

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS

JUNE 22, 2011

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, June 22, 2011 at 5:30 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. Donnelly 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 Mr. Smith. Mr. Smith introduced the 2011-2012 Delaware County Dairy Princess Haley Groat. He announced that Miss Groat and her ambassadors will be serving refreshments during recess.

Miss Groat introduced Dairy Princess Ambassadors Chelsey Kilmer and Sabra Warner. As a granddaughter of a dairy farmer and the daughter of a milk truck driver, she is very aware of how dairy farmers touch our lives. Dairy farms keep the economy thriving, businesses running and people living better. As a student she is aware that seven out of ten teenage boys and nine out of ten teenage girls do not consume their three servings of dairy every day. Drinking milk in the teen years helps to keep the body and mind healthy later in life but only about one fourth of teens meet their daily calcium recommendations. Milk replaces salts and electrolytes lost through sweat after strenuous exercise much better than sports drinks and rehydrates the body four times more effectively than water. Milk also helps build muscle, burn body fat and provide more energy for activities. In addition, chocolate milk is a better recovery drink than sports drinks after a work out.

She stated she was inspired by the famous butter sculpture at the New York State Fair that depicted the farming industry's affects on every aspect of our lives. In the sculpture there was a replica of a dairy farm, milk truck driving away from the farm, community garden, grocery store, school and a power plant that used cow manure as a source of green energy. The sculpture is as educational as it is inspiring and showed that farming really does affect every aspect of our lives.

Chairman Eisel thanked Miss Groat for an informative presentation.

Chairman Eisel granted privilege of the floor to Mr. DuMond. Mr. DuMond introduced Director of Emergency Services Richard Bell and Director of Planning Nicole Franzese.

Mr. Bell announced there will be a “kick off” meeting that will discuss the Hazard Mitigation Plan update process and time line and the benefits and expectations of participation to the municipalities. The “kick off” meeting is scheduled for Monday, July 25, 2011. Two identical sessions will be held in the Board Room of the Senator Charles D. Cook County Office Building. The first session will run from 1:00 p.m. to 3:00 p.m. and the second session will run from 7:00 p.m. to 9:00 p.m. The Planning Department is requesting RSVP’s indicating who will be attending and which session.

In answer to Chairman Eisel, Mr. Bell noted that town highway superintendents are welcome to attend the meeting, however, since the process is committing the town to participate he opined that the town Supervisor or a duly appointed representative should also attend the meeting.

Ms. Franzese called the Supervisors’ attention to the *Letter of Intent to Participate in the Updated to the Multi-Jurisdiction Hazard Mitigation Plan* and her memorandum detailing the town’s responsibilities placed on each Supervisor’s desk. The town’s Letter of Intent to Participate needs to be on town letterhead, signed by the chief executive officer and returned to the Planning Department by July 20, 2011.

In response to Mr. Marshfield, Ms. Franzese stated that digital copies of the letter are available upon request made to the Planning Department.

Chairman Eisel granted privilege of the floor to Mr. Utter who introduced Commissioner of Watershed Affairs Dean Frazier.

Commissioner Frazier encouraged the Supervisors to attend the Second Annual Congressional Briefing on Thursday, July 7th at 10:00 a.m. to 2:30 p.m. at the Riverwalk Hotel and Conference Center in Binghamton. The briefing will be an informative discussion on the proposed changes to the Environmental Protection Agency (EPA) water quality regulations for our area and to educate legislators regarding the EPA’s Total Maximum Daily Load (TMDL) for the Susuehanna River. Commissioner Frazier pointed out that compliance with this proposal would cost \$5 billion and that New York State water already meets the federal water quality regulations.

In answer to Chairman Eisel, Commissioner Frazier replied that federal, state and local representatives have been invited to attend the forum.

Commissioner Frazier stated in response to Mr. McCarthy, that it would be beneficial for the town to send a duly authorized person if he was unable to attend the meeting himself.

Chairman Eisel noted that this is a very important issue with serious implications for New York residents across the southern tier. Fortunately upstate New York has the New York State Department of Environmental Conservation on its side. The proposed solution considers two standards for TMDL’s a higher standard for upstate NY and a lower standard for downstate. Whatever happens, the standard should be the same for everyone.

Commissioner Frazier warned that there is the potential of an individual standard for each county which he felt would present problems.

In reply to Mr. Marshfield, Commissioner Frazier stated that he did not expect that comments would be heard at this meeting.

Commissioner Frazier noted that if there were sufficient interest the Department of Watershed Affairs would arrange for transportation.

Commissioner Frazier referenced the public meeting *being held regarding the Midterm Review & Revision of New York City's 2007 Filtration Avoidance Determination* on Thursday, June 23, 2011 from 7 p.m. to 9 p.m. in the Board Room of the Senator Charles D. Cook County Office Building.

For standing committee reports Chairman Eisel introduced Home Care of Rochester (HCR) President and Administrator Mark Maxim and Vice President of Clinical Services Elizabeth Zicari, RN, BSN.

Mr. Maxim advised that HCR was founded in 1978 by its current CEO, Louise Woerner starting out with three employees and now employing over 900 throughout New York State. HCR strives to provide the highest standards of care possible offering skilled nursing, physical therapy, occupational therapy, speech and language therapy, medical social work, registered dietitians, home health aides, personal care aides and companion care. HCR has held the honor of the Rochester Business Ethics Award and the Home Care Elite Top 500 Agency Award. HCR is one of 9,300 agencies considered for the Home Care Elite Top 500 Agency Award and is proud to say they have held this honor for five years in a row. Only 42 other agencies have been in the Top 500 all five years. HCR is an active member of the Home Care Association of New York.

The organization is a private company owned by the employees through an employee stock ownership plan. It monitors best practice and industry trends and believes in the right combination for people and care.

