

**MINUTES OF THE PUBLIC HEARING RELATIVE TO PROPOSED LOCAL LAW
NUMBER 1 OF 2004, "A LOCAL LAW AMENDING LOCAL LAW NUMBER 1 OF
1988 IMPOSING A TAX ON HOTEL AND MOTEL ROOMS WITHIN THE
COUNTY OF OSWEGO"
HELD ON JULY 15, 2004**

Chairman Johnson called the public hearing to order at 2:00 p.m. Interim County Attorney Mitchell read the Public Hearing notice and asked that anyone wishing to speak to come forward. There being no speakers the public hearing was declared closed at 2:01 p.m.

**MINUTES OF THE PUBLIC HEARING RELATIVE TO PROPOSED LOCAL LAW
NUMBER 2 OF 2004, "A LOCAL LAW AMENDING LOCAL LAW NUMBER 3 OF
1956 RELATIVE TO PLAN PARTICIPANT ASSESSMENTS
BY THE OSWEGO COUNTY SELF-INSURANCE PLAN FOR
WORKER'S COMPENSATION"
HELD ON JULY 15, 2004**

Chairman Johnson called the public hearing to order at 2:01 p.m. Interim County Attorney Mitchell read the Public Hearing notice and asked that anyone wishing to speak to come forward. There being no speakers the public hearing was declared closed at 2:02 p.m.

**MINUTES OF THE MEETING OF THE
OSWEGO COUNTY LEGISLATURE HELD ON
JULY 15, 2004**

Chairman Johnson called the meeting to order at 2:04 p.m. Roll call was taken with all legislators present.

Invocation was given by Ted Jerrett, Clerk of the Legislature, followed by the salute to the flag.

Mr. Jerrett asked for a moment of silence for the passing of Dan Distler, a local artist.

PUBLIC SPEAKERS

Bill Reed, CSEA President, came forward to speak in opposition of the sale of the Andrew Michaud Nursing Home. He stated that the money from the intergovernmental transfer is drying up, and the nursing home is in the black as of today. Mr. Reed stated there are 89 residents, care is paid for by Medicaid for 85 of the residents. There was a study done in 2001, which recommended improvements to get an enhanced reimbursement rate, and some of the improvements have been done. There was also a study done last year, Price Waterhouse study, which does not look at new revenue streams that have been generated in the past year. Mr. Reed stated that the Residents' Council voted in opposition of the sale of the nursing home and there were residents that were outside in wheelchairs picketing in opposition of the sale. Mr. Reed stated there is enough money in the reserve fund to stop this sale.

Lyn Lawson came forward to speak against the sale of the nursing home. He stated that he walked through the nursing home, the home has been taken care of. Mr. Lawson advised that he believes they will be losing money in 2006, but that they should take another year and not rush into the sale of the home.

Carrie Butler came forward to speak against the sale of the Andrew Michaud Nursing Home and asked that the vote be tabled until next year.

Blair Erb also spoke against the sale of the Andrew Michaud Nursing Home, stating that this nursing home should remain as a county facility.

Legislator Carl Anson spoke stating that two years in a row there were double-digit tax increases, an additional 1-% sales tax was imposed recently, at the same time an offer was being considered for \$1.5 million. Leg. Anson stated that this offer is \$1.5 million less than another offer, which would reduce property taxes by 4% or 5%.

Ed Williamson came forward to speak against the proposal to sell the nursing home to St. Lukes. He stated that the higher offer should be considered, this would provide a reduction in property taxes for next year.

Dennis Casey, A.L. Lee Memorial Hospital, gave a historical overview of the Andrew Michaud Nursing Home. Mr. Casey stated they believe it is important that healthcare services remain at this facility. He advised that only 89 beds, out of a total of 620 beds throughout Oswego County, are in Fulton, and located at Andrew Michaud Nursing Home. Mr. Casey stated that if it is decided to sell the nursing home there must be language in place that would require the owner to continue to provide long-term care services at that site. If the services are no longer provided, then the land will revert back to the City of Fulton so that the hospital can continue to provide long-term care services. Mr. Casey also pointed out that Lee Memorial Hospital since the beginning, has provided food service and dietary services to the residents of the nursing home. There are 35 employees in the dietary department of which over half are dedicated to serving the residents of the nursing home. Mr. Casey stated that if the new owner does not contract with the hospital for dietary services, Lee Memorial Hospital will be forced to layoff employees. Mr. Casey stated that it is important that the nursing home services continue to exist and suggested that the county take the time to understand and know what goes on at the nursing home. Mr. Casey stated the proposed sale of the nursing home has taken place in a very short period of time.

