

**REGULAR SESSION
SECOND DAY**

Wednesday, August 20, 2008

The Chairman called the Board to order, the roll was called and the following Representatives were found to be present:

Relic, Powers, Clark, Murphy, Lindberg, Dubben, Johnson, McCarty, Harrington, Stuligross

Under Privilege of the Floor, Kathleen Ballantine, a PFLAG member, read a letter from NYCLU regarding the latest amendment to the county's self-funded health insurance plan. She also stated that the amendment enacted by Treasurer Myrna Thayne is illegal and mean spirited. Ms. Ballantine asked the County Board to rectify the situation as completely as possible and deal with the issue tonight.

Dr. Christopher Gould, a PFLAG member, stated that it is disturbing that county resources were used to discriminate against gays. The use of power to discriminate is an injustice, and the excuse of saving money is offensive to many in the community. He encouraged the Treasurer to give more thought to the matter. Dr. Gould stated that a gay person has a lot of courage to be out in our community. He asked the County Board to correct the matter.

Mary Lou Evans, Otsego Manor employee, suggested that married couples that are legally separated should be covered by the county's health insurance plan. Many separation agreements require that health insurance be continued. She asked how this situation should be handled.

Cindy Macomber from the Department of Social Services stated that CSEA employees are still working without a contract. There has been no increase since 2006 for CSEA employees, but the County Board members and management got an increase. She is glad that the County Board is having evening meetings, since that is when most of the public and interested citizens can attend. Ms. Macomber said that she would welcome time for the County Board to respond to the public's concerns and questions. She would love a town meeting setting for dialog and would like the county government to be open with the people and not conduct business behind closed doors, except for personnel issues. She questioned personnel shifts that have been made. Ms. Macomber also expressed concern of the Treasurer making health insurance decisions and felt it was amazing that one person could do this without the County Board knowing anything about it.

Julie Pachenko from Laurens said she was appalled by the county's decision to prevent same sex couples from getting health benefits. She stated that she did not want to be part of a county that discriminates. Ms. Pachenko pointed out that the County Board needs to encourage tourists and businesses to come here and hopes the Board will rescind the policy as soon as possible.

Cathy Labo of Laurens stated that it is ridiculous that one person can make this decision regarding the county's health insurance plan. She works for the state, which pays benefits for same sex spouses. Ms. Labo said that the county's action did not need to

happen and suggested the County Board rectify the situation and not waste money on defending this matter.

A man asked how the county can pay a Unit Manager at Otsego Manor \$38,000 a year plus their health insurance when there are no qualifications for the job. He pointed out that licensed nurses do not make that kind of money and felt that there was no justification for these salaries and that other workers should be paid more.

Michael Ottaviano, CSEA Field Representative, reminded the County Board that the CSEA employees provide services that the County Board members promote to the public at election time. County employees are voters and taxpayers also. He pointed out that the employees are at the end of the second year without a contract. They will not accept a poor deal so that many will have to take a second or third job. Mr. Ottaviano stated that CSEA employees are not asking for expansive raises, but want respectful raises.

The minutes of May 7, June 4 and June 18, 2008 were approved and are on file with the Clerk of the Board.

The following communications were read and ordered filed:

Stephen C. Lewis, NYS Office of Parks, Recreation and Historic Preservation – Letter approving the county's submission for 2007-2008 Phase III of the snowmobile trail development and maintenance state aid.

Frank Campione, NYS Education Department – Letter awarding the County Clerk's Office a Local Government Records Management Improvement Fund (LGRMIF) grant.

The following reports are on file with the Clerk of the Board:

Otsego County Public Administrator Estate Management Report of Examination for the period January 1, 2006 through December 12, 2007 by the Office of the State Comptroller

Under Special Presentations, Ed Wesnofske, MOSA Board member, reviewed the problems that MOSA has faced over the past few years. These problems include changes in the solid waste industry, a large turnover on the MOSA Board for the last nine years and having different waste subsidies among the three counties. Presently, MOSA's biggest liabilities are the two closed landfills located in Montgomery County. Even if MOSA was dissolved, a plan would need to be in place for the future costs and monitoring of these landfills. Mr. Wesnofske stated that the following are needed for MOSA to continue and be cost effective: regular interaction between the counties and the MOSA Board, maintaining stable MOSA Board membership for continuity and experience and each county enacting a Flow Control Law with a sunset clause for 2014.

The reports of the Standing Committees were given and ordered filed.

Representative Harrington moved to dispense with the reading of all resolutions and to suspend the Rules to act upon late Resolution Nos. 262 - 263. Seconded, Relic. Total: 6,167; Ayes: 4,445; Absent: 1,722 – Fournier, Schwerd, Rothenberger, Stayton. Motion carried.

