

REGULAR SESSION

TUESDAY, JULY 7, 2020

Chairman Gray called the meeting to order at 6:00 p.m.

ROLL CALL OF MEMBERS

All members present.

Public Hearing 2020-2021 JCC Budget

Chairman Gray called the public hearing to order at 6:01 p.m., no one present wished to make comments and the public hearing was closed.

PRIVILEGE OF THE FLOOR

Rick Weist, 355 Pawling Street, Watertown, who represented small business in general and the martial arts industry in particular, said he owns a martial arts business and after 18 years of building up his business it is in danger of closing because he was not allowed to be open for the last four months during the Covid-19 pandemic. The State's guidelines on businesses that are allowed to be open are voluminous and do not speak directly to the martial arts industry, and he came tonight with questions in that regard. Before the meeting started, he was informed that the public comment portion of the meeting was not a back and forth with legislators for questions and answers. However, Chairman Gray went back to his office and sent a text to the Governor's Office and got an answer, which was martial arts is considered high risk and could not open, and he appreciated that effort. His and other small businesses that he knows have abided by the rules and stayed closed, but he was angered by the fact that some larger businesses who have been allowed to open do not enforce the face mask or social distancing rules handed down by the Governor. He felt it should be a level playing field for all businesses, whether they are essential, a small business, or a Walmart and they all should follow the rules.

Jeffrey Stevens, Adams Center, retired from the Army after over 20 years in the military, was concerned about the long term ramifications of this pandemic, similar to war, suicides, unemployment, loss of businesses, etc. He objected to dividing people into essential or non-essential, he felt if you have a job you are essential, and suggested calling doctors and nurses critical care workers. He said out of about 360,000 people in our tri-county region only 7 people have died, who were all older than 65 with pre-existing conditions. If people have underlying health issues and are concerned about getting germs from others not wearing masks, he suggested they stay home. He felt the Constitution and the Bill of Rights should not be shutdown because we have a pandemic going on.

John Hall, 1381 Washington Street, Watertown and Chairman of the Jefferson County Democratic Committee recognized and thanked Board of Elections Commissioner (Democrat)

Babette Hall (no relation) noting that she will be retiring at the end of July after 25 years of service. He said the Committee continually nominated her because she has a strong commitment to following Elections Law and making the right decisions at the Board of Elections; the Committee was very proud of her response in the Watertown Mayoral election controversy last year and her efforts to bring the matter to a lawful conclusion. He wished her a happy retirement and thanked her for her work and commitment to Jefferson County residents. He also recognized Michelle LaFave who will be taking over for Ms. Hall, and encouraged legislators to approve her appointment. He said she rose through the ranks of the Board of Elections from inspector to Deputy Commissioner, she has an abundance of experience and will serve the voters of Jefferson County well in the Commissioner position. Chairman Gray congratulated Ms. Hall on a job well done.

Dr. Janice M. Gravely, 516 Fulton Street, Carthage, and 28 year retired veteran of the US Army thanked the Board for the opportunity to attend a meeting and see how things are done from a public policy perspective. She said there has been a lot of racial discord and diversity conversation in the Country recently and she would like to be considered for any local panels that were looking at diversity issues and ways to mitigate any concerns as she would be able to talk about things from a very inter-disciplinary perspective. She hoped to make a presentation to legislators in the near future relative to contractors and their current ability to function as contractors without training and licensing and the impact it is having, and she would provide specifics at that time.

Olivia Patterson, 18000 NYS Rt. 177, Adams Center and recent graduate of Belleville Henderson Central School addressed the Board concerning what was a very unusual senior year for students who were unable to experience events they looked forward to their entire academic career like prom, senior trip, senior sports season and most importantly a real graduation. She said school officials knew as of May 1st that school would no longer be in session for the rest of the year which gave them over a month of planning for graduation, knowing that social gathering guidelines were repeatedly changing. She objected to the fact that seniors were not included in any of the decision making for graduation and when at the beginning of June the Governor changed guidelines to include 150 people at graduation, but plans were already in place. She went to her State and County representatives and felt if they had brought the 2020 seniors' case to the Governor earlier and stuck with it, there would have been a change much sooner. She advocated for making timely decisions about opening college in August, and keeping students informed of those decisions.

Merredith George, Watertown, a Christian, mother to four daughters whose husband is a Marine Corp veteran and owns a small business, spoke on behalf of her family, friends, neighbors and community. She said some citizens feel they are not being represented properly, are afraid to speak out, and are not allowed to worship freely. People's lives and liberty have been put on New York pause, and some lives have been put on standstill per the Governor's Executive Order. She said one person should not have this kind of power, and laws are supposed to be changed by legislative bodies, not be edicts handed down at press conferences. She believes we are living under the rule of men, instead of living under the rule of law. She asked Board members to stand up for citizens freedoms as everyone is essential and one man should

not determine everyone's worth or value.

Tyler and Michelle Bartlett, Ridgeview Road, Watertown and owners of Can Am Speedway wanted to make information readily available to the Board and were looking to move forward together to figure out a solution, following a violation of New York Pause and cease and desist order issued by the County after a July 1st event at the Speedway that included fans. They respected the County's decision, and have been humbled by the outpouring of support from the community. Can Am closed voluntarily from April 11th to June 4th; they opened for race teams and essential employees only with a preregistration format on June 5, 12, and 19 strictly observing CDC guidelines, except plexiglass on the concession windows. That format is not sustainable for the duration of racing season for the Speedway. They are not a tourist attraction, they are not advocating for people to come from all over the State, they are advocating for the local race teams that support them weekly, except the Canadian race teams who are not able to attend because of the border being closed. Most of the race teams are geographically close to the Speedway, they are outdoors, they will limit capacity and observe all CDC guidelines.

