

REGULAR MEETING

DELAWARE COUNTY BOARD OF SUPERVISORS NOVEMBER 9, 2011

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, November 9, 2011 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. Smith.

Mr. Marshfield offered the invocation.

Mr. McCarthy led the Board in the Pledge of Allegiance to the Flag.

The minutes of the previous meeting were accepted as presented.

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

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

Mrs. Hamilton explained that Medicaid providers operating under Articles 28 or 36 of the Public Health Law or under Article 16 or 31 of the Mental Hygiene Law or provide care, services and supplies and order, bill or claim \$500,000 or more from Medicaid over a twelve month period are mandated to become corporate compliant. Public Health's immunization and home visiting programs and the Department of Mental Health's clinics operate under these articles and as a result are mandated to complete a corporate compliance program training. As the governing body, the Board of Supervisors must also receive the compliance program training. The Supervisors were given a copy of a booklet entitled: *Delaware County Public Health Nursing Service Compliance Program Training Booklet 18 NYCRR 521 Regulations* to follow along with the presentation.

Mrs. Hamilton discussed each of the eight core elements required in an effective compliance program. The core elements are as follows:

1. Policies and procedures to define the compliance program including a code of conduct which promotes commitments to compliance standards.

2. The designation of a Compliance Officer. Delaware County designated Public Health Nursing Service Director of Patient Services Amy Weiss-Friedman as the county's Compliance Officer. Mrs. Friedman can be reached at 607-832-5216.

3. Development of an in-service training program so that all of the workforce is educated on the compliance program. The training will also include executives and the governing body of the agency.

4. Open lines of communication for reporting by all of the workforce. This includes an established anonymous and confidential hotline. The hotline number for Delaware County is 607-656-9356 and is available 24/7.
5. Written expectations for reporting and resolving issues including sanctions for non-compliance.
6. A system of self-evaluation to catch potential problems before they can become real issues.
7. Correction processes are in place for taking steps for improvement when issues are found.
8. A written policy for non-intimidation and non-retaliation for good faith participation in compliance program.

Mrs. Hamilton noted that the Department of Public Health Nursing has an established system of checks and balances designed to detect and prevent inaccurate billing and inappropriate practices. She stressed that team work and open lines of communication are vital to an effective compliance plan. If there is an actual or potential problem, workforce members are encouraged to follow the proper channels for good faith reporting. If after the proper channels have been exhausted with no satisfaction the Office of Medicaid Inspector General has an online report site: <http://www.omig.state.ny.us/data/contnet/view/50/224/> and a toll-free hotline number 1-877-873-7283 that should be used to report the concern.

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

Mrs. Hamilton also provided for informational purposes a handout comparing the number of rabies shots given at each towns' rabies clinics for the years 2006 through 2011.

In response to Mr. Bracci, Mrs. Hamilton gave an update on the transition of the Certified Home Health Agency Program (CHHA) and the Long Term Health Care Program (LTHCP). The county has entered into a management and staffing agreement with HCR during the period of time it will take HCR to obtain a license to operate a CHHA/LTHCP. Public Health Nursing has applied for a license to operate a Licensed Home Care Service Agency (LHCSA) to continue to make nursing visits. During the transition period, Delaware County Public Health Nursing will own and operate the CHHA/LTHCP but will contract with HCR to provide nurses and home health aides.

County employees involved in the transition have been offered positions with HCR and most have accepted. During the week of November 14th employees will be providing case load review conferences and returning county equipment and supplies in anticipation of their last working day on Friday, November 18th. On Monday, November 21st those individuals will return to work as employees of HCR contracted by Delaware County Public Health Nursing.

HCR desires to develop the services offered to county residents and will be staffing a person in the hospitals to acquire referrals. HCR intends not only to maintain the transitioned

staff but to increase services in order to attract more patients which in turn will increase revenue to hire more staff to better serve the community. (The county's Director of Patient Services Amy Weiss-Friedman will now be a contracted position through HCR.)

For standing committee reports Chairman of Finance Martin Donnelly advised that each Supervisor has been provided with a list of their town's tax exempt properties that must be attached to their 2012 adopted town budget.

Budget Director Robert Homovich stated that the estimated tax levy for 2012 has been reduced from 4.2059 percent as stated at the October 27th Board of Supervisors meeting to 4.1149 percent over the 2011 tax levy. The reduction is a result of additional budget cuts totaling \$22,700. The amount of funding for Workers' Compensation has not yet been determined and may affect the county and town budgets.

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

RESOLUTION NO. 169

**TITLE: HOME ENERGY ASSISTANCE PROGRAM
DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Delaware County Department of Social Services is the designated local Agency to administer the County's Home Energy Assistance Program (HEAP) for 2011-2012; and

WHEREAS, said monies to be utilized to reimburse the county at 100% of its expenditures

THEREFORE, BE IT RESOLVED that the 2011 budget be amended as follows:

INCREASE REVENUE:

10-16141-44464100	Federal Aid- HEAP	\$12,008.00
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INCREASE APPROPRIATIONS:

10-16141-54342010	Heap-Emergencies	\$12,008.00
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The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4544, Noes 0, Absent 262 (Smith).

