

**SPECIAL SESSION**

**TUESDAY, JUNE 15, 2021**

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

**ROLL CALL OF MEMBERS**

All members present except Legislators Montigelli and Jareo.

**PRIVILEGE OF THE FLOOR**

None.

**LOCAL LAWS, RESOLUTIONS AND MOTIONS**

Chairman Gray turned the floor over to County Attorney David Paulsen for background on the resolution to be presented. Mr. Paulsen stated that this matter goes back approximately one year when they learned that the Small Business Solution Center, LLC of Saratoga Springs was in the process of trademarking the name Career Jam, a name that Employment and Training has used since 2014. He stated that January 2021 negotiations became more substantive and frequent and on May 20<sup>th</sup> he learned that a settlement was in the near term. At that point outside counsel questioned when this could be authorized by this Board because July 4<sup>th</sup> is the filing deadline at the federal patent and trade office for any objections. Mr. Paulsen communicated with Administration the options that Jefferson County had and it was decided to have a special board meeting to meet the deadline. He advised that he did not learn of the settlement amount until after the June Board Session, and that this is a reasonable settlement that is being recommended to the board. With approval of the board it will effectuate the settlement prior to the deadline.

Chairman Gray entertained a motion to waive the Standing Rules to permit the introduction of a resolution for consideration. A motion was duly made by Legislator Drake seconded by Legislator Nabywaniec and carried with opposition from Legislators McBride and Maxon.

**Resolution No. 140**

**Authorizing the Execution of a Settlement and Co-Existence Agreement Between the County of Jefferson and the Small Business Solution Center, LLC Regarding Certain Trademark Rights**

By Legislator: Anthony J. Doldo

Whereas, The County of Jefferson (hereinafter "County"), acting through its Department of Employment and Training, has conducted an annual career event for regional secondary school pupils known as "Career Jam" since 2014, and

Whereas, The Small Business Solution Center, LLC (hereinafter "SBSC") has applied for trade mark protection with the U.S. Patent & Trademark Office for the "Career Jam" mark, and

Whereas, The County objected to registration of said mark based on its prior use of the name, and

Whereas, The County and SBSC have negotiated a settlement and co-existence agreement with the following terms:

1. The County will not oppose the registration of the "Career Jam" mark by SBSC, and the County shall be permitted to continue its prior use of the mark in the Jefferson, Lewis, Oswego and St. Lawrence County region in connection with educational events and programing.
2. SBSC will not actively promote its events or services to schools, businesses, or individuals located in the Jefferson, Lewis, St. Lawrence and Oswego County area.
3. SBSC will reimburse the County the sum of \$10,000.00 for expenses related to protecting its rights in the matter.
4. Any such other terms as deemed appropriate by the County Attorney.

Now, Therefore, Be it Resolved, That the Chairman of the Board is hereby authorized and directed to execute an agreement upon the aforementioned terms, subject to the approval of the County Attorney as to form and content.

Seconded by Legislator: William W. Johnson

Legislator Maxon expressed his ire at not receiving notice of litigation prior to Thursday's distribution of the agenda. He stated in frustration that the County Attorney has reported to the leadership of the Board of Legislators and Administration and neither group has informed the members of the board that there was litigation much less that they were approaching a settlement. He stated that often when the County's facing legal proceedings, information will be presented to the board so that they are informed of complex legal issues prior to a resolution being brought before them, and the fact that this is the first time that members of this Board heard of this complex issue represents a failure of leadership.

Mr. Paulsen advised that it has never been necessary to consult with the whole board when handling legal matters that will be brought before them for decision as a policy matter. Chairman Gray stated that the timing of this is no different than any other policy brought before the board, an agenda is received on Thursday with items to be discussed the next Tuesday at committee and voted on the first Tuesday of the month by the entire board. He advised that staff prepares an agenda with items at the appropriate time for consideration by this Board; this matter being no different than any other resolution brought before the Board.

Legislator McBride stated that a search online found that Jefferson County is not the only entity to use the title career jam and he believes that we are able to use the title without any legal recourse. Mr. Paulsen stated that unfortunately that is not the way trademark works: he advised that because Small Business Solution Center is using it geographically proximate to Jefferson County

Legislator McBride stated that a search online found that Jefferson County is not the only entity to use the title career jam and he believes that we are able to use the title without any legal recourse. Mr. Paulsen stated that unfortunately that is not the way trademark works: he advised that because Small Business Solution Center is using it geographically proximate to Jefferson County and for a very similar purpose, there may be confusion and overlap and once trademarked, they would have the right to not allow us to use the phrase any longer. He stated that is what he is trying to prevent and this was the only way to do it: by letting them trademark it but having a written agreement allowing us to use it under the parameters that have been agreed to, thereby protecting our use.

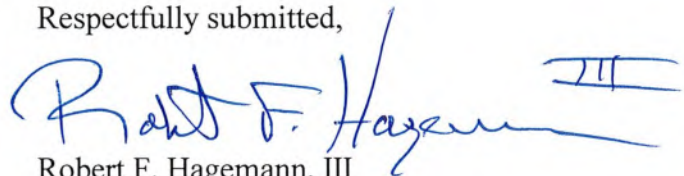
In response to a question from Legislator McBride, Chairman Gray stated that all this resolution does is protect Jefferson County's interest in continuing to use the title Career Jam. He advised that this secures the use of a program that has built up over the years attracting 2,000-3,000 participants: Employment and Training wanted to continue to use the name that is well known in the Tri County Region and prevent jeopardizing the event. Mr. Hagemann advised that this event involves four counties, Jefferson, Lewis, St. Lawrence and Oswego; and that the Small Business Solution Center by this agreement cannot market the name in those areas. Mr. McBride also asked if someone else were to use and want to trademark the term "Shop with a Cop" could we go through this exercise again and Mr. Gray stated yes potentially.

Legislator Maxon stated that he will be voting against the settlement as he feels the Board should object, that they are facing someone who they can easily win against and they should. All members present voted aye except Legislators McBride and Maxon who voted nay.

Chairman Gray stated that a State of Emergency was declared one year, three months and one day ago due to a COVID-19 pandemic. He advised that Jefferson County is just shy of our 70% vaccinated goal and with that he will sign an order rescinding the State of Emergency. He stated that staff has been remarkable getting the community through this and the Board of Legislators has presided over the longest running state of emergency and should be commended for their leadership, as well as staff for all the work that they have done.

The Special Session was adjourned at 6:30 p.m. on a motion by Legislator Doldo seconded by Legislator Ferris and unanimously carried by the Board.

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 initial "R" and "H". To the right of the signature, there are three horizontal lines, likely representing a stamp or a mark.

Robert F. Hagemann, III  
Clerk of the Board