Mrs. Bartlett listed the following race tracks that have opened with no limitation on spectators and have not received any government or political backlash: Fonda Speedway Fonda, NY at Montgomery County Fairgrounds (June 20, July 1, 4, and 5), Genesee Speedway, Batavia, NY at Genesee County Fairgrounds (July 4) Land of Legends Raceway, Canadaigua, NY at the Ontario County Fairgrounds (July 2), Thunder Mountain, Lyle, NY (June 20, July 4). They felt everyone should be treated the same. When Can Am did open on July 1st, it was under the decision of U.S. District Judge Sharp's injunction that reversed Governor Cuomo's decision to extend limitations on outdoor gatherings from July 1st - July 21st. After purchasing a ticket in a socially distanced line, guests were reminded of the rules, no re-entry, wear masks when moving about the facility to visit the concession and novelty stands, restroom, etc. Employees were told if there was non-compliance the person should be escorted from the facility. Seating was limited to 20% and also socially distanced and people were told they could only take their masks off when they were seated. Mr. & Mrs. Bartlett thanked the Board for their consideration and looked forward to working with the County for formal approval for them to open with spectators.

READING OF MINUTES OF LAST SESSION, IF REQUESTED

The minutes of the June Board Session stand approved in the absence of objection or correction.

PETITIONS, NOTICES AND COMMUNICATIONS

None.

REPORTS OF STANDING COMMITTEES

The Finance & Rules Committee reported favorably on resolutions referred from other jurisdictional committees.

REPORTS OF COUNTY OFFICERS AND OTHERS:

The County Treasurer provided a report on Investment and Cash in Banks as of May 31, 2020.

The County Administrator provided a report on Budget Transfers for June, 2020.

The County Auditor provided a report on Erroneous Assessments for June, 2020.

LOCAL LAWS, RESOLUTIONS AND MOTIONS

Resolution No. 140

Adopting the 2020-2021 Jefferson Community College Budget

By Legislator: Patrick R. Jareo

Whereas, Pursuant to Section 357 of the County Law, the Finance and Rules Committee of this Board has reviewed the requested 2020-2021 Jefferson Community College Budget.

Now, Therefore, Be It Resolved, That pursuant to Section 360 of the County Law, said Budget be and is hereby adopted as the Budget of Jefferson Community College for College Fiscal Year 2020-2021, and be it further

Resolved, In accordance with the 2020-2021 Jefferson Community College Budget, the County of Jefferson will provide a Sponsor Contribution in the amount of \$5,262,179 and thereby approving a total operating expenditure for the JCC Budget of \$25,793,215.

Resolved, That this resolution shall take effect September 1, 2020.

Seconded by Legislator: James A. Nabywaniec

All members present voted aye.

Resolution No. 141

Appropriation for the Conduct of Jefferson Community College for Fiscal Year 2020-2021

By Legislator: William W. Johnson

Whereas, This Board, by Resolution No. 140 of 2020 adopted a budget for Jefferson Community College for Fiscal Year 2020-2021.

Now, Therefore, Be It Resolved, That pursuant to Section 360 of County Law, the several

amounts specified in such budget are hereby appropriated for the objects and purposes specified, and be it further

Resolved, That this resolution shall take effect September 1, 2020.

Seconded by Legislator: Robert W. Cantwell, III

All members present voted aye.

Resolution No. 142

Appointing Members to Jefferson Community College Board of Trustees

By Legislator: William W. Johnson

Resolved, That, pursuant to Section 6306 of the Education Law, the following individuals be and are hereby appointed to the Jefferson Community College Board of Trustees for a terms to expire as indicated.

| <u>Name</u> | <u>Term</u> |
|------------------|-------------|
| Nathan P. Hunter | 6/30/2027 |
| Terry N. Fralick | 6/30/2027 |

Seconded by Legislator: Robert W. Cantwell, III

All members present voted aye.

Resolution No. 143

Authorizing the Vacating of Judgment of Foreclosure for Owners of Certain Parcels of Real Property and Discontinuance of Foreclosure Proceeding.

By Legislator: James A. Nabywaniec

Whereas, Pursuant to Section 1.6 of the Administrative Regulations for the Sale of Real Property Acquired by the County Pursuant to Real Property Tax Foreclosure Proceedings, certain owners of foreclosed properties have tendered offers to re-purchase County's right of foreclosure obtained in certain Tax Foreclosure proceedings, by depositing in trust with the County funds in an amount equal to all the tax, penalties, and interest, together with the County's established administrative fee, and

Whereas, The said owners and the amounts deposited are set forth in Exhibit "A" which is hereby incorporated herein, and made a part hereof.

Now, Therefore, Be it Resolved, that Pursuant to Section 1.6 of the Administrative Regulations

for the Sale of Real Property Acquired by the County Pursuant to Real Property Tax Foreclosure Proceedings, the Board of Legislators does hereby approve of the re-purchase of the County's right of foreclosure to those individuals set forth in Exhibit "A", in considerations of the amounts paid by such individuals as shown on said Exhibit, and be it further

Resolved, That the County Attorney is hereby authorized to file with the Court a motion seeking an Order to vacate the Judgement of Foreclosure, discontinuing the *in rem* tax foreclosure action and cancelling the Notice of Pendency of such action in regard to the respective parcel(s) of property.