Cheryl Holmes stated that she does not understand how the nursing home can be sold for \$1 million, when it has been valued at \$2.5 million. She spoke against the sale of the nursing home.

Don Belcastro stated that he is a family therapist and he is trained to look at systems. He advised that articles in the newspapers seem to suggest there is a sense of urgency to this. Mr. Belcastro stated that the worst thing is to not do a good job and to regret the decisions after.

Penny Schrader stated that she is a Social Worker at Andrew Michaud Nursing Home and when she was first hired she was told her responsibilities are to fill beds and to be the advocate for residents. Ms. Schrader read letters in opposition of the sale from residents Lisa Franciscone and Barb Lyon, President of the Resident Council at the nursing home.

Tom McKelsky commented regarding an article printed in the paper about how much the employees pay for health insurance and long-term care and how much the taxpayers pay. He stated that there is an alternative and suggested that they could sell the nursing home and then buy it back. By doing this, the Medicare rate will change, the proper rate per bed will then be assigned, which will help to finance the operation. Mr. McKelsky stated that the taxpayers have to pick up the payment to the Tier 4 system, there are employees in this tier at the nursing home. The public should know how much of their money is going into financing the retirement system for nursing home employees. He stated the public should know how much they are receiving per bed, what the electricity costs, and inquired if the nursing home qualifies for the cheap power that is being offered through the PILOT program.

PROCLAMATIONS, PRESENTATIONS, RECOGNITIONS AND ANNOUNCEMENTS

Leg. Seager introduces and calls forward Ms. Laurie Marr, Executive Director of the Northern New York Travel and Research Center. Ms. Marr offered a presentation on their 2003 Economic Impact Study of Expenditures by Tourists on Northern NY State. She stated that the purpose of the study was to measure economic benefits of expenditures, it was to determine how much was being spent and what it was being spent on. Ms. Marr explained how the study was done, through surveys and visits, and took all information put it into an economic development model. This data indicated that 46% of tourists stayed with friends

and relatives, 28% stayed in hotel/motel/resort, 23% stayed in campgrounds and 3% stayed in cabins or cottages. For all categories, except campgrounds, the percentage of visitors in Oswego County that were from out of state was higher than for all other counties in Northern New York. Ms. Marr advised that the visitors that stayed with relatives made up 29% of the \$115 million in total revenue and people spent about \$73 million in Oswego County over the summer. She pointed out that September is included in the study. Ms. Marr stated that there are 2,249 directly related jobs and 421 indirect jobs in Oswego County that are directly impacted by tourism. Oswego County generated \$447,746, the highest fishing license revenue throughout the state, the next highest was Jefferson County at \$118,694.

Leg. Beckwith called the Records Committee members forward and invites Elections Commissioners Don Wart and Bill Scriber to join them. Leg. Beckwith displays a NYS award for innovation received by the Oswego County Board of Elections. Mr. Wart stated that they have decided to offer brochures to the public regarding their rights as voters. Mr. Wart stated they garnered support from the state and received the innovation award. Mr. Scriber stated their goal is always to make voting as easy and customer orientated as possible.

RESOLUTIONS

Leg. Seager offered Resolution No. 98 entitled, RESOLUTION ADOPTING LOCAL LAW NUMBER 1 OF 2004, "A LOCAL LAW AMENDING LOCAL LAW NUMBER 1 OF 1988 IMPOSING A TAX ON HOTEL AND MOTEL ROOMS WITHIN THE COUNTY OF OSWEGO"

The Resolution Passed, by a Show of Hands
With Legs. Hoefer and Gearsbeck opposing
AYES: -23 - NAYS: -2- ABSENT: -0-

Leg. Anson offered Resolution No. 99 entitled, RESOLUTION ADOPTING LOCAL LAW NUMBER 2 OF 2004, "A LOCAL LAW AMENDING LOCAL LAW NO. 3 OF 1956 RELATIVE TO PLAN PARTICIPANT ASSESSMENTS BY THE OSWEGO COUNTY SELF-INSURANCE PLAN FOR WORKER'S COMPENSATION"

