

FINANCE COMMITTEE MEETING MINUTES
FEBRUARY 10, 2022

The Finance Committee of the Broome County Legislature met on Thursday, February 10, 2022 via Zoom videoconferencing.

Members Present: S. Flagg, Chair, S. Baker, C. O'Brien, K. Wildoner, M. Kaminsky

Members Absent: None

Others Present: D. J. Reynolds, J. Shaw, S. Ryan, K. Beebe, M. Whalen, A. Martin, C. Hall, R. O'Donnell, M. Tanzini, J. Scott, Legislature; C. Wagner, C. Whalen, M. Ponticiello, J. Garnar, County Exec's Office; J. Knebel, OMB; R. Behnke, County Attorney; D. Griffin, G. Pullis, K. Andrews, D. Camin, Info Tech; K. Zumbach, J. Lavare, Probation; M. McFadden Health Dept; T. Eaton, OFA; K. Empett, Mental Health; M. Decker, RPTS; D. Smith, SWM; C. Segrue, Personnel; M. Heefner, Aviation; T. Dellapenna, Risk & Insurance; E. Gartenman, Assigned Counsel Program; A. Aranov, WPRNC; I. Wolff, A. Lantzitsky, Centers for Health; V. Gialanella, Visitor

The Committee meeting was called to order by the Chairman at 4:39 p.m. Mr. Wildoner moved the agenda, seconded by Mrs. Kaminsky. The Committee took the following action with regard to the matters before it:

#1 RESOLUTION AUTHORIZING AN AGREEMENT WITH VARIOUS EMERGENCY MEDICAL AMBULANCE AGENCIES FOR A MAINTENANCE AND SUPPORT MEMORANDUM OF UNDERSTANDING FOR THE DIVISION OF INFORMATION TECHNOLOGY FOR 2022-2026

Carried. Ayes-5, Nays-0

#2 RESOLUTION AUTHORIZING THE CANCELLATION OF REAL PROPERTY TAXES ON A PARCEL IN THE CITY OF BINGHAMTON

Carried. Ayes-5, Nays-0

#3 RESOLUTION AUTHORIZING THE CANCELLATION OF REAL PROPERTY TAXES ON A PARCEL IN THE CITY OF BINGHAMTON

Responding to a question from Mrs. O'Brien, Mr. Decker stated that this was a small parcel that was combined with an adjoining County-owned parcel.

Carried. Ayes-5, Nays-0

#4 RESOLUTION APPROVING THE SALE OF COUNTY-OWNED PROPERTY IN THE TOWN OF MAINE TO THE BROOME COUNTY LAND BANK

Carried. Ayes-5, Nays-0

#5 RESOLUTION AUTHORIZING THE CORRECTION OF ERRORS ON 2022 TOWN AND COUNTY TAX BILLS

Mr. Wildoner made a motion, seconded by Mr. Baker to amend the Resolution to replace Exhibit "A" with a new Exhibit "A".

Amendment carried. Ayes-5, Nays-0

Resolution as amended Carried. Ayes-5, Nays-0

#6 RESOLUTION AMENDING THE 2018 CAPITAL IMPROVEMENT PROGRAM

Carried. Ayes-5, Nays-0

#7 RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH C & S ENGINEERS, INC, FOR PROFESSIONAL SERVICES FOR THE OFFICE OF EMERGENCY SERVICES FOR 2015-2020

Carried. Ayes-5, Nays-0

#8 RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BINGHAMTON AND THE COUNTY OF BROOME FOR APPLICATION OF A 2021 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

Carried. Ayes-5, Nays-0

#9 RESOLUTION AUTHORIZING ACCEPTANCE OF FUNDING FROM THE GOVERNOR'S TRAFFIC SAFETY COMMITTEE FOR THE DEPARTMENT OF PROBATION'S IGNITION INTERLOCK DEVICE MONITORING PROGRAM FOR 2021-2022

Carried. Ayes-5, Nays-0

#10 RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH DICKSTEIN AND LYONS LLC FOR THE ASSIGNED COUNSEL PROGRAM FOR 2022-2026

Carried. Ayes-5, Nays-0

#11 RESOLUTION AUTHORIZING REVISION OF THE MENTAL HEALTH SCHOOLS PROJECT GRANT FOR THE DEPARTMENT OF MENTAL HEALTH, ADOPTING A REVISED PROGRAM BUDGET AND AUTHORIZING AMENDMENT TO THE AGREEMENT WITH BROOME TIOGA BOCES TO ADMINISTER SAID PROGRAM FOR 2021

Carried. Ayes-5, Nays-0

#12 RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH VARIOUS VENDORS FOR TEMPORARY STAFFING SERVICES FOR THE WILLOW POINT REHABILITATION AND NURSING CENTER FOR 2022