Seconded by Legislator: Patrick R. Jareo

EXHIBIT A

Jefferson County Delinquent Tax Buybacks

| TOWN | PARCEL# | NAME |
|--------------|---------------|-------------------------------------|
| Adams | 99.00-1-74 | Instate Properties #2 LLC |
| Cape Vincent | 59.12-1-53.8 | Gould, George H. IV & Lori Gould |
| Cape Vincent | 59.12-1-53.3 | Gould, George H. IV & Lori Gould |
| Henderson | 105.13-1-31.1 | Hennessy, Richard A., Jr. |
| Hounsfield | 89.00-1-68.1 | Sackets Harbor Realty Corp |
| Leray | 55.00-1-1.4 | Scheffner, Susan M. & Mark F. |
| Theresa | 45.11-1-22.1 | Scheffner, Susan |
| Theresa | 45.11-1-22.2 | Scheffner, Susan |
| Theresa | 33.00-2-13.3 | US Bank Trust NA Trustee |
| Theresa | 33.00-2-13.2 | US Bank Trust NA Trustee |
| Wilna | 86.33-5-39 | Shampine, Stuart & Shampine, Nickki |

All members present voted aye.

Resolution No. 144

Concurring in Settlement of Tax Certiorari Proceedings and Authorizing Refund of Taxes in Connection Therewith (Madison Barracks, LLC).

By Legislator: Patrick R. Jareo

Whereas, Pursuant to Article 7 of the Real Property Tax Law, Madison Barracks, LLC, commenced court proceedings to obtain reductions of the assessed valuation of property in the Town of Hounsfield, and

Whereas, The Town of Hounsfield has reached a settlement of the proceedings with regard the following tax map parcels, with proposed assessed values as follows:

| <u>Parcel No.</u> | <u>Original Assessment</u> | <u>Reduced Assessment</u> | <u>Refund (2019 & 2020)</u> |
|-------------------|----------------------------|---------------------------|---------------------------------|
| 81.77-1-1.12 | \$783,600 | \$705,240 | \$1,556.92 |
| 81.77-1-1.13 | \$257,000 | \$231,300 | \$ 510.63 |
| 81.77-1-1.14 | \$215,000 | \$193,500 | \$ 427.17 |
| 81.77-1-1.15 | \$ 98,000 | \$ 88,200 | \$ 194.72 |
| 81.77-1-1.16 | \$562,300 | \$506,070 | \$1,117.22 |
| 81.77-1-1.3 | \$845,800 | \$761,220 | \$1,680.51 |
| 81.77-1-1.4 | \$432,800 | \$389,520 | \$ 859.92 |
| 81.77-1-1.5 | \$170,000 | \$153,000 | \$ 337.77 |
| 81.77-1-1.6 | \$464,700 | \$418,230 | \$ 923.30 |
| 81.77-1-1.7 | \$177,600 | \$159,840 | \$ 352.87 |
| 81.77-1-1.82 | \$991,800 | \$892,640 | \$1,970.59 |
| 88.28-1-64 | \$467,700 | \$420,930 | \$ 929.26 |
| | | Total | \$10,860.88 |

Whereas, the amount of the refund exceeds the authorization of the County Auditor and Treasurer to pay refunds of up to \$5,000.00 without the approval of the Board of Legislators.

Now, Therefore, Be It Resolved, That Jefferson County concurs in the settlements as outlined herein above, and be it further

Resolved, That the County Treasurer is hereby authorized and directed to make appropriate refund as set forth above and to charge back the taxing jurisdiction in accordance with the settlement and Real Property Tax Law §727.

Seconded by Legislator: James A. Nabywaniec

All members present voted aye.

Resolution No. 145

Authorizing Agreement for Performance of a Single Audit of Jefferson County

By Legislator: William W. Johnson

Whereas, The Federal Single Audit Act of 1984 requires that Jefferson County retain an independent accountant to perform a Single Audit of the County in accordance with Federal Office of Management and Budget Circular A-128, and

Whereas, Pursuant to Resolution 198 of 2015, this Board authorized an agreement with Drescher & Malecki, LLP in response to a request for proposals, and

Whereas, The Treasurer has recommended extending for at least one more year this audit

engagement.

Now, Therefore, Be It Resolved, That Jefferson County enter into an agreement with the firm of Drescher & Malecki, LLP for the performance of a Single Audit of Jefferson County in accordance with Federal Office of Management and Budget Circular A-133 or such other regulations and requirements as may be made applicable by the Federal government. Said agreement shall be for performance of a Single Audit of Jefferson County for County fiscal year 2020 with an option for 2021 and 2022 unless prior notice is given by either party thirty days prior to the close of the fiscal year to be audited. Consideration to be paid to Drescher & Malecki, LLP shall be \$56,500 for 2020 and the options of 2021 and 2022, and be it further

Resolved, That the Chairman of the Board of Legislators is hereby authorized and directed to execute such agreement on behalf of Jefferson County.

Seconded by Legislator: Patrick R. Jareo

All members present voted aye.

Resolution No. 146

Appointing Election Commissioner

By Legislator: James A. Nabywaniec

Resolved, That pursuant to Section 3-204 of the Elections Law, Michelle LaFave, Democrat, be and hereby is appointed as Election Commissioner of the County of Jefferson for a term effective August 1, 2020 and ending December 31, 2020.

Seconded by Legislator: Allen T. Drake

All members present voted aye.

