

**COUNTY OF OSWEGO  
HEALTH AND HUMAN SERVICES COMMITTEE**

November 30, 2011 – 10:00 a.m.  
County Office Building, Oswego, NY  
4<sup>th</sup> Floor Conference Room “E”

**PRESENT:**

Leg. John Proud, Chair  
Leg. Jacob Mulcahey, Vice Chair  
Leg. Barbara Brown  
Leg. James Karasek  
Leg. Margaret Kastler  
Leg. Ronald Sakonyi  
Leg. Terry Wilbur

**STAFF/GUESTS:**

Inga Back, Health Department  
Shelly Youngs, Health Department  
Lynn Bogart, Hospice  
Betsy Sherman-Saunders, Deputy Clerk of the Legislature

**MEDIA:**

**STAFF/GUESTS:**

Paul Santore  
Myron & Sue Pringle  
Kathleen Fenlon, Youth Bureau Director  
Philip Church, County Administrator  
Laurence Schmidt, Director Office for the  
Aging  
Fred Maxon, Purchasing Director  
Richard Mitchell, County Attorney  
Gregg Heffner, Comm. Social Services

=====  
Prior to calling the meeting to order, Chairman John Proud asked the committee and any Department Heads if they would join him in chambers for a photo with Legislator Barbara Brown. This is Legislator Brown’s last Health and Human Services meeting.

Committee Chair Proud called the meeting to order at 10:05 a.m. and excused Veterans Director, Donna Kestner.

Chairman Proud praised Legislator Barbara Brown for all her hard work and dedication to the county of Oswego. He said Barbara has made contributions to this county that cannot be put into words. Anybody who ever needed anything in Oswego County they knew they had a friend in Barbara Brown. She put strength, honesty and sincerity into county government and is a true professional.

**1. Minutes of October 26, 2011 with changes:**

Legislator Brown pointed out on page 8 it should read “*One Stop*” as opposed to “*On Stop*”.

Legislator Kastler pointed out on page 1 it should read “*fee schedule for*” as opposed to “*fee schedule or*”.

**Motion to Approve with Changes:** Legislator Kastler

**Second:** Legislator Karasek

**Vote:** Unanimous, motion carried

2. **Resolution Fixing Time and Place for Public Hearing – Local Law No. 1 of 2012 (Funeral Demonstration Permit Law)**

**Motion to Move Forward with Time and Place for Public Hearing Concerning Local Law No. 1:** Legislator Brown

**Second:** Legislator Kastler

**Discussion:** Legislator Sakonyi commented that the \$10.00 fee under Section 5 seemed low, and made a motion that that the fee be changed to \$50.00.

**Motion to Change the fee to \$100.00 under Section 5:** Legislator Brown

**Second:** Legislator Kastler

**Further Discussion:** Legislator Wilbur wanted to see the fee increased to a million dollars. Legislator Karasek expressed concern that there is the possibility that demonstrations may be positive, for example the Wings of Angels are a positive group that come to military funerals. Legislator Brown asked if the money can go the Veterans.

Legislator Mulcahey asked if there is a legal issue concerning the amount of money that can be charged for protests. County Administrator Church excused himself at 10:17 to ask County Attorney Mitchell to join the group to discuss these concerns.

Legislator Proud agreed with Legislator Karasek's sentiments, he understands changing the fee structure to \$100.00 but should be kept in line with other county fees as opposed to a target for constituents. It makes more sense to him to change the fee to \$50.00. Legislator Kastler asked if there were any fees for Harborfest Parades or the 4<sup>th</sup> of July Parade. There is no fee. Legislator Karasek commented that the Legislature needs to be reasonable.

County Attorney Richard Mitchell entered the meeting at 10:20 AM. County Attorney Mitchell addressed Legislator Mulcahey's concern regarding the legal issues associated with the amount of money that can be charged for protests. He explained that no matter what the legislature decided to do, it needs to be content neutral. However, County Attorney Mitchell is concerned that if the fee is unreasonably high, this could cause an issue with freedom of speech. Asking for a low or no fee for the permit will less likely be scrutinized. He also commented that there are other laws on the books to help with public disruptions.

