

REGULAR SESSION

TUESDAY, JUNE 5, 2012

Chairwoman Fitzpatrick called the meeting to order at 7:00 p.m.

ROLL CALL OF MEMBERS

All members present except Legislator Ferris who was absent.

PRIVILEGE OF THE FLOOR

Mike Plummer, 121 Paddock Street, Watertown, spoke in support of Resolution No. 169 that would rename the Interstate Highway 81 Fort Drum Connector the “Paul Cerjan Memorial Highway”, and thanked the Board for their consideration of this endeavor.

Bruce Steele II, 43951 NYS Route 3, Natural Bridge, John Petit, 19649 Sweet Street, Gabe Acosta, 35503 Lewis Loop, Carthage were present to observe the meeting and improve their understanding about politics and government as they would be participating in the American Legion Boys State Program June 25-29, 2012 at Morrisville College. The program is a national educational program of government instruction and it allows them to become/run a part of city, county or state government.

Chairwoman Fitzpatrick thanked Vice Chairman Docteur and Legislator Astafan for taking time before the meeting to work with the students.

Legislator Docteur thanked the students for sitting through his 45 minute presentation, wished them well, said they were a great group and encouraged them to work hard and achieve the highest office possible at Boys State so they could hopefully come back and serve on the Legislature in the future.

Legislator John Peck reminded the Board that June is National Dairy Month and how important agriculture is locally, statewide and nationally. He said less than 1% of people in the nation are actively engaged in agriculture today it is not only striking but it is also threatening to the lack of understanding that our general society has as many of our friends and families are 2 - 3 generations removed from active agriculture. He said the mind set has completely changed in our society and the respect for agriculture from an environmental stand point to animal welfare groups who find creative ways to restrict farmers from doing what they do, i.e. taking care of their land, conserving their property and producing high quality safe food not only for our nation, but for the world. He stated that 40 years ago one farmer produced enough food for 25 people, now one farmer produces enough food for 125 people because they are good stewards of what they do. Mr. Peck advised that 40% of the land in Jefferson County is actively engaged in agriculture, which includes not only dairy, but wineries, corn, and soy beans as there are a variety of different ways to utilize the land and keep things green in Jefferson County. He said Jay Matteson and the Agriculture Development Corporation is offering farm tours to about 20-30 farms in the next month for the public to come and visit their farm operations, the particulars are

listed on the JCADC website comefarmwithus.com. He also extended an invitation for legislators to visit his farm and observe the operations.

READING OF MINUTES OF LAST SESSION

The minutes of the April Session and the May Session stand approved in the absence of objection or correction.

PRESENTATIONS OF PETITIONS, NOTICES AND COMMUNICATIONS

Correspondence was received from Assemblywoman Russell acknowledging receipt of Board Resolution No. 124 concerning legislation for retirement benefits for JCIDA employees, and Resolution No. 132 concerning registrations for ATVs weighing over 1500 pounds.

Correspondence was received from NYS DEC Regional Director Judy Drabicki acknowledging receipt of Resolution No. 150 regarding the County's opposition to New York State participating in the Federal Memorandum of Understanding to speed the development of offshore wind projects on the Great Lakes if sited in the Eastern Basin of Lake Ontario which was forwarded to NYS DEC Commissioner Martens.

A Resolution was received from the Oswego County Legislature "Opposing the Memorandum of Understanding Between New York State and the Federal Government to Speed Development of Wind Towers in Lake Ontario's Eastern Basin.

An "Internal Controls Over Information Technology Report of Examination" for the period of January 1, 2010 to August 31, 2011 was received from the New York State Comptroller's Office.

REPORTS OF COUNTY OFFICERS AND OTHERS

A Report from the County Treasurer on investments and a summary of cash in banks as of April 30, 2012 was received.

A Report from the County Administrator on budget transfers for May, 2012 was received.

A Report from the County Auditor in erroneous assessments for May, 2012 was received.

Chairwoman Fitzpatrick entertained a motion to change the July 3rd Board Session from 7:00 p.m. to 12:00 noon. A motion was duly made by Legislator Astafan seconded by Legislator Reed and unanimously carried.

LOCAL LAWS, RESOLUTIONS AND MOTIONS

Local Law Intro No. 1 of 2012

**A Local Law Reapportioning the Board of Legislators of the County
of Jefferson Based Upon the 2010 Federal Decennial Census**

By Legislator: Steven T. Harter

Be It Enacted by the Board of Legislators of the County of Jefferson, New York as follows:

SECTION I. LEGISLATIVE FINDINGS AND INTENT

A. FINDINGS

The Board of Legislators hereby finds as follows:

1. At a referendum held during the General Election of the year 1994, by a majority of the votes cast, and a greater number of the votes than were cast in favor of an alternative proposition, the voters of Jefferson County approved Plan B (Section III) of Local Law No. 2 of 1994 (hereinafter also referred to as "Plan B") establishing a Board of Legislators as the governing and legislative board of the County of Jefferson. Plan B provides that the Board of Legislators shall be comprised of fifteen members, with each member being elected from a single-member legislative district, and each member casting a single vote on all matters before the Board requiring a vote. The legislative districts from which legislators were to be elected under Plan B, were set forth in Schedules "B" and "C", which were attached to Local Law No. 2 of 1994. These districts were delineated based upon the population reported in the 1990 Federal Decennial Census in such a way as to comply with requirements of the U.S. and New York State Constitutions and New York State statutes respecting representation in elected governing bodies.
2. Plan B requires the reapportionment of the Board of Legislators according to the final report of each Federal Decennial census detailing the number and location of inhabitants within the boundaries of the County of Jefferson, its respective towns and cities. Plan B further requires such a reapportionment to be implemented effective the next general election in November of the odd-numbered year next succeeding the receipt of the final census report and enactment of the reapportionment by the Board of Legislators.
3. By Local Law No. 1 of 2002, the Board of Legislators enacted a plan of legislative reapportionment, said legislature also comprised of fifteen members, based on the 2000 census, which was approved by permissive referendum during the General Election of that year by a majority of the ballots cast.
4. Apportionment plans involving weighted voting and multi-member districts serve to unnecessarily complicate the process of democratic representation, and are less effective means of providing representative government when compared to single member legislative districts with each legislator casting a single vote on matters before the legislative body.
5. It is in the best interest of the people of the County to maintain a fifteen member Board

of Legislators, elected from single-member districts, with each legislator having one vote, as the governing and legislative body of the County of Jefferson.