Ms. Zicari noted that she has been employed with HCR for eleven years and explained that as Vice President of Clinical Services her job is to make sure clients receive the proper care by the right medical professional and to ensure that HCR is aware of and follows all regulatory regulations. She has worked in rural and urban settings, in for-profit and not-for-profit agencies and has found that it is the level of investment, commitment and dedication an organization is able to put forth that makes them successful. She is passionate about health care and HCR offers innovative programs and opportunities that keep the agency a leader in its field.

HCR is an employee-centered company and a financially strong employer. The relationship between the patient and the nurse is extremely important. HCR understands that relationship and knows that continuity of staff is essential for a smooth transition. HCR offers competitive wages, continuing education programs, career advancements and the tools and equipment needed to perform well in the trade.

Ms. Zicari noted that hospitals are releasing patients quicker than in the past and that nurses are responding to more acute situations as a result. HCR offers a wide variety of services by skilled professionals to meet the needs of all its clients.

HCR would like to have a physical presence in the county Ms. Zicari stated in answer to

Mr. Marshfield, and would try as much as possible to recruit and retain a workforce from within the county.

Mr. Marshfield expressed his concern that all people be served. Ms. Zicari addressed the level of care patients receive from a not-for-profit as opposed to a for-profit company. She noted that she has been very happy working with HCR because of the care offered. HCR offers better care than any not-for-profit she has been employed with. HCR has a good relationship with the Department of Health, and strives to exceed and excel in the industry. HCR's dedication to what they do is why she is able to work for them.

In response to Mr. Bracci, Ms. Zacari spoke of the transition process. The best possible transition and scenario for continuity would be to retain as many of the current employees as possible. HCR would begin by interviewing the existing employees. If there is interest on their part, an employment offer would be extended. If the offer is accepted the employment relationship would begin. She felt the packages offered and the opportunities presented by HCR would be desirable to an employee.

Mr. Hynes noted that the county has a very good reputation and a very dedicated staff that has been acknowledged with appreciation for many years. He questioned what HCR would do to make a difference.

Ms. Zicari stated that a dedicated and committed staff is part of what makes HCR successful. It is reassuring to know the staff shares HCR's goals and commitment. Because HCR is financially strong we have invested in software and provide access to better supplies and technology in order to achieve efficiency and a level of employee satisfaction. HCR believes in education and training opportunities for their employees because they recognize that knowledge is confidence and develops a better professional.

In answer to Mr. Hynes, Ms. Zicari stated that the number of nurses working in the county would depend upon the volume of patients at any given time. HCR anticipates that the staff will continue to grow to meet the demands of the population as it ages.

Ms. Zicari explained in response to Mr. Rowe, that HCR like the county, would develop a relationship with the patient to include a review of their lifestyle and current medications. Typically what the nurses have found is that medications may be taken incorrectly or in some cases may cause a medical adversity sending patients back to the hospital or nursing home facility. HCR utilizes software that alerts the nurse if there is a conflict with medications.

In reply to Mr. Rowe, Mr. Maxim stated that HCR has a presence in six counties in New York State and employs a staff of 900.

Ms. Zicari replied in answer to Mr. Triolo, that HCR currently serves about 1,900 patients and The Home Care Elite Top 500 Agency award speaks to HCR's success as it is specifically based on patient outcome.

In response to Mr. DuMond, Ms. Zicari explained that industry standards and the Department of Health requirements are at or above the requirements needed to become accredited. Many home health care agencies have made the decision to forgo accreditation because there is no value in comparison to the cost of being accredited. She noted that HCR is

currently looking into another type of accreditation that will be beneficial to them in the industry.

Mr. Maxim stated in answer to Mr. Hynes, that the figure of \$600,000 for the purchase of the certificates was based on county population and the amount of patients.

In answer to Mr. Marshfield, Mr. Maxim advised if an individual did not have insurance or means to pay for their care HCR would accept them as a charity case.

Ms. Zicari added that HCR would follow-up with the individual to help them obtain coverage if they qualify. HCR is able to offer this service because of its size and investment into the best tools available to achieve greater operational efficiency.

Mr. Marshfield commented that the county looked into software upgrades and found the cost to be excessive. He agreed that an efficient electronic office would allow health aides and nurses more time to spend with the patient and less time on paperwork.

Ms. Zicari noted that investment capital has been the barrier counties have faced when looking into the programs. HCR has gained the confidence of the doctors and hospitals and has successfully grown because of its reputation. The agency strives to be the very best partner.

Mr. Maxim stated in answer to Mr. Donnelly, that HCR provides care in the counties of Cortland, Genesee, Madison, Monroe, Orleans, and Schoharie. It is anticipated that Wayne County will be added shortly.

Mr. Homovich remarked the county is in the position of selling the CHHA/LTHHC certificates because the state eliminated their funding. The programs have served the county residents well for many years. He feels the residents will continue to receive the same level of care based on HCR's reputation and anticipates a smooth transition. He looked forward to working with HCR.

In reply to Mr. Rowe, Mr. Maxim noted that Medicare rates are expected to go down and it is anticipated that Medicaid will go down in the future

Chairman Eisel thanked Mr. Maxim and Ms. Zicari for their presentation. He noted that he is confident the residents of the county will receive good health care and is encouraged by the opportunity HCR has for county employees.

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

RESOLUTION NO. 85

TITLE: SALE OF ASSETS OF THE CERTIFIED HOME HEALTH AGENCY AND LONG TERM HEALTH CARE PROGRAM OPERATING CERTIFICATES DEPARTMENT OF PUBLIC HEALTH

WHEREAS, the county has solicited for proposals relating to the sale of its Certified Home Health Agency and Long Term Health Care Program and the county has received a proposal from L. Woerner, Inc. d/b/a HCR offering to pay the sum of \$600,000 for such

operating certificates

NOW, THEREFORE BE IT RESOLVED, subject to the approval of the New York State Department of Health for L. Woerner, Inc. d/b/a HCR to obtain operating certificates for a Certified Home Health Agency and Long Term Health Care Program that the county terminate its operating rights and allow L. Woerner, Inc. d/b/a HCR to acquire operating certificates from the New York State Department of Health and pay to the county the sum of \$600,000.

