mr. Rowe noted that this study provides the data the county needs to present its case to NYC. The study shows that it takes a collaborate effort to bring people to the area. He opined that the true scenic byway in Delaware County is County Route 17, a county road running along the river from the Town of Roscoe to the Town of Hancock. The East Branch rest area on State Route 17 sees 250,000 visitors a year. The decision by the Delaware County Chamber of Commerce to place a kiosk at the rest area will significantly help direct visitors to the surrounding areas. Municipalities will need to address infrastructure and create what the tourists want once they come here. He pointed out that grant money is available but the stipulations attached in his opinion outweigh the rewards.

Mr. Dolph remarked that Mr. Shepstone's presentation is a perfect example of how a bed tax could be a benefit and bring substantial revenue to the county. The study indicates that promoting what the area has to offer tourists in terms of recreation, lodging and shopping opportunities will directly increase sales tax and provide additional funding for tourism efforts through the bed tax.

Chairman Eisel thanked Mr. Shepstone for his informative presentation.

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

RESOLUTION NO. 88

**TITLE: 2014 BUDGET AMENDMENT
BICYCLE SAFETY PROGRAM
SHERIFF'S OFFICE**

WHEREAS, the Sheriff's Office routinely solicits funding from the general public to finance safety programs beneficial to the common good; and

WHEREAS, in the past the Sheriff's Office has provided its citizens with 1,000 bicycle helmets which were given to children at Safety Programs at schools and Headstart facilities throughout Delaware County; and

WHEREAS, the Sheriff's Office plans to solicit contributions with which to continue funding bicycle safety; and

WHEREAS, purchase of the helmets will not be made until the money has been collected.

NOW, THEREFORE, BE IT RESOLVED that estimated revenues be increased by \$10,000 to be generated by contributions to the Sheriff's Safety Program; and

BE IT FURTHER RESOLVED that the 2014 budget be amended as follows:

INCREASE REVENUE

10-13110-42270500/3110106/907	Gifts and Donations	\$10,000.00
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INCREASE APPROPRIATION

10-13110-54327595/3110106/907	Bicycle Safety	\$10,000.00
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The resolution was seconded by Mr. Spaccaforo and adopted by the following vote:
Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 89

**TITLE: 2014 BUDGET AMENDMENT
TRANSFER OF FUNDS
ACCEPTANCE OF CONTRACT WITH VMC GROUP, INC.
DEPARTMENT OF PUBLIC HEALTH SERVICES**

WHEREAS, the designated agency to administer the Early Intervention and Preschool Special Education Programs is Delaware County Public Health Services; and

WHEREAS, Regulations of the Commissioner of Education Part 200, Students with Disabilities, requires the county to provide transportation at public expense; and

WHEREAS, our current transportation contracts and rates expire August 31, 2014 and new bids need to be obtained; and

WHEREAS, transportation costs have greatly increased in recent years; and

WHEREAS, VMC Group, Inc. has the experience necessary and has proven to save transportation costs in several counties throughout New York State; and

WHEREAS, Delaware County Public Health Services would like to enter into a contract with VMC Group, Inc. to provide bid process services and ongoing cost control services.

NOW, THEREFORE, BE IT RESOLVED that the 2014 budget be amended as follows:

FROM:

10-14060-54620000	Transportation	\$42,167.00
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TO:

10-14060-54200000	Contracted Srvcs	\$42,167.00
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The resolution was seconded by Mr. Marshfield and Mr. Triolo.

Mr. Marshfield noted that the Community Health Committee met with the President of the VMC Group and was pleased with what they had to offer. The VMC Group has been able to produce significant savings for several counties throughout New York State. The committee feels there needs to be an analysis of the county's transportation program by experts in this field

prior to the expiration of the current transportation contracts. As part of the contract the VMC Group will handle the bidding process for the county. The committee felt that contracting with VMC Group is a worthwhile investment and believes the county will recoup benefits many times over the initial investment. He pointed out that the county is currently transporting 33 children at an approximate cost of \$800,000.

Ms. Molé noted that the county is mandated to provide transportation for these special programs. She added the county would be entering into a three-year contract with VMC Group.

In answer to Mr. Pigford, Mrs. Hamilton explained that the VMC Group would be evaluating a wide range of data pertaining to the county's transportation program as part of their service. Hiring the VMC Group is a way for the county to access the expertise the department does not have to address the problem. The VMC Group will consider all aspects of the county's transportation program in the process of its evaluation. It is vital that the committee look at other alternatives to the current bidding process as the cost of transportation for the coming year is anticipated to be over \$1 million. The state provides a reimbursement to the county to help offset the cost of our transportation expenses but it does not cover the full cost of the program.

The resolution was adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 90

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

LETTING OF APRIL 15, 2014

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 bidder meeting specifications as follows:

PROPOSAL NO. 30-14	Purchase of New Tandem Axle Truck Tractor: Arthur Glick Truck Sales Inc., I-86 Exit 106, 48 Bridgeville Road, Monticello, NY 12701
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Bid Price: \$138,556.00

Towns may participate in this bid.