6. The Courts of New York State and of the United States have acknowledged that there are factors which justify departures from strict equality in apportioning the governing bodies of local governments, so long as the plan of apportionment represents a good faith effort to achieve population equality. Among the factors recognized by the Courts as justifying deviations from strict equality in apportionment are preserving the cores of prior districts and avoiding contests between incumbents.

7. According to the final report of the latest Federal Decennial Census, during the prior decade there has been a shift in the population of Jefferson County to such an extent that maintaining the current districts from which County Legislators are elected, while maintaining a fifteen member Board without weighted voting, would result in a population deviation among districts which would in all probability not survive a challenge based upon Constitutional Equal Protection principles.

8. New York Municipal Home Rule Law § 10(a)(1)(13) prohibits the splitting of towns in a plan of apportionment or reapportionment except towns exceeding one hundred and ten percent of the full ratio. Under this provision, based upon the 2010 Federal Decennial Census data, only the Town of LeRay and the City of Watertown may be split in the formation of legislative districts for purposes of reapportionment under this Local Law, if a Board of Legislators consisting of fifteen members elected from single member districts is to be maintained.

B. INTENT

Based upon the foregoing findings, it is the intention of the Board of Legislators in enacting this Local Law to employ the powers granted it by New York Municipal Home Rule Law § 10(a)(1)(13) to reapportion the fifteen member Board of Legislators established by Plan B so as to meet the requirements of Plan B, and to satisfy applicable Constitutional and statutory dictates. It is further the intention of this Board, to the extent reasonably possible, to minimize contests between incumbents and to preserve the core of the legislative districts established in Plan B, while maintaining fifteen single member legislative districts, and providing for approximately equal representation in each legislative district.

SECTION II. PLAN OF REAPPORTIONMENT

Pursuant to New York Municipal Home Rule Law § 10(a)(1)(13), and Section III of Local Law No. 2 of 1994, the fifteen member Board of Legislators established by said Local Law is hereby reapportioned so that the members of the Board of Legislators shall be elected from the legislative districts reflected in Schedules "A" and "B," attached hereto and made a part hereof, in lieu of being elected from the legislative districts reflected in Schedules "A" and "B" attached to Local Law No. 1 of 2002. All provisions of Section III of Local Law No. 2 of 1994, as amended, shall remain in full force and effect.

SECTION III. EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing with the Secretary of State.

Seconded by Legislator: Michael J. Docteur

Legislator Peck commended the Ad Hoc Committee for the changes they made as it cleaned up his district boundaries in Black River and Calcium. He said it has been a privilege to serve the constituents in his district and looks forward to these positive changes.

Legislator Harter reiterated his views expressed at the Finance & Rules Committee last week that he is happy with the changes made to his district as the boundaries are more clearly defined and it looks more like a district.

The Local Law was tabled pending a public hearing, on a motion by Legislator Doldo seconded by Legislator Behling and unanimously carried.

Resolution No. 151

Setting Time and Place for Public Hearing on Local Law Intro. No. 1 of 2012

By Legislator: James A. Nabywaniec

Resolved, That this Board of Legislators shall hold a public hearing on a proposed local law entitled "A Local Law Reapportioning the Board of Legislators of the County of Jefferson Based Upon the 2010 Federal Decennial Census" on Tuesday, July 3, 2012 at 12:00 P.M. in the Board of Legislators Chambers, 195 Arsenal Street, Watertown, NY, and be it further

Resolved, That the Clerk of the Board of Legislators shall give notice of said public hearing as required by law.

Seconded by Legislator: Jennie M. Adsit

All members present voted aye.

Resolution No. 152

Setting Time and Place for Public Hearing on Tentative 2012-2013 Jefferson Community College Budget

By Legislator: James A. Nabywaniec

Resolved, That a public hearing on the Tentative Jefferson Community College Budget for College Fiscal Year 2012-2013 be held before this Board of Legislators on Tuesday, July 3, 2012 at 12:05 p.m. in the Chambers of the Board of Legislators, 195 Arsenal Street, Watertown, NY, and be it further

Resolved, That the Clerk of the Board be and is hereby directed to give notice of said public

hearing as required by law.

Seconded by Legislator: Jennie M. Adsit

All members present voted aye.

Resolution No. 153

**Amending the 2012 County Budget and Capital Plan Relative to
Jefferson Community College**

By Legislator: Jennie M. Adsit

Whereas, By Resolution 198 of 2009, This Board of Legislators established several capital accounts for Jefferson Community College pursuant to its 2008 Master Plan, including a Dewey Renovations account and a McVean Renovations account, and

Whereas, By Resolutions 108 and 123 of 2011 , This Board of Legislators established a JCC Campus Revitalization/Maintenance capital account in the amount of \$300,000, using capital chargebacks as the local share and using a part of a previously bonded \$1,463,000 State allocation for the State match, and subsequently amended said account to recognize the College’s Student Association’s \$25,000 contribution and matching \$25,000 in state aid, and

Whereas, The College has completed its current phase of the renovations of the Dewey building and wishes to transfer the account’s remaining funds, along with \$50,000 from the Campus Revitalization/ Maintenance account, to the McVean Renovation account, and

Whereas, It is necessary to amend the 2012 County Budget and capital plan for this purpose.

