

SPECIAL SESSION
(March 23, 2022)

Tuesday

1:00 PM

A SPECIAL session of the Wyoming County Board of Supervisors was held at the Wyoming County Government Center in the Board of Supervisors' Chambers located at 143 North Main Street, Warsaw, New York with all Supervisors present. Supervisors Granger, T/Gainesville and May, T/Orangeville (1:15 PM) participated via Zoom. Also present were County Attorney Jennifer Wilkinson, Clerk to the Board Cheryl Ketchum and Budget Officer Cook. There were many members of the community also in attendance. Members of the public were also able to observe the meeting via BOS YouTube Channel through the following link:
<http://www.wyomingco.net/149/Board-of-Supervisors>.

Per County Law Section 152(2) Special meetings shall be held at the call of the clerk of the board upon direction of the chairman, or at the call of the clerk of the board upon direction of the vice-chairman provided that upon convening, a majority of the members of the board pass a resolution ratifying such call or upon written request signed by a majority of the members of the board. Notice in writing stating the time, place and purpose of the special meeting shall be served personally or by mail upon each member by the clerk of the board at least forty-eight hours before the date fixed for holding the meeting or a member may waive the service of the notice for such meeting by a writing signed by him. Only business specified in the notice thereof may be transacted at a special meeting.

Members of the Wyoming County Board of Supervisors were served with the following Notice by Wyoming County Sheriff Deputies on March 19, 2022:

**OFFICE OF THE BOARD
OF SUPERVISORS**

Government Center
143 N. Main Street
Second Floor – Suite 220
Warsaw, NY 14569



Cheryl J. Ketchum
Clerk to the Board

Lisa A. Perez
Deputy Clerk

Phone 585-786-8800
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**TO THE MEMBERS OF THE WYOMING COUNTY BOARD OF SUPERVISORS,
COUNTY OF WYOMING:**

YOU ARE HEREBY NOTIFIED, pursuant to and in accordance with [Section 152 of the County Law](#), that a special meeting of the Wyoming County Board of Supervisors will be held in the Supervisors' Chambers of the County Government Center, 143 N. Main St., in the Village of Warsaw, New York, on **Wednesday, March 23, 2022 at 1:00 PM**, in accordance with NYS Consolidated Laws, County Law – CNT P 152 the undersigned Board of Supervisors, which represents a majority of the Board of Supervisors, request that the Clerk to the Board of Supervisors call a Special Meeting of the Wyoming County Board of Supervisors.

The stated purpose of the meeting is as follows:

In accordance with NYS Consolidated Laws, County Law – CNT P 209 – Investigations.

- a) Establish and appoint a Special Committee of the Board of Supervisors to conduct an investigation into the conduct and actions of the Board of Managers of Wyoming County Community Hospital (WCCHS) and of the recent operations and activities at WCCHS.
- b) Approve funding for miscellaneous expenses that may be incurred by this committee including potential travel, legal, consulting or other appropriate costs in an amount not to exceed \$25,000.
- c) Discuss the recent cancellation of the contract with Buffalo Bone and Joint and Dr. Paul Mason.
- d) Discuss general WCCH matters.

Requested by,
Daniel Leuer, Middlebury
A.D. Berwanger, Arcade
E. Joseph Gozelski, Castile
Michael Roche, Eagle
David Granger, Gainesville

LuAnne Roberts, Genesee Falls
Vanessa McCormick, Java
Susan May, Orangeville
James Brick, Perry
Sandra King, Pike

By order of the Wyoming County Board of Supervisors
Cheryl J. Ketchum, ^{CMC}
Clerk to the Board
Dated at Warsaw NY, March 18, 2022

CALL TO ORDER ~

At 1:01 PM Chairwoman Ryan, T/Warsaw, called the meeting to order.

The Veteran leading the Pledge of Allegiance for this month's board meeting is:

Wyoming County Sheriff, Greg Rudolph

The pledge was said by all.

Chairwoman Ryan, T/Warsaw thanked everyone for coming to today's SPECIAL meeting. She continued by explaining that today's meeting is being held for discussion on whether to establish and appoint a Special Committee of the Board of Supervisors to conduct an investigation, as outlined in the notice.

The Wyoming County Board of Supervisors' Rules of Procedure specifically refers any resolution not offered by or on behalf of a committee to the appropriate committee (Rule 4A.). Thus a discussion can be had as to whether to refer the issue or issues, a, b, c, and d in the notice to Finance Committee, which is the appropriate committee (Rule 12E.). Finance committee can then address the referral.

The discussion will be among the Supervisors only during this procedure.

Supervisor Leuer, T/Middlebury was the first Supervisor to rise and request permission to address the Board of Supervisors from the podium.

Supervisor Leuer, T/Middlebury introduced himself and talked about the posting of the notice in the Daily News late in the day this past Friday.

Below are his comments

- 1. We have a Crisis of Confidence in both the Hospital Board of Managers & the Board of Supervisors.*
- 2. Petition to Reinstate Dr. Mason has 2,625 signatures.*
- 3. Most recent Petition to Investigate the Hospital Board of Managers and Administration has over 600 signatures.*
- 4. Clearly this is a call to action and we cannot afford to be weak or timid in our response.*
- 5. No disputing that Dr. Mason provides outstanding orthopedic services. Both his patients and staff will attest to that fact.*
- 6. As I have listened to arguments in public, executive sessions, and attorney client privileged discussions, I can only conclude that cancellation of the contract with Buffalo Bone & Joint was done with insufficient foresight and consideration of the physical, mental, and emotional pain that would result from his patients and staff. This has led us to a dark place in the hospital and health care system within the county. We have already invested much in the Hospital, both in tax dollars and private contributions and the residents deserve better.*
- 7. As a result, I have submitted a resolution to the clerk for the next committee cycle that formally requests that the WCCCH Board of Managers extend a new contract to Buffalo Bone and Joint. Supervisors, if you agree, now is the time to make your views known. Your constituents and Hospital employees deserve to know where you stand.*

8. *Further, in consideration of this special meeting of the Board of Supervisors, I urge my colleagues to approve the creation of a Special Committee to investigate the conduct of the Board of Managers and recent activities at the Hospital. Too many questions remain unanswered and we need an independent investigation.*
9. *To be fair, I am not condemning the actions of the entire Board of Managers. They serve selflessly and without compensation and are outstanding individuals within our community. We thank you for your service. However, we are compelled to address the current crisis of confidence expressed by so many in our County and region. The future success of the Hospital is at stake.*

Additionally, Supervisor Leuer acknowledged that he understands the Board of Managers has been interviewing potential candidates for CEO. He went on to say that he would not be voting in favor of any financial contract with potential candidates until the Board of Supervisors has had an opportunity to interview that individual.