BE IT FURTHER RESOLVED that the Chairman of Board is hereby authorized to sign any and all documents necessary to effectuate this authority.

The resolution was seconded by Mr. Homovich and Mr. Rowe.

Mr. Bracci stated that he was pleased with the presentation and comfortable with the continuity of service, the level of care and the opportunities of transition for our county employees. He supports the sale to HCR.

In answer to Mr. DuMond, Chairman Eisel noted that HCR has been successful in six counties. Mr. Maxim advised that if HCR were to fail in its efforts to care for the residents of the county the CHHA/LTHHCP certificate would be sold to a qualified company that would provide the level of care required by the New York State Department of Health.

Mr. Homovich advised that there is another home health care agency in the county that would provide coverage.

Mrs. Capouya commented that she disliked the thought of the CHHA/LTHHCP passing from the county but has heard good things about HCR and felt confident there would be a continuation of good care and coverage.

In response to Mr. Marshfield, Mr. Homovich stated that although the CHHA and LTHHCP programs are expected to generate revenue for the 2011 budget it will be insufficient to meet the costs of the program. The county lost a significant amount of revenue with the elimination of the CHHA and LTHHCP state aid for optional public health programs. This elimination means the county will no longer receive the loss sharing subsidy to offset related costs. With recently passed federal and state laws reducing Medicare and Medicaid rates, retirement and pension increases it is anticipated that the CHHA/LTHHCP program could cost taxpayers about \$2.5 million. These are difficult economic times requiring that the county consider all its options. Public Health has been providing quality home health care to our residents for over 45 years. The residents will continue to receive the same level of care through HCR's highly skilled team of professionals that will work with residents to meet their health and wellness goals. HCR is excited about having a presence in Delaware County and is offering opportunities to transition employees.

In answer to Mr. DuMond, Public Health Director Bonnie Hamilton stated that the sale of the CHHA/LTHHCP will affect approximately 26 employees.

In reply to Mrs. Capouya, Mrs. Hamilton noted that her figure of 26 employees was an approximate number that includes full-time and per-diem clerical and nursing staff.

Mrs. Hamilton explained in response to Mr. Hynes, that there are several factors that contribute to the county's inability to sustain the CHHA/LTHHCP program. There is another home health agency in the county that has someone in every hospital to ensure referrals, as a county we do not compete with private business and therefore do not market our CHHA/LTHHCP program. The department operates efficiently meeting all state requirements and recoups as much money from the visits as possible but everything is done manually. The county is very large creating long commutes and attributing to the amount of patients that are able to be seen in a day. As a county operated CHHA/LTHHCP we assume a higher percentage of disadvantaged and charity care patients. In addition, the county lost state aid which is essential to a county CHHA/LTHHCP program.

HCR is able to operate more efficiently, is focused in the industry and is financially able to invest in improvements that add to their ability to be effective and profitable.

The county will still provide nursing care for public health programs that require them and existing contracts for occupational, physical and speech therapists required by Early Intervention and PreSchool programs will not be affected by the sale of the CHHA/LTHHCP. If there were an individual that did not qualify for any program at all, the department with approval from this Board could make a home visit. Without the CHHA/LTHHCP, the county would need to apply for a Licensed Home Care Services Agency (LHCSA) in order to make nursing visits. A LHCSA cannot bill Medicaid or Medicare. Prior to the existence of the CHHA/LTHHCP Public Health Nursing Service was making home visits.

Public Health has a total of forty-six employees, the sale of the CHHA/LTHHCP will reduce the staff by approximately 56 percent. The department has co-mingled CHHA/LTHHCP and Public Health staff using the nurses where they are needed. One of the county's strengths is that there has always been a sufficient number of health care providers on staff to maneuver as necessary in any situation. To accommodate the reduction of staff and therefore decreased ability to respond to disasters or emergencies, the county would have to engage in a partner agreement which Ms. Zicari has indicated HCR is willing to do.

Mr. Hynes commented that one of the responsibilities of government is to take care of its people.

In reply to Mr. Hynes, Mr. Bracci stated that private business has a better opportunity to be profitable and did not feel the sale of the CHHA/LTHHCP would result in less care for the residents of the county.

Chairman Eisel noted that many counties have found themselves in the same financial situation as Delaware County and have had to make the difficult choice of divesting themselves of programs that are not mandated to cut the loss of dollars.

Mr. Marshfield noted that unfunded mandates are a problem. He pointed out the county is obligated for about \$200,000 in retirement costs for the current staff of CHHA/LTHHCP. HCR would not be obligated to offer a similar plan.

Mr. DuMond remarked that he would like to see the Board be more aggressive in standing in opposition of unfunded mandates. He believes this Board has the responsibility to provide the residents with efficient infrastructure, public safety and health. He noted that

entitlement programs have become unsustainable and it is upsetting to him that the Board is in the position of selling off the CHHA/LTHHCP.

Mr. Homovich noted that it is unfortunate the county has to make this choice but, our programs are regulated by decisions made by the federal and state governments.

In answer to Mrs. Capouya, Chairman Eisel noted that it will take between twelve and eighteen months for HCR to become certified with the Department of Health. If issues arise during that time, HCR will be required to take the necessary steps to meet expectations or would not receive certification.

The resolution was adopted by the following vote: Ayes 4414, Noes 392 (DuMond, Hynes), Absent 0.