Now, Therefore, Be It Resolved, That the 2012 County Budget is hereby amended as follows:

Increase:

20-9006-2490.2021.008	JCC McVean Renovations	\$632,831.69
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Decrease:

20-9006-2490.2021.009	JCC Dewey Renovations	\$582,831.69
20-9006-2490.2056	JCC Campus Revitalization/Maintenance	50,000.00

and be it further

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

Seconded by Legislator: Barry M. Ormsby

Roll Call Vote

Ayes: Gray, Nabywaniec, Docteur, Ormsby, Harter, Doldo, Peck, Drake, Adsit, Astafan, Thomas, Behling, Reed, Fitzpatrick

Absent: Ferris

Resolution passed.

Resolution No. 154

Authorizing Agreement with Jefferson Community College Foundation for Facility Study and Amending the 2012 County Budget in Relation Thereto

By Legislator: James A. Nabywaniec

Whereas, Jefferson County owns property adjacent to Jefferson Community College, and

Whereas, Said property is currently used for the County's Adult Home, and

Whereas, Said Adult Home is planned to be closed within the next 12 months, after which time the property will be available for other purposes, and

Whereas, Jefferson Community College has expressed an interest in said property, to be used for classrooms, offices and potentially for a multi-purpose space for large gatherings and events, and

Whereas, Other agencies within the County, including the Watertown Local Development Corporation and the Northern New York Community Foundation have also expressed an interest in exploring the viability of building such a multi-purpose facility, and they, along with the College and the College's Foundation, have committed to providing \$30,000 together to hire a consultant to study this viability, and

Whereas, Jefferson County also supports such a study and desires to provide an additional \$10,000 toward its cost, and

Whereas, The College Foundation will hire said consultant and direct the study.

Now, Therefore, Be It Resolved, That Jefferson County enter into an agreement with Jefferson Community College Foundation to provide its share of the cost of a study (\$10,000), to explore the viability of using the current Whispering Pines property for a classroom/office/multi-use facility for the College, and by extension, the community, and be it further

Resolved, That the Chairman of the Board of Legislators be and is hereby authorized and directed to execute said agreement on behalf of the County, subject to the review of the County Attorney as to form and content, and be it further

Resolved, That the 2012 County Budget is amended as follows:

Increase:

01-8989.6420.4688	JCC Foundation	\$10,000
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Decrease:

01-1910-1990.4963	Contingent	\$10,000
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Seconded by Legislator: Jennie M. Adsit

All members present voted aye.

Resolution No. 155

Authorizing Agreement with New York State Department of Taxation and Finance Regarding Electronic Filing of State-Required Deed Form

By Legislator: Barry M. Ormsby

Whereas, New York State requires that a particular form (RP5217) must be filed with the County Clerk with every deed, and

Whereas, The RP5217 is currently a four part form, which when completed is retained by the County Real Property Department, with copies provided to the state, the local assessor, and if applicable, to the City of Watertown, and

Whereas, Jefferson County and the New York State Department of Taxation and Finance have developed a pilot program which creates a bar code on the form when printed, and the forms are then scanned and distributed electronically, and

Whereas, The County Clerk will now retain a digital copy for records retention purposes, and

Whereas, Said pilot program requires an agreement between the County and the New York State Department of Taxation and Finance.

Resolved, That Jefferson County enter into an agreement with the New York State Department of Taxation and Finance as described above, and that the Chairman of the Board be and is hereby authorized and directed to execute said agreement on behalf of Jefferson County, subject to the review of the County Attorney as to form and content.

Seconded by Legislator: Steven T. Harter

All members present voted aye.

Resolution No. 156

Designation of Depository for 2012

By Legislator: Jennie M. Adsit

Whereas, By Resolution 20 of 2012, this Board of Legislators designated institutions as depositories of monies received by the County Treasurer, and

Whereas, Because First Niagara is acquiring certain branches of HSBC, which include those with County funds, the County Treasurer desires to add First Niagara Bank as an authorized depository.

Now, Therefore, Be It Resolved, That pursuant to County Law Section 212 and General Municipal Law Section 10, Resolution 20 of 2012 is amended to add the following institution which is hereby designated as a depository of monies received by the County Treasurer, and be it further

Resolved, That the maximum amount which may be kept on deposit at any one time in each depository shall not exceed that listed as follows:

<u>Name of Institution</u>	<u>Maximum Amount</u>
First Niagara	\$37,500,000

and be it further

Resolved, That this resolution shall take effect upon adoption.

Seconded by Legislator: James A. Nabywaniec

All members present voted aye.

Resolution No. 157

Amending the 2012 County Budget in Relation to Jefferson County’s Housing Improvement Program

By Legislator: Michael J. Docteur

Whereas, Jefferson County has received consecutive annual competitive Community Development Block Grant (CDBG) awards from 2007 through 2011 from the New York State Office of Community Renewal to implement and administer a county-wide Housing Improvement Program, and

Whereas, By Resolution 60 of 2008, this Board of Legislators adopted Local Guidelines and Administrative Procedures for implementation and local administration of the program, and

Whereas, Guidelines were subsequently amended by Resolutions 42 and 291 of 2009, 283 of 2010, and 130 of 2012, and

Whereas, Said Guidelines include a requirement that if an owner-occupied unit rehabilitated by CDBG funds through this program is sold within 5 years of receiving such funds, the owner must make a pro-rata reimbursement to the County, and

Whereas, The County has recently received such a reimbursement in the amount of \$7,527, and the 2012 County Budget must be amended to recognize this revenue and appropriate it to the proper account.

Now, Therefore, Be it Resolved, That the 2012 County Budget is hereby amended as follows:

Increase:

(Revenue)			
30-8668-999.92170	Community Development Income		\$7,527
(Expenditure)			
30-8668-8668.4014	CDBG Housing Rehabilitation		7,527

Seconded by Legislator: James A. Nabywaniec

Roll Call Vote

Ayes: Ormsby, Astafan, Thomas, Reed, Behling, Docteur, Gray, Peck, Doldo, Nabywaniec, Adsit, Harter, Drake, Fitzpatrick

Absent: Ferris

Resolution passed.

