

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

APRIL 22, 2009

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, April 22, 2009 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. Valente and Mr. Hynes.

Mr. Marshfield offered the invocation.

Mr. Bracci 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 Sheriff Mills who presented Dwayne Finkle as Employee of the Month.

Mr. Finkle was hired as a Corrections Officer in November 1989. Shortly thereafter, he was reassigned to a dispatcher position. In January of 2006, he was promoted to his current position as Sergeant of the Civil Division. Most recently, he has assumed the added responsibility of being appointed the liaison for Delaware County in the Project Lifesaver Program.

Sheriff Mills stated that Sgt. Finkle assumes any responsibility given him in a gentle, good natured way. He has a high degree of perception, courage and common sense that faithfully guides his clear thinking, good judgment and mature decisions.

Sheriff Mills shared a time when Sgt. Finkle, then working as a dispatcher, engaged a suicidal caller into conversation until the help summoned could arrive. Sgt. Finkle has always excelled in community relations and his patient and mature demeanor has often helped dissolve a harsh situation. Sheriff Mills stated that Sgt. Finkle is respected by his co-workers and referred to as the "big guy" in the office. A person once told the Sheriff that Sgt. Finkle was a great stimulator, he makes you want to pay your bill.

Sheriff Mills presented Sgt. Finkle with a \$100.00 savings bond. Chairman Eisel

presented him with the Certificate of Employee of the Month and thanked him for his dedicated service.

Mr. Donnelly commented that he has known Sgt. Finkle since he was a young boy and has always been fond of him. He recalled a time when Sgt. Finkle during his junior high school days showed the compassion and good nature that makes him such a fine man today. On behalf of the Town of Andes, Mr. Donnelly congratulated Sgt. Finkle.

Chairman Eisel granted privilege of the floor to Ms. Molé. Ms. Molé introduced Director of Office for the Aging Thomas Briggs to provide an update on New York Connects.

Mr. Briggs stated that about three years ago Office for the Aging came before the Board to discuss ideas related to the development of a long term care strategy for Delaware County. Many years ago the County was a participant in the Coordinating Council. The Council met to cross reference existing long term care programs in the County but, did not help people make decisions about long term care and eventually outlived its usefulness. NY Connects is a partnership of all long term care providers in the County working to bring people together to address issues that affect a broad spectrum of ages.

Mr. Briggs introduced Office for the Aging employee and manager of the NY Connects Program Laura Stewart. NY Connects is in its third year and has done a great deal of work towards achieving the goal of addressing long term care in the County. Mrs. Stewart has been very instrumental in the process and its success.

Mrs. Stewart provided a powerpoint presentation referencing a packet containing information on NY Connects which was placed on each Supervisor's desk.

She explained that NY Connects came into existence as a result of the state and federal governments realization of the implications of the aging population as it relates to long term care services and its financial impact. They also realized that the long term care system is confusing and hard to navigate through so they wanted to make it easier for the consumer to access these services. Another factor they considered was the Olmstead Act, which provides disabled persons the right to receive services in the setting they choose.

Delaware County statistics indicate that 24 percent of the population is 60 and older. That figure is expected to raise to 32 percent by 2015. This statistic ranks Delaware County second among all New York counties.

The NY Connects program provides a place where people can get comprehensive and unbiased information on long term care services. In addition, the program provides the individual with a referral if a service is not offered in this County. The program desires to empower individuals to make informed choices and streamline access to long term care services for the elderly and individuals with disabilities of all ages. Its vision is to be accessible,

coordinated and person-centered.

Long term care services may include medical, social, housekeeping or rehabilitation services over a period of months or years in order to improve or maintain function or health. Long term care services are shifting from institutional based to community based services paralleling what people are desiring. People prefer to remain in their home rather than reside in a nursing home. In 1983 the cost per day to reside in a nursing home was \$75, today it is \$197. A community based system is cost effective and the Advisory Council is working to increase community supports to help individuals receive the services they need and remain in their homes.

The County's lead agencies for NY Connects are the Office for the Aging, the Department of Social Services and Public Health Nursing Services. Together, they have instituted a pilot program that uses a team assessment approach. This approach allows an Office for the Aging representative or someone from the Office of Long Term Care to accompany the public health nurse on an assessment. This effort is expected to make the long term care system less confusing and provide more information for the individual. It will also help to increase collaboration and communication between agencies.

NY Connects has been successful in developing a website for consumers. The website, www.co.delaware.ny.us provides the most accurate and up to date information on long term care services. It offers an updated resource directory that includes all the long term care services available to County residents.