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

RESOLUTION NO. 86

TITLE: AUTHORIZATION TO ENTER INTO AN AGREEMENT TO PROVIDE SERVICES FOR THE CERTIFIED HOME HEALTH AGENCY AND LONG TERM HEALTH CARE PROGRAMS DEPARTMENT OF PUBLIC HEALTH

WHEREAS, the Delaware County Board of Supervisors has adopted Resolution No. 85; and

WHEREAS, it may be necessary to enter into various agreements hereafter set forth with L. Woerner, Inc. d/b/a HCR relating to Resolution No. 85; and

WHEREAS, said resolution would relate to the management of the Certified Home Health Agency and Long Term Health Care Programs (CHHA/LTHHCP). The three optional agreements are as follows:

- A. The management agreement for the purchaser L. Woerner, Inc. d/b/a HCR to provide a Director of Patient Services;
- B. A staffing agreement under which L. Woerner, Inc. d/b/a HCR would provide staffing for the CHHA/LTHHCP during the period of time it would take to obtain a license to operate CHHA/LTHHCP or staffing of the existing county CHHA/LTHHCP including providing nurses and support staff;
- C. A services agreement which would provide, among other things, during the period of time of the staffing agreement, support services such as billing, staff, equipment, software and other services necessary to continue services provided by the CHHA/LTHHCP

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors is authorized to sign and negotiate such agreements as may be necessary for the continuation of the operation of the CHHA/LTHHCP.

The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4665, Noes 141 (DuMond) and Absent 0.

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

RESOLUTION NO. 87

**TITLE: 2011 BUDGET AMENDMENT
DELAWARE COUNTY PUBLIC HEALTH NURSING SERVICE APPLICATION TO
OPERATE A LICENSED HOME CARE SERVICES AGENCY**

WHEREAS, the Board of Supervisors has adopted Resolution No. 86; and

WHEREAS, in the absence of Certification as a Home Health Agency the county is required to have a license to operate a Licensed Home Care Services Agency in order to provide nursing services in the home setting, and

WHEREAS, there is a cost of \$2,000 to the county to apply to the New York State Department of Health for a Licensed Home Care Services Agency,

NOW, THEREFORE, BE IT RESOLVED, that the Delaware County Public Health Director or designee is hereby authorized to submit an application to the New York State Department of Health for the Delaware County Public Health Nursing Service to operate a Licensed Home Care Services Agency.

BE IT FURTHER RESOLVED that the following 2011 budget amendment be authorized:

FROM:

10-11990-54900000	Contingency	\$2,000.00
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TO:

10-11010-54535000	Professional Services	\$2,000.00
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The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 88

**TITLE: 2011 BUDGET AMENDMENT
NEW YORK STATE SHERIFFS' ASSOCIATION INSTITUTE, INC.
CAMP RENOVATION
SHERIFF'S OFFICE**

WHEREAS, every summer approximately 30 disadvantaged children throughout Delaware County are afforded an opportunity to spend an all-expense paid week at the New York State Sheriffs' Association Institute Inc.'s summer camp on Keuka Lake; and

WHEREAS, the summer camp needs to replace one of its oldest structures, the nurse's cabin, at an estimated cost of \$25,000.00 to make it more efficient and comfortable; and

WHEREAS, the Robinson-Broadhurst Foundation, Inc. agreed to provide a grant to Delaware County in the amount of \$2,000.00 for this purpose; and

WHEREAS, once the grant funds are received by Delaware County, the full amount will be disbursed to the New York State Sheriffs' Association Institute for said project; and

WHEREAS, it should be noted that this grant award supplements a previous contribution to this building project made by the O'Connor Foundation in the amount of \$5,000.00, the acceptance of which is referenced in Resolution No. 225 dated December 8, 2010.

NOW, THEREFORE, BE IT RESOLVED that the Sheriff's Office is given permission to accept grant funding under the grant program identified above and the following budget amendment be authorized:

INCREASE REVENUE:

10-13110-42270605/3110035/907	Grant from Robinson-Broadhurst	\$2,000.00
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INCREASE APPROPRIATION:

10-13110-54327465/3110035/907	Grant Miscellaneous	\$2,000.00
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The resolution was seconded by Mr. Utter and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 89

**TITLE: 2011 BUDGET AMENDMENT
TRANSFER OF FUNDS
PUBLIC HEALTH NURSING SERVICE**

WHEREAS, Resolution No. 31 of 2011 acknowledged receipt of grant monies in the amount of \$60,750 from the Center for Disease Control and Prevention for Public Health Preparedness and Response for H1N1 activities; and

WHEREAS, the Department of Public Health is in need of computer equipment to replace outdated equipment and cots for medically necessary shelters

NOW, THEREFORE BE IT RESOLVED that the following 2011 budget transfer be authorized:

FROM:

10-14012-51000000/4012006/904	Personal Services	\$8,615.00
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TO:

10-14012-52200001/4012006/904	Equipment	\$8,615.00
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The resolution was seconded by Mr. Donnelly and adopted by the following vote: Ayes

4806, Noes 0, Absent 0.

Mr Utter offered the following resolution and moved its adoption:

RESOLUTION NO. 90

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

LETTING OF JUNE 9, 2011

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. SW2-11 Purchase of Roll-Off Containers to:

Hacker's Packers
PO Box 178
Harpursville, NY 13787

Bid Price: See Summary Sheet

The County will purchase three (3) 40 CY Rectangular Receiver Boxes and one (1) 40 CY Enclosed Roll-Off with Side Doors at a total cost with freight of \$31,885.00.

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. Copies of the summary sheet of the bids received have been supplied to each Supervisor.

The resolution was seconded by Mr. Rowe.

In answer to Chairman Eisel, Commissioner of Public Works Wayne Reynolds stated that Hacker's Packers is still making compactors.