Resolution No. 158

Abolishing Deputy Jail Physician Position and Creating Physician's Assistant Position in the Flat Professional Section of the Management Confidential Schedule

By Supervisor: Michael J. Docteur

Whereas, The Deputy Jail Physician position is currently vacant, and

Whereas, The Sheriff has determined that abolishing that position and creating, in its stead, a Physician's Assistant position in the same grade and pay would provide the jail inmates with an improved level of care, and

Whereas, This Board of Legislators concurs with that determination.

Now, Therefore, Be It Resolved, That the position of Deputy Jail Physician, in the Flat Professional section of the Management Confidential Schedule is hereby abolished, and be it further

Resolved, That a new Physician's Assistant position is created in the Flat Professional section of the Management Confidential Schedule at an annual salary of \$7,824.

Seconded by Legislator: Barry M. Ormsby

All members present voted aye.

Resolution No. 159

Authorizing Lease Agreements with Air Methods Corporation for the Use of Airport Hanger Space and Land Adjacent Thereto.

By Legislator: Barry M. Ormsby

Whereas, The County of Jefferson owns and operates the Watertown International Airport, and

Whereas, Air Methods Corporation provides commercial medical air transportation services, and

Whereas, Air Methods Corporation requires the use of a portion of the Airport's South Hangar building for the storage of one medical helicopter and additional mechanics space, and

Whereas, Air Methods Corporation also requires the use of land adjacent to the South Hangar for placement of a 24' x 60' trailer as part of its business activity, and

Whereas, Air Methods Corporation would make lease payments to Jefferson County in the amount of \$2,600.00 per month for use of both the portion of the Airport's South Hangar building and the use of land adjacent thereto.

Now, Therefore, Be it Resolved, that Jefferson County enter into a lease agreement with Air Methods Corporation for the period of June 1, 2012 to May 31, 2013 providing for the use of a portion of the Airport's South Hangar building sufficient to store one medical helicopter and including an additional 150 square feet for mechanics space, and to include free usage of water, electric and sewage services therein, and be it further,

Resolved, that Jefferson County enter into a second lease agreement with Air Methods Corporation for the period of June 1, 2012 to May 31, 2013 providing for the use of land adjacent to the South Hangar for placement of a 24' x 60' trailer, to include installation and free usage of water, electric and sewage services thereto, and be it further

Resolved, that the Chairwoman of the Board of Legislators is hereby authorized and directed to execute lease agreements on behalf of Jefferson County as set forth above, subject to the approval of the County Attorney as to the form and content.

Seconded by Legislator: Jennie M. Adsit

All members present voted aye.

Resolution No. 160

Authorizing the Execution of an Agreement for Electricity Supply Pursuant to the Public Bid Conducted by the Municipal Electric and Gas Alliance (MEGA), A Municipal-Based, Non-Profit Community Development Corporation.

By Legislator: Michael J. Docteur

Whereas, The County of Jefferson wishes to purchase electricity from a private alternative supplier (Energy Services Company); and

Whereas, The intent of this purchasing action is to achieve savings in the costs of electricity that is delivered to the County over the distribution lines of the local electrical utility, National Grid; and

Whereas, Said utility will continue to provide delivery services of the electricity over their lines in conformance with the regulations of the NYS Public Service Commission; and

Whereas, MEGA has competitively bid, accepted and signed a Program Agreement with electric supply provider, Integrys Energy Services of New York, Inc. For a period through October 31, 2014; and

Whereas, Such agreement will provide savings and/or rate stability to the County, and this agreement, a copy of which is available for review, meets NYS General Municipal Law bidding requirements.

Now, Therefore, Be it Resolved, that the Chairwoman of the Board is hereby authorized and directed to execute a Power Sale agreement for electric supply with Integrys Energy Services of New York, Inc., for a period of up to two years, under the terms and conditions set forth in said Program Agreement, subject to the approval of the County Attorney as to form and content.

Seconded by Legislator: Barry M. Ormsby

All members present voted aye.

Resolution No. 161

Authorizing the Sale of Certain Tax Foreclosure Property in the Town of Orleans to Margaret Schell.

By Legislator: Jennie M. Adsit

Whereas, The County of Jefferson foreclosed on a parcel of land in the Town of Orleans identified as No.32.11-1-14.1 and said parcel has remained unsold following public auction, and

Whereas, A contiguous land owner has offered the sum of \$850.00 to purchase said parcel from the County with the recording costs to be borne by the purchaser, and

Whereas, The ad hoc Committee on Real Property Tax matters has reviewed and approved this proposed offer, and

Now, Therefore, Be it Resolved, that the Chairwoman of the Board is hereby authorized and directed to execute any and all necessary documents for the conveyance of the above parcel to Margaret Schell, subject to the review and approval of the County Attorney as to form and content.

Seconded by Legislator: James A. Nabywaniec

All members present voted aye.

Resolution No. 162

Authorizing Agreement with Passero Associates in Relation to the Environmental Assessment for the Second Phase of Runway 10-28 Extension

By Legislator: Barry M. Ormsby

Whereas, By Resolution 162 of 2008, This Board of Legislators approved funds for an environmental assessment of the first phase of extending Watertown International Airport's 10-28 runway, and

Whereas, Subsequently, the 2009 County Budget and capital plan included funding for the second phase environmental assessment, and

Whereas, By Resolution 140 of 2012, this Board recognized additional funding for said second phase environmental assessment, and

Whereas, It is necessary to authorize an agreement with Passero Associates, the County's Airport consultant, in the amount of \$168,700 for services related to the said environmental assessment.

Now, Therefore, Be It Resolved, That Jefferson County enter into an agreement with Passero Associates for the preparation of an environmental assessment for the second phase of the 10-28 runway extension in the amount of \$168,700 and that the Chairman of the Board of Legislators be and is hereby authorized and directed to execute said agreement on behalf of Jefferson County, subject to the review of the County Attorney as to form and content.

Seconded by Legislator: James A. Nabywaniec

All members present voted aye.

