

**Special Meeting
Sullivan County Legislature
October 7, 2010 at 9:35AM**

The Special Meeting of the County Legislature was called to order by Chairman Rouis at 9:35AM.

Roll Call indicated Mrs. Goodman absent.

Mrs. Binder indicated that Mrs. Goodman is out all day as her husband is having shoulder surgery.

The Clerk read the notice of meeting which read as follows:

A Special Meeting of the County Legislature has been called for **Thursday, October 7, 2010 at 9:35AM** in the Legislative Chambers of the County Government Center, 100 North Street, Monticello, N.Y. The purpose of the meeting is to adopt a local law amending Local Law No. 3 of 2010 by extending the open period for the Retirement Incentive Program, non-receipt of the 2009 IGT payment, and approve SCCC chargeback for the Hermann Memorial Library roof.

Chairman Rouis recognized the following speaker:

1. Ken Walter stated he is here to speak about the chargeback issue. For your information, last month at the regular trustee meeting, it was put forth before the trustees to proceed with fixing the roof on the library. It disturbs him. We don't know enough about it and being charged back. Remember they got everything they wanted during the budget process so maybe it should be taken out of their budget instead of the county budget. This resolution should have gone through the General Services Committee to have more time to investigate it. He has a problem with this whole rush issue. It seems the college is the puppeteer and we are just the puppets in this game. Now all of a sudden you are asked to make a decision on a chargeback. He feels this resolution should be tabled and sent to committee.

RESOLUTION NO. NO. 465-10 INTRODUCED BY JONATHAN F. ROUIS, CHAIRMAN OF THE LEGISLATURE TO ENACT A LOCAL LAW OF 2010 TO AMEND LOCAL LAW NO. 3 OF 2010 EXTENDING THE OPEN PERIOD UNTIL NOVEMBER 8, 2010 FOR THE 2010 NEW YORK STATE RETIREMENT INCENTIVE PROGRAM PART A – CHAPTER 105, LAWS OF 2010

WHEREAS, proposed Local Law entitled “*A Local Law of 2010 to Amend Local Law 3 of 2010 Extending the Open Period Until November 8, 2010 for the 2010 New York State Retirement Incentive Program Part A--- Chapter 105, Laws of 2010*”

was presented to the Sullivan County Legislature at a meeting held on October 7, 2010 at the County Government Center, Monticello, New York to consider said proposed local law and notice of public hearing have been duly published and posted as required by law, and said public hearing having been held and all persons appearing at said public hearing deemed to be heard, and

WHEREAS, when enacted this proposed Local Law shall be Local Law No. 5 of 2010.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature does hereby enact and adopt Local Law 5 of the year 2010, County of Sullivan, State of New York, which local law is annexed hereto and made a part hereof.

Moved by Mrs. Binder, seconded by Mr. Armstrong, put to a roll call vote with Mrs. Goodman absent, unanimously carried and **declared duly adopted on motion** October 7, 2010.

RESOLUTION NO. 466-10 INTRODUCED BY JONATHAN ROUIS, CHAIRMAN OF THE SULLIVAN COUNTY LEGISLATURE AUTHORIZING THE FUNDING FOR THE REHABILITATION OF THE ROOF OF SULLIVAN COUNTY COMMUNITY COLLEGE'S HERMAN MEMORIAL LIBRARY.

WHEREAS, the Sullivan County Community College (“SCCC”) has contacted the County of Sullivan (“County”) requesting that the roof of the Herman Memorial Library be rehabilitated (“Project”), and

WHEREAS, the SCCC has requested that the County authorize funding in an amount not to exceed \$200,000. to cover the County’s portion of the capital costs associated with the Project, and

WHEREAS, the County, as local sponsor, is responsible for 50% of the capital costs associated with the Project, and

WHEREAS, the County can utilize funds currently in the community college fund (commonly referred to as the capital chargeback fund) to cover its portion of capital costs associated with the Project, and

WHEREAS, based upon the County's commitment to fund its portion of the capital costs of the Project, the County requests that the State University of New York ("SUNY") commit to funding the remaining 50% of the capital costs associated with the Project.

NOW, THEREFORE, BE IT RESOLVED, that the County commits to funding 50% of the capital costs associated with the Project, in a total amount not to exceed \$200,000., and

BE IT FURTHER RESOLVED, that the County, in conjunction with the SCCC, requests that SUNY commit to fund the remaining 50% of the capital costs associated with the Project.

Moved by Mrs. LaBuda, seconded by Mr. Sager, put to a vote with Mrs. Goodman absent, unanimously carried and declared duly adopted on motion October 7, 2010.

Mr. Sager inquired clarification from our legal counsel. County Attorney Yasgur stated what happens is the chargebacks to other counties for non resident students at the community college those monies are put into a fund called Community College Fund and that money is used by the county for its share of capital costs for projects and capital renovations. It is money that is in a fund called the Community College Fund. It is money that has to be given by the College Fund to the county and there is no additional county share.