The Resolution Passed, by a Show of Hands
AYES: -25 - NAYS: -0- ABSENT: -0-

Legs. Bryant and Osetek offered Resolution No. 100 entitled, RESOLUTION APPOINTING COUNTY ATTORNEY FOR THE COUNTY OF OSWEGO

A roll call vote was taken resulting in the following:

AYES: THOMAS, ANSON, WATERS, LEEMANN, BRYANT, GEARSBECK, PROUD, BROWN, BEARDSLEY, SEAGER, RUSAW, OSPELT, GARDNER, BULLARD, OSETEK, SANTORE, PONZI, KUNZWILER, HOEFER, MALONE, BECKWITH, VASHO, FRENCH, BREWER, JOHNSON

NAYS: NONE

ABSENT: NONE

The Resolution Passed
AYES: -25 - NAYS: -0- ABSENT: -0-

Leg. Anson offered Resolution No. 101 entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION COUNTY TREASURER'S OFFICE AND AUTHORIZING EXPENDITURE FROM DEBT SERVICE RESERVE

The Resolution Passed, by a Show of Hands
with Leg. Waters opposing
AYES: -24- NAYS: -1- ABSENT: -0-

Leg. Rusaw offered Resolution No. 102 entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION CAMP HOLLIS.

The Resolution Passed by a Show of Hands,
with Legs. Thomas and Waters opposing
AYES: -23 - NAYS: -2- ABSENT: -0-

Leg. Proud offered Resolution No. 103 entitled, RESOLUTION AUTHORIZING THE SALE OF THE ANDREW MICHAUD NURSING HOME TO ST. LUKE HEALTH SERVICES, INC.

Leg. Proud offered an amendment and stated that everyone should have a copy of the amendment on their desks. This was seconded by Leg. Bullard.

County Attorney Mitchell explained the amendments.

A roll call vote was taken on the amendments resulting in the following:

AYES: THOMAS, ANSON, LEEMANN, BRYANT, GEARSBECK, PROUD,
BROWN, BEARDSLEY, SEAGER, RUSAW, OSPILT, GARDNER,
BULLARD, SANTORE, PONZI, KUNZWILER, HOEFER, BECKWITH,
VASHO, FRENCH, JOHNSON
NAYS: WATERS, MALONE, BREWER
ABSTAIN: OSETEK

The Amendment Passed
AYES: -21- NAYS: -3- ABSTAIN: -1- ABSENT: -0-

Leg. Malone offered a motion to table the resolution, which was seconded by Leg. Waters.

The Motion to Table Failed by a Show of Hands
AYES: -4- NAYS: -20- ABSTAIN: -1- ABSENT: -0-

Leg. Seager inquired if Mr. Casey's questions have been addressed.

Mr. Lyman responded that there is a need for beds in that area, the concern that the beds will not continue to be located in Fulton is remote. Mr. Lyman advised that State Health Department requires review, if St. Lukes were to close the facility, the State can intercede and appoint a receiver.

County Attorney Mitchell stated that a letter was sent from A. Lee Memorial to the county, requesting that a reversionary clause be included in the sale agreement, if the facility ceases to be used as a nursing facility it will revert to the City of Fulton.

Leg. Anson suggested that all RFP's be sent to the County Attorney for review and interpretation, which will then be provided in writing to the legislators. He explained that the answers to some questions were not known until today, this would be helpful in the future.

Leg. Kunzwiler thanked legislators and the public for their professionalism during this difficult process. He stated that he believes this is the only avenue to continue to keep the nursing home operating.

A roll call vote was taken on the amended resolution resulting in the following:

AYES: THOMAS, LEEMANN, BRYANT, GEARSBECK, PROUD, BROWN, BEARDSLEY, SEAGER, RUSAW, OSPELT, GARDNER, BULLARD, SANTORE, PONZI, KUNZWILER, HOEFER, BECKWITH, FRENCH, JOHNSON

NAYS: ANSON, WATERS, MALONE, VASHO, BREWER

ABSTAIN: OSETEK

The Resolution Passed

AYES: -19- NAYS: -5- ABSTAIN: -1- ABSENT: -0-

Leg. Leemann offered a motion to recess, which was seconded by Leg. Bullard and carried unanimously.