Resolution No. 163

Authorizing Agreement with Passero Associates in Relation to the Watertown International Airport New Hanger/Business Center Project

By Legislator: Robert D. Ferris

Whereas, By Resolution 120 of 2012, This Board of Legislators authorized an agreement with Empire State Development, for the purpose of construction of a new 14,000 square foot hanger with office space at the Watertown International Airport and established an account in the Capital Fund for that purpose, and

Whereas, It is necessary to enter into an agreement with Passero Associates to provide professional engineering advice, consultation and services for this project in the amount not to exceed \$150,000.

Now, Therefore, Be It Resolved, That Jefferson County enter into said agreement with Passero Associates and that the Chairman of the Board of Legislators be and is hereby authorized and directed to execute said agreement on behalf of the County, subject to the review of the County Attorney as to form and content.

Seconded by Legislator: Jennie M. Adsit

All members present voted aye.

Resolution No. 164

Supporting the Passage of New York State “Mark’s Law” in Regard to First Responders

By Legislator: Michael W. Behling

Whereas, Residents of Jefferson County and of the rest of New York depend on emergency first responders to provide emergency care and protection which can save lives and property, and these responders deserve the highest level of protection available under law, and

Whereas, On January 30, 2009, emergency medical technician Mark Davis was shot to death while responding to a call in Cape Vincent, and

Whereas, New York Penal Law defines aggravated murder and murder in the first degree by including a list of individuals who, when killed in the line of duty, make the murdered guilty of those crimes, which list includes police, peace, correctional, parole, probation, and uniformed court officers and employees of the division of youth, and

Whereas, In honor and in memory of Mark Davis, Senator Patty Ritchie has introduced senate

bill 4717A, and Assemblywoman Addie Russell has introduced assembly bill 7824A, which would add emergency medical technicians, paid and volunteer firefighters, ambulance drivers, and paramedics, nurses and physicians involved in first response team to the list in the Penal Law for these crimes, and

Whereas, Jefferson County strongly supports this effort at deterring crimes against said first responders, or in the worst case, exacting the strongest punishments on those who commit these crimes.

Now, Therefore, Be It Resolved, That Jefferson County urges the passage of S4717A and A7824A and be it further

Resolved, That certified copies of this resolution be provided to Jefferson County's state representatives.

Seconded by Legislator: Robert D. Ferris

All members present voted aye.

Resolution No. 165

Authorizing Agreements with Providers in Connection with Community Services Early Intervention Services Program

By Legislator: Michael F. Astafan

Whereas, The New York State Department of Health established the Early Intervention Program as part of Title II-A of Article 25 of the Public Health Law, said program to provide for services to children ages 0 through 2 years of age who display developmental delays, and

Whereas, The New York State Department of Health has approved a number of providers of services and has set rates for all services in the Early Intervention Program, and

Whereas, In conjunction with the operation of the Early Intervention Program in Jefferson County, it is necessary to enter into contracts with said approved providers of Evaluation, Service Coordination and Services at said established rates for the delivery of services as approved by the New York State Department of Health or other appropriate State agency.

Now, Therefore, Be It Resolved, That, pursuant to Part 69 of Subchapter H, Chapter II, Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York, the Chairman of the Board of Legislators and the Director of Community Services be and hereby are authorized to enter into agreements with the following New York State Department of Health approved service providers for the period July 1, 2012 through December 31, 2012 at rates established by the New York State Department of Health:

Direct Service Providers: Building Blocks SLP, OT & PT Family Services, PLLC

Central Assn. for the Blind & Visually Impaired
Jefferson Rehabilitation Center
The Rowland Center, Inc.
Special Programs, Inc. D.B.A. Little Lukes Childcare Ctr.

Evaluation Providers: Building Blocks SLP, OT & PT Family Services, PLLC
Central Assn. for the Blind and Visually Impaired
Jefferson Rehabilitation Center
The Rowland Center, Inc.
Special Programs, Inc. D.B.A. Little Lukes Childcare Ctr.

Service Coordination Providers: Building Blocks SLP, OT & PT Family Services, PLLC
Jefferson Rehabilitation Center
The Rowland Center, Inc.

Seconded by Legislator: Michael J. Docteur

All members present voted aye.

Resolution No. 166

**Authorizing Agreements with NYS Department of Education Approved Agencies
for the Provision of Special Education Services for Preschool Children with Disabilities**

By Legislator: Michael J. Docteur

Whereas, New York State Education Law requires that municipalities enter into agreements with agencies approved by the NYS Commissioner of Education to offer special education services to preschool children with disabilities who are determined by the Board of Education of local school districts to require placement in such special education programs, and

Whereas, The New York State Commissioner of Education has approved a number of providers of services and has set rates for all special education program services, and

Whereas, In conjunction with the operation of the Special Education Services for Preschool Children with Disabilities program, it is necessary to enter into contracts with approved services providers at said established rates.

Now, Therefore, Be It Resolved, Pursuant to Section 4410 of the New York State Education Law, Jefferson County is hereby authorized to enter into agreements for the term July 1, 2012 through June 30, 2013, for the provision of special education services to children ages three through five with disabilities with the following New York State Education Department approved service providers:

Provider

Service

Jefferson Rehabilitation Center	Evaluations Special Education Classroom Special Education Itinerant Teaching
Milestones Children’s Center	Evaluations Special Education Itinerant Teaching
Building Blocks SLP, OT & PT Family Services, PLLC	Evaluations Special Education Itinerant Teaching
Benchmark Family Services	Evaluations Special Education Classroom Special Education Itinerant Teaching

and be it further

Resolved, That the need for such special education services is to be determined by local School Boards of Education, at rates established by the NYS Commissioner of Education as certified by the Director of the Budget of the State of New York, and shall be in a form and contain such terms and conditions as may be acceptable to the NYS Commissioner of Education, and be it further

Resolved, That the Chairman of the Board of Legislators and the Director of Community Services be and are hereby authorized and directed to execute such agreements on behalf of Jefferson County, subject to approval by the County Attorney as to form and substance, and be it further

Resolved, That the Director of Community Services be and is hereby directed to send a letter notifying local School Boards of Education of the rates of each of the special education service providers and the percentage of local share of such cost.