Legislator Brown pulled her motion to charge a \$100.00 fee. Legislator Proud recommended charging a \$25.00 permit fee.

**Motion to change the \$10.00 Permit Fee under Section 5 to \$25.00:** Legislator Sakonyi

**Second:** Legislator Brown

**Discussion:** Legislator Karasek suggested keeping the fee at \$10.00. Legislator Wilbur asked if the fee can be waived. County Attorney Mitchell said that is an option, the Clerk of the Legislature can waive the fee at her discretion. Legislator Sakonyi commented, as a member of the VFW he knows that the Patriots attend funerals per the family request and for the dignity of the soldier. Legislator Karasek asked if the local VFW decides to show support do they need to get a permit. Oswego County Attorney Mitchell commented that they do, this law is content neutral.

Legislator Kastler asked if a permit is needed do our constituents need to go to the Clerk of the Legislature's office in Oswego to receive one, and what happens if someone needs a permit on Saturday when the office is closed. County Attorney Mitchell explained that

once the money is remitted then the Clerk can fax the permit; it is also important for people to plan ahead to get their permit on time for any event no matter what day.

Legislator Mulcahey was concerned that the majority of people won't know they need a permit to rally or protest and no one is going to go to the police if there are people in favor; however they will contact the police if there is a protest. County Attorney Mitchell said he understands this is a new law and it will take time for people to become familiar with it, however, the more it is publicized, and the more people apply for permits, the more it will be understood.

Legislator Brown asked that this section to the law be sent to the funeral director association. She will get the address to County Attorney Mitchell.

Legislator Mulcahey asked where the money goes. County Attorney Mitchell explained that if and when this is passed it will be included in the revenue line in the legislative budget then into the General Fund.

**Vote:** Legislators Mulcahey, Brown, Kastler, Sakonyi, Wilbur and Proud in favor, Legislator Karasek opposed, motion carried

**Pass the Resolution as amended:** All in favor  
Oswego County Attorney Mitchell will circulate an amended law.

### 3. DSS

#### A. **Appointment of Director of Social Services**

Social Services Commissioner Gregg Heffner is recommending Christine Cerklewich to the position of Director of Social Services. The position was posted in the Department for response from internal Grade B Supervisor candidates. Two qualified candidates applied. Commissioner Heffner established an inter-department interview team, a process for the interview and a process for scoring the applicants consistently. Ms. Cerklewich has worked in the Services Division of DSS since October 1988. She has been instrumental in brining management and control to relationships with voluntary agencies and has strongly supported the efforts of the Director of Social Services in meeting best practice models for case management and compliance mandates. Ms. Cerklewich has strong supervisory skills, is a committed collaborator and community partner, and is like and respected by her colleagues. She will be an asset to the Division and the Department's management team. Her salary will start at \$61, 848.00

**Motion to Appoint Christine Cerklewich to the position of Director of Social**

**Services:** Legislator Brown

**Second:** Legislator Kastler

**Discussion:** Legislator Wilbur asked if she lives in the county. Commissioner Heffner replied, yes, she lives in Hannibal.

**Vote:** Unanimous, motion carried

#### B. **Resolution Authorizing Budget Modification – Furniture and Furnishing**

Commissioner Heffner passed around photos of the furniture in the lobby of the Department of Social Services building. He explained that the furniture in the main lobby is in a state of disrepair, to the point that someone could get hurt using it. The replacement of the furniture is also part of the customer service initiative for the Department, a greeter station will be constructed and a kiosk built for Medicaid and Food Stamps processing which is all part of the online process for state benefits. He continued by saying that it is important that DSS customers feel respected, especially during a time of crisis. These updates will send a silent message to our customers that their comfort and safety is important to our company. DSS recommends that the Health and Human Services Committee, the Finance and Personnel Committee and the Oswego County Legislature authorize the Department of Social Services to transfer \$28,000.00 from

account 6118.5455.11 (Foster Care) to 6020.5210 and modify the 2011 Social Services adopted budget to reflect the same.