10. *Finally, I strongly urge my colleagues to be careful in your conversations with others on this matter. Unsubstantiated allegations made against specific individuals have a way of making themselves known on social media and can be detrimental to all parties involved.*

Thank you.

Supervisor Leuer, T/Middlebury received a round of applause.

Chairwoman Ryan asked for discussion by other Supervisors, reminding them that discussion needs to be limited to what the notice says.

Supervisor Brick, T/Perry stood to be recognized offering that he is in agreement with Supervisor Leuer's comments.

Additionally, he offered that the Board of Supervisors met on February 8th and he thought that she and Supervisor Kehl, T/Attica were aware of the pending decision to release the contract with Dr. Mason at that time. The Board of Supervisors were sent an e-mail the next day. He was disappointed that she didn't share that information prior to the occurrence so Supervisors would know what to say to their constituents. That's why he voted to have this meeting in agreement with what Supervisor Leuer said.

Chairwoman Ryan asked for additional comments by Supervisors.

Supervisor Roberts, T/Genesee Falls stood to be recognized.

After she introduced herself she explained she is also an employee at the hospital explaining that she's had to keep her balance there...

Her position is Quality Nurse Manager also Privacy Officer so she has a lot of firsthand knowledge and as such has been very careful about what she says and how it's presented. She's shared things with this board that she knows. A few things that she wanted to bring out:

- *When the Board of Supervisors went into Executive Session last time they talked about the 18 points that are out there. Listening to those 18 points she failed to see where any of those had substantiated proof. She asked for substantiated, written, documented proof of the accusations against Dr. Mason. We also did not give Dr. Mason an opportunity for rebuttal to this board. She would like to see all of that. Some of the accusations, she attended some of these meetings and things that were discussed and she said she can tell you they are not 100% true.*
- *Also reported to Supervisor Roberts, as regulatory as she is, some other issues going on in the ortho clinic after Dr. Mason's dismissal. She explained that she is not free to talk about those issues right now, but the hospital Board of Managers were made aware of them. These practices would lead Supervisor Roberts to believe we need of some type of audit or financial oversight over that clinic to definitely separate what happened prior to Dr. Mason's leaving and after Dr. Mason's leaving. There's some serious, serious financial concerns at that hospital.*
- *The CFO who was supposed to be here until October is now leaving, should come and talk to the Board of Supervisors and tell them just exactly where we stand financially. She stated that she heard he has spoken with the Board of Managers and she wasn't sure where that goes... She would like to hear it for herself at this level. The Board of Supervisors could all go to a Board of Managers meeting if they would like to but she thought it warranted Mr. Knapp coming to speak with the Board of Supervisors on just exactly where we stand at the hospital. She's not hearing that it's looking very good.*

In short, WCCHs is spending thousands and thousands of dollars on their ortho clinic still to this day losing thousands and thousands of dollars, which is public knowledge. It's not just the ortho clinic, there are many, many other issues at the hospital not being addressed, she added that she doesn't know for sure if they are being addressed, she's not in finance.

In conclusion, the lack communication and transparency on both the hospital board and this board is appalling. It encompasses the validity of the hospital board and all their trustworthy and our trustworthy behaviors and how the public sees us. We need to be more transparent, we need to listen to the people. We have a lot of people that have said a lot of good things about Dr. Mason, a lot of good things about the hospital. I'm hearing conflicting comments that it's not that way, that Dr. Mason that the hospital people want him gone. She hasn't heard one person from the hospital say that but she asked for the proof. She asked where is the petition that says, "we want Dr. Mason gone."

Supervisor Roberts invited questions and if she is at liberty to divulge answers she would be happy to do so after the meeting. She stated that she feels transparency is in order and we need to do away with these Executive Sessions in everything we talk about. The public wants to hear what's going on. She thinks they ought to let them know...

Supervisor Roberts received a round of applause.

Chairwoman Ryan addressed being updated by stating that there were continuous updates over the past two years as to the progress. She acknowledged that some of the Supervisors are not on Finance Committee however she went through the attendance on Finance and believes everyone,

most everyone that's not on Finance is usually in attendance and are never discouraged to speak up. They've never been prohibited from doing that. Maybe they can't vote on Finance but they have attended and they have been there for the updates. Some via Zoom but Chairwoman Ryan has checked the attendance records.

Chairwoman Ryan called for further comments by the Supervisors.

Supervisor Roche, T/Eagle stood to be recognized.

Supervisor Roche stated that he could not say it any better than what Supervisor Leuer, T/Middlebury already said. He has lost all confidence in the ability of the leadership of the hospital Board of Managers to do what we have them doing. For the past year Supervisor Roche has been attending meetings via Zoom and listening in to monthly meetings. The information that is presented there is completely different than the information we are presented with at Finance. He listened to the Hospital Board of Managers meeting last night. At first he wasn't sure they needed to do an investigation but after listening to Merlin's presentation last night on the finances of the hospital, we've got to do something. We cannot continue down this path without answers. We talk about staffing at the hospital, we talk about agency nurses, contract nurses. Does anybody here know how many contract nurses are currently working at the hospital? Has that information been shared with us? He can tell you, we have, 4,12,18,29 of the 68 positions are contract nurses. What's the cost of a contract nurse? Supervisor McCormick, he asked her to look that up. He Googled it but didn't get a good answer. Supervisor McCormick, T/Java responded by stating that she has a friend that's a contract nurse. Her friend told her, starting out on a contract, depending on how many contracts they've completed for the agency for the week can be between \$2,000 and \$3,000 per week. Supervisor Roche questioned what the county pays for nurses on staff that are full time employees? He continued by stating it is considerably less than that. We're bleeding money down there. He can't go anywhere and someone says, "we need to stop." We need to look at what's going on. Every week he goes to the town office when the town clerk has hours. Last night he was there. Four people came in. Granted that's the town people so we don't have a lot of business. Three of whom came up to him and said, "what is going on, why is there so much money being spent and what answers can you give me?" And he still can't give them great answers... It's got to stop. Last week, the president of the Board of Managers, and Becky you met with some of the employees at the hospital (Chairwoman Ryan confirmed). We asked for transparency. He asked, do you know how I found out that meeting was happening and you're representing us when you go there, was through an employee. A simple e-mail to the Board of Supervisors would have sufficed. He added that he doesn't recall getting an e-mail, maybe we did and he missed it. That's all we're asking for. Supervisor Roberts spoke about transparency. There isn't enough transparency. He stated he cannot confidentially answer people's questions regarding so many things that are happening down there and he has been attending Board of Managers' meetings for approximately a year. It can't continue and he will not support, as much as he supports that hospital and everyone that works there, he cannot continue to support funding at the rate of one to two million dollars a month from the county tax payers. That's just not good sound financial business.