Chairman Gray congratulated Ms. LaFave on her appointment, and offered Ms. Hall good luck in her retirement.

Resolution No. 147

Authorizing Appointments and Reappointments to the Jefferson-Lewis Workforce Development Board

By Legislator: William W. Johnson

Whereas, The Workforce Innovation and Opportunity Act of 2014, Public Law 113-128, requires that there be established a local Workforce Development Board (WDB) to oversee local job training services and activities, and

Whereas, Chapter 2, Section 107(a)(b) of the Workforce Innovation and Opportunity Act authorizes the establishment, membership, and composition of the local Workforce Development Board, and

Whereas, Chapter 2, Section 107(c) of the Workforce Innovation and Opportunity Act authorizes the appointment and certification for local Workforce Development Board membership, and

Whereas, The Counties of Jefferson and Lewis seek to appoint individuals to the local Workforce Development Board who have interest and experience in the delivery of local workforce development services.

Now, Therefore Be It Resolved, That the Board of Legislators hereby authorizes the following appointments/reappointments to the Workforce Development Board for terms as indicated:

| <u>Member</u> | <u>Term to Expire</u> |
|---|-----------------------|
| Reappointments | |
| <u>Jefferson County Representatives</u> | |
| Matthew Cooper, Barton & Loguidice | 6/30/2023 |
| Marybeth LaVallee, Knowlton Technologies | 6/30/2023 |
| Jody Pettit, Hilton Garden Inn | 6/30/2023 |
| Lynn Pietroski, The ARC of Jefferson & St. Lawrence | 6/30/2023 |
| <u>Lewis County Representatives</u> | |
| Shellie Orloff, Qubica AMF | 6/30/2023 |
| New Appointments | |
| <u>Lewis County Representatives</u> | |
| Brittany Davis, Lewis County Economic Development | 6/30/2023 |

Seconded by Legislator: Patrick R. Jareo

All members present voted aye.

Resolution No. 148

Amending 2020 County Budget in Relation to Employment & Training Department

By Legislator: Allen T. Drake

Whereas, The Jefferson-Lewis Workforce Development Board has been awarded an additional \$182,382.43 in Trade Act Adjustment Assistance Program funds from Federal fiscal year 2018, and

Whereas, The 2020 County Budget must be amended to accept this New York State funding and

appropriate it for clients training and relocation.

Now, Therefore, Be It Resolved, That the 2020 County Budget is amended as follows:

Increase:

Revenue

| | | |
|----------------|----------------------|--------------|
| 25634000 94616 | Fed Aid Job Training | \$182,382.43 |
|----------------|----------------------|--------------|

Expense

| | | |
|-----------------|------------------|--------------|
| 25634000 046132 | Clients Training | \$182,382.43 |
|-----------------|------------------|--------------|

Seconded by Legislator: Robert W. Cantwell, III

Roll Call Vote

Ayes: Reed, Nabywaniec, Calarco, Maxon, Cantwell, McBride, Grant, Ferris,
Montigelli, Peck, Jareo, Johnson, Drake, Doldo, Gray

Resolution passed.

Resolution No. 149

Approval of Request for Renewal of a Lease Agreement between the Thousand Islands Bridge Authority and the New York State Department of Transportation for Air Space at the Thousand Islands Crossing

By Legislator: Patrick R. Jareo

Whereas, On or about May 17, 1979, the Thousand Islands Bridge Authority (the "Authority") entered into a lease agreement (hereinafter "Lease") with the People of the State of New York, for the lease of certain airspace located within the highway right of way of Interstate 81, Town of Orleans, Jefferson County (the "Leased Premises"), for the purpose of providing for parking in and around the duty free store at the Thousand Islands Bridge crossing; and

Whereas, The Lease was for an initial term of twenty (20) years, with the option to renew for like terms upon written notice by the Authority at least ninety (90) days prior to expiration of the Lease; and

Whereas, The rental payment for the Leased Premises was initially at the annual rental amount of \$2,400.00 per year, with a provision that the rental amount be adjusted at the expiration of every ten (10) year period on the then appraised value of the Leased Premises; and

Whereas, The current rental for the Leased Premises is \$3,000.00 per year, with the next adjustment to occur in the year 2025; and

Whereas, Pursuant to the New York State Public Authorities Law, Title 3, Article 4, Section 578 (4), no lease shall be made by the Authority for a term of greater than ten years without the prior express and formal approval and consent of the Board of Legislators; and

Whereas, The Authority wishes to renew the Lease for a term of twenty (20) years, and the Board of Legislators deems the renewal of such Lease to be in the best interests of the Authority as it is required for the continued operation of the duty free store at the Thousand Islands Crossing which is leased to a private operator.

Now, Therefore, Be It Resolved, That the Board of Legislators hereby approves and consents to the request of the Thousand Islands Bridge Authority to renew its Lease with the State of New York through the New York State Thruway Authority for a period of twenty (20) years in accordance with the requirements of the New York State Public Authorities Law, Title 3, Article 4, Section 578 (4); and it is further

Resolved, That the Authority is hereby granted permission to renew the Lease as set forth herein as its proper act and deed.

Seconded by Legislator: Robert W. Cantwell, III

All members present voted aye.