Seconded by Legislator: Michael F. Astafan

All members present voted aye.

Resolution No. 167

**Authorizing Agreements and Establishing Rates for Provision of Related Services
in Connection with the Program for Preschool Children with Disabilities**

By Legislator: John D. Peck

Whereas, The Program for Preschool Children with Disabilities provides a variety of related services to children aged three to five years with certain disabilities, such services to be provided in the least restrictive environment, be it home or agency based, and

Whereas, Chapter 243 of the Laws of 1989 require that counties maintain a list of appropriately certified or licensed professionals to deliver related services to preschool children with disabilities and set a reasonable reimbursement rate for such services, subject to the approval of the New York State Education Department.

Now, Therefore, Be It Resolved, That, pursuant to Section 4410 of the Education Law, Jefferson County enter into an agreement with each of the following parties for the provision of the indicated service(s). The term of said agreement shall be for the period July 1, 2012 through June 30, 2013 in accordance with the requirements of the State Education Law and regulations:

<u>Provider</u>	<u>Service</u>
Benchmark Family Services	Speech Therapy Physical Therapy Occupational Therapy
Building Blocks SLP, OT & PT Family Services, PLLC	Speech Therapy Physical Therapy Occupational Therapy
Central Association for the Blind and Visually Impaired	Orientation and Mobility Services
Jefferson Rehabilitation Center	Speech Therapy Physical Therapy Occupational Therapy
Special Programs, Inc. D.B.A. Little Lukes Childcare Center	Speech Therapy Physical Therapy Occupational Therapy
The Rowland Center, Inc.	Speech Therapy Physical Therapy Occupational Therapy

and be it further

Resolved, That the rates of payment for Preschool Related Services by a Speech Pathologist, Occupational Therapist and Physical Therapist are hereby established as follows:

	On-site	Off-site
Individual Up to 59 Minutes	\$ 34.00	\$ 59.00
Individual Over 60 Minutes	\$ 49.00	\$ 73.00
Group Up to 59 Minutes	\$ 25.00	\$ 39.00
Group Over 60 Minutes	\$ 39.00	\$ 54.00

and be it further

Resolved, That the rates of payment for Preschool Related Services by Certified Occupational Therapy and Licensed Physical Therapy Assistants are hereby established as follows:

	On-site	Off-site
Up to 59 min.	\$ 25.00	\$ 39.00
Over 60 min.	\$ 34.00	\$ 47.00
Group Up to 59 Minutes	\$ 22.00	\$ 34.00
Group Over 60 Minutes	\$ 31.00	\$ 44.00

and be it further

Resolved, That the Chairman of the Board of Legislators be and is hereby authorized to execute such agreements on behalf of Jefferson County, and be it further

Resolved, That the Director of Community Services is hereby authorized and directed to take such steps and execute such documents as may be necessary to secure approval of the rates established herein by the New York State Education Department.

Seconded by Legislator: Anthony J. Doldo

All members present voted aye.

Chairwoman Fitzpatrick entertained a motion to waive the standing rules to permit the introduction of three additional resolutions for consideration. A motion was duly made by Legislator Docteur seconded by Legislator Gray and unanimously carried by the Board.

Resolution No. 168

Resolution of the County of Jefferson Consenting to a Proposed PILOT Agreement to be Provided by the Jefferson County Industrial Development Agency in Connection With a Certain Project (as described below) to be Undertaken by ReEnergy Black River LLC

By Legislator: James A. Nabywaniec

Whereas, ReEnergy Black River LLC, on its own behalf or of an entity or entities to be formed (collectively, the “Company”), has submitted an application (the “Application”) to the Agency requesting the Agency’s assistance with a certain project (the “Project”) consisting of: (i) the acquisition by the Agency of a leasehold interest to approximately 16 acres of real property located near Second Street and Oneida Avenue, Fort Drum, Town of LeRay, New York (the “Town”), such real property being more particularly described as TMID No’s 75.00-2-1.701, 75.00-2-1.702 and an additional 4 acre unlotted parcel (as may be merged, and collectively herein, the “Land”) along with the existing improvements located upon the Land, principally consisting of a 60MW coal-fired power plant building, related equipment and electrical transmission improvements located upon the Land (the “Existing Improvements”), (ii) the construction, reconstruction, rehabilitation and refitting of the Existing Improvements for

operation thereof as a biomass fed electrical generation facility (collectively, the “Improvements”), and (iii) the acquisition in and around the Existing Improvements and Improvements and of certain items of equipment and other tangible personal property and equipment (the “Equipment” and, collectively with the Land, Existing Improvements and the Improvements, the “Facility”), (iv) the issuance by the Agency of its Solid Waste Disposal Revenue Bonds (ReEnergy Black River LLC Project) in a principal amount not to exceed \$30,000,000 (the “Bonds”) for the purpose of financing the Facility in accordance with applicable provisions of the Internal Revenue Code (the “Code”) relating to solid waste disposal, (v) paying certain costs and expenses incidental to the issuance of the Bonds and/or establishment of debt service reserve funds, and (vi) the lease (with the obligation to purchase) of the Facility to the Company; and

Whereas, In connection with the Application, and in furtherance of the Project’s positive financial impact within the County of Jefferson (the “County”), the Company has requested the Agency’s consideration of a deviation from the Agency’s Uniform Tax Exemption Policy (“UTEP”) to allow for a payment-in-lieu-of-tax agreement (“PILOT Agreement”) to utilize stipulated valuations for the Facility and carry a hybrid abatement term of Five (5) years (the “PILOT Deviation”); and

Whereas, The Agency and the Company have requested the consent of the County to the PILOT Deviation pursuant to and in accordance with the Agency’s UTEP.