Supervisor Roche received a round of applause. ^(16:36)

Chairwoman Ryan responded to Supervisor Roche by explaining that she didn't realize she needed permission to thank the staff and read to the Supervisors what was said to the staff.

Chairwoman Ryan read from the following prepared statement:

(16:56) Thank you for meeting with us today. Thank you Dawn, Mike and Pam for giving us this opportunity (It was an employee staff meeting).

The Board of Supervisors and I (I did state the Board of Supervisors and I as I didn't think anyone would mind), would like to take this opportunity to tell you how very proud we (and then I said, I am of our hospital) and all who work here. Congratulations to our skilled nursing facility team, Dawn James, Connie Almeter, maintenance, housekeeping, dietary, CNAs, nurses, doctors and IT for last week audit.

It took a lot of work by all the members of the team to show the auditors the wonderful quality of care given to our residents every day.

Your extraordinary efforts to keep COVID-19 out of our nursing facility also showed that same quality of care. You kept our residents safe while we were reading about horror stories throughout the state and the nation.

You are our resident's families during that time, when they could not have visitors. Please know how much your sacrifice, dedication and hard work is appreciated. Although we can never truly know all you have been through emotionally and physically, we thank you.

Thank you to our entire healthcare system family. You got us through the pandemic. You worked the double shifts, going home for a couple hours or rest only to come back and do it all again. You are the ones who had to wear layer upon layer of PPE, torturous sweat suits for 10 to 18 hour days. You are the ones who took on added responsibilities, outside your normal scope of work.

We will never fully understand what you have lived through the past two years nor the tremendous burden you still carry.

We have been through very difficult times and had to make difficult decisions. One of those was regarding the vaccine mandate. I absolutely respect people's rights to decide if the vaccine is something they want or do not want. It was gut wrenching to watch someone choose their career or the vaccine.

I want to thank those that may not be part of our hospital at this time but did play a very important role through the first year of COVID. Their efforts are truly appreciated, as well. Perhaps one of the cruelest outcomes of the pandemic was the division that was created amongst us. I hope that in time that division will disappear.

Despite the fears for your own and your loved ones' wellbeing you did not flee to warmer climates. Climates that were initially unaffected during the height of the pandemic. You stayed to fight. You, our hospital housekeepers, dietary staff, maintenance, IT, CNAs, nurses, PAs, doctors, admitting staff, billing staff, payroll, HR, ER staff, mental health staff, lab and X-Ray technicians, anesthesiologists, volunteers and management, you were the ones committed to caring for others. Without all of your hard work there would be no hospital. One person, one doctor does not a hospital make. It is the collective dedication, sacrifice, hard work and compassion that makes our healthcare system something to cherish. We must never forget that.

When I first became Supervisor over twelve years ago there was much discussion from the past Board of Supervisors administration about the financial situation with the hospital. Their possible solutions were to sell the nursing home and close OB among other drastic ideas. They said they would always be losers. I am proud to say that several Supervisors stood steadfast against those options. Closing OB would absolutely kill the future of our hospital. Our patient base begins with OB expanding through pediatrics, family medicine and all the related services as our families grow and age.

Thank God they never sold the nursing home or the hospital. Where would we have been in 2020 and 2021? I assure you that the county is committed to supporting the hospital. We recognize the need to provide the most and best services possible in a rural healthcare facility. Where else can you receive not only compassionate care but from our own community friends, neighbors and family members. People we know.

Although I have never been a member, I have attended many Board of Managers' meetings over the past years. In that time, I gave a great appreciation and respect for the members and our hospital's leadership and management teams. I have watched the Board of Managers thoughtfully, carefully deliberate all the facts and aspects of the hospital from contracts to capital projects. I have watched members as they struggled with issues month after month until they find, what they feel is the fairest and best solution possible. They are good people.

I would like to reiterate, it's the collective dedication, sacrifice, hard work and compassion that makes our hospital something to cherish. It's not one person alone, we are in this together. And then she thanked them again.

Supervisor Roche clarified that he never stated she needed permission, he stated that a heads up would have been nice. Secondly, he stated that some of the members of the Board of Supervisors would have liked to have accompanied her to these meetings to thank the hospital staff given the opportunity. We talked about doing that several months ago but nothing has come of it. He reiterated that he would have loved to have been there with her adding that he would have cleared his schedule to do so given the opportunity and maybe some of the other members of the Board of Supervisors would have done so, as well. Again, it is not one person, it is collectively 16.

Supervisor Roche received a round of applause.

Chairwoman explained, unfortunately the time that it came up was on short notice when it was allowed (Roche responded, it always does.) and the Supervisors were... Roche stated Supervisors could have been notified...

Supervisor Davis, T/Covington stood to be recognized.

He stated that in Chairwoman Ryan's defense, most of the Supervisors were in Albany attending the NYSAC conference so very little could have been done to e-mail them. They would not have gotten the e-mail.