Resolution No. 150

Authorizing Agreements with the Federal Aviation Administration, Emerging Growth Enterprise LLC dba NoFoam Systems, and McFarland Johnson, Inc. in Relation to the Watertown International Airport Aqueous Film-Foaming Foam Testing Equipment, SEQR Determination Related There to and Amending the 2020 County Budget and Capital Plan

By Legislator: Robert D. Ferris

Whereas, The Watertown International Airport anticipates a Federal Aviation Administration (FAA) grant this year for purchasing a Aqueous Film-Foaming Foam Testing Equipment, as identified in the County's Airport Capital Improvement Plan, and

Whereas, The Watertown International Airport is a 14 CFR Part 139 airport, and regulations require the airport to use Aqueous Film-Foaming Foam in response vehicles and to be tested on a routine basis, and

Whereas, Due to increasing environmental concerns the FAA has issued Policy Guidance Letter 19-01: on Aqueous Film Foaming Foam and that has determined equipment is eligible for funding under the Airport Improvement Program, and

Whereas, The FAA is anticipated to provide a grant for \$40,225 for said project, and

Whereas, The Coronavirus Aid, Relief, and Economic Security (CARES) Act by United States Government has authorized the funding from the Airport and Airway Trust fund for the FAA Airport Improvement Program Fiscal Year 2020 at 100%, with no State or Local share, and

Whereas, McFarland Johnson, Inc., the County's airport consultant, has prepared the bid documents and coordinated the bidding process and recommends that the low bidder, Emerging Growth Enterprise LLC dba NoFoam Systems, be awarded the purchase contract in the amount of \$31,771.53, and

Whereas, It is necessary to authorize agreements with Emerging Growth Enterprise LLC dba NoFoam Systems in the amount of up to \$31,771.53 for the equipment and with McFarland Johnson, Inc. for conducting the administrative and bid services in the amount of \$5,000, and

Whereas, The County is expected to incur \$3,453.47 in reimbursable administrative and preliminary expenses in relation to the project, and

Whereas, A Categorical Exclusion Determination was prepared and approved by the Federal Aviation Administration in accordance with the National Environmental Protection Act and a subsequent review was completed pursuant to 6 NYCRR Part 617 in relation to the State Environmental Quality Review Act (SEQR), and

Whereas, The project consists of equipment acquisition, and determined not to have a significant environmental impact.

Now, Therefore, Be it Resolved, Pursuant to 6 NYCRR sec. 617.5, Jefferson County hereby determines the proposed improvements are classified as a Type II Action and the project is determined to not have a significant adverse environmental impact, and be it further

Resolved, That Jefferson County enter into agreements with FAA to accept said grant funds in the amount of \$40,225, and be it further

Resolved, That Jefferson County enter into agreements with McFarland Johnson in the amount of \$5,000 for services and Emerging Growth Enterprise LLC dba NoFoam Systems in the amount of \$31,771.53 for equipment, and be it further

Resolved, That the Chairman of the Board of Legislators, upon award of the FAA Grant, is hereby authorized and directed to execute said agreements on behalf of the County, including any changes orders as recommended by the Airport Manager and County Administrator not to exceed the funding available, subject to review of the County Attorney as to form and content, and be it further

Resolved, That the 2020 County Budget is hereby amended as follows:

Increase:

Revenue
20900600 94589 Federal Aid – FAA \$ 40,225

Expenditure
20561000 02092 ARFF Vehicle \$ 40,225

and be it further

Resolved, That the six year capital plan is amended accordingly.

Seconded by Legislator: Robert W. Cantwell, III

Roll Call Vote

Ayes: Grant, Johnson, Cantwell, McBride, Drake, Jareo, Ferris, Peck, Montigelli, Reed,
Maxon, Doldo, Nabywaniec, Calarco, Gray

Resolution passed.

Resolution No. 151

**Amending the 2020 County Budget in Relation to Jefferson County's
Housing Improvement Program**

By Legislator: Jeremiah J. Maxon

Whereas, Jefferson County currently has Community Development Block Grant (CDBG) 2018 and 2019 Housing Awards, from the New York State Office of Community Renewal (OCR) to implement and administer a county-wide Housing Improvement Program, and

Whereas, By Resolutions 117 and 218 of 2019 this Board of Legislators adopted Local Guidelines and Administrative Procedures for implementation and local administration of the 2018 and 2019 CDBG Housing Awards, and

Whereas, Said Guidelines include a requirement that if an owner-occupied unit rehabilitated by CDBG funds through this program is sold within five years of receiving such funds, the owner must make a pro-rata reimbursement to the County, and

Whereas, The County has submitted a CDBG Income Report for the period 04/01/2019 to 03/31/2020 to OCR, and

Whereas, The County has received clearance from OCR to retain recaptured CDBG funds in the amount of \$29,822.81 and the 2020 County Budget must be amended to recognize this revenue and appropriate it to the proper account.

Now, Therefore, Be It Resolved, That the 2020 County Budget is hereby amended as follows:

Increase:

| | | |
|----------------|--|--------------|
| Revenue | | |
| 30866800 92170 | Community Development Recapture Income | \$ 29,822.81 |
| Expense | | |
| 30866800 04021 | Community Housing Rehabilitation | \$ 29,822.81 |

Seconded by Legislator: Daniel R. McBride

Roll Call Vote

Ayes: Maxon, Calarco, Cantwell, Ferris, Doldo, Montigelli, Reed, McBride, Drake, Nabywaniec, Jareo, Johnson, Grant, Peck, Gray

Resolution passed.