**Motion to Authorize Budget Modification for Furniture and Furnishings:** Legislator Kastler

**Second:** Legislator Brown

**Discussion:** Legislator Brown asked when the project goes out to bid will the department be looking at chairs with weight limits. Commissioner Heffner explained, yes, they are putting in bariatric chairs which will hold up to 500 pounds; they are designed specifically for heavier people. Legislator Mulcahey asked if taking all this money out of the foster care line will affect the foster care kids. Commissioner Heffner explained that money is unallocated, so the foster care kids will not be affected. Legislator Mulcahey asked about the cost of the bariatric chairs. Commissioner Heffner was unsure of the price but understands that it is a huge undertaking.

Legislator Mulcahey commented that this is a resolution that needs to be done; it will put a new face to the office, and is something that is long overdue. Commissioner Heffner then explained that about 20 DSS workers will be volunteering their time to paint the lobby on their own time. Legislator Kastler agrees with the changes, the lobby is not welcoming and is a bit shabby.

**Vote:** Unanimous, motion carried

**C. Resolution Authorizing Budget Modification – Court Ordered Services**

Commissioner Heffner asked to transfer funds into Court Ordered Services Other Payment for year-end expenditures. Additional customers were determined to require evaluations and these were ordered by Family Court. The Department of Social Services recommends that the Health and Human Services Committee, the Finance and Personnel Committee and the Oswego County Legislature authorize the Department of Social Services to transfer \$60,000.00 from account 6118.5455.11 to 4700.5465 and modify the 2011 Social Services and Mental Hygiene adopted budgets to reflect the same.

**Motion to Authorize Budget Modification:** Legislator Brown

**Second:** Legislator Wilbur

**Discussion:** Legislator Wilbur asked who the contractor for the project is. Commissioner Heffner answered ARISE and Brownell.

**Vote:** Legislators Mulcahey, Brown, Kastler, Sakonyi, Wilbur and Proud in favor; Legislator Karasek abstains, motion carried

**D. Resolution Authorizing Budget Modification – Family Assistance**

Commissioner Heffner asked to transfer funds into Family Assistance and Other Supplies and Expenses for year end expenditures. He explained that economic conditions have caused for an increase use in Family Assistance Funding. The Department of Social Services recommends that the Health and Human Services Committee, the Finance and Personnel Committee and the Oswego County Legislature authorize the Department of Social Services to accept and appropriate \$800,000.00 as delineated in the attached Budget Modification and modify the 2011 Social Services adopted budget to reflect the same.

**Motion to Authorize Budget Modification:** Legislator Brown

**Second:** Legislator Wilbur

**Vote:** Unanimous, motion carried

**E. Resolution Authorizing Budget Modification – Federal Mental Hygiene Funding**

Commissioner Heffner asked the committee to accept \$80,240.00 for Federal Health funding. This is a one time award of additional funding with restricted use guidelines. The Mental Hygiene Division is seeking to use these funds for the one time purchases of furniture and electronics, professional training services and to off-set current personal services and automotive

costs. The lobby will have flat screen televisions with public service announcements and education pieces for customers to view while in the lobby. This budget modification reflects the changes in revenue and expenditures related to the federal funding. There is no additional County cost. The Social Services Department recommends that the Health and Human Services Committee, the Finance and Personnel Committee and the Oswego County Legislature to authorize the Department of Social Services/ Mental Hygiene Division to accept this allocation with no local share. Legislator Mulcahey asked that in the spring, if DSS could be sure to put a public service announcement regarding EEE. Commissioner Heffner assured him they would. He continued to share that the possibilities are endless as to what can be included on these screens. Legislator Brown added that a public service announcement regarding EEE shots for horses would also be very beneficial.

**Motion to accept \$80,240.00 for Federal Health Funding:** Legislator Wilbur

**Second:** Legislator Kastler

**Discussion:** Legislator Kastler asked that because this is a draw down does that mean that the money will no longer be available. Commission Heffner explained that the county may get one more year of funding. Legislator Mulcahey asked that when the department gets ready to paint to be sure to let the Legislators know and maybe a few of them will volunteer to help as well.