The Advisory Council has spent two years working on identifying eight areas of greatest concern in regards to services for County residents. A sub-committee of the Council was formed to address the need for a coordinated effort among agencies to provide efficient transportation in the absence of a public transportation system. Currently in the County, the Council is working with the ARC of Delaware County who has about twenty buses that run throughout the County. Additionally, contact with all thirty-five agencies on the Council will be made to have them trace their routes on a map of the County to identify duplication of routes which will serve as a means of addressing the transportation issue. The Council applied for a grant from the Community Transportation Association of America and was one of four in the country to be accepted.

Chairman Eisel commented that making a concentrated effort to coordinate transportation with the ARC of Delaware County and other agencies that travel the county is an excellent idea.

Mrs. Stewart pointed out that \$1 million a year is spent on medicaid transportation and \$500 thousand on public health transportation. The Council plans to do an in-depth study of every department's budget to determine how much money is being spent on transportation.

Mrs. Stewart advised that the Advisory Council will be hosting a special meeting for the press and other interested people to the learn about the Council's purpose and goals. The meeting will be held on Thursday, April 23rd at 9:00 a.m. at the Public Safety Facility and

Correctional Complex.

The Council hopes to address each one of the eight issues identified. The NY Connects program has brought together providers and consumers to refine the way long term care services are provided. They have worked to reduce redundancies and are assisting those at risk by providing them with the least restrictive and the most appropriate level of care. The next issue that needs to be addressed is adult care giver support.

Mr. Marshfield asked if the Council coordinates with Delaware Opportunities. Mrs. Stewart said that there are between 15 to 17 agencies that NY Connects collaborates with. Some of the agencies are Delaware Opportunities, ARC of Delaware County, United Way, O'Connor Hospital, Delaware Valley Hospital to name a few.

In reply to Chairman Eisel, Mr. Briggs stated that Countryside Care Center has not committed to an adult day care. There is talk on the federal level about a medicaid initiative called Project 2020. The thought is that a portion of the savings that Project 2020 is expected to generate will be diverted to adult day care programs around the country and other activities directed towards aging services.

In answer to Mr. Rowe, Mrs. Stewart replied that 21 percent of the County's population is disabled.

Chairman Eisel provided an update on the County's participation with the ProAct Prescription Discount Drug Program. The discount card has been used by 365 residents to purchase 622 prescriptions totaling \$37,077.19. However, the cost to participants was only \$20,609.07 amounting to a savings of \$16,468.12. The average price savings per prescription totaled \$26.48 or a 44 percent savings in the cost of prescription.

He noted that residents and employees have provided good feedback and have expressed their appreciation to the Board for deciding to participate in the ProAct Prescription Drug Program. Chairman Eisel stated that this is a good program and a benefit to our residents.

Mr. Donnelly stated that Rite-Aid and O'Connor Pharmacies in Delhi have indicated to him that there are many people coming in with the card. Both pharmacies felt the program is beneficial to the County.

Chairman Eisel granted privilege of the floor to Mr. Meredith. Mr. Meredith advised that several towns have not returned their Coalition of Watershed Towns ballot and as a result the deadline date was extended to May 1st. He noted that along with himself, Mr. Bracci, Mr. Layton and Mr. DuMond currently serve and Delhi Mayor Richard Maxey has expressed an interest in serving.

Chairman Eisel said that any elected official can sit on the Coalition Board and

encouraged the Supervisors to reach out to their elected officials. He noted that it is important to keep the Coalition strong and working for the watershed.

Mr. Utter commented that the Coalition is the only agency that speaks for the people of the watershed and it is important they remain active and strong.

For standing committee reports, Chairman of the Public Works Committee Leonard Utter advised that the Consolidated Highway Improvement Program (CHIPS) has been reinstated to the 2008 level. Any town interested in further information about the program should contact the Commissioner of Public Works Wayne Reynolds.

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

RESOLUTION NO. 69

**TITLE: DELAWARE COUNTY SHERIFF'S OFFICE
CELEBRATES NATIONAL CRIME VICTIMS' RIGHTS WEEK
APRIL 26 - MAY 2, 2009**

WHEREAS, each year in America, 25 million people are victimized by violence and property crimes that affect them emotionally, physically, financially and spiritually; and

WHEREAS, the Crime Victims Fund was established through Victims of Crime Act ("VOCA") in 1984 to hold offenders accountable for their crimes through fines and other penalties that support victim assistance and state victim compensation programs across our nation; and

WHEREAS, since its inception, more than \$9 billion in criminal fines and penalties have been deposited in the Crime Victims Fund, as a result of prosecutions brought by U. S. attorneys throughout the nation; and