Resolution No. 152

Authorizing Jefferson County to be Lead Agency under the State Environmental Quality Review Act for the Purpose of the 2020 Jefferson County Snowmobile Trail GPS Update and Minor Reroutes Pursuant to NYS Snowmobile Grant-In-Aid Program, and Making a Determination of Non-Significance

By Legislator: Robert W. Cantwell, III

Whereas, Article 27 of New York State Parks, Recreation and Historic Preservation Law establishes a mechanism for allocating funds to local governmental sponsors for the development and maintenance of snowmobile trails designated as part of the State Snowmobile Trail System, and

Whereas, Having reviewed the criteria contained in 6NYCRR, Section 617.7, Jefferson County finds that there will be no significant adverse environmental impact resulting from the digital update, minor reroutes and addition to the snowmobile trails through Jefferson County, and

Whereas, Jefferson County Board of Legislators passed Resolution No. 76 of 2020, establishing an annual budget for funds awarded from New York State Parks, Recreation and Historic Preservation for maintenance services to be performed by each snowmobile club pursuant to an annual agreement governed by New York State Parks, Recreation and Historic Preservation program requirements, and

Whereas, It is the County's intent to support the development and maintenance of snowmobile trails as an important economic and recreational resource for Jefferson County, and

Whereas, An Environmental Assessment Form (EAF) has been completed which reviews potential environmental impacts and determines that no significant impacts will occur.

Now, Therefore, Be It Resolved, That Jefferson County shall assume lead agency status for this action pursuant to SEQR and has determined that this is an unlisted action and will not have any adverse environmental impacts, and be it further

Resolved, That the Chairman of the Board of Legislators is hereby authorized to sign the Environmental Assessment Form\ Determination of Significance and forward same to all involved agencies.

Seconded by Legislator: Robert D. Ferris

All members present voted aye.

Resolution No. 153

Authorizing FY 2019 Operation Stonegarden Grant Agreement and Amending the 2020 County Budget in Relation Thereto

By Legislator: Robert D. Ferris

Whereas, The Sheriff's Department has been awarded a \$113,832.50 FY19 Operation Stonegarden Program Grant (CFDA 97.067) from the New York State Office of Homeland Security (NYSOHS) for the purpose of increasing security at the border, and

Whereas, Said funds will be used for border security operations and provide for overtime payments for various details of the Sheriff's Department, Village of Alexandria Bay and Village of Clayton Police Departments, and

Whereas, Said grant requires an agreement with the NYSOHS, and possibly with other involved police agencies, and

Whereas, The 2020 County Budget must be amended to recognize the revenue and appropriate it to expenditure accounts.

Now, Therefore, Be It Resolved, That this Board of Legislators enter into an agreement with the NYSOHS to accept the grant as described above, as well as any other agreements with involved police agencies necessary for the grant's programs, and that the Chairman of the Board is hereby authorized and directed to execute said agreements on behalf of Jefferson County, subject to the review and approval of the County Attorney as to form and content, and be it further

Resolved, that the 2020 County Budget is hereby amended as follows:

Increase:

| | | |
|-----------------|-------------------------------------|--------------|
| Revenue: | | |
| 01311000 943201 | Federal Homeland Security - Sheriff | \$113,832.50 |

| | | |
|-----------------|-----------------------------------|--------------|
| Expenditures: | | |
| 01311400 01300 | Overtime | \$ 28,950.00 |
| 01311400 02100 | Equipment | 64,152.50 |
| 01311400 04114 | Maintenance/Repair | 4,000.00 |
| 01311400 043101 | Internal Fleet Expense | 3,630.18 |
| 01311400 04311 | Gasoline & Oil | 1,814.82 |
| 01311400 04428 | Public Safety - Other Governments | 2,000.00 |
| 01311400 08010 | Retirement | 4,409.45 |
| 01311400 08030 | Social Security | 3,691.72 |
| 01311400 08040 | Workers Comp. | 1,183.83 |

Seconded by Legislator: Robert W. Cantwell, III

Legislator Maxon said the largest purchase with this Stonegarden grant is for automated license plate scanners and they do more than just scan your license plate, they take a photo of your car, the occupants in your car, the time, date, place, the direction of your travel and your speed. He said over time as you drive by these cameras the government is able to build a very detailed profile of what you do on a day to day basis, where you go and where you spend your time and money. The vendors of the equipment advertise the fact that you can pair them with other data bases for various purposes. He said the amount and detail of information the government can gather is chilling. He cited various ways that this kind of data has been misused by the government throughout the country to target certain individuals. Most troubling to him is the data does not stay in the police car, or on the pole, it is centralized and given to private companies through regional sharing systems (insurance companies, repossession companies, etc).

Legislator Maxon didn't know if that would happen with this equipment as he didn't receive any additional information and when he did ask the Sheriff a couple years ago she referred him to the State who had no information. Rather than saving lives, rather than preventing terrorism, the scanners are used to collect money from people. He expanded that observation to say that locally early on in the pandemic we centralized COVID-19 data bases and we saw in our own County police officers and government agents were willing to misuse their access to identify COVID-19 positive patients. Legislator Maxon said the resolution would expand surveillance of residents by the government without a compelling reason and he would not support it, and urged legislators not to support it either.

Legislator Jareo expressed reservations, as he has in the past, concerning the constitutionality of the way the Stonegarden money is spent. In this instance spending \$64,000 on license plate readers to track and collect data from our citizens is egregious, and said he would not support the resolution.

Roll Call Vote

Ayes: Reed, Drake, Nabywaniec, Montigelli, Gray

Nays: Maxon, Johnson, Peck, Jareo, Calarco, Doldo, Ferris, Cantwell, Grant, McBride

Resolution defeated.