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. Haynes and Mr. Spaccaforno.

Mr. Rowe explained that the tandem axle truck tractor would allow the department to haul the larger equipment.

In answer to Mr. Hynes, Commissioner Reynolds said that the bid specified 2014 or newer.

Commissioner Reynolds stated in reply to Mr. Triolo, that a wetline was included and the design is large enough for a dump trailer.

In response to Mr. Merrill, Commissioner Reynolds stated that delivery is expected in about 90 days.

The resolution was adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

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

RESOLUTION NO. 91

**TITLE: APPROVAL/MODIFICATION OF AGRICULTURAL DISTRICT NO. 3
PLANNING DEPARTMENT**

WHEREAS, Delaware County has complied with the eight-year review procedure of Agricultural Districts No. 3 in the Towns of Andes, Bovina, Colchester, Delhi, Middletown and Roxbury; and

WHEREAS, the Delaware County Board of Supervisors held a public hearing on Wednesday, April 23, 2014 at 12:45 p.m. for any public comment; and

WHEREAS, the Agricultural and Farmland Protection Board and the County Planning Board have reviewed said Districts and have recommended that Agricultural District No. 3 be continued without modification.

NOW, THEREFORE, BE IT RESOLVED that Agricultural District No. 3 be continued without modification.

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

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

RESOLUTION NO. 92

**TITLE: APPROVAL/MODIFICATION OF AGRICULTURAL DISTRICT NO. 4
PLANNING DEPARTMENT**

WHEREAS, Delaware County has complied with the eight-year review procedure of Agricultural District No. 4 in the Towns of Davenport, Delhi, Kortright and Meredith; and

WHEREAS, the Delaware County Board of Supervisors held a public hearing on Wednesday, April 23, 2014 at 12:50 p.m. for any public comment; and

WHEREAS, the Agricultural and Farmland Protection Board and the County Planning Board have reviewed said District and have recommended that said Agricultural District No. 4 continue without modification.

NOW, THEREFORE, BE IT RESOLVED that Agricultural District No. 4 continued without modification.

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

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

RESOLUTION NO. 93

**TITLE: RESOLUTION REQUESTING INTRODUCTION OF HOME RULE
LEGISLATION AUTHORIZING IMPOSITION OF
A HOTEL/MOTEL OCCUPANCY TAX IN DELAWARE COUNTY
DEPARTMENT OF ECONOMIC DEVELOPMENT**

WHEREAS, a hotel, motel and bed & breakfast room occupancy tax in Delaware county will serve to provide a dedicated funding stream to promote and develop the tourism industry in Delaware County and to reduce pressure on the property tax levy; and

WHEREAS, economic development within Delaware County is substantially constrained by the imposition of the New York City Watershed Rules and Regulations, requiring the county to place a significant emphasis on the development of a local, four-season tourism industry in order to maintain the sustainability of its communities; and

WHEREAS, authorization for Delaware County to impose an occupancy tax must be first enacted by the state legislature and governor; and

WHEREAS, for the foregoing reasons it is the sense of the Delaware County Board of Supervisors that it is in the best interest of Delaware County to levy an occupancy tax on transient room rentals, generally known as a bed tax or a hotel/motel occupancy tax.

NOW, THEREFORE, BE IT RESOLVED, by the Delaware County Board of Supervisors, pursuant to Article IX of the New York State Constitution and Section 2 of the Municipal Home Rule Law, that the Board of Supervisors hereby requests enactment of a law by the New York State Legislature authorizing the imposition of a two percent hotel/motel occupancy tax; subject to enactment by local law; and

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

The resolution was seconded by Ms. Miller.

Mr. Merrill noted that he sees the bed tax as an unfair and inequitable tax. The county is asking one segment of the tourism industry to collect a tax that will benefit the whole industry. He understands the purpose of the tax and realizes that other counties are funding their chamber significantly more than Delaware County. He stated that the Colchester Town Board is opposed to the imposition of a bed tax.

Mr. Rowe stated that he supports the bed tax as long as the tax collected would be earmarked for tourism and economic development. Based on his own travel experiences, he did

not feel a bed tax is a criteria people consider prior to seeking lodging. He noted that it has never prevented him from booking his lodging.

Ms. Miller noted that Director of Economic Development Glenn Nealis and County Treasurer Beverly Shields worked through issues of equity and simplicity while developing a method of collection. One of the issues the county faces is the seasonal renting of second homes without sales tax revenue to the county.

Mr. Merrill stated that in his opinion sales tax and bed tax are two separate issues that should be discussed separately.

Mr. Hynes noted that this resolution is not a vote for or against the bed tax. The vote is to establish legislation authorizing the county to impose the tax. He stated that he will support this resolution but is uncertain how he will vote on the tax when the time comes.