Carried. Ayes-5, Nays-0

#13 RESOLUTION AUTHORIZING REVISION OF THE COMMUNITY SERVICES FOR THE ELDERLY (CSE) PROGRAM GRANT FOR THE OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET FOR 2021-2022

Carried. Ayes-5, Nays-0

#14 RESOLUTION AUTHORIZING REVISION OF THE WELLNESS IN NUTRITION PROGRAM GRANT FOR THE OFFICE FORAGING AND ADOPTING A REVISED PROGRAM BUDGET FOR 2021

Carried. Ayes-5, Nays-0

#15 RESOLUTION AUTHORIZING REVISION OF THE EXPANDED IN-HOME SERVICES FOR THE ELDERLY PROGRAM (EISEP) GRANT FOR THE OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET FOR 2021-2022

Carried. Ayes-5, Nays-0

#16 RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH SOUTHERN TIER INDEPENDENCE CENTER TO ACT AS FISCAL INTERMEDIARY FOR CONSUMER DIRECTED SERVICES FOR THE OFFICE FOR AGING'S EXPANDED IN-HOME SERVICES FOR THE ELDERLY PROGRAM (EISEP), UNMET NEED PROGRAM, TITLE 111-E FAMILY CAREGIVER PROGRAM, VETERANS ADMINISTRATION PROGRAM, FCC3 CARES ACT PROGRAM, AND FCCG ARP PROGRAM GRANTS FOR 2022-2023

Carried. Ayes-5, Nays-0

#17 RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH TWIN TIER HOME HEALTH, INC., FOR PERSONAL EMERGENCY RESPONSE SERVICES FOR THE OFFICE FOR AGING FOR 2022-2023

Carried. Ayes-5, Nays-0

#18 RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENTS WITH VARIOUS VENDORS FOR PERSONAL CARE/HOMEMAKER SERVICES FOR VARIOUS OFFICE FOR AGING PROGRAMS FOR 2022-2023

Carried. Ayes-5, Nays-0

#19 RESOLUTION AUTHORIZING REVISION OF THE CARE COMPASS NETWORK PROGRAM GRANT FOR THE OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET FOR 2018-2020

Carried. Ayes-5, Nays-0

#20 RESOLUTION AUTHORIZING REVISION OF THE COVID-19 ENHANCED DETECTION, SURVEILLANCE AND PREVENTION PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A REVISED PROGRAM BUDGET FOR 2020-2022

Carried. Ayes-5, Nays-0

#21 RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH SERAFINI TRANSPORTATION CORPORATION FOR TRANSPORTATION SERVICES FOR CHILDREN WITH DISABILITIES AND DEVELOPMENTAL DELAYS FOR THE DEPARTMENT OF HEALTH FOR 2022

Mr. Flagg commented on the fuel escalation clause. Mr. Ponticiello stated that the contract would reflect that it has the ability to go back down should fuel prices decrease. Mrs. McFadden stated that the vendor agreed to no surcharge if the differential was zero or less.

Carried. Ayes-5, Nays-0

#23 RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH GHD CONSULTING SERVICES, INC., FOR A FEASIBILITY STUDY AT THE BROOME COUNTY (NANTICOKE) LANDFILL FOR THE DEPARTMENT OF PUBLIC WORKS-DIVISION OF SOLID WASTE MANAGEMENT FOR 2012-2022

Carried. Ayes-5, Nays-0

#24 RESOLUTION AUTHORIZING RENEWAL OF THE BINGHAMTON METROPOLITAN TRANSPORTATION STUDY (BMTS) GRANT AND ADOPTING A PROGRAM BUDGET FOR 2022-2023

Carried. Ayes-5, Nays-0

#25 RESOLUTION AUTHORIZING ACCEPTANCE OF NEW YORK STATE DEPARTMENT OF TRANSPORTATION AVIATION CAPITAL INVESTMENT PROGRAM FUNDS FOR THE DEPARTMENT OF AVIATION'S AIRPORT PARKING REVENUE CONTROL SYSTEMS DESIGN AND CONSTRUCTION PROJECT

Carried. Ayes-5, Nays-0

#26 RESOLUTION AUTHORIZING LABOR AGREEMENT WITH CIVIL SERVICE EMPLOYEES ASSOCIATION (CSEA) LIBRARY UNIT 6150-01, LOCAL 804 FOR 2022-2024

Carried. Ayes-5, Nays-0

#27 RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST FOR BROOME COUNTY TRANSIT

Carried. Ayes-5, Nays-0

#28 RESOLUTION AUTHORIZING AN AGREEMENT WITH ECC TECHNOLOGIES, INC., FOR PROFESSIONAL SERVICES FOR THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT FOR 2022

Carried. Ayes-5, Nays-0

#29 RESOLUTION AMENDING THE 2021 CAPITAL IMPROVEMENT PROGRAM

Mr. Flagg asked about the specific renovations that are being done. Mr. Ponticiello stated they would provide that information before Session.