WHEREAS, VOCA funds have been used over the past 25 years to enhance crime victim services and promote the implementation of victims' rights, including the rights to information and notification; and

WHEREAS, crime victims' ability to rebuild their lives in the aftermath of crime is enhanced by receiving information about the status and location of alleged and convicted offenders - information that is readily available to crime victims and the public from the New York Sheriffs' Victim Hotline

NOW, THEREFORE, BE IT RESOLVED that the week of April 26 to May 2, 2009, which has adopted the theme of: "25 Years of Rebuilding Lives", be designated as Delaware County Crime Victims' Rights Week in honor of crime victims, survivors, and those who serve

them

BE IT FURTHER RESOLVED that we seek to recognize the impact of VOCA that holds offenders accountable for their crimes in a manner that helps victims and survivors across America to rebuild their lives in the aftermath of crime.

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

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

RESOLUTION NO. 70

TITLE: PROCLAMATION OF MAY AS MENTAL HEALTH MONTH

WHEREAS, healthy individuals and healthy communities are essential elements of any strong and vibrant society; and

WHEREAS, mental health disorders and mental health problems affect people of all ages, backgrounds and at all stages of life; and

WHEREAS, mental health problems are real and common, but it is important to remember that recovery is possible and with treatment, individuals with mental health problems can lead full and productive lives; and

WHEREAS, Delaware County has made a commitment to community-based systems of mental health care for all residents; and

WHEREAS, the guiding principles of community mental health care have always been comprehensive, cost-effective, well managed, high quality consumer responsive services; and

WHEREAS, the Delaware County Community Services Board observes Mental Health Month each year in May to raise awareness of mental health, mental illnesses, and the stigma that exists pertaining to persons with emotional disabilities

NOW, THEREFORE BE IT RESOLVED that the Delaware County Board of Supervisors proclaims May 2009 as Mental Health Month in Delaware County, and urges residents of the County to become educated about the benefits and importance of good mental health care and to seek services for emotional problems early from mental health professionals.

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

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

RESOLUTION NO. 71

**TITLE: AUTHORIZATION TO ENTER INTO AN AGREEMENT
WITH THE TOWN OF HANCOCK FOR THE SALE OF PROPERTY
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Town of Hancock’s highway garage was destroyed by the floods of June 26, 2006; and

WHEREAS, the Town has been working with SEMO/FEMA for the reconstruction of the garage; and

WHEREAS, the Town is desirous of moving the location of the highway garage from the Village of Hancock location to a portion of County owned property in Fishs Eddy; and

WHEREAS, the Department of Public Works has determined that it is possible to subdivide a piece of the Marcy South lot to accommodate the Town highway garage; and

WHEREAS, a map dated April 2, 2009 and entitled “Boundary Survey of Lands to be Conveyed to Town of Hancock” has been prepared by Paul Koerts, L.S. for the portion of the property to be conveyed to the Town; and

WHEREAS, said map identifies the parcel to be conveyed as “Lot Two” containing 6.946 acres and a 25 feet wide easement for access to County Highway 28.

NOW, THEREFORE, BE IT RESOLVED, that Lot Two is hereby declared as surplus property; and

BE IT FURTHER RESOLVED, that the Department of Public Works is authorized to sell lot number two and the permanent access easement to the Town of Hancock for the total price of \$41,676 plus closing costs.

BE IT FURTHER RESOLVED, that the Chairman of the Board is herewith authorized to sign any and all documents necessary to effectuate the sale.

The resolution was seconded by Mr. Haynes.

Mr. Rowe explained that this problem goes back to 2006 and the damages sustained to the Town of Hancock highway garage as a result of flooding. For the past two years the highway garage has operated out of a building rented on the out skirts of town while waiting for notification of financial assistance from the Federal Emergency Management Assistance (FEMA) program. Finally, with help from Senator Schumer’s office, the FEMA process has begun and is moving forward.

The purchase of this property from the Department of Public Works will locate the highway garage in the middle of town. He noted that this has been a difficult two years for Hancock and he appreciates all the help.

Mr. Utter stated that the property is a part of the old Marcy South lot on the western end of town and makes sense for the Town of Hancock because it is centrally located.

The resolution was unanimously adopted.