The resolution was adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 91

**TITLE: SOCIAL SERVICES BURIAL SCHEDULE
RESCIND RESOLUTION NO. 10 OF 2005
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Social Services Committee has received a proposed fee adjustment in the burial schedule submitted by the Delaware County Funeral Director's Association; and

WHEREAS, the committee finds that some adjustments are reasonable and in the best interest of providing appropriate services for indigent burials;

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors rescind Resolution No. 10 of 2005 and adopt the following schedule to be effective immediately.

1. Professional and personal services of the Funeral Director shall include calling hours either in the afternoon or evening before the funeral service and shall be paid as follows:

- | | |
|--|------------|
| (a) Adult (age 13 & older) | \$1,500.00 |
| (b) Child (ages 1 to 12) | \$700.00 |
| (c) Infant (under 1 year) Casket & vault up to cost of | \$700.00 |

2. A non-sealed crepe interior casket at cost up to \$450.00

3. The Funeral Director shall be allowed to charge the actual cemetery expenses involved, including cost of a burial plot, if none is available, cost of opening and closing the grave if there are no other provisions for this, winter vault charges if required and the cost up to \$500.00 for a concrete rough box when it is required;

4. An allowance of \$1.25 per loaded mile from the place of death to place of burial;

5. The Funeral Director shall submit to the Commissioner of Social Services receipted bills to support his claims for cemetery charges. Any resources or supplementation shall be handled in accordance with Board Resolution No. 58 dated July 8, 1987.

The resolution was seconded by Mr. McCarthy.

Chairman Eisel granted Mr. Hynes request to abstain from voting on this resolution as he is a funeral director.

In answer to Mr. Marshfield, Commissioner of Social Services William Moon noted that this resolution allows for an increase in the amount allocated for the purchase of a casket and permits funeral directors to bill the county for the actual amount of cemetery expenses.

He explained that Item 2 was increased by \$50 to allow for a broader selection of available caskets and Item 3 was amended due to the increased cost of winter vault charges and required liners. Funeral directors were not receiving a sufficient reimbursement to meet their costs and were obligated to contribute from their own resources.

The county is responsible for between sixty to ninety public burials a year at a cost averaging between \$2,300 and \$2,700. This resolution will not significantly impact the budget.

The resolution was adopted by the following vote: Ayes 4806, Noes 0, Absent 0, Abstain 251 (Hynes).

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

RESOLUTION NO. 92

TITLE: PROCUREMENT POLICIES AND PROCEDURES RESCIND RESOLUTION NO. 161 OF 2008

WHEREAS, Section 103 of the GML has been changed by the State Legislature to increase the threshold for bidding due to inflated costs

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors rescind Resolution 161 of 2008 and adopt the following procurement policies and procedures:

Guideline 1. All purchases of supplies or equipment which will exceed \$20,000 in the fiscal year, or public works contracts over \$35,000 shall be formally bid pursuant to GML, Section 103.

Guideline 2. All estimated purchases of:

A. Less than \$20,000 but greater than \$7,000 require a written request for proposal (RFP) and written/fax quotes from three (3) vendors when available.

B. Less than \$7,000 but greater than \$3,000 require an oral request for the goods and oral/fax quotes from two (2) vendors when available.

C. Less than \$3,000 but greater than zero are left to the discretion of the Purchaser.

Guideline 3. All Estimated Public Works Contracts

A. Less than \$35,000 but greater than \$17,000 require a written RFP and fax /proposals from three (3) contractors when available.

B. Less than \$17,000 but greater than \$7,000 require a written RFP fax/proposal from two (2) contractors when available.

C. Less than \$7,000 but greater than zero are left to the discretion of the Purchaser.

Guideline 4. Any written RFP shall describe the desired goods or proposed public work, quantity and the particulars of delivery. The purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.

All information gathered in complying with the procedures of this Guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

Guideline 5. The lowest responsible proposal or quote shall be awarded the purchase of public works contract unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the County of Delaware and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgement shall also be documented and filed with the record supporting the procurement.

Guideline 6. A good faith effort shall be made to obtain the required number of proposals or quotations. If the Purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

Guideline 7. Except when directed by the Delaware County Board of Supervisors, no solicitation of written proposals or quotations shall be required under the following circumstances:

- (a) Acquisition of professional services;
- (b) Emergencies;
- (c) Sole source situations;
- (d) Goods purchased from agencies for the blind or severely handicapped;
- (e) Goods purchased from correctional facilities;
- (f) Goods purchased from another governmental agency;
- (g) Goods purchased at auction;
- (h) Goods purchased for less than \$250.00;
- (i) Public works contracts for less than \$500.00.

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

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

RESOLUTION NO. 93

TITLE: AUTHORIZATION TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE DELAWARE COUNTY SOIL AND WATER CONSERVATION DISTRICT DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Delaware County Board of Supervisors adopted the East and West Branch of the Delaware River Stream Corridor Management Plans with Resolution Number 207 of 2008; and

WHEREAS, the county is desirous of working cooperatively with the Delaware County Soil and Water Conservation District (DCSWCD) to implement the plans for the common benefit of both parties, protection of the natural resources and work in the best interest of the broader watershed stakeholders.

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board is authorized to execute a Memorandum of Understanding with the DCSWCD for the Implementation of the East Branch and West Branch Delaware River Stream Corridor Management Plans.

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

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

RESOLUTION NO. 94

**TITLE: DISPOSAL OF LEVER VOTING MACHINES
BOARD OF ELECTIONS**

WHEREAS, the County of Delaware owns the lever voting machines that are stored at each of the towns; and

WHEREAS, according to New York State Election Law the lever voting machines are no longer certified to be used for town, county, state or federal elections; and

WHEREAS, there is a need to dispose of the lever machines

NOW, THEREFORE, BE IT RESOLVED that the county is hereby giving the towns permission to dispose of the lever voting machines.