Now, Therefore, Be It Resolved by the Board of Legislators of the County of Jefferson as follows:

Section 1. The County hereby authorizes the Agency and the Company to undertake the PILOT Deviation in connection with the Project, as more particularly outlined as follows:

1. PILOT Term of 5 abatement years;
2. Stipulated as-completed total assessed valuation for Land and Improvements included within the Facility of \$28,000,000, increasing \$1,000,000 per year in each of the 4 PILOT years following completion of the Facility by the Company; and
3. PILOT abatement schedule providing initial 60% abatement of total assessed valuation of Land and Improvements, with such abatement decreasing in 5% increments in each remaining PILOT year

Section 2. This Resolutions shall take effect immediately.

Seconded by Legislator: Barry M. Ormsby

Legislator Nabywaniec said he would support the resolution but noted that the Town of Leray had expressed a concern over the loss of sales tax revenue due to the reduction in the value of property on the tax rolls due to the pilot conditions. He said the towns do need to take the lead on this issue in taking it back to the Town Supervisors Association. He added that the Town of Leray has seen a lot of growth and has been proactive in meeting the demands of growth responsibly. He understands that the towns depend on sales tax revenue for budgeting purposes

and he was open to considerations for future pilots.

Legislator Gray pointed out that the County is taking the lead in terms of voting on the pilot when normally we are the last taxing jurisdiction to vote. He wondered what the procedure is if one of the other two taxing jurisdictions vote it down. Mr. Hagemann advised that he was not positive and would check into it.

Legislator Astafan asked if there was an urgency to voting on it tonight.

Mr. Hagemann advised that the firm is looking to implement the program as soon as possible as discussions have been ongoing for some time, and it has been represented to him by the IDA that the firm needs a decision in terms of the pilot as soon as possible in order to put financing together. Negotiations are now complete and in order to move it forward quickly the timing is such that the County is voting first on the pilot.

Legislator Peck expressed support for the resolution as he had an opportunity to visit the plant and felt it was a great project for the area and Fort Drum. He said it takes biomass from the region in leftovers from timber harvests, possibly brush debris, clean construction debris, asphalt shingles, used tires, and tire chips. He said he understands the concerns of the Town of Leray in terms of lost sales tax revenue and if the towns can come together on an alternative for future pilots he would consider it then. He felt there was a lot of value to the project and there is a great benefit to the area, it will bring employment and he was very much in favor of the pilot.

Legislator Harter said that under the advice of counsel and to make sure there is no appearance of a conflict, he would abstain from voting on the resolution as he has been a lead negotiator in his capacity as an employee of the the Town of Leray. If anyone had questions from the Town of Leray perspective he would be happy to answer them.

Legislator Astafan said he supports the resolution based on the comments of Leray Town Supervisor Ron Taylor and hoped the County will follow through on conversations with the townships, if they choose to discuss the issue of removing assessments from the roll during pilots therefore affecting sales tax.

Legislator Gray advised that he, Chairwoman Fitzpatrick, Mr. Hagemann, Mr. Kaskan, and Paul Warneck sat down with Supervisor Taylor and Town Administrator (Legislator) Harter and felt they came up with a fairly reasonable compromise as neither the County nor the City of Watertown's share of sales tax is affected by pilots, but it does affect all 22 towns. He felt it was reasonable to send the issue back to the Town Supervisor's Association to make sure everyone is educated on the impacts, positive and negative to their towns. He cautioned that when adding assessments back in for sales tax, the assessments must also be added back in for the levy apportionment, and when everyone has a clear understanding of how it will affect each town we can move forward with future pilots; and he hoped the Town of Leray understood that.

Legislator Harter said he could not speak to how the Town will vote next week as he does not have a vote at the Town, but the Town of Leray does not have issue with the pilot, it has an issue with the sales tax distribution. He said this is not a Town of Leray issue necessarily as it was not

the first town to be affected by it, but it was the first town to raise the question. He said it needs to be discussed, and the County did make a promise to research the law to see if it was to be changed how it could be changed. He was not convinced changing the County's tax apportionment is the only way to go, but said the questions need to be answered in order to come to a good idea about how to correct it.

Chairwoman Fitzpatrick said there were a lot of good points made and the County made a commitment to work on it and follow through and we will, and she hoped the 22 towns would together as a team to figure it out and make it the best for everyone concerned.

Roll Call Vote

Ayes: Ormsby, Thomas, Gray, Behling, Astafan, Doldo, Docteur, Reed, Adsit, Peck, Nabywaniec, Drake, Fitzpatrick

Abstain: Harter

Absent: Ferris

Resolution passed.

Resolution No. 169

Expressing Support for Naming the Interstate Highway 81 Fort Drum Connector the "Paul Cerjan Memorial Highway"

By Legislator: Scott A. Gray

Whereas, Paul Cerjan was a native of Rome, New York who studied at the United States Military Academy, West Point and had a very distinguished 34 year career in the United States Army raising to the rank of Lieutenant General, and

Whereas, Paul Cerjan served as the Assistant Division Commander for Support when he was assigned to Fort Drum (1985-1988) following the reactivation of the 10th Mountain Division and was responsible for planning, programming and execution of a \$1.2 Billion construction project which transformed Fort Drum from a training center to a world class installation, and laid the foundation for the Fort Drum we know today, and

Whereas, Following his retirement in 1994 he maintained ties in the north country through his summer residence in Henderson Harbor and was actively involved with the National Association of the 10th Mountain Division and the 10th Mountain Division Scholarship fund, and

Whereas, It would be very fitting tribute to LTG (Ret) Paul Cerjan to name the Interstate Highway 81 Fort Drum Connector the Paul Cerjan Memorial Highway for his indelible contributions to Fort Drum and the North Country.

Now, Therefore, Be It Resolved, That the Jefferson County Board of Legislators does hereby support and applaud naming the Interstate Highway 81 Fort Drum Connector the Paul Cerjan Memorial Highway, and be it further

Resolved, That the Board of Legislators supports the necessary State Legislation that is required in order to accomplish this task, and be it further

Resolved, That a certified copy of this resolution be sent to Senator Patty Ritchie, Assemblywoman Addie Russell and Assemblyman Ken Blankenbush.