Resolution No. 154

Accepting Gift of Motor Vehicles from the State of New York for Use in Law Enforcement

By Legislator: Robert D. Ferris

Whereas, Four motor vehicles have become available for donation to Jefferson County for use in law enforcement purposes.

Now, Therefore, Be It Resolved, that pursuant to Section 215 of the County Law, this Board of Legislators does hereby gratefully accept said donation.

Seconded by Legislator: Robert W. Cantwell, III

All members present voted aye.

Resolution No. 155

Authorizing Agreement for Early Warning Wastewater Surveillance Platform in Relation to COVID-19

By Legislator: Anthony J. Doldo

Whereas, The Jefferson County Public Health Service is active in mitigating transmission of the COVID-19 virus, educating the public and minimizing exposure, and

Whereas, Knowledge of the extent of community spread of the virus allows informed decision-making for response measures, and

Whereas, An early warning surveillance platform has been developed to detect the COVID-19 virus in a wastewater system typically 7 to 14 days before an infected resident exhibits symptoms, and

Whereas, The Quadrant Biosciences, Inc. platform provides transmission trends of COVID-19 virus in real-time, and makes the data available to the public, thus enhancing mitigation of transmission, community notification and education by Public Health, and

Whereas, One weekly wastewater specimen from the City of Watertown will provide a good representation of activity in the County at a cost of \$250/sample.

Now, Therefore, Be It Resolved, That Jefferson County enter into an agreement with Quadrant Biosciences, Inc. for the period of July 8, 2020 through December 31, 2021, and be it further

Resolved, That the Chairman of the County Board of Legislators is hereby authorized to execute said agreement with Quadrant Biosciences, subject to approval by the County Attorney as to form and content.

Seconded by Legislator: James A. Nabywaniec

All members present voted aye.

Resolution No. 156

Accepting Funding and Authorizing an Agreement in Connection With Public Health Emergency Preparedness Program

By Legislator: Anthony J. Doldo

Whereas, The Jefferson County Public Health Service has been reallocated \$88,073 for a 1 year term renewal from the Centers for Disease Control (CDC) and Health Research, Inc. (HRI) of the New York State Department of Health (NYSDOH) for the period 07/01/20-06/30/21 to improve its capacity to address Public Health Emergency Preparedness (PHEP) functions, and

Whereas, The Public Health Service will use these funds to further develop its plan and improve capacities to respond to public health threats pursuant to guidelines developed by CDC and the NYSDOH, and

Whereas, The PHEP Plan and other improvements will require use of existing personal services authorized in the 2020 County Budget, purchase of certain equipment and payment of operating expenses, all to be 100% funded by the grant.

Now, Therefore, Be It Resolved, That Jefferson County hereby again accepts such funding covering the period of July 01, 2020, through June 30, 2021, contingent on continued state and federal funding, and authorizes the Chairman of the Board of Legislators to sign any and all documents necessary to accept such funding and to execute a renewal agreement with HRI/NYSDOH, subject to approval by the County Attorney as to form and content.

Seconded by Legislator: Jeremiah J. Maxon

All members present voted aye.

Legislator Jareo suggested the Board have discussions about how the County is going to deal with Executive Order enforcement. He said our businesses owners have been hurt enough they do not need County agencies enforcing New York State Executive Orders that shouldn't even be applicable in Jefferson County. He said we need clear direction on how to proceed with

enforcement as businesses as we should not be going in and assessing fines on businesses that are someone's life work and are on the edge of failure.

Legislator Drake asked what exactly the County's role is in enforcing the Executive orders and what powers we have to do that.

County Attorney Paulsen said since the beginning of March the County has been under a State of Emergency (SOE) at the State level declared by Governor Cuomo that covers the whole State and at the local level declared by Chairman Gray covering Jefferson County. This is provided for by Article 2B of Executive Law. Having declared a SOE, Emergency Orders or Executive Orders may be issued under either of those SOEs; Jefferson County has not issued any Executive Orders or Emergency Orders; New York State has issued numerous Executive Orders. As the speakers pointed out today, they are confusing, opaque, and difficult to follow even for those of us who try and do it on a day to day basis. They are the law in the State because the Governor has the authority to issue them under the SOE. The Legislature has amplified on his authority by a bill that was passed at the beginning of March. Ordinarily he would only have the authority to suspend a statute, local law, ordinance, order, rule or regulation; but that bill amended Executive Law to allow him to issue directives as well, and most of the activity we are hearing complaints on now are from his issuing directives (limiting the size of crowds, shutting down businesses). Executive Orders generally lack enforcement provisions, there is an exception for local executive orders that would be issued at the County level; violation of those orders are a Class B misdemeanor. Those issued by the Governor don't have a specific penalty attached to them, therefore what the Governor has done, through his power to make directives, tied in violation of Executive Orders with other existing laws and he has done that in three ways:

- **Executive Order 202.11** - Any violation of any order limiting the operation of any type of facility or number of persons allowed at the facility to be deemed a violation of the State Uniform Fire & Building Code that is enforceable by the local jurisdiction; that may be at the town/village level, but Jefferson County enforces it for quite a few of its towns. This is the provision that was involved with Can Am Speedway violation.
- **Executive Order 202.14** - Violation of any directives on or after April 7, 2020 to be punishable as a violation of Public Health Law 12B, which is a criminal sanction; Class A misdemeanor, enforceable by (any) law enforcement town, village, Sheriff or State Police.
- Delegated authority to the Commissioner of Health to issue regulations and guidance on specific issues, and violation of this guidance is a violation of Section 12, 12B of the Public Health Law; misdemeanor, enforceable by law enforcement.