The resolution was seconded by Ms. Molé.

In answer to Mr. McCarthy, Chairman Eisel stated that the approval of this resolution will allow the towns to dispose of the old lever voting machines. The voting machines are not allowed to be used in any municipal voting, they may be used by the schools for their school budget elections, however as time goes on parts will no longer be available.

The resolution was unanimously adopted.

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

RESOLUTION NO. 95

**TITLE: APPOINTMENT DIRECTOR OF
COMMUNITY MENTAL HEALTH SERVICES**

WHEREAS, Patricia Thomson has submitted her retirement as Director of Community Mental Health Services; and

WHEREAS, the Community Services Board has recommended that Cynthia Heaney be appointed as Director of Community Health Services to replace Ms. Thomson;

THEREFORE BE IT RESOLVED, that the appointment of Cynthia Heaney as the Director of Community Mental Health Services is hereby approved at an annual salary of \$81,037. Said appointment shall be effective June 27, 2011 through December 31, 2013 and shall be subject to formal approval of Cynthia Heaney's qualifications by the appropriate state agencies.

The resolution was seconded by Mr. Donnelly.

The Board welcomed Mrs. Heaney and expressed their support of her appointment.

Mrs. Heaney thanked the Board of Supervisors for their support and stated that she looks

forward to servicing the county in this capacity.

The resolution was unanimously adopted.

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

RESOLUTION NO. 96

TITLE: BRIDGE DEDICATION

WHEREAS, the Town of Delhi Town Board passed Resolution Number 4 of 2011 on June 13, 2011 requesting that County Bridge Number 10, Sherwood Road over the West Branch of the Delaware River, be dedicated to Lois W. Ray for her many years of unwavering dedicated service to the dictates of her God in serving her fellow man; and

WHEREAS, Lois W. Ray was instrumental in establishing a committee, under the Town of Delhi, to raise over \$595,000 in private funds for the reconstruction of both the Sherwood's Road and Bridge Street Bridges in the Town of Delhi; and

WHEREAS, the fact that she demonstrated that the county residents were willing to pay for transportation infrastructure critical to the mobility of the motorists in the county, the Public Works Committee developed the 21st Century Bridge Program to ensure the maintenance and replacement of bridges within the county.

NOW THEREFORE BE IT RESOLVED, that the Delaware County Board of Supervisors herewith dedicates Bridge Number 10, BIN 3352250, Sherwood's Road over the West Branch of the Delaware River to Lois W. Ray in recognition for all the leadership that she provided in raising private funds for the reconstruction of the two bridges as well as raising the awareness of the need to publically fund the maintenance and replacement of critical transportation infrastructure in the county; and

BE IT FURTHER RESOLVED, that the Department of Public Works is hereby directed to mount a plaque supplied by the Town of Delhi on the bridge in honor of Lois W. Ray.

The resolution was seconded by Mr. Bracci.

Mr. Bracci thanked Mr. Utter for attending the dedication of the plaque, Mr. Haynes for creating the plaque and Commissioner Reynolds for his input and assistance. Mrs. Ray was unable to attend the plaque dedication due health issues. At the age of 81 she serves as the assessor for the Town of Delhi and continues to look for ways to better the town. Her commitment and determination she tells you freely is not of herself, but of her duty to act upon her Christian believes and values.

Chairman Eisel remarked that Mrs. Ray is truly a go-getter and has done an outstanding job for the Town of Delhi.

Mr. Utter pointed out that the State of New York did not feel the Village of Delhi needed two bridges and therefore would not fund the reconstruction of both the Sherwood Road and Bridge Street bridges in the Town of Delhi. Mrs. Ray, believing otherwise, was instrumental in

raising private funds for the reconstruction of both bridges. The fact that county residents were willing to pay for infrastructure critical to the county was the inspiration for the development of the 21st Century Bridge Program which ensures the maintenance and replacement of bridges within the county.

Mr. Utter stated that Mrs. Ray and her husband are personal friends of his and offered his personal thanks to Mrs. Ray and her family.

Commissioner Reynolds noted that Mrs. Ray is a great lady who provided him with a few good attitude adjustments throughout his career which were all for the betterment of the County.

Mr. Bracci shared that early on in his relationship with Mrs. Ray he would take her criticisms and advice with a grain of salt remarking that he has since learned to listen when she speaks as her words are wisdom.

The resolution was unanimously adopted.

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

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

RESOLUTION NO. 97

**TITLE: 2011 BUDGET AMENDMENT
ACCEPTANCE OF GRANT
DEPARTMENT OF EMERGENCY SERVICES**

WHEREAS, New York State Office of Homeland Security has announced the availability of a grant that will subsidize 100 percent of the costs associated with the fiscal year 2010 State Homeland Security Program for the Delaware County Department of Emergency Services; and

WHEREAS, this grant is established to accomplish the following goals:

- purchase EOC, GIS, and personal protective equipment
- provide public outreach campaigns
- assist Public Health and Emergency Services in various planning efforts.

THEREFORE, BE IT RESOLVED that the Department of Emergency Services be authorized to accept this grant funding and that the 2011 budget be amended as follows:

INCREASE REVENUE:

10-13640-43338900/3640040/911	State Otr Public Safety	\$170,853.00
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INCREASE APPROPRIATION:

10-13640-52200001/3640040/911	Equipment	\$128,353.00
10-13640-54327465/3640040/911	Grant Misc. (Planning)	\$27,500.00
10-13640-54327595/3640040/911	Supplies	\$15,000.00

The resolution was seconded by Mr. Utter.

In answer to Mr. DuMond, Mr. Bell explained that the equipment money will be used to replace training equipment at the Fire Safety Training Center that will benefit the fire departments. Also one of the county's GPS units used for 911 addressing which would have been purchased with taxpayer dollars will be purchased from this grant. The grant will also cover supplies and other maintenance that would have had an impact on the county budget.