RESOLUTION NO. 262-20080820

**RESOLUTION - AUTHORIZING CHAIRMAN
OF THE BOARD TO CONTRACT
FOR AUDITING SERVICES AT OTSEGO MANOR**

HARRINGTON, DUBBEN, STAYTON, LINDBERG

RESOLVED, that the Chairman of this Board be and is hereby authorized to contract with Bryans & Gramuglia, Certified Public Accountants, LLC, Washington Avenue Ext., Pine West Plaza, Building 1, Suite 106, Albany, New York 12205 for professional auditing services at Otsego Manor; namely, the following services for the audit year ended December 31, 2007, at a cost of \$33,000.00 plus expenses:

\$15,000 for Financial Statement Audit
\$ 5,000 for Preparation of Medicaid Cost Report
\$ 3,500 for Audit of Medicaid Cost Report
\$ 3,500 for Audit of Long Term Home Health Medicaid Cost Report
\$ 6,000 for Preparation of Medicare Cost Report

and be it further

RESOLVED, that the contract shall contain such other terms and conditions as are in the best interest of the County; and be it further

RESOLVED, that the funding for this contract is included in the 2008 Otsego Manor Budget (6020) at line 4880-E Consultants and is reimbursable up to 100% with federal, state and private funds.

Seconded, Relic. Roll call vote. Total: 6,167; Ayes: 4,445; Absent: 1,722 – Fournier, Schwerd, Stayton, Rothenberger. Adopted.

RESOLUTION NO. 263-20080820

**RESOLUTION - AUTHORIZING CHAIRMAN TO ENTER
INTO CONTRACT WITH BASSETT HEALTHCARE
FOR MEDICAL SERVICES AT OTSEGO MANOR**

HARRINGTON, DUBBEN, STAYTON, LINDBERG

RESOLVED, that the Chairman of this Board be and hereby is authorized and directed to execute a contract with Bassett Healthcare, 1 Atwell Road, Cooperstown, New York 13326, to provide medical services at Otsego Manor for the period January 1, 2008 to December 31, 2008, as follows:

1. Physician services, including Medical Director, not to exceed \$116,000.00, for an estimated 728 physician hours at \$160.00 per hour;

2. Services of two on-site Geriatric Nurse Practitioners for a total of 4,160 annual hours, at an hourly fee not to exceed \$39.30 per hour, including continuing education, at a fee not to exceed \$163,496.00;
3. Services of an Infection Control practitioner not to exceed \$2,000.00;
4. Mileage - \$.445 per mile at a cost not to exceed \$1,500.00;

and be it further

RESOLVED, that said contract is to provide for the payment of the sum of \$282,996.00 for such services; and be it further

RESOLVED, that the aforesaid contract shall be in such form, terms and conditions as may be in the best interests of the County of Otsego; and be it further

RESOLVED, that the funds for the above contract are included in the 2008 Otsego Manor Budget (6020) at line 4895-E Medical Expense and are reimbursable as follows: the physician visit reimbursement is 100% federal dollars and covers approximately 40% of \$282,996.00; the remainder is picked up in the Medicaid rate (50% federal, 40% state and 10% county).

Seconded, Relic. Roll call vote. Total: 6,167; Ayes: 4,445; Absent: 1,722 – Fournier, Schwerd, Stayton, Rothenberger. Adopted.

Representative Harrington moved to suspend the rules and act upon late Resolution No. 264. Seconded, Lindberg. Total: 6,167; Ayes: 4,445; Absent: 1,722 – Fournier, Schwerd, Stayton, Rothenberger. Motion carried.

RESOLUTION NO. 264-20080820

RESOLUTION – DECLARING A NULLITY THE JUNE 17, 2008 AMENDMENT TO THE OTSEGO COUNTY HEALTH INSURANCE PLAN

RELIC

RESOLVED, that the Amendment, effective June 17, 2008, to the OTSEGO COUNTY HEALTH INSURANCE PLAN, and which was distributed on August 1, 2008, was not mandated nor approved by this Board; the Treasurer as Administrator of the Plan acted in reliance upon a past practice of a former Administration allowing her to approve such Amendments; now, therefore, be it

RESOLVED, that this Board does hereby declare that the June 17, 2008 Amendment was not approved by this Board and is declared null and void.

Seconded, Lindberg and Stuligross. Roll call vote. Total: 6,167; Ayes: 4,445; Absent: 1,722 – Fournier, Schwerd, Stayton, Rothenberger. Adopted.

Representative Lindberg moved that a letter be sent to the County Treasurer informing her that all future health insurance plan amendments need to be reviewed and approved by the County Board. Seconded, Harrington. Chairman Powers said that a letter would be sent.

Representative Dubben moved for an executive session for CSEA negotiations. Seconded, Harrington. Total: 6,167; Ayes: 4,445; Absent: 1,722 – Fournier, Schwerd, Stayton, Rothenberger. Motion carried.

All the general business of the Board having been transacted, the Chairman declared the meeting adjourned until Wednesday, September 3, 2008 at 10:00 a.m.