**Vote:** Unanimous, motion carried

#### **F. Resolution Authorizing Budget Modification – Equipment**

Commissioner Hefner asked the committee to transfer funds into DSS Administration Other Equipment for year end expenditures for replacement of equipment which was removed from the 2012 Budget request and is being purchased with unspent funds from the 2011 budget.

Equipment in the Budget Modification includes desktop and laptop computers, cell phones, office chairs, a flat screen TV and smart board for in house trainings. The Department of Social Services recommends that the Health and Human Services Committee, the Finance and Personnel Committee and the Oswego County Legislature authorize the Department of Social Services to transfer \$60,000.00 from account 6118.5455.11 to 6020.5260 and modify the 2011 Social Services adopted budget to reflect the same.

**Motion made to Authorize Budget Modification:** Legislator Brown

**Second:** Legislator Kastler

**Discussion:** Legislator Karasek asked if the Department would be coming back to this committee in 2012 to ask for more equipment. His concern is that there is an illusion that the county is spending what hasn't been spent. So far today in this meeting, the committee has moved more than \$100,000.00 out of one account. County Administrator Church explained that what is happening is that family court foster care is spending less and less money that has been budgeted and more money is left over in this account. The reason the department is moving the money now is so they can lock in 2011 prices saving the department and the county money.

Administrator Church continued to explain that he does not encourage department heads to spend money that has not been spent. Legislator Proud explained that with the new approach to foster care, families are taking a role in fixing their problems; this is saving the county quite a bit of money. He explained that he has been part of this initiative. Legislator Brown said this committee shouldn't say the department can't buy new equipment in 2012 because no one knows what the state will mandate next, who knows what they will be expecting of each county. Legislator Proud explained that there is a whole new concept on how the state will be handling Medicaid and Mental Health issues. It is referred to as Health Homes. Health Home is a care management service model whereby all of an individual's caregivers communicate with one another so that all of a patient's needs are addressed in a comprehensive manner. This is done primarily through

a "care manager" who oversees and provides access to all of the services an individual needs to assure that they receive everything necessary to stay healthy, out of the emergency room and out of the hospital. Health records are shared (either electronically or paper) among providers so that services are not duplicated or neglected. The health home services are provided through a network of organizations – providers, health plans and community-based organizations.

There are three phases to this program. Each county in the state is assigned a phase. Oswego County is part of Phase 3.

Legislator Brown added that things are changing rapidly and the county offices need to keep up with software and computer changes. She continued to add that the county needs to change in order to stay current.

Legislator Wilbur clarified that there are about 114 pieces of equipment costing about \$70,000.00 worth of equipment. Commissioner Heffner explained that the department is anticipating the need to be compliant. The DSS technicians currently do not have the equipment needed to be efficient. Currently they are traveling back and forth to the office and this equipment upgrade will allow them to do their work on the road, see more clients and be more efficient.

Purchasing Director Fred Maxon explained that Commissioner Heffner's staff and his staff were working very hard to be sure to keep costs low. Legislator Karasek added that what he is referring to is that there are still budget modifications in the amount of \$400,000.00 plus that will be moved out of that one account. His question is how did this department over budget by almost a half a million dollars? He continued to say that now the department wants to spend it in other areas. The public will want an explanation. Legislator Mulcahey explained that Commissioner Heffner has made some significant cuts and has vision and knowledge, the legislature needs to trust him to do his job.

Commissioner Heffner added one more piece of information. He understands that the community at large will be asking questions at the legislative meeting. In the last 4 years, he continued, the expenditure for foster care has dropped by about 2/3. Some of these numbers are out of our hands. We will budget a certain amount of money to be spent in foster care and the Family Court Judge keeps dropping the number of children being placed in foster care, so it is a guessing game for us. It is not as simple as looking at how much paper was used in 2011 and budgeting for that amount in 2012. We are working off someone else's agenda and that is where the challenge is. Simply put, the department is over budget in this area because the family court is unpredictable and the department is trying to avoid any surprises, so there may always be extra money in this budget line.

County Administrator Church added that looking back over the last four years it has been a source of fund balance. It is important to budget appropriately because if even one unexpected placement comes in the money will be expended.

