

**MINUTES OF THE MEETING OF THE  
OSWEGO COUNTY LEGISLATURE HELD AT  
THE PULASKI COURTHOUSE ON AUGUST 11, 2005**

Chairman Russ Johnson called the meeting to order at 2:00 p.m. Roll call was taken with all legislators present, except Legs. Thomas, Seager, Malone and Ponzi. Leg. Seager arrived at 2:04 and Leg. Malone arrived at 2:12 p.m. Invocation was given by Ted Jerrett, Clerk of the Legislature, followed by the salute to the flag. Hearing no objections to the minutes of the meeting held on July 14, 2005, the minutes were approved.

**INTRODUCTIONS:**

Chairman Johnson introduced State Senator James Wright, Assemblyman Will Barclay and members of several Oswego County Fire Departments and noted that an agreement has been reached between Niagara Mohawk, a National Grid Company, and the County of Oswego. This agreement will allow all Oswego County firefighters, as well as, emergency personnel