Seconded by Legislator: Philip N. Reed, Sr.

All members present voted aye.

Resolution No. 170

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 Attachment "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 be and is hereby is 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: Barry M. Ormsby

EXHIBIT A

Jefferson County Delinquent Tax “Last Chance Buy Backs” As of 6/05/2012

Town	Parcel #	Name
Adams	107.00-2-76.2	Benjamin Olshfski
Alexandria	13.00-4-38.14	Brett Mercer & Patricia Smith
Antwerp	36.40-2-50 Now Part of	
	36.40-2-35	Michael Lamont
Antwerp	17.06-1-47.2	James Maloy
Brownville	80.09-1-13.2	Keith Tuttle
Brownville	71.08-4-42	Ruth & Raymond Adams
Cape Vincent	40.09-1-49.3	Richard Grant
Champion	76.06-1-35.1	Linold & Roselyn Hall
Champion	76.06-2-23	Daniel & Ami Richardson
Champion	76.07-1-45	Harriette & Doran Johnson
Champion	85.08-1-2.162	Daniel & Ami Richardson
Clayton	20.54-1-17.271	Marla Cohen
Clayton	20.38-2-42.3	Guy & Catherine Mannix
Ellisburg	110.00-1-46.2	Dave & Sandra Murray
Ellisburg	110.00-1-51	Francine Miranda Beck
Hounsfield	81.00-1-65.1	Jeffrey H. Derouin
Lyme	51.00-1-4.4	Richelle Mellen
Lyme	70.11-3-65	Santino Tomiano
Orleans	13.00-2-16.1	Randy & Joyce Wills
Rutland	5.00-2-1-15.1	Charles C. Tousant
Rutland	3.00-2-13.1	Charles C. Tousant
Rutland	3.00-2-11	Charles C. Tousant
Wilna	68.00-1-70.1	Roger & Victoria Lawton
Wilna	58.00-1-13	Roger C. Lawton
Wilna	86.40-2-14	Mark A. & Cheryl Stephens
Worth	126.00-1-23	Becky Reddish

Legislator Behling asked if this was the same program as last year before the tax foreclosure auction.

County Attorney Paulsen confirmed it is the same program and that it represents a collection of about \$188,500 in delinquent taxes.

All members present voted aye.

Legislator Reed made a motion to bring forward tabled Resolution No. 127 for consideration, the motion was seconded by Legislator Doldo and unanimously carried by the Board.

Resolution No. 127

Authorizing Agreement for Loan of Boat from New York State for Sheriff’s Department

By Legislator: Philip N. Reed, Sr.

Whereas, The Sheriff's Department has been offered the use of a 24 foot Boston Whaler boat called "Justice", with two engines and a trailer from the New York State Office of Parks and Recreation, and

Whereas, It is necessary to authorize an agreement with the State of New York for that purpose.

Now, Therefore, Be It Resolved, That Jefferson County enter into said agreement and that the Chairman of the Board of Legislators be and is hereby authorized and directed to execute said agreement subject to the review of the County Attorney as to form and content.

Seconded by Legislator: Anthony J. Doldo

Legislator Astafan asked that someone communicate to the Sheriff's Department that the Board has addressed the resolution.

County Attorney Paulsen reiterated what he said last week at Finance & Rules Committee that he does have a copy of the agreement between the Sheriff's Department and State Parks and Recreation which is very brief and it didn't answer all the questions he had, but ownership of the vessel will be with State Parks & Recreation and the Sheriff's Department has life use of it. He said it was appropriate to now pass the resolution to authorize the Chairwoman to sign an agreement once he has prepared it, and now that we know what the arrangement is in terms of ownership we can deal with it with our insurer.

Legislator Gray said he will support the resolution but wanted to make sure the Sheriff's Department realizes that there is a legal department that should be looking at these matters, and also wanted to confirm that there were no other vehicles, vessels, etc. that have a loose contract before we get in an accident with something that doesn't belong to us and have a difficult time defending ourselves against any lawsuit.

County Attorney Paulsen confirmed the jet skis and this boat are the only vehicles he knows of that the County does not own.

County Administrator Hagemann advised that the General Services Committee will be addressing a resolution in July concerning two Humvees that were given to the County by the Federal Department of Defense (Fort Drum) and have yet to be licensed. One will be used by the Airport and the other will be retained by the Sheriff's Department but it appears the County will retain ownership of them.

Legislator Gray asked how we record these assets on our books, whether we actually own them or not, are there controls in place to make sure we are recording them as assets.

Administrator Hagemann advised that there are controls and the items we own are recorded as assets, but he would check on the items we do not own as he was not positive how they are recorded.

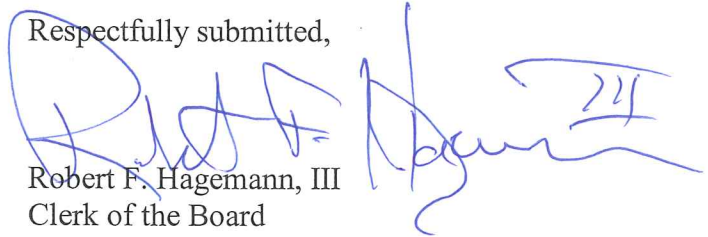
There being no further discussion, all members present voted aye.

Legislator Nabywaniec called attention to the EMSAI booklets that were on legislators desks. He said it is what the Ad Hoc Committee is working from, they have held several meetings, will be holding more, and it was his goal to have recommendations to the Health & Human Services Committee in July.

Administrator Hagemann reported that the Jefferson County Team finished six in the North Country Community Cup competition held this past weekend, which is up from a ninth place finish last year.

There being no further business of the Board, on a motion by Legislator Behling seconded by Legislator Ormsby and unanimously carried, the meeting was adjourned at 7:52 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Robert F. Hagemann, III", with a circled "21" written to the right of the signature.

Robert F. Hagemann, III
Clerk of the Board