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

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

RESOLUTION NO. 72

TITLE: APPORTIONMENT OF MORTGAGE TAX

WHEREAS, §261 of the Tax Law makes it mandatory to apportion the mortgage tax semi-annually and a report has been received from the recording officer and the County Treasurer for the period ending March 31, 2009

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

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

Town	Amount Allocated to Tax District	Amount Apportioned to Town	Amount Apportioned to Village
Andes	\$9,532.96	\$9,532.96	
Bovina	\$8,306.19	\$8,306.19	
Colchester	\$16,071.80	\$16,071.80	
Davenport	\$15,925.46	\$15,925.46	
Delhi	\$26,876.73	\$20,880.03	\$5,996.70
Deposit	\$11,234.89	\$10,366.85	\$868.04
Franklin	\$15,288.50	\$14,480.04	\$808.46

Town	Amount Allocated to Tax District	Amount Apportioned to Town		Amount Apportioned to Village
Hamden	\$7,881.27	\$7,881.27		
Hancock	\$20,983.69	\$18,562.50		\$2,421.19
Harpersfield	\$17,513.86	\$14,994.04		\$2,519.82
Kortright	\$15,795.72	\$15,795.72		
Masonville	\$4,683.17	\$4,683.17		
Meredith	\$10,803.91	\$10,803.91		
Middletown	\$30,736.90	\$25,766.46	FL	\$1,174.92
			MV	\$3,795.52
Roxbury	\$19,436.95	\$19,436.95		
Sidney	\$25,558.55	\$7,593.07		\$17,965.48
Stamford	\$9,096.20	\$4,402.53	ST	\$1,575.02
			HO	\$3,118.65
Tompkins	\$5,386.86	\$5,386.86		
Walton	\$17,304.77	\$12,176.72		\$5,128.05
Totals ...	\$288,418.38	\$243,046.53		\$45,371.85

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

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

RESOLUTION NO. 73

**TITLE: AUTHORIZATION TO APPLY FOR FEDERAL AID
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the existing 5 year Federal Authorization for Transportation ends on September 30, 2009; and

WHEREAS, a new Authorization is being developed which will provide for 80% funding for transportation projects; and

WHEREAS, in anticipation of the new Authorization our Federal Congressional

Representatives are seeking applications for grant funding for High Priority Transportation Projects; and

WHEREAS, the Department of Public Works has two critical bridge projects that have been temporarily deferred from the NYSDOT capital program; and

WHEREAS, alternate federal funding would keep those projects on a timely completion schedule.

NOW, THEREFORE, BE IT RESOLVED, that the Delaware County Board of Supervisors herewith authorizes the Department of Public Works to apply for these funds; and

BE IT FURTHER RESOLVED, that the Board will authorize the appropriation of the local match for the projects if the grants are accepted; and

BE IT FURTHER RESOLVED, that the Chairman of the Board is herewith authorized to sign any and all documents necessary to support the grant application.

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

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

RESOLUTION NO. 74
TITLE: ISSUANCE OF A NEGATIVE DECLARATION UNDER THE STATE
ENVIRONMENTAL QUALITY REVIEW ACT FOR THE
GREATER CATSKILLS FLOOD REMEDIATION PROGRAM
PLANNING DEPARTMENT

WHEREAS, Delaware County and the New York State Division of Housing and Community Renewal have entered into contract to complete a voluntary flood buyout program known as the Greater Catskills Flood Remediation Program; and

WHEREAS, Delaware County established criteria for participation and accepted applications from nineteen property owners of which ten homes were determined to meet the criteria; and

WHEREAS, the Delaware County Board of Supervisors has prepared a Long Environmental Assessment form as per 6 NYCRR Part 617 State Environmental Quality Review (SEQR) for the purchase and demolition of ten homes; and

WHEREAS, the Delaware County Board of Supervisors as determined this action to be unlisted; and

WHEREAS, Delaware County has evaluated and mitigated all potential adverse environmental impacts;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Supervisors issues a negative declaration for the purchase and demolition of homes included in the Greater Catskills Flood Remediation Program.

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

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

RESOLUTION NO. 75

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$1,150,129.21 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	\$900,236.61
OET	\$24,021.08
Highway Audits, as Follows:	
Road	\$10,271.27
Machinery	\$58,371.28
Capital Road & Bridge	\$46,393.88
Capital Solid Waste	\$18,970.96
Solid Waste/Landfill	\$91,864.13

The resolution was seconded by Mr. Rowe and Mr. Haynes and adopted by the following vote: Ayes 4285 , Noes 0, Absent 528.

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

RESOLUTION NO. 76

TITLE: EXECUTIVE SESSION

BE IT RESOLVED that the Delaware County Board of Supervisors convene in executive session to discuss issues relating to negotiations.

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

The meeting reconvened in regular session with all Supervisors present except Mr. Valente and Mr. Hynes.

Upon a motion, the meeting was adjourned at 2:20 p.m.