Carried. Ayes-5, Nays-0

#31 RESOLUTION AUTHORIZING REVISION OF THE FAIRVIEW RECOVERY SERVICES PROGRAM GRANT FOR THE DEPARTMENT OF MENTAL HEALTH, ADOPTING A REVISED PROGRAM BUDGET AND AUTHORIZING AMENDMENT TO THE AGREEMENT WITH FAIRVIEW RECOVERY SERVICES, INC. TO ADMINISTER SAID PROGRAM FOR 2022

Carried. Ayes-5, Nays-0

#32 RESOLUTION AUTHORIZING THE CANCELLATION OF REAL PROPERTY TAXES ON A PARCEL IN THE CITY OF BINGHAMTON

Carried. Ayes-5, Nays-0

#34 RESOLUTION AUTHORIZING THE SALE OF IN-REM FORECLOSURE PROPERTY IN THE TOWN OF UNION TO THE FORMER OWNER

Mrs. O'Brien stated that she confirmed with Mr. Decker that the back taxes have been paid on this parcel.

Carried. Ayes-5, Nays-0

#35 RESOLUTION CONFIRMING THE APPOINTMENT OF MARY MCFADDEN AS DIRECTOR OF PUBLIC HEALTH

Carried. Ayes-5, Nays-0

#37 RESOLUTION AUTHORIZING THE ACQUISITION OF TEMPORARY EASEMENTS ON REAL PROPERTY BY PURCHASE AND/OR CONDEMNATION FOR THE DEPARTMENT OF PUBLIC WORKS' OLD ROUTE 17 (CR 28) BRIDGE AND CHESTNUT STREET CULVERT OVER HOTCHKISS CREEK REPLACEMENT PROJECT AND DECLARING SAID PROJECT TO BE EXEMPT FROM THE PUBLIC HEARING REQUIREMENT OF THE EMINENT DOMAIN LAW

Carried. Ayes-5, Nays-0

#38 RESOLUTION AUTHORIZING AN AGREEMENT WITH CENTERS FOR CARE LLC FOR PROFESSIONAL CONSULTING SERVICES FOR THE WILLOW POINT REHABILITATION AND NURSING CENTER

Mr. Flagg stated that this agreement does not preclude the County from issuing an RFP later if they wanted to sell the nursing home. Mr. Whalen expressed concerns with some of the language in the contract including the right of first refusal, the inability to sell, assign, or transfer assets for 6 years, stating capital improvements during that time could be a lost investment. He also had concerns with the fee schedule and wondered why the annual amount goes from \$150,000 in years 1 and 2 to \$1,500,00 in years 3 and 4. Mr. Whalen noted that CHC stated that the right of first refusal is not standard in other consulting agreements and wondered why it is in ours; it appears to be a contract for sale not a consulting agreement and it gives very little flexibility for other options. Mr. Whalen stated that this contract is designed to benefit CHC and carry out the goal to sell the nursing home. Mr. Shaw stated that they all agree on the importance of great care for the residents. The decisions they make on the resolution could have a large impact on how the nursing home operates. He questioned whether this really needs to be passed next Thursday or whether a few more weeks could be offered so it could be more fully vetted and considered in March. County Executive Garnar stated that it needs to pass now. Mr. Shaw asked if Centers for Care would pull their administrator if this contract isn't ratified. County Executive Garnar stated that it needs to be done for several reasons; the nursing home needs an Administrator or will have to close. He reminded everyone that the County has transferred at least \$5 million in 2020 for expenses at the nursing home; there are issues with accounts receivable and a large portion of fund balance depleted to cover nursing home expenses. Centers for Care will immediately address those concerns and will work with the County to grow the facility back to full capacity. Currently Centers for Care facilities are running between 93% – 95% capacity in the 15 nursing homes they operated in the State. Mr. Shaw questioned whether the purchase price of \$7 million is an appropriate amount. Mr. Garnar stated that in his time as County Executive, he has been offered far less for the facility from other interested parties. He further stated that RPTS Director Mr. Decker previously explained what is estimated value for the facility. Mr. Garnar stated that it is important to have a facility that can take care of residents that are there and there is a good proposal to turn the facility around and keep it open and fill it up. Mr. Shaw asked again if this doesn't pass on