The resolution was adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 98

**TITLE: AUTHORIZATION FOR AWARD
DELAWARE COUNTY DEPARTMENT OF EMERGENCY SERVICES**

LETTING OF JUNE 10, 2011

WHEREAS, Delaware County has received grants from Homeland Security for 2009 and 2010 for equipment; and.

WHEREAS, two (2) Animal Response Trailers to be utilized under a Regional Partnership Agreement between Otsego and Delaware Counties were approved in these grants. The 2009 grant award was approved in Resolution 189 of 2009 and the 2010 award was approved via Resolution 6 of 2011; and

WHEREAS, notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney

NOW, THEREFORE BE IT RESOLVED, that the Department of Emergency Services is authorized to make award to the lowest bidder meeting specifications as follows:

(2) Animal Response Trailers to:
Disaster Response Solutions
PO Box 193
Milford, OH 45150

Bid Price: \$24,790.00/unit

The resolution was seconded by Mrs. Capouya and Mr. Utter.

Mr. Rowe noted that it would be easy to consider this an ineffective way of utilizing grant funding but this is a needed service. He referenced a Christmas snow storm that resulted in 30 inches of snow and about 300 cars being pulled off Rt.17 in the Town of Hancock. Many people were traveling with their pets despite the travel advisories. People and their pets required shelter and it was a nightmare to coordinate the care of the animals.

Mr. Bell stated that the animal response trailers will be equipped with various necessities

to handle a variety of animals in an emergency situation. He agreed with Mr. Rowe sharing his own experience while attempting to rescue people during a flooding incident. People were refusing to get into the boat because they did not want to leave their pets behind.

In answer to Mr. Valente, Mr. Bell advised that the county is developing an animal rescue team that will be trained in the proper way of handling large and small animals in an emergency situation.

The resolution was adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 99

TITLE: SALE OF TAX ACQUIRED PROPERTY

Resolved that the following described parcels 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.

DAV09TX.019

ASSESSED TO:

GARDEN OF EDEN PRESBYTERIAN CHURCH OF NEW YORK

TOWN OF:	122600:DAVENPORT
TAX MAP NO:	34.-1-70.13
SCHOOL DISTRICT:	122601:CHARLOTTE VALLEY
ACREAGE:	2.00A ACRES
CONVEYED TO:	GARDEN OF EDEN PRESBYTERIAN CHURCH OF NEW YORK 41-37 58TH STREET WOODSIDE NY 11377
CASH CONSIDERATION:	\$585.92
TAX DEFICIT:	\$315.72

DAV09TX.045

ASSESSED TO:

CARL W SCHNEIDER

TOWN OF:	122600:DAVENPORT
TAX MAP NO:	2.-1-34
SCHOOL DISTRICT:	122601:CHARLOTTE VALLEY
ACREAGE:	5.11A ACRES
CONVEYED TO:	CATHLEEN SCHNEIDER 11 ARLINGTON STREET MELVILLE NY 11747
CASH CONSIDERATION:	\$1,472.79
TAX DEFICIT:	\$1,125.01

DEL09TX.020

ASSESSED TO:

EDITH RIVERA

TOWN OF:	122801:DELHI
TAX MAP NO:	171.10-6-26
SCHOOL DISTRICT:	122801:DELAWARE ACADEMY
ACREAGE:	128.00'F x 165.00'D ACRES
CONVEYED TO:	EDITH RIVERA 19 MAIN STREET DELHI NY 13753
CASH CONSIDERATION:	\$8,464.26
TAX DEFICIT:	\$7,092.08

HAN09TX.009

ASSESSED TO:

BRUSH HOLLOW ROD & GUN CLUB INC

TOWN OF:	123689:HANCOCK
TAX MAP NO:	391.-1-5
SCHOOL DISTRICT:	122401:DOWNSVILLE
ACREAGE:	69.30A ACRES
CONVEYED TO:	BRUSH HOLLOW ROD & GUN CLUB INC C/O JOSEPH N SLACK 73 COLES AVE AMITYVILLE NY 11701
CASH CONSIDERATION:	\$1,399.36
TAX DEFICIT:	\$1,032.42

HAN09TX.010

ASSESSED TO:

BRUSH HOLLOW ROD & GUN CLUB INC

TOWN OF:	123689:HANCOCK
TAX MAP NO:	391.-1-4
SCHOOL DISTRICT:	122401:DOWNSVILLE
ACREAGE:	137.30A ACRES
CONVEYED TO:	BRUSH HOLLOW ROD & GUN CLUB INC C/O JOSEPH N SLACK 73 COLES AVE AMITYVILLE NY 11701
CASH CONSIDERATION:	\$2,226.79
TAX DEFICIT:	\$1,738.78

HAN09TX.011

ASSESSED TO:

BRUSH HOLLOW ROD & GUN CLUB INC

TOWN OF:	123689:HANCOCK
TAX MAP NO:	391.-1-77
SCHOOL DISTRICT:	122401:DOWNSVILLE

ACREAGE:	1.00A ACRES
CONVEYED TO:	BRUSH HOLLOW ROD & GUN CLUB INC C/O JOSEPH N SLACK 73 COLES AVE AMITYVILLE NY 11701
CASH CONSIDERATION:	\$6,204.39
TAX DEFICIT:	\$5,132.23

HAN09TX.012

ASSESSED TO:

BRUSH HOLLOW ROD & GUN CLUB INC

TOWN OF:	123689:HANCOCK
TAX MAP NO:	391.-1-71
SCHOOL DISTRICT:	122401:DOWNSVILLE
ACREAGE:	51.00A ACRES
CONVEYED TO:	BRUSH HOLLOW ROD & GUN CLUB INC C/O JOSEPH N SLACK 73 COLES AVE AMITYVILLE NY 11701
CASH CONSIDERATION:	\$1,335.73
TAX DEFICIT:	\$978.10