Secondly, the Board of Managers, in his opinion, are a great group of people. What we need to do is surround ourselves with good people. Give them resources and the tools to do their job and then LET THEM DO THEIR JOB! We're going to micromanage them, and that's what we're trying to do right now. Because they made a decision that some of the members of the Board of

Supervisors didn't agree with and some of the public. Now all of a sudden we need a commission, we need to spend additional money to interview and all of the information is available down at HR in a big box. Go down there Luanne, you're down there. Go over and talk to Dan and he'll show you all the letters, all the written documentation the Board of Managers saw and then they made a decision, a tough decision. They didn't make it over one month, they made it over several months, when Joe was still alive. To Supervisor Davis, the Board of Managers made the right decision after he reviewed the material. Right now, the only ones going down to the HR department and reviewed have been Becky, Bryan Kehl and himself. Anybody on the Board of Managers can go and review that information. Anybody on the Board of Supervisors can go and review that information. Make an appointment with Dan. Right now, over the next couple of days he will be interviewing CEO candidates. But, the information is there. It will take you a while to go through it because it's a huge box. It started in 2017, while Don Eichenauer was here when Dr. Mason was hired. Supervisor Davis explained that Dr. Mason is also his doctor, says he's a great surgeon. However, there's another side to the man that most of us don't know. He agrees on calling for an outside audit on the ortho department stating that there's a difference between income and profit, a huge difference. Before Joe McTernan came we were talking income, we weren't talking profit and he (Joe McTernan) boiled down to the bottom and came up with profit, which there isn't any. Let's have the audit firm independent firm come in. As far as developing a committee or a commission from this board, who has the knowledge and understanding to even lead such a commission? It would be a waste of time. Let's get an independent if you want to do something, let's get someone independent in here like an attorney firm. He stated, he didn't care. Let them get to the bottom of it. And then we can go for full disclosure, that's what the public wants. He's not totally against that but he knows our attorneys are and you get through to them, that's fine.

Supervisor Kehl, T/Attica stood to be recognized.

Supervisor Kehl started by stating he agreed 100% with Supervisor Davis, he's been involved with this since the beginning and seen very little effort by a number of important Supervisors to get involved had the opportunity to come down to a board meeting of the Board of Managers and witness it. Mr. Roche has, which lead him to say, Mr. Roche you've seen the finances for the past year and you know the finances. To sit here today and deny knowing anything is a lie. This is another form of people grandstanding expecting results to complain about something that the Board of Managers did with heavy heart with all the knowledge, not part of the knowledge, not half of the knowledge, no lies, they made a decision. And that's what we were pa..., no we weren't paid, that's what we volunteered to do. So to sit here in this room and grand stand in front of the public and tell him how you guys don't know what's going on, you had every opportunity as Jerry Davis has said to go down to HR and review the paperwork. It's been offered numerous times. So to sit here and talk rhetoric that we don't know, the transparency is not there. You've had every opportunity to get off your butts and go down there and look at it. Plain and simple! Don't sit here and tell people that you don't know. You've had the opportunity. So, yes! I'm upset because I'm sick of listening to it. I know the facts, I've made my decision, I stand by my decision. There are 9 members on that board that also agreed with the facts, or out of 9 members, 7 agreed with the facts. Supervisor Kehl said he's had people accuse him of being brain washed, and everything else. If the answer of being brainwashed is not knowing the facts, I wasn't brain washed, I know the facts. Everybody that speaks out about it and disparages the hospital and disparages the Board of Managers and disparages the Board of Supervisors without the facts, you can consider that being brain washed. So, get the facts, go down and talk to Dan Farberman. HR has every bit of information you need to know everything about it like I do. And you guys have turned a blind

eye to it, you've chosen to listen to the rhetoric, to lies, to half-truths, and he's sick of it. Go down and get the facts and then come back and talk to him about it. And bottom line, everybody that disparages the hospital, you're not doing the hospital any good. The hospital is a great place. There's five hundred and eighty some other employees down there that have built that hospital up and made it to what it is today and one employee no matter how much he was, or by the community is not the hospital. It's the rest of them employees down there that have done it! Nobody's giving them credit. Everybody's complaining about it. People come to the public meetings to say I'm not even gonna go there anymore because Dr. Mason's not there. There are other employees that are doing their job every day, that nobody gives credit to and it's sick of it. I'm sorry, I'm fed up with it, that's why I'm speaking out. He stated he didn't know it was a speech day but he's winging it. I didn't make a speech up. Bottom line, the Board of Supervisors has every opportunity, if you didn't hear today, you can read about it in tomorrow's paper. You've had every opportunity to go get the facts and you continue to do this and hurt the hospital's reputation. It's wrong, it's just wrong. He goes there for everything, and stated last year they saved his life. It wasn't Dr. Mason that saved his life, it was the hospital and that's the point. That's the point for all of us here. We own the hospital. The county tax payers own the hospital. I swore an oath of office to uphold the constitution and look out for the tax payers and he believes he did both of those things with his decision and he'll stand behind it every day. Get the facts, quit disparaging the hospital and lets move on. Thank you...

Chairwoman Ryan thanked Supervisor Kehl.
Supervisor Roche stood to be recognized.

First of all, don't call me a liar, because I'm not.

Supervisor Kehl interrupted with, *"You were there every meeting."*

Supervisor Roche asked Supervisor Kehl to let him talk. He stated you talked now let me talk and went on to explain that he is just after attending for a year learning to understand the finances, the way they are done at the hospital. It is completely different, you have budgeted loss, projected loss and actual loss. Am I correct Jerry? Supervisor Davis, T/Covington responded in the affirmative. Supervisor Roche went on to say it is not easy to understand. There were a couple of meetings where Merlin was explaining something and he was shut down. Last night he had free rein. Did you know prior to last night how many contract nurses we had down there? He didn't...

Supervisor Kehl responded with, *"It changes daily."*

Supervisor Roche acknowledged that fact adding that he didn't realize the number was so great.

Mr. Farberman comes to us, talks to us, he says, "...yeah, we have travel nurses." Supervisor Roche said, I guess I'm at fault, we're at fault for not saying, well how many travel nurses? He says every month, "well, we've got about a hundred, he says we have about a hundred positions open and we'll say well what are those and he'll say across the board and we'll say ok.

Those are the things. Supervisor Roche explained that he's not just looking at Dr. Mason and Dr. Mason's contract, he's looking at the long term financial stability of the facility and he added that he doesn't think we are. I don't think we are.