Thursday will Centers withdraw their Administrator? Mr. Garnar stated “yes”. Mr. Shaw asked what will happen if every time Centers disagrees with the County and they say they are going to pull the Administrator? Mr. Shaw stated he can’t imagine entering into a \$3.3 professional service contract or a \$7 million property sale on such short notice. Mr. Garnar stated that this is a consulting agreement and once the resolution is approved there is a legal contract and a good faith effort to provide an Administrator. Mr. Shaw asked Centers for Care if they have enough good faith in Broome County, its residents and the Legislature to give more time so they could fully understand this agreement. Mr. Wolffe stated that they do have faith in Broome County but unfortunately that doesn’t allow them to move forward with this Administrator when they don’t know if they will be moving forward for the next several years. They have other needs for Administrators in other facilities that they own and they can’t let other opportunities go by. It is critical that it gets done now. Mr. Shaw stated that they talk as if Mr. Aranov is still a Centers employee and wondered what material changes there would be in the next few weeks that this agreement can’t wait. Mr. Wolfe stated that had they known that this contract would be up for debate they probably wouldn’t have moved forward with providing an Administrator for Broome County’s nursing home. Mrs. Ryan stated that she wants the best care for the residents of the nursing home and wants to make sure she is entrusting it in the hands of folks that she knows will turn things around. She referenced the Medicare site and looked at Centers for Care overall average rating of 2.26. She stated that some of it could be attributed to staffing or facilities that were recently purchased. She questioned whether entering into this agreement is the best deal for County. Mrs. Kaminsky had concerns about not having an Administrator at the Nursing Home and noted that the position was posted without a single application and this Resolution does not sell Willow Point. She is worried that if there is no Administrator, there is no nursing home. Mrs. O’Brien stated that although the position was posted it was posted at a lower salary and was not posted in the right forums. She asked about the information Mr. Ponticiello had regarding debt at the nursing home. Mr. Knebel clarified that the County entered into a contract with an outside firm with deliverables to be provided by the end of March. To date there has been a lot of data collection with periodic discussions and the final number has not been determined. He noted that the receivable issue has grown from previous years and will likely be higher than \$4.5 million and that in itself underlines the need for the contract before them and questioned how much time is going to be spent to keep studying it. Mr. Knebel further noted that they have known the nursing home had problems and tried to handle internally, which hasn’t worked. Mr. Knebel is concerned with the amount of cash that is being provided to the nursing home to operate. Mrs. O’Brien asked if they expect bad debt to go down if the contract with Centers for Care is approved. Mr. Knebel stated that the study is estimating 8% uncollectable where Centers operates at around 1%. Mrs. O’Brien asked how Centers for Care is going to be held accountable for their actions. Mr. Garnar stated that Centers for Care will have to get approval from the County for any changes that are made and will follow current approval processes. Mrs. O’Brien further asked is the State of Emergency will be lifted. Mr. Garnar stated that the State of Emergency is in place for flexibility of staffing and allows for the National Guard to be onsite. Mr. Flagg reminded everyone that the role of Legislators is budget and contractual oversight but not operational. Mr. Shaw asked if this is a property sale, does it need to be RFP’d? Mr. Behnke stated that this agreement is not a property sale but State law states that government does not have to RFP the sale of property or a professional service. The agreement only gives Centers for Care the right of first refusal. Mr. Shaw stated that you can have an unlicensed Acting Administrator for three months overseen by a licensed administrator. Ms. Wagner stated that she has been in touch with Leading Age and former administrators without being able to identify an Administrator. Mr. Garnar stated he is not interested in running the nursing home with an unlicensed administrator. Mrs. Ryan stated that although that might

not be ideal, the County has other options. She believes all of the information hasn't been provided and it would be inappropriate to vote on this agreement on such short notice. Mr. Whalen spoke about incentives and how Centers for Care didn't want to do work on the nursing home to get it profitable if the County didn't sell to them. Mr. Whalen stated that there are negative incentives if Centers for Care doesn't turn things around as the County would most likely sell. Mr. Whalen stated that he looked at the contract and he questioned who determines a bonified offer and asked if the Legislature has a say if the courts are involved. Mr. Behnke stated that the property can't be sold without the Legislature's subsequent approval; it only gives them the right to sue to force their first right of refusal. Mr. Garnar reiterated if anyone has any questions on the contract to call him and they will work to get answers.
Carried. Ayes-4, Nays-1 (O'Brien)

Office of Management and Budget Director Jerome Knebel gave an update on the County's financial status. (On file with the minutes)

There being no further business to come before the Committee at this time, Mr. Baker made a motion to adjourn, seconded by Mrs. Kaminsky. The meeting adjourned at 5:52 p.m.