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

RESOLUTION NO. 170

**TITLE: 2011 BUDGET AMENDMENT
TRANSFER OF FUNDS
BOARD OF ELECTIONS**

WHEREAS, Election Law requires the retention of voter registration records, poll books,

used and unused ballots; and

WHEREAS, the Board of Election's office has run out of space to store these items; and

WHEREAS, funding is needed to purchase a container to store the required items.

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

FROM:

10-11450-54530000	Printing Services	\$4,000.00
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TO:

10-11450-52200000	Equipment	\$4,000.00
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The resolution was seconded by Mr. Utter.

In answer to Mr. Marshfield, Mr. Hynes stated that the container will be placed in the Board of Elections parking area.

The resolution was adopted by the following vote: Ayes 4544, Noes 0, Absent 262 (Smith).

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

RESOLUTION NO. 171

**TITLE: PETTY CASH FUND
STOP DWI**

WHEREAS, Resolution No. 32 of 1989 established a petty cash fund for the STOP DWI Office; and

WHEREAS, the department does not have a need for a petty cash fund

THEREFORE, BE IT RESOLVED that Resolution No. 32 of 1989 is hereby rescinded.

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

Mr. Rowe called up Local Law Intro.'s No. 4 through 7. The local laws were seconded by Mr. Haynes.

LOCAL LAW INTRO. NO. 4

**TITLE: SALARY INCREASE
DIRECTOR OF COMMUNITY MENTAL HEALTH SERVICES**

Section 1. The salary of Cynthia Heaney, Director of Community Mental Health Services shall be Eighty-Two Thousand, Two Hundred Twenty-Nine Dollars [\$82,229] per annum effective

January 1, 2012.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

LOCAL LAW INTRO. NO. 5

**TITLE: SALARY INCREASE
DIRECTOR OF EMERGENCY SERVICES**

Section 1. The salary of Richard Bell, Director of Emergency of Services shall be Forty-Nine Thousand, Eight Hundred Sixty-Four Dollars [\$49,864] per annum effective January 1, 2012.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

LOCAL LAW INTRO. NO. 6

**TITLE: SALARY INCREASE
DIRECTOR OFFICE FOR THE AGING**

Section 1. The salary of Wayne Shepard, Director Office for the Aging shall be Fifty-Nine Thousand, Nine Hundred Sixty-Eight Dollars [\$59,968] per annum effective January 1, 2012.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

LOCAL LAW INTRO. NO. 7

**TITLE: SALARY INCREASE
PUBLIC HEALTH DIRECTOR**

Section 1. The salary of Bonnie Hamilton, Public Health Director shall be Seventy-Nine Thousand, Five Hundred Thirty-Five Dollars [\$79,535] per annum effective January 1, 2012.

Section 2. This Local Law shall be subject to permissive referendum according to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This Law shall take effect forty-five (45) days after it shall be adopted.

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

RESOLUTION NO. 172

TITLE: PUBLIC HEARING ON LOCAL LAWS NO. 4 THROUGH 7 OF 2011

WHEREAS, Local Laws Intro. Nos. 4 through 7 have been introduced to increase the salaries of: Cynthia Heaney, Director of Community Mental Health Services; Richard Bell, Director of Emergency Services; Wayne Shepard, Director Office for the Aging; Bonnie Hamilton, Director of Public Health.

NOW, THEREFORE BE IT RESOLVED, that a public hearing be held on Local Law Intro. Nos. 4 through 7 on the 22nd day of November, 2011 at 12:45 p.m. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York.

The resolution was seconded by Mrs. Capouya.

In answer to Mr. Marshfield, Director of Personnel Teddie Storey advised that the increases were steps and longevity.

The resolution was unanimously adopted.

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

RESOLUTION NO. 173

**TITLE: FOUR DAY WORK WEEK
SHERIFF'S OFFICE**

WHEREAS, by Resolution No. 289 of October 27, 1999, the Board of Supervisors approved an agreement with the Delaware County Deputy Sheriff's Police Benevolent Association regarding a four-day work week for the Sheriff's Office personnel assigned to road patrol and Investigations; and

WHEREAS, said agreement provides for an annual vote by employees assigned to a four-day work week and the Board in order to continue the four-day work week in the following year; and

WHEREAS, Sheriff's Office employees participating in the four-day work week have voted in favor of continuing the four-day work week; and

WHEREAS, the Sheriff and the Public Safety Committee recommend that the four-day work week continue through 2012.

THEREFORE, BE IT RESOLVED that continuation of said four-day work week until December 31, 2012, is hereby approved.