Mr. Valente referenced Mr. Shepstone's presentation and stated that the county needs a policy change from New York City to promote tourism. He further stated that it is the function of the state to enforce the collection of sales tax not the county.

Mr. Triolo stated that the lodging industry is the mechanism to raise money. Most of the people lodging in the county are from out of the area. He does not see another way to raise money without raising property taxes. He believed the time is coming when segments of the county population will not be able to pay their taxes.

Mr. Nealis answered in reply to Mr. Taggart, that Delaware County funds the Chamber \$95,000 raised from the tax levy. Otsego and Sullivan Counties fund their Chamber \$950,000 in part from revenue raised from their bed tax.

Ms. Miller shared in answer to Mr. Merrill, that concerns raised at the public forum in the Town of Middletown gives her an understanding of the concerns shared by the Town of Colchester. Her experience from the public forum found that once the lodging industry was made aware that they will have a significant influence in the process of how the funds are utilized the overall feeling was that the bed tax could be looked at as an investment in the promotion of their business.

In answer to Mr. Taggart, Ms. Miller explained that a Tourism Advisory Board (TAB) would be established and include the Director of Economic Development, Delaware County Supervisors and members of the lodging industry. It is expected that the lodging industry will have the majority of the votes on the committee and therefore a strong influence in the way in which the money will be used.

In answer to Mr. Pigford, Mr. Nealis said the bed tax applies to campsites that are not owned by the state.

The resolution was adopted by the following vote: Ayes 4294, Noes 505 (Merrill, Valente), Absent 0.

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

RESOLUTION NO. 94

**TITLE: MAY AS MENTAL HEALTH MONTH
MIND YOUR HEALTH
DEPARTMENT OF MENTAL HEALTH**

WHEREAS, mental health is essential to everyone's overall health and well-being; and

WHEREAS, all Americans experience times of difficulty and stress in their lives; and

WHEREAS, prevention is an effective way to reduce the burden of mental health conditions; and

WHEREAS, there is a strong body of research that supports specific tools that all Americans can use to better handle challenges and protect their health and well-being; and

WHEREAS, mental health conditions are real and prevalent in our nation; and

WHEREAS, with effective treatment those individuals with mental health conditions can recover and lead full productive lives; and

WHEREAS, each business, school, government agency, healthcare provider, organization and citizen share the burden of mental health problems and has a responsibility to promote mental wellness and support prevention efforts.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors proclaims May as Mental Health Month in Delaware County and urges all residents of the County to increase their awareness and understanding of mental health, take steps to protect their own mental health and support the need for appropriate and accessible services for all people with mental health conditions.

The resolution was seconded by Mr. Marshfield.

Ms. Molé advised that Ms. Heaney has placed a packet of information on the County's Mental Health programs on each Supervisor's desk.

Mr. Marshfield noted that Mental Health Month has been observed for the past 65 years. These issues continue to challenge the resources not only of our county but of the nation. He referenced statistics indicating the connection of mental health and suicide as the result of challenges and/or stresses stemming from addiction, combat or other life-changing situations. Effective treatment, awareness and understanding of this issue is essential to everyone's health and well-being.

The resolution was unanimously adopted.

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

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

RESOLUTION NO. 95

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$2,300,615.18 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	\$997,914.35
OET	\$53,005.94
Public Safety Comm System	\$0.00
Highway Audits, as Follows:	
Weights and Measures	\$13.21
Landfill	\$63,966.15
Road	\$62,343.59
Machinery	\$179,839.29
Capital Road & Bridge	\$39,510.50
Capital Solid Waste	\$904,058.15

The resolution was seconded by Mr. Donnelly and Mr. Spaccaforo and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

Chairman Eisel noted that the first meeting of the Delaware County Board of Supervisors was held at the home of Gideon Frisbee in the Town of Kortright with the Towns of Colchester, Franklin, Harpersfield, Middletown, Stamford and Walton in attendance. The towns continued to meet there until the summer of 1799. About 12 years ago, the Delaware County Board of Supervisors held a meeting at the Delaware County Historical Society. He thought meeting there again would be interesting and informative. Plans are underway to hold the Wednesday, May 28, 2014 Board of Supervisors meeting in the Gideon Frisbee House at the Delaware County Historical Society located in the Town of Delhi. Tours will be available to interested Supervisors starting at noon, prior to the 1:00 p.m. Board meeting.

Mr. Rowe shared that he noticed on Facebook that the Delaware County Sheriff's Office has started an anonymous hotline for heroin tips. He asked that the appropriate committee prepare a resolution in support of the Sheriff's effort for a vote by the Board of Supervisors. He would also like the resolution shared with the town boards in hopes that they, too, might pass a similar resolution. He stated that it is important that the county stand together on this issue.

Upon a motion, the meeting adjourned at 2:55 p.m.