Supervisor Kehl interjected with, *"That's your impression."*

Supervisor Roche confirmed, *“That is my impression.” We cannot sustain that many travel nurses operating the hospital the way we are. It is not financially sound.”*

Supervisor Kehl asked Supervisor Roche, *“So what’s your answer?”*

Supervisor Roche responded with, *“I don’t know, we have to have somebody that knows healthcare come in and tell us.”*

Supervisor Kehl said, *“That’s what we’re doing, we’re trying to hire a new CEO.”*

Supervisor Roche responded with, *“I don’t think we want to go down that road because he or she is going to have their own agenda. As an educator for 30 years, he’s seen Superintendents and Principals come and go and each one comes in with his or her own agenda. We need an independent person to tell us what the best thing is to be done with the facility. Close it? No, I’m not, not by any means, Bryan, that’s not what I’m saying.”*

Supervisor Kehl asked *how do we get rid of the nurses then?*

Supervisor Roche suggested *that a review identify right sizing services for what we’re doing.*

Supervisor Kehl agreed and explained *that is what takes place every day. They’re analyzing it everyday.*

Supervisor Roche argued, *but not by an independent person. Each, again, each CEO is going to have his or her own agenda. And in the case of a small rural hospital, it’s going to be, part of it’s going to be built in their resume.*

Chairwoman Ryan thanked Supervisor Roche for his comments. A round of applause was provided to Supervisor Roche. She added that she would have to disagree with his comments adding that she believes we need a CEO and a CFO. She believes we need those.

She asked if any other Supervisor want to speak?

Supervisor Leuer, T/Middlebury asked if he could make a brief comment, Chairwoman Ryan granted Supervisor Leuer the floor.

He stated that he is particularly disturbed by Supervisor Kehl’s comments from the stand point that dismissing the views of several thousand residents who have signed a petition, who have signed a petition, is condescending, to say the least. You sit there and you dismiss the sentiments of those individuals, both patients, residents and staff like they mean nothing. That is not the case. We have an obligation and responsibility to respond to those residents in our towns and villages who are asking us, “what’s going on down there?” And come to me and say, “Hay, I had surgery scheduled and now I can’t have it done.” I wouldn’t dismiss those comments so easily.

A round of applause was provided to Mr. Leuer’s comments.

Supervisor Kehl rebutted with, *“First of all Dan, you are putting words in my mouth. I didn’t dismiss anybody. The decision we made down there was with heavy hearts and we know that we*

were gonna impact people but we still made the decision we did for the betterment of the hospital, the community and the tax payers. I stand behind it. And don't shake your head at me, continue to read all the facts, Dan. You need to have the facts before you can judge me. Like everybody else has been judging me and the Board of Managers. The disparities, if you don't know the facts, you can't answer the question.

Chairwoman Ryan intervened by stating that she thinks we've had plenty of discussion and would ask for a motion to move this to the proper committee. It can be done where it will not be in jeopardy of being challenged or nullified and she asked for a motion at this time to move this to Finance.

Supervisor Leuer again stood to be heard offering that he was aware of some interest from the public to express views noting that she had not suspended the rule that allows the public to speak. However, we had a written request from an individual who would like to address the board.

Chairwoman Ryan asked the Clerk if that individual was seen in the audience. Clerk Ketchum pointed out Hans Kunze. Chairwoman Ryan asked Mr. Kunze if his comments were different from what he's said in the last meeting. Mr. Kunze responded in the affirmative explaining that he has details, it's facts, things that we need to hear. Adding that he thinks it's very important.

Chairwoman granted Mr. Kunze permission to address the board. He was invited to the podium to provide his comments.

(39:32) It will be, please excuse me but it will be more than 5 minutes. But I, trust me, I will make it as concise as I can but our time is valuable and our ears need to be open to Dr. Mason's defense. It has to be because it cannot be done properly with just a little bit here and a little bit there. He started out by reading his short address to the Board of Managers, last night and apologized to those who have read it already or heard it already. After that he has some details.

First of all, let me thank you for allowing me to speak at this meeting. Thank you to everyone who is here today.

I'm here because of my and our community's dissatisfaction with what the Board of Managers and what the former CEO have done in terminating Buffalo Bone and Joint's contract with the hospital. The resulting community upheaval should be telling hospital administration they made a huge mistake. Our community was so grateful to have such an excellent doctor in our midst at a rural hospital like ours. Dr. Mason was a game changer for our hospital and was rated as the best orthopaedic doctor and surgeon we could have asked for. The envy of so many other hospitals, a rural hospital having the best, he put us back on the map with a great reputation. Think of all the cross over business his clinic contributed to the hospital in the form of PT and radiology business, not to mention the business and commerce of all these patients and their loved ones bring to Wyoming County. The success ratings are phenomenal. I don't know the fancy terms and numbers but he hasn't heard any complaints about him, he's been looking for complaints. Honest, he's really been looking, outside of a few people that he knows in the political realm. Both his surgical success and his bedside manner are excellent. He was an instant friend to everyone with a great positive attitude. He still can't believe he's gone. This is a guy that would go visit people at their home to help them if they couldn't get to the hospital. An awful lot has been learned over the last few weeks. And he will explain that in a little more detail shortly. As more and more information is uncovered, it appears that over the last two years there was a

mission in place to ultimately remove Dr. Mason from the hospital and it seems to stem from our former CEO. So many questionable irregularities in by-laws and numerous unexplained actions against employees who had affiliation with Dr. Mason and his service. There are many things but there is always an answer, in quotes, for all of them. When someone has all the answers for everything, you start to wonder, how can that be? He's here to express the community's concern for our hospital's future. He added that he's afraid our hospital is about to be in sever financial stress, if it isn't already, at this time. Yet the absence of Dr. Mason and several other valued staff and doctors who have already left, not by their own will and some by their own will because they couldn't stand what was going on.

We are in an emergency situation and the only way to right the ship immediately is to have Dr. Mason come back as soon as possible. It is okay to say or accept that we, as a county, made a mistake and we need to right the ship. Let's move on and put politics behind us, which, unfortunately, this isn't just hospital politics it's politics here. Our county belongs to all of us and it deserves better than this. Let's build back confidence in our hospital among our county residents and the hospital's many employees. Very valuable employees and our many residents who count on the hospital.