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

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

RESOLUTION NO. 174

**TITLE: RATIFICATION OF BAGS LANDFILL
BUDGET FOR 2012**

BE IT RESOLVED that the 2012 budget for the BAGS Landfill in the total amount of \$7,100.00 with \$1,820.35 the apportioned cost to the Town of Sidney be ratified as presented.

The resolution was seconded by Mr. Homovich.

Mr. McCarthy stated that the Town of Sidney will be see a reduction in the annual amount paid, but will be paying towards the landfill indefinitely.

The resolution was unanimously adopted.

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

Mr. Triolo recalled Local Law No. 3 providing for adjusted weighted voting by members of the Board of Supervisors. The local law was seconded by Mr. Homovich and unanimously adopted.

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

RESOLUTION NO. 175

TITLE: APPOINTMENT OF STOP DWI COORDINATOR

BE IT RESOLVED that Scott Glueckert is hereby appointed as STOP DWI Coordinator for a term effective with the adoption of this resolution and ending December 31, 2012.

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

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

RESOLUTION NO. 176

**TITLE: 2011 BUDGET AMENDMENT
BUCKLE UP NEW YORK ENFORCEMENT GRANT
(BUNY2011-12)**

WHEREAS, the Sheriff's Office has been successful in securing grant funds with which to sponsor a highway safety program geared at encouraging motorists to use their seat belts; and

WHEREAS, the Sheriff's Office agrees to participate in "Buckle Up New York", the high-visibility enforcement campaign targeting occupant restraint non-compliance; and

WHEREAS, involvement will include using dedicated overtime enforcement hours to participate in joint checkpoints with the State Police or other agencies where practical, or independently, in the waves of high-visibility enforcement planned throughout the year; and

WHEREAS, participation in this program will result in the award of a grant in the amount of \$990 to be used to pay the salaries of the road patrol deputies participating in this program which runs from October 1, 2011 through September 30, 2012.

THEREFORE, BE IT RESOLVED that 2011 budget be amended as follows:

REVENUE:

10-13310-43338900/3310013	State OTR Public Safety	\$990.00
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APPROPRIATION:

10-13310-51327000/3310013	Personal Services	\$990.00
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The resolution was seconded by Mr. Utter and adopted by the following vote: Ayes 4544, Noes 0, Absent 262 (Smith).

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

RESOLUTION NO. 177

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 September 30, 2011.

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; and

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	\$7,352.81	\$7,352.81	
Bovina	\$4,044.77	\$4,044.77	
Colchester	\$5,144.12	\$5,144.12	
Davenport	\$17,119.38	\$17,119.38	
Delhi	\$39,164.32	\$33,170.42	\$5,993.90
Deposit	\$4,863.06	\$4,549.13	\$313.93
Franklin	\$7,902.49	\$ 7,549.80	\$352.69
Hamden	\$7,643.84	\$7,643.84	
Hancock	\$15,153.77	\$13,759.96	\$1,393.81

Town	Amount Allocated to Tax District	Amount Apportioned to Town	Amount Apportioned to Village
Harpersfield	\$5,572.75	\$4,966.14	\$606.61
Kortright	\$6,558.86	\$6,558.86	
Masonville	\$7,745.81	\$7,745.81	
Meredith	\$5,028.28	\$5,028.28	
Middletown	\$19,073.00	\$17,279.35	FL \$548.93
			MV \$1,244.72
Roxbury	\$14,979.20	\$14,979.20	
Sidney	\$15,520.38	\$10,914.84	\$4,605.54
Stamford	\$10,481.80	\$7,880.01	ST \$896.36
			HO \$1,705.43
Tompkins	\$3,928.87	\$3,928.87	
Walton	\$28,773.11	\$23,481.51	\$5,291.60
Totals ...	\$226,050.62	\$203,097.10	\$22,953.52

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

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

RESOLUTION NO. 178

TITLE: PAYMENT OF AUDIT

WHEREAS, bills and claims submitted and duly audited by the Clerk of the Board’s office in the amount of \$1,514,549.23 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	\$762,170.84
Countryside	\$420.00
Highway Audits, as Follows:	
Landfill	\$92,636.37
Road	\$4,899.85
Machinery	\$39,960.32
Capital Road & Bridge	\$597,480.28
Capital Solid Waste	\$16,981.57

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4544, Noes 0, Absent 262 (Smith).

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

RESOLUTION NO. 179

**TITLE: PUBLIC HEARING
2012 PRELIMINARY BUDGET**

BE IT RESOLVED that the budget, with the changes discussed, be adopted as the Preliminary 2012 Delaware County Budget and a public hearing be held on the 22nd day of November, 2011 at 12:00 p.m. in the Supervisors' Room of the County Office Building, 111 Main Street, Delhi, New York.

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

Chairman Eisel made the following appointments to the CDO Workforce Investment Board:

Karen Rowe, Director of Oneonta Adult Education
Bruce Hodges, President of International Association of Machinists & Aerospace Workers

Upon a motion, the meeting adjourned at 1:40 p.m.