Mr. Hiatt asked why this wasn't reviewed in committee. Chairman Rouis explained the college wanted to get the engineering started before the winter. Having waited till the end of the month would have put things back in the process. Mr. Hiatt asked they didn't know last month or the month before.

Mrs. LaBuda stated she doesn't think it should wait until Spring because of the leaks etc. It should get done now before there are bigger problems.

Mrs. Binder stated putting all money issues aside, it is the timing of this that is the issue. She feels that as the legislature, we should have had discussions in committee. She thinks the Legislature wants the repairs made since it is not additional money. She would not want to for the sake of the repairs and we are listening to Mr. Walter, but she feels we don't have that luxury today.

Mr. Sorensen stated he has two clarification questions. He notices that the resolution speaks about funding for the capital cost, yet there was some discussion about the engineering having to be done, will this authorization include the engineering costs and is there a chance it would have to come back after the budget hearing is done.

Mrs. Coombe stated that this project was approved in the last Capital Plan. Mr. Sorensen stated in your Capital Plan there was a projected cost of construction. He wants to make sure of the process. After the engineering study is done, there will be a competitive bid for contractors. He would ask that the college bring that information back to the Government Services Committee when you select your contractor as that information will be useful to us.

Dr. Golladay's comments were not picked up by the microphones.

RESOLUTION NO. 467-10 INTRODUCED BY JONATHAN F. ROUIS, CHAIRMAN OF THE LEGISLATURE, ELWIN "WOODY" WOOD, VICE CHAIRMAN OF THE LEGISLATURE, DAVID A. SAGER, LEGISLATOR, DISTRICT 1, KATHLEEN LABUDA, MAJORITY LEADER, LEGISLATOR, DISTRICT 2, FRANK ARMSTRONG, LEGISLATOR, DISTRICT 5, JODI I. GOODMAN, LEGISLATOR, DISTRICT 6, LENI C. BINDER, MINORITY LEADER, LEGISLATOR, DISTRICT 7, RON G. HIATT, LEGISLATOR, DISTRICT 8, AND ALAN J. SORENSEN, LEGISLATOR, DISTRICT 9 URGING THE CENTERS FOR MEDICARE AND MEDICAID SERVICES TO ACCEPT THE STATE OF NEW YORK ENHANCED FMAP RATES TO COUNTY OPERATED NURSING HOMES

WHEREAS, the State of New York has submitted a letter and legal opinion to the Federal Centers for Medicare and Medicaid Services (CMS), regarding the Enhanced FMAP for Upper Payment Limit (UPL) payments and the applicability of the two year claiming limit; and

WHEREAS, The New York State Department of Health's September 7, 2010 letter addresses the issues raised by CMS, particularly how that may affect the Sullivan County Adult Care Center, as one of forty-six County operated nursing homes throughout New York State; and

WHEREAS, The State, relying on CMS's guidance and instructions, believes these payments are subject to the enhanced FMAP when they are paid during periods when the enhanced FMAP is effective; and

WHEREAS, this issue involves many millions of federal dollars for services provided by public hospitals and nursing homes throughout New York; and

WHEREAS, Sullivan County's property taxpayers will have to make up any lost funding, if CMS fails to approve New

York State's plan related to this issue; and

WHEREAS, Chris White of Congressman Maurice D. Hinchey's Office, has offered the Congressman's assistance with CMS on behalf of Sullivan County.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature urges CMS to expeditiously accept the plan related to enhanced FMAP for UPL payments as submitted by the New York State Department of Health; and

BE IT FURTHER RESOLVED, that Sullivan County hereby requests the intervention and assistance of United States Senator Chuck Schumer, United States Senator Kirsten Gillibrand, and Congressman Maurice Hinchey with obtaining the expeditious approval of CMA=S in this matter, and payment of the IGT that is forthcoming to the Sullivan County Adult Care Center; and

BE IT FURTHER RESOLVED, that the Clerk of the Legislature shall transmit copies of this resolution to Senator Chuck Schumer, Senator Kirsten Gillibrand, Congressman Maurice Hinchey,

Governor David Paterson, State Senator John J. Bonacic, 42nd Senatorial District, Assemblywoman Aileen M. Gunther, 98th Assembly District, all New York State County Governing Bodies, and the New York State Association of Counties.

Moved by Mrs. LaBuda, seconded by Mrs. Binder, put to a vote with Mrs. Goodman absent, unanimously carried and **declared duly adopted on motion** October 7, 2010.

Upon motion by Mrs. LaBuda, seconded by Mr. Sager, the Special Legislative Meeting was adjourned at 9:43AM, subject to the call of the Chairman.



ANNMARIE MARTIN, Clerk to the Legislature