Now Mr. Kunze wanted to cover a few details:

(He paused for a drink)

The Letter of termination.

The CEO, unfortunately, did pass away on January 24th. Mr. Kunze admitted to knowing Joe, said they got along great, but he didn't realize that there was... CEO McTernan took him golfing during the hospital golf tournament. There was supposed to be 4 of them but 1 person cancelled and the other's wife was in a car accident that morning so there was just the 2 of them for five hours on the golf course and they had a really good time. Mr. Kunze said he will always value that. But unfortunately, the CEO had a problem and his name was Dr. Mason. He eluded to it a little bit but Mr. Kunze kind of thought well, anyways, on January 24th Joe McTernan died. Buffalo Bone and Joint got the termination or was terminated on February 8th, now that's a couple weeks after Buffalo Bone and Joint was terminated. He went on to say that he thought the Board of Managers or the Board of Supervisors had to approve this. No, there's something that says the CEO of the hospital has the authority to terminate a contract, even a big one like the CEO.

But his question is, on February 8th Buffalo Bone and Joint was terminated. But it wasn't terminated by Joe, he wasn't here. Joe was gone two weeks before that. So, there's no way that Buffalo Bone and Joint was terminated by the CEO of the hospital. He was not, he was not here! Alright? I know it's a technicality but it's a big one.

The termination letter was never addressed to Dr. Mason. He didn't get a phone call ahead of time. The letter was sent from the hospital attorney to Dr. Mason's attorney but no communication directly. And the letter that went to Dr. Mason's attorney wasn't to the attorney. It was not addressed to Dr. Mason and we're sending it to your attorney. Dr. Mason never got a phone call, he didn't know until his PA told him that he had gotten a phone call that they were terminated. The plan to get rid of Dr. Mason is very important here. I know that Mr. Davis said something about, "...well, we had an issue, we terminated the doctor, and let's get on with it." That's what happens at the Board of Managers. It wasn't done lightly, um, whatever... Let's just go over a few facts...

The CEO took over on January 1, 2020. Yes, he arrived a few months early to shadow with Don Eichenauer, the CEO at the time. In January, the CEO told the Board of Managers that he didn't need consulting from Don Eichenauer. The Board of Managers approved this and I know that some of them are really regretting it. What a red flag. They hired Don to be here for a year and a half to mentor, oversee financials, staffing. You know what? Right off the bat, that's what Joe did, he asked the Board of Managers, don't need him, let's just give him some special assignments like advertising and stuff. They took him off the e-mails. Who else did they take off the e-mails that talked about finances and staffing? Dr. Mason. Way back there, in January. This is the beginning of the two year, let's get rid of him. Immediately Dr. Mason, yeah, and on top of that Dr. Mason is Chief Medical Officer and he's excluded. And also immediately, the CEO and Board of Managers hire a law firm, Garfunkel and Wild, which is a New York City law firm that Joe was familiar with from his previous work. Mr. Kunze stated he heard both for \$5,000 and \$10,000 but they were approved to spend up to \$5,000 or \$10,000 to do an investigation of Eichenauer's and Mason's contracts. Sounds pretty targeted to him. The CEO made it clear, on several occasions, according to the Board of Managers, people, that it was clear that he wanted to terminate Dr. Mason or should he say the clinic. Board of Managers, we need to have respect for the Board of Managers, and I do! It's a, he went to the Board of Managers meeting last night, he had never been to one before. He always thought that the Board of Managers was a pretty elite group. There's a lot to do there. He'd be scared to be on one because of the responsibility that comes with it. Sitting through the meeting last night just reinforced that. But we count on the Board of Managers to make good decisions and not ones like they made. In order to respect the Board of Managers you have to really respect that they follow the rules. Disregard for By-laws is very disturbing. And if they don't think they have to follow the rules how can you respect a decision they made like this? To get rid of Dr. Mason. Dr. Abbasey, a practicing doctor. The By-Laws say, "no practicing doctor, on staff at the county can be on the board of managers." So, that's black and white. He's had different people tell him that it's okay they got two or three legal opinions. One is paying to pass it on to another one, but whatever, my point is we didn't need to spend money on a legal opinion, it's black and white. He's a practicing medical doctor, he's not allowed on the board. And what do they do, they go ahead and do it anyways. You don't need an attorney to tell you that. So, what are they okay with? Well, he's not going to vote on contracts, physician contracts. Last night Mr. Kunze noticed that Dr. Abbasey wisely decided to abstain from voting on all of them but there were a couple that where there were questions, serious questions and one of them went through anyways with one person saying I'm not voting on it because I need to know more about the questions that were asked earlier about that contract. This is, he forgot, maybe a surgeon coming from Florida for two weeks a month to replace Dr. Mason. Mr. Kunze questioned the other two weeks per month and the patient follow up. He asked if that contract got approved, as he couldn't remember.

By-Laws:

Laura Paolucci, member of the board and very dedicated service but during her last term she moved out of the county. The rule is you live in the county or you can't be on the Board of Managers. So the fact that she moved out of the county, should she have resigned right then? Probably, but okay, finish your term. Guess what? She applied for a new term. The Board of Supervisors approved it, the Board of Managers, glaringly know it is a violation, they approved it.

What kind of credibility does this Board of Managers have, especially the leadership of it?

Board members from the Board of Managers leaving.

Frank Vitigliano, he did the right thing, he asked questions about this Abbasey thing, he asked questions about some other things. Too many questions, guess what? He was asked to resign. He said you're gonna have to fire me to resign. So what does he do? He ends up meeting with three people here. We know who they are, most likely and the vote went through, unfortunately, the Board of Supervisors supported and they said ok, he's gone. He was a Dr. Mason supporter.

Cindy Elbow.

Have you heard the story of the box cutter? A \$5 or \$10 box cutter she found in the parking lot next to the building, laying out there dangerous, dangerously sitting there. She got accused by surveillance camera that she stole it and she was accused of stealing hospital property. So, she got harassed for that and she didn't want to put up with it anymore so she resigned. She was on the Board of Managers as Chair of the Hospital Foundation and that term came to an end in December and with that she said, "I'm not running again," but she got harassed and that's why she left. It's too bad we needed her vote. She was a supporter of Dr. Mason.