County Attorney Paulsen said the aforementioned is why enforcement at the local level is applicable and is not something that can be ignored by local officials. To do so would be a violation of their Oath of Office to uphold the Laws of the State of New York and the Constitution. He said there are other enforcement mechanisms that the State has; various permits that the State issues that can be jeopardized by failure of a businesses or individuals to lose the privileges they have under the permits (Alcohol & Beverage Control Board, Health permits for eating establishments, etc.) As far as this Board, we are pretty much stopped from taking any action to hinder enforcement at any level.

Legislator Montigelli asked if all the other counties who have speedways in them are subject to the same Executive Order as Jefferson County. Attorney Paulsen confirmed that they are all subject to the same Executive Order, and last Friday the Governor issued a new Executive Order continuing his prohibition on spectators at race track events through August 2nd, statewide. He mentioned this to the Speedway when he communicated with them last week, and they mentioned a Federal Court ruling which, according to the position, does not apply to their type of business. He said there was an effort by an attorney allegedly representing a Speedway Association to try to get an order from that Federal Judge clarifying that it does apply to raceways in the State and that attempt was denied by the Judge.

Legislator Ferris said everyone wants to see everything go back to normal and we are following the rules, but the virus is not as bad here as it is other places. He frequently talks to business owners who are getting frustrated, some are at a boiling point and others are finding ways around the rules. He appreciated everything Chairman Gray has done, but if there is any way for us to move forward safely, faster we need to do it.

Legislator Maxon asked if actions toward the Speedway were in reference to Executive Order (EO) 202.11, and Attorney Paulsen said if we took affirmative action, that would be one of the options we have. Legislator Maxon read part of EO 202.11 with regard to enforcement and it says the County is *authorized* to conduct enforcement, it does not say the County *shall* enforce it, and said he would like to see State enforcement of the order. Attorney Paulsen agreed and has reached out to the Attorney General's Office to coordinate with them and that effort is ongoing.

Legislator Drake said Chairman Gray is doing a wonderful job, but it needs to be a level playing field for businesses throughout the State and we should be looking to the State for direction and enforcement. Chairman Gray said they are very persistent and work on parity and consistency with the State constantly.

Legislator Nabywaniec said the speakers tonight were eloquent and he has respect for where everyone is coming from, but it is a result of the SOE and the Governor having all this power given by the Legislature, and is a function of one party rule. He said everyone is frustrated at the local level and we don't want to see businesses hurt. He encouraged Attorney Paulsen to keep working on the State; he complimented Chairman Gray and Administration for the ongoing updates to keep everyone informed, with things ever changing. He was not in favor of saying tonight not to enforce the EOs, he encouraged getting more information on what other counties are doing and work collectively together to make good decisions to work through the process.

Legislator Doldo said there is a lot of confusion out there with different counties, different rules and regulations and we as lawmakers know our area and should be making choices for our area and looking to the State if we need help. He said the Governor took on too big of a task as he doesn't know all the areas of the State; he hoped this never happens again, but in the future if it happens there is great staff that the Board can talk to and get direction from to make decisions, the Governor should not be making all these decisions all on his own. He appreciated what everyone (staff, Administration, employees) has done so far and said we need to communicate to the Governor that enough is enough and we need to move forward for what is

best for our area.

Chairman Gray encouraged legislators to reach out to their State Legislators as in Article 2B, Section 29B there is a provision for concurrent resolutions that they can sponsor and write without the Governor's signature and they can request the roll back of any of the EOs.

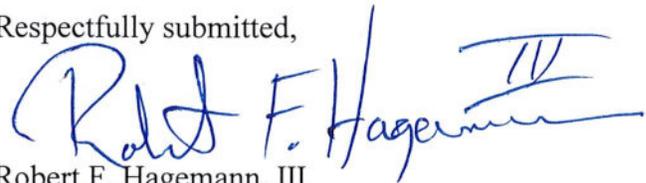
Legislator Peck asked if there was any plan for reopening businesses that are left out of the current phase we are in, and asked about travel guidelines. Chairman Gray said large gathering events are still a concern right now (malls, racetracks, gyms, etc.) but they are on the docket to be addressed and reopened, however there is no time line for that at this point. He added that guidance for travel to and from other states is posted online.

Legislator Montigelli observed that most of our discussion this evening is about business, and this is a public health crisis that has turned into a business crisis.

Legislator Reed appreciated the level of communication during this crisis, but said we should get our State representatives involved as we have not heard a lot from them. He said other dirt tracks have run with no recourse, and Mr. Bartlett tried to go by the rules and received a cease and desist order, but there is no guidance from the State. He also voiced objections concerning fireworks that were in New York City, as he called and asked for direction about fireworks, and they didn't say you couldn't have fireworks, but guidance didn't come out until July 3rd. The businesses that have fireworks and depend on that revenue have to make those decisions two or three weeks beforehand and it is not fair that direction came out at the last minute. The State needs to get involved and enforce their own policies. He appreciated calls from Chairman Gray and Attorney Paulsen about businesses in his district and he was trying to handle those himself by not coming down heavy handed, but say we have to get through this together.

There being no further business of the Board, on a motion by Legislator Maxon seconded by Legislator Ferris and unanimously carried, the meeting was adjourned at 7:15 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Robert F. Hagemann, III". The signature is written in a cursive style with a large "R" and "H".

Robert F. Hagemann, III
Clerk of the Board