**Vote:** Unanimous, motion carried

#### **G. Resolution Authorizing Budget Modification – Safety Net**

Commissioner Heffner asked to transfer funds into Safety Net Other Supplies and Expenses for year end expenditures. Economic conditions have caused an increase use in Safety Net funding. Coupled with a reduced reimbursement formula from New York State, \$500,000.00 is needed to accommodate year end expenditures. The Department of Social Services recommends that the Health and Human Services Department, the Finance and Personnel Department and the Oswego County Legislature authorize the Department of Social Services to transfer \$355,000.00 from

account 6118.5455.11 to 6140.5455. Concurrently to accept additional revenue in account 6140.4364.0 and appropriate this amount to account 6140.5455 and modify the 2011 Social Services adopted budget to reflect the same.

**Motion to Authorize Budget Modification:** Legislator Brown

**Second:** Legislator Karasek

**Discussion:** County Administrator Church explained that one of the reasons this is happening is because of TANF. There is a demand across the board because of what the state is funding and not funding. He continued to let the committee know that there will be an increase in the amount of money being spent in the safety net line.

**Vote:** Unanimous, motion carried

#### **H. Resolution Authorizing Budget Modification – Other Supplies and Expenses**

Commissioner Heffner asked that the Department of Social Services recommend that the Health and Human Services Committee, the Finance and Personnel Committee and the Oswego County Legislature authorize the Department of Social Services to transfer \$40,000.00 from account 6020.5455.2 and \$20,000.00 from account 6118.5455.11 to account 6020.5455 and modify the 2011 Social Services adopted budget to reflect the same.

**Motion to Authorize Budget Modification:** Legislator Brown

**Second:** Legislator Kastler

**Vote:** Unanimous, motion carried

#### **I. State Drug Testing**

Legislator Karasek initiated a discussion regarding the drug testing for welfare applicants. He explained that there is a bill at the state level regarding drug testing for welfare applicants.

**Motion to have the County Send a Letter in Support for this Initiative and ask that Oswego County be a Pilot for the Program:** Legislator Karasek

**Second:** Legislator Mulcahey

**Discussion:** Legislator Mulcahey commented that a couple other states have been doing drug testing for welfare applicants and feels that this will need to be done at the state level as opposed to the county level, so supporting the state's initiatives and becoming a pilot for the bill is a great solution.

County Administrator Philip Church explained that the legislature needs to take into consideration that if the county becomes a pilot for this program, there may be costs involved. He suggested amending the motion to say the state be responsible for the cost. County Administrator Church asked Commissioner Heffner if he knew the cost of the drug testing vs. the amount of money saved because of benefits lost due to testing positive for drugs. Commissioner Heffner was not sure of the costs. Commissioner Heffner continued to explain that alcohol and drug abuse is a problem for those living in poverty. Helping those in poverty with their drug and alcohol abuse is an area that should be dealt with. He feels that there needs to be a next phase after the drug testing. The question needs to be asked if a client tests positive for drug abuse what are the next steps for that client. Closing the door to these clients is not recommended, however, further discussion on this matter is important. Legislator Karasek explained that as he understands the bill, the door will not be closed for any client. He continued to explain that it is important to be proactive in this program.

Legislator Karasek changes his motion **to have that the County send a letter in support for this initiative and ask that Oswego County be a pilot for the program and the State is responsible for the costs.**

Legislator Mulcahey explained that the drug problem is an issue and it seems to keep getting worse, our neighborhoods are deteriorating on account of this and the county needs to get in front of this problem before it gets worse.

County Administrator Church explained that if an applicant for welfare falsifies their income on an application then that is fraud. Drug money is considered income. The county drug team is putting together an initiative to investigate welfare recipients and drug arrests.

Purchasing Director Maxon explained that Farnham, where he volunteers, has very little money left to curb the problem at the state level. Legislator Kastler explained that towns and cities hire people and do drug and alcohol tests, why would people on Social Services have the privilege of getting money and not be drug tested. County Administrator Church agreed that at the state there are certain positions that have to take drug and alcohol tests to maintain their job.

Legislator Mulcahey explained that as reported in the past 28% of the population of this county is receiving public assistance of some sort. This is a key factor. The county is looking at saving money if these folks test positive. He continued to add, at minimum we could do a random test.

Commissioner Heffner is concerned that a long term solution needs to be set up as to services offered if they test positive.

Legislator Karasek explained that these clients need to know prior to applying for welfare, that the rule is they cannot be using drugs. This is, after all, tax-payers money.

**Vote:** Unanimous, motion carried

#### 4. **Health**

##### **A. Resolution Authorizing Appointment of Oswego County HIPAA Privacy Officer**

County Administrator Philip Church explained that this is simply changing one job title for another. There is no salary increase, it is simply adding responsibility to her current position.

**Motion to Appoint Inga Back as the Oswego County HIPAA Privacy Officer:**

Legislator Sakonyi

**Second:** Legislator Karasek

**Vote:** Unanimous, motion carried

##### **B. OCHD CHHA Dashboard**

Inga Back from the Health Department pointed out that the referrals and admissions looked good and Medicare fluctuates each month. She explained that by the end of the year the department will have a better understanding of the department's bottom line. Shelly Youngs, Health Department, explained that all the data from Medicare will not be available until the end of the year and the department will be able to reconcile the numbers at the beginning of next year. Ms. Back commented that she feels the department is moving in the right direction.

##### **C. Resolution Authorizing Budgetary Modification for the Health Department – Accept American Recovery and Investment (ARRA) Grant Funds for Immunization Billing**

**Motion to Transfer Funds:** Legislator Mulcahey

**Second:** Legislator Wilbur

**Vote:** Unanimous, motion carried

#### 5. **RFP Report:**

Purchasing Director Fred Maxon reported the Bid and RFP Results

**Bid 18-11 HOSPICE PRESCRIPTION SERVICE**

Oswego County solicited RFP #18-11 by direct mail to 7 firms, legal advertising and the Purchasing Website. Purchasing opened 3 proposals on Tuesday, November 22, 2011. Evaluations of the proposals indicated that Harbor Pharmacy of Oswego submitted the best value proposal. There is significant cost savings. The Health Department and Purchasing Department recommend these services and products be provided by Harbor Pharmacy. A resolution allowing purchasing to contract for these products and services need to be forwarded to the full legislature.

**Motion to Move Forward with Bid #18-11 with Harbor Pharmacy for Hospice**

**Prescription Service:** Legislator Wilbur

**Second:** Legislator Sakonyi

**Discussion:** Legislator Mulcahey commented on how pleased he is that this is a local business.

**Vote:** Unanimous, motion carried

**6. Executive Session – Matters Pertaining to appointment of particular person:**

Chairman Proud asked for a motion to go into Executive Session at 11:48 AM to discuss matters pertaining to appointment of a particular person (s)

**Motion to go into Executive Session:** Legislator Mulcahey

**Second:** Legislator Karasek

**Vote:** Unanimous, motion carried

**Motion to Exit Executive Session:** Legislator Karasek

**Second:** Legislator Sakonyi

**Vote:** Unanimous, motion carried

Re-entered Open Session at 11:55 AM

**7. Resolution Appointing Director of Office of the Aging:**

**Motion to Approve Director of Office of the Aging:** Legislator Karasek

**Second:** Legislator Sakonyi

**Vote:** Unanimous, motion carried

**8. Resolution Appointing Director Of Public Health:**

**Motion to Approve Director of Public Health:** Legislator Karasek

**Second:** Legislator Kastler

**Vote:** Unanimous, motion carried

**9. Resolution Appointing Director of Veterans Services:**

**Motion to Approve Director of Veterans Services:** Legislator Brown

**Second:** Legislator Wilbur

**Vote:** Unanimous, motion carried

**10. Resolution Appointing Director of Youth Bureau:**

**Motion to Approve Director of Youth Bureau:** Legislator Kastler

**Second:** Legislator Wilbur

**Vote:** Unanimous, motion carried

**11. Adjournment:**

**Motion made to adjourn the meeting:** Legislator Karasek

**Second:** Legislator Wilbur

**Vote:** Unanimous, motion carried

Meeting adjourned at 11:58 PM