KOR09TX.002

ASSESSED TO:

EUGENE R ALL

TOWN OF:	124000:KORTRIGHT
TAX MAP NO:	37.-1-19
SCHOOL DISTRICT:	125202:SOUTH KORTRIGHT
ACREAGE:	1.00A ACRES
CONVEYED TO:	ESTATE OF EUGENE R ALL C/O JEFFREY ALL 6791 COUNTY HWY 33 BLOOMVILLE NY 13739
CASH CONSIDERATION:	\$7,671.09
TAX DEFICIT:	\$6,412.64

ASSESSED TO:**ROBERT H TEUBER JR AND PATRICIA A TEUBER**

TOWN OF:	124000:KORTRIGHT
TAX MAP NO:	50.-4-25
SCHOOL DISTRICT:	125202:SOUTH KORTRIGHT
ACREAGE:	11.78A ACRES
CONVEYED TO:	ROBERT H TEUBER JR 41 LONG NECK BLVD FLANDERS NY 11901
CASH CONSIDERATION:	\$10,503.30
TAX DEFICIT:	\$9,059.90

ASSESSED TO:**ROBERT H TEUBER JR AND PATRICIA A TEUBER**

TOWN OF:	124000:KORTRIGHT
TAX MAP NO:	50.-4-23
SCHOOL DISTRICT:	125202:SOUTH KORTRIGHT
ACREAGE:	5.70A ACRES
CONVEYED TO:	ROBERT H TEUBER JR 41 LONG NECK BLVD FLANDERS NY 11901
CASH CONSIDERATION:	\$1,696.56
TAX DEFICIT:	\$1,322.84

ASSESSED TO:**BRUCE KENYON**

TOWN OF:	124800:ROXBURY
TAX MAP NO:	157.-1-69.31
SCHOOL DISTRICT:	124802:ROXBURY
ACREAGE:	10.80A ACRES
CONVEYED TO:	BRUCE KENYON PO Box 123 ROXBURY NY 12474
CASH CONSIDERATION:	\$5,339.77
TAX DEFICIT:	\$4,403.60

ASSESSED TO:**JOHN A POPE AND SUSAN B POPE**

TOWN OF:	125001:SIDNEY
TAX MAP NO:	115.11-4-8

SCHOOL DISTRICT: 125001:SIDNEY
 ACREAGE: 40.00'F x 155.00'D: 0.14A ACRES
 CONVEYED TO: ESTATE OF JOHN A POPE AND ESTATE OF SUSAN B POPE
 C/O CHRISTINA POPE-BARGHER
 38 RIVER STREET
 SIDNEY NY 13838
 CASH CONSIDERATION: \$2,731.14
 TAX DEFICIT: \$2,070.71

SID09TX.049

ASSESSED TO: **TWO OCEAN FUNDING INC**
 TOWN OF: 125089:SIDNEY
 TAX MAP NO: 74.-1-28
 SCHOOL DISTRICT: 364801:UNATEGO
 ACREAGE: 170.00'F x 300.00'D: 0.25A ACRES
 CONVEYED TO: MELODY WADE FULLINGTON
 C/O ROGER FULLINGTON
 362 UNION CHURCH RD
 FRANKLIN NY 13775
 CASH CONSIDERATION: \$2,351.60
 TAX DEFICIT: \$1,765.57

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

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

RESOLUTION NO. 100

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$792,694.32 were hereby presented to the Budget Oversight Committee for approval for payment on June 17, 2011 prior to presentation to the Board of Supervisors;

THEREFORE, the County Treasurer was directed to pay said expenditures as listed below and this Board now approves of said payment as follows:

General Fund	\$692,462.09
OET	\$53,627.41
Countryside	\$420.00
Highway Audits, as Follows:	
Road	\$0.00
Machinery	\$28,834.87
Capital Road & Bridge	\$0.00

Capital Solid Waste	\$0.00
Solid Waste/Landfill	\$17,349.95

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$926,764.40 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	\$497,584.16
Public Safety Comm System	\$9,887.54
Highway Audits, as Follows:	
Road	\$130,847.91
Machinery	\$126,006.46
Capital Road & Bridge	\$44,729.82
Capital Solid Waste	\$6,575.46
Solid Waste/Landfill	\$111,133.05

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4806, Noes 0, Absent 0.

Chairman Eisel made the following appointments to the CDO Workforce:

June White, Director of Adult Education, Afton Central School
 Shirley Cumm, Vice President Human Resources, Sidney Federal Credit Union

Chairman Eisel, speaking on behalf of the Governing Committee of the Rural Transportation Program, advised that the committee felt it necessary to scale back from the idea of establishing bus routes for the greater population. The state was asking for a great deal of buy-in and the county is not prepared at this time to move that quickly. The committee will focus on existing clients in an attempt to use the current transportation dollars more effectively. The committee has learned a great deal from the process which will be beneficial moving forward.

In answer to Mr. Marshfield, Chairman Eisel noted that at this time it is felt the mobility manager position was needed to coordinate with the counties and other agencies to develop transporting schedules.

Upon a motion the meeting adjourned for a short recess. Chairman Eisel invited everyone in attendance to enjoy refreshments in the lobby served by the Delaware County Dairy Princess and her ambassadors.

The meeting reconvened in regular session with all Supervisors present.

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

RESOLUTION NO. 101

TITLE: EXECUTIVE SESSION

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

The resolution was seconded by Sam Rowe and unanimously adopted.

The meeting reconvened in regular session with all Supervisors present.

Upon a motion, the meeting adjourned at 8:10 p.m.