Doug Berwanger.

He resigned due to multiple issues regarding inappropriate actions of the board. He questioned Supervisor Berwanger in the hopes he didn't mis-state that. He's a supporter of Dr. Mason.

Mark Merrill.

Vice President of the Board of Managers, he resigned right at the time of the termination of Dr, Mason took place.

Staff Terminations.

October 2020, he understands that approximately about 15 doctors approached the Board of Managers about the termination of Dr. Cohan back then, a very valued vascular surgeon. Relied on by so many doctors for second opinions, complications so forth. They were very concerned. Dr. Cohan and the CEO did not agree on some issues, so, guess what? He got fired.

Because of the concern 15 doctors asking questions this is what eventually happened

Dr. John Carpey, an ortho, gone.

Dr. Robert Ramen, a hand surgeon, gone.

Tracy Fabian and Michael Loy, Mr. Kunze stated he knows them both because he switched from Dr. Logan to Perry's Wyoming County Family medicine. He said his first three appointments he saw three different doctors.

Mr. Kunze described an appointment where he expected to see Dr. Loy, but was told he was gone a long time ago and he would be seeing Dr. Fabian. Oh! Thanks for telling me everybody! Dr. Fabian was very friendly and he did like her. Three days later he got a notice, she's gone.

Then Kim Danser and Kim Heeb, gone

Dr. Mason, gone.

Jim O'May, gone.

The Board of Managers would tell you other reasons but clearly this is retaliation by the CEO for questioning his termination of Dr. Cohan.

Amy Chase, CFO, September 2019 she took over for the former CFO, retired, Jack Ormond. By the way, Jack Ormond wrote a very nice letter about Dr. Mason dated February 23rd. He didn't write the letter to Dr. Mason, he wrote it to the hospital. He said the hospital's viability without Dr. Mason is of deep concern for me and he stated Dr. Mason is the reason for the hospital's enormous success. Mr. Kunze said, he's not saying other doctors aren't contributors but it's clear Dr. Mason is a superstar.

Amy resigned late 2021 because she could not perform her CFO duties because the CEO was interfering with and controlling her work, which should be independent pointing out that the hospital is paying close to \$300K for interim CFO services. Amy's compensation packet was less than half that amount.

Michele Gros, 28 years at the hospital. Director of Surgical Services, resigned because of ongoing intimidation and harassment over a serious provider event.

Mr. Kunze went on to describe the situation as a two year witch hunt.

Hospital morale is toxic, created by a hospital management, especially the head of the Board of Managers, working closely with the CEO.

Multiple letters have been written to the Board of Managers. A batch was provided by Mark Merrill, he redacted most of their names, all but Amy's because he wanted to preserve their, keep their names quiet because he felt retaliation would be severe. The letters were given to the Board of Managers but pretty much ignored because they didn't know what names went with them. He added that he hoped the Board of Managers read them but maybe they didn't acknowledge them.

But Amy Chase's letter, she moved on, but she sent serious warnings to the Board of Managers. Stating he didn't know who else got that letter but she said there's a problem there. Big, big problem and she's moving on and she did...

The employees, there's much stress on them. They don't know which way this hospital's going. They don't know where their career's going. Do they jump ship now and grab that position at a nearby hospital in a position they specialize in? Or do they stay?

We need to do something soon!

We don't have time to create lots of committees to investigate this and that, we need to get Dr. Mason back now. Yes, we need to create some new committees, reorganize some way so that we can see what's going on at the hospital, whatever. But we don't have time. Dr. Mason has several options right now. He should tell us to go to hell, but he's not. He loves Wyoming County.

He has pride in what he has done for our county.

(Applause)

You might think he's arrogant, he's not arrogant. But you know what? Superstars do get a little extra attention. He knows it's a team, but he wants everyone to be happy and he wants to have his patients back. He doesn't want his patients over in Springville or wherever, where we're all gonna go, if he ends up there. He wants to be here. He wants to right the ship. So, are we gonna take the high road or the low road? If we take the high road, we get Dr. Mason back. It's amazing how that will radiate everywhere. If he's willing to come back, that is. Adding that he truly believe Dr. Mason is. But there's gonna be some changes.

I hope that you Supervisors, take, make these changes that need to be done. It needs to be done soon. We don't have time to dilly dally around for a month or two with the committees and this and that. We have to do it now.

Dr. Mason's offer is on the table. So, we need to get morale up at the hospital, which we will, if he comes back. So people aren't scared of losing their jobs. Let those employees say, "yes, we do like Dr. Mason," so they're not scared of getting canned by someone else.

Let's put us back on the map. Provide great services for our residents. You know how many older people we have, including me? I just turned 62 and retiring, I'm gonna need Dr. Mason. But, we have to take care of our older people who don't want to travel to another county, they love him right here.

He said he doesn't see how those 18 stupid points amount to squat! When you look at his record, please Supervisors who don't agree with...

(Applause)

We have to revitalize all departments of the hospital. Some are still running on all cylinders, thank goodness. But it's got to be good for all of us as a team. Let's use this opportunity to make it twice as good as it was.

He is not losing money for our county! If you talk to Dr. Mason and find out what the going rate is for an orthopaedic surgeon, especially of his caliber, he is a bargain! Don't let anybody tell you that the financials, cuz you can slice them 8 different ways, look bad with Dr. Mason running the ortho department.

Yeah! Is his contract a little expensive? Probably. \$1.62 million, but that covers everything. It covers his PA, all his insurances, and he can do better easily many other places, would have to be competitive. And maybe we will have to redo that ancient operating room. Ancient, is what he hears...

Mr. Kunze stated, "He hates to go this way but, let's look at the low road."

This is what's going to happen if we don't take care of something, like within days, if not today.

We will permanently lose Dr. Mason, the hospital fails. Fails? It might. He admitted to not knowing the numbers good enough but commented that, "it's serious."

This is an emergency meeting, right?

(Applause)

The county budget falls short, not just budget the actual numbers. That means all of us will pay a lot more in taxes. Get ready.