The meeting recessed at 3:35 p.m. and returned to regular session at 3:50 p.m.

Legs. Malone, Seager, Bullard, Waters, Anson and Beardsley are absent at this time.

Leg. Santore offered Resolution No. 104 entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION SHERIFF'S DEPARTMENT

The Resolution Passed, by a Show of Hands
AYES: -19- NAYS: -0- ABSENT: -6-

Legs. Malone, Waters, Anson and Beardsley returned to the meeting at this time.

Leg. Santore offered Resolution No. 105 entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION SHERIFF'S DEPARTMENT.

The Resolution Passed, by a Show of Hands
AYES: -23- NAYS: -0- ABSENT: -2-

Leg. Seager returned to the meeting at this time.

Leg. Santore offered Resolution No. 106 entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION SHERIFF'S DEPARTMENT.

The Resolution Passed, by a Show of Hands
AYES: -24- NAYS: -0- ABSENT: -1-

Leg. Brewer offered Resolution No. 107 entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION DEPARTMENT OF PUBLIC WORKS.

The Resolution Passed, by a Show of Hands
AYES: -24- NAYS: -0- ABSENT: -1-

Leg. Santore offered Resolution No. 108 entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION PROBATION DEPARTMENT.

The Resolution Passed, by a Show of Hands
with Leg. Waters abstaining
AYES: -24- NAYS: -0- ABSTAIN: -1- ABSENT: -1-

Leg. Beckwith offered Resolution No. 109 entitled, RESOLUTION CORRECTING AN ERROR IN ESSENTIAL FACT ON THE TAX ROLLS FOR THE TOWN OF SCRIBA.

The Resolution Passed, by a Show of Hands
AYES: -24- NAYS: -0- ABSENT: -1-

Leg. Leemann offered Resolution No. 110 entitled, RESOLUTION AUTHORIZING EXPENDITURE FROM BUILDINGS RENOVATION RESERVE NO. 21 AND ESTABLISHING CAPITAL PROJECT NO. 197 - GENERATOR, BUNNER STREET COMPLEX.

The Resolution Passed, by a Show of Hands
AYES: -24- NAYS: -0- ABSENT: -1-

Leg. Beckwith offered Resolution No. 111 entitled, RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF DEEDS OF PROPERTY SOLD BY THE OSWEGO COUNTY LEGISLATURE, TITLES TO WHICH WERE ACQUIRED BY THE TAX FORECLOSURES OF 1998, 1999, 2000, 2001, 2002.

The Resolution Passed, by a Show of Hands
AYES: -24- NAYS: -0- ABSENT: -1-

Leg. Seager offered a motion to waive the rules to consider additional legislation. This was seconded by Leg. Kunzwiler and carried unanimously.

Leg. Seager offered Resolution No. 112 entitled, RESOLUTION AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE TO SUBMIT AN APPLICATION FOR NEW YORK STATE BROWNFIELD OPPORTUNITY AREAS PROGRAM.

Leg. Waters offered an amendment to authorize Brian Frazier, Director of Planning and Community Development, to act as designated official, and to add his name to the resolution. This was seconded by Leg. Ospelt and carried unanimously.

The Resolution Passed, by a Show of Hands
AYES: -24- NAYS: -0- ABSENT: -1-

Leg. Osetek offered a motion to enter into executive session for the purposes of discussing union bargaining issues. This was seconded by Leg. Proud and carried unanimously.

The meeting entered executive session at 4:05 p.m. and returned to regular session at 4:20 p.m.

Leg. Osetek offered Resolution No. 113 entitled, RESOLUTION AUTHORIZING EXECUTION OF MEMORANDUM OF AGREEMENT

Leg. Osetek explained that this resolution addresses concerns regarding the work schedule at the Division of Solid Waste.

Leg. Thomas inquired if they will still be burning. Mark Lichtenstein, Deputy Superintendent of Public Works for Solid Waste, responded affirmatively stating that the Energy Recovery Facility will be open 24 hours per day, 7 days per week.

Leg. Ospelt called the question, which was seconded by Leg. Waters and carried unanimously.

The Resolution Passed, by a Show of Hands
AYES: -24- NAYS: -0- ABSENT: -1-

There being no further business, the meeting adjourned at 4:25 p.m. under motion by Leg. Waters, seconded by Leg. Ponzi and carried unanimously.