



Inclusion Through Diversity

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TWO PAGES

FOR IMMEDIATE RELEASE

Highlights of the **December 6, 2011** meeting of the Tompkins County Legislature

Proposed State Health Regulation Could Disrupt Home Health Agency Sale

Legislature Chair Martha Robertson and County Administrator Joe Mareane told legislators they are deeply concerned about a proposed “emergency” State Department of Health regulation intended to fast-track the entry of new Certified Home Health Agencies (CHHAs) in counties with fewer than two private such agencies. The regulation, to be voted on by the DOH Public Health and Health Planning Council on Thursday, December 8, would eliminate the Certificate of Need process and would enable private agencies to apply for a license to establish an agency in a county by paying a \$2,000 fee to New York State.

The change would destabilize the County’s pending sale of its Certified Home Health Agency to HCR, whose offer to buy the Agency for \$850,000 the Legislature accepted earlier this year after a careful year-long deliberation process, as the County wanted to make sure it transferred its county-owned agency to one that would preserve quality care for clients. The County learned of the proposed change just three weeks ago.

“This, in one fell swoop, will eliminate the value of our license,” said Chair Robertson, expressing outrage that the radical change is being pushed through with very little forethought, no opportunity for public and county input, and no attention to the fiscal impact on counties or on the quality of care.

Calling it “a very serious issue” affecting the home health delivery system, Administrator Mareane noted that at least seven other upstate counties, in the process of divesting of their CHHAs would also be affected—a statewide impact estimated at up to \$10 million— as would other small upstate counties with fewer than two private CHHAs . Mareane said Tompkins today registered its strong opposition to the proposed regulation, on behalf of itself and seven other counties, by the letter to Lieutenant Governor Bob Duffy, other members of the Cuomo administration, DOH officials, and the County’s legislative delegation.

The proposal is also opposed by the Home Care Association of New York, which notes, “DOH’s proposal effectively guts the public need process for CHHA establishment, allowing a bypass of public need for certain entities...to ostensibly facilitate patient enrollment into managed care plans or for...purposes of access.”

Mareane said the change would have no effect on the county’s 2012 budget since the budget does not presume any sales proceeds, unlike in many other counties.

Contact: County Administrator Joe Mareane, 274-5551; Martha Robertson, Chair of the Legislature, 274-5434 or 272-0584.

Legislature Affirms Official Positions on Gas Drilling

The Tompkins County Legislature, through three coordinated resolutions adopted without dissent, took an official stand on issues related to gas drilling though horizontal drilling and high-volume hydrofracturing the Marcellus shale.

It approved comments for submission to the New York State Department of Environmental Conservation (DEC) on the agency’s proposed gas drilling rules (known as the draft Supplemental Generic Environmental Impact

Statement, or dSGEIS), recommending that “no new shale gas extraction be allowed in Tompkins County and New York State until and unless a more benign technology is developed.” Citing numerous concerns in its detailed comments—regarding such impacts as industrialization of the landscape, effects on water resources, greenhouse gas emissions, air quality, and socioeconomic factors—the Legislature calls the failure to address cumulative impacts on the landscape and communities a “fatal flaw” that undermines everything else in the document.

The Legislature also voiced official support of home rule authority regarding local land use and gas drilling in New York State, asking the Governor, the DEC, and the State Legislature to clarify and reaffirm that local municipalities have the authority to regulate land use through their home rule powers applying to all extractive industries, including drilling for natural gas. The measure maintains that, despite court decisions upholding the authority of local municipalities to control land use including where extractive industries are permitted, the SGEIS fails to address the home rule issue, and that the need of municipalities to pursue protracted legal challenges to assert those rights create damaging uncertainty regarding land use protections.

Citing many of the same concerns included in their comments on the SGEIS, legislators also recommended a ban on horizontal drilling and high-volume hydrofracturing in the Finger Lakes. Maintaining that the region “depends on its natural environment to sustain its people and regional economy,” that is essential to preserve the area’s quality of life, the measure calls for no new drilling. The initial version called for no drilling using current technology, but Legislators accepted an amendment advanced by Legislator Peter Stein advocating no drilling whatsoever.

Contact: Pamela Mackesey, Chair, Planning , Development, and Environmental Quality Committee, 273-6203

Lane Calls for Open Leadership Selection Process, Asks to be Considered for Chair

Looking ahead to next month’s annual election of leadership for the County Legislature, Legislator Mike Lane, in a statement to the Legislature, urged that “a more publicly transparent selection process” be used for choosing legislative leadership for 2012. During his 14 years on the Legislature, Lane said, proposed leaders have been vetted in private with the vote at the organizational meeting largely predetermined. He maintained rotation of leadership and committee chair positions is a mark of good government. Lane proposed that the election of chair and vice chair come via a free vote of each legislator at January’s organizational meeting, and that those interested in either position publicly announce well in advance and be willing to discuss their candidacies with fellow legislators and the public. Mr. Lane announced that he is interested in serving as Legislature Chair in 2012—not entering the position with an ideological agenda, but with a desire to work with all other legislators and to “come together in the best interests of the people of the county as a whole.” He urged other legislators to join him by publicly declaring early on if they would like to be considered.

Contact: Legislator Mike Lane, 844-8313 or 844-8440.

Legislature Authorizes Lease for Solar Panels at County Buildings

The Legislature, by unanimous vote, authorized the County to enter into a 15-year lease with the firm Solar Liberty, of Buffalo, NY, to place photovoltaic cell solar panels on seven county buildings at a cost of \$10,260 per year. The seven installations are estimated to save the County about \$9,000 per year based on current energy costs and consumption patterns. The firm will install and maintain the panels throughout the lease term, and at the end of the lease period the County may choose to have Solar Liberty remove the panels, negotiate a lease extension, or purchase the panels at their then-market value.

Contact: Carol Chock, Chair, Facilities and Infrastructure Committee, 273-9007.

Among other actions, the Legislature

- Adopted a revised county government policy on military leave, maintaining the policy of providing paid leave of absence of up to 90 days per calendar year for employees called up for active military duty, but removing language related to September 11, 2001 and the requirement that the policy be renewed annually. The vote was 13-2, with Legislators Carol Chock and Dooley Kiefer dissenting.

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