Replace the doctors, they're pretty hard to find. He stated he didn't even know if we can get another doctor like Dr. Mason or even close to him for that. The quality may not be there either based on what other doctors we get to replace.

We paid, how 'bout, I hate to say it, but if Dr. Mason's not here and the hospital's tanking, taxes are going up, we don't have the services of Dr. Mason. Guess what, you haven't heard the end of Dr. Mason, adding that he's not trying to make it a threat, he's trying to make it reality, he's trying to make it a financial warning but he has plenty of documentation that if he has to do a law suit, he will. He really doesn't want to, he wants to come back here. He wants to come back here and be peaceful. But, he has enough in his court to come up with a very strong case/law suit. Who knows, pay him for the three years that he got beat out of on a contract? Pay him for defamation? Who knows, it's not going to be pretty. So let's decide, are we going to take the high road or the low road? It's not just for Dr. Mason's benefit. He can go anywhere. We're taking the high road for our own benefit. We're doing this for us.

(Applause)

This is our only chance to get it done, we can't wait.

Thank you very much...

(Applause)

Chairwoman Ryan asked if any other Supervisor like to speak?

Supervisor Roberts, T/Genesee Falls stood to be recognized.

She said that she wanted to speak to Supervisor Kehl's comments directly toward her.

She stated they talked about the reasons they were letting Dr. Mason go several times but in multiple meetings they were told they were not allowed to know those reasons, the Board knew those reasons and that's all they needed to know. She was told that multiple times.

So, the last meeting they had as a group with the Supervisors the reasons were brought up and she asked many times, she asked, "where's the proof?" She wanted to see the proof. You put him on trial, where's the proof. And Supervisor Kehl, you could have said, "Luanne! Get your butt down to HR and look in that box."

Supervisor Kehl interjected that Mr. Farberman offered it here, in chambers, in Executive Session and said you are welcome to come down and look at the paperwork."

Supervisor Roberts asked if anyone else heard that.

Chairwoman Ryan tried to warn Supervisor Roberts about not discussing what took place in an Executive Session.

Supervisor Roberts, immediately rebutted with, “okay, I’ll give that to ya, I did not hear that.” She stated she asked multiple times during that meeting about that.

So now that this has happened she will do that. It’s late, the horse has been let out of the barn.

Thank you to Mr. Kunze for bringing up the Board’s approved when it goes to certain people and also the Board of Supervisors approved it. Not everyone on the Board approved it, okay? Some of us did not approve those decisions. We voted no, I was one of those people that said no you’re not getting rid of Frank Vitagliano.

She continued with, in the future, it didn’t look very good for the ortho department, it doesn’t look very good for the OB department. Is that next? That is her fear.

It’s been going for a long time, supporting OB just as much as they supported ortho. When we take a look at the finances, we depend on people that attend the Board of Managers meeting to come back to the Board and report to us what happened, adding that she’s never really heard any kind of detail from these meetings. She said she doesn’t listen in on Finance, as she’s not on that board, on that committee, she’s not allowed to vote.

In the future, when things get brought up at the Board of Supervisors’ meeting when the hospital is asking for money every single month, she’s probably gonna start thinking twice about saying yes to that request.

Thank you...

(Applause)

Chairwoman Ryan asked if any other Supervisor wished to be heard.

Supervisor Gozelski, T/Castile stood to be recognized.

Supervisor Gozelski stated that he appreciated Mr. Hans’ comments adding that he was right on. He said that he come out with a few of the facts that weren’t stated. And number one is why Dr. Mason was let go. Supervisor Gozelski stated that he was in full support of Mr. Leuer, beyond Ms. Roberts and Mr. Roche’s comments. They were dead right on in his opinion. And he would like here, a number of them are here that retired from the hospital. That’s what he looks at. He acknowledged being new, only starting January 1st, but when he has people call him up, 30, 40 or more years. He said he could go on and on. There are people that work there today and hear comments and why numerous people, workers, nurses, whatever, are gone from the hospital.

Another question, why did #2, another CFO, why are they leaving? We were just told the first, you know, Amy, left a letter. What was in that letter? Why did she leave? That question was asked by somebody in a previous meeting and the person did not know the answer in a previous meeting, why Amy left. The person asked, did not know the answer, okay? Why is someone making over \$300,000, all of a sudden, they’re gonna leave? The only thing that comes to his mind is

something sure is absolutely wrong, definitely wrong. Mr. Kunze stated a few of the facts adding that he likes to listen to him cuz he was dead on in his opinion.

(Applause)

Chairwoman Ryan stated just to answer the question on the CFO, that's a contract and it was an interim CFO and that contract will be finished in a couple months.

Supervisor Roche questioned the Board just extending that contract, didn't we?

Supervisor Roche clarified that the contract was extended through October but the CFO is leaving before the end of the contract. Chairwoman Ryan and Supervisor Kehl confirmed.

Again, Chairwoman Ryan asked for a motion to move the agenda items to Finance

Supervisor Davis, T/Covington stood to be recognized.

He offered that he wanted to address Hans' statements/facts as some of those were fiction adding that he can't get into those.

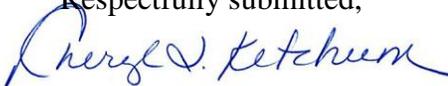
Again, if we want full disclosure, then fine, let Dr. Mason sue us, then it will come out in the courts and you'll get full disclosure. We would love to be able to tell people the reasons behind the contract being voided. However, because of Executive Session and attorney/client privilege we can't disclose those things. I know, some of the problems that we've had and I'm probably boarder line, stepping over the line but we've fired other people. Other people have been terminated for some of the things Dr. Mason did, so. In all fairness, you need to get the facts. You haven't got them yet.

Chairwoman Ryan thanked Supervisor Davis for his comments.

Chairwoman Ryan explained that she doesn't need a motion and ordered the agenda items moved to Finance so that it will be done properly and legally and it will be taken up in Finance.

There being no further business to come before this Board, Senior Supervisor Berwanger, T/Arcade, adjourned the meeting at 2:17 PM with a rap on his desk.

Respectfully submitted,



Cheryl J. Ketchum, ^{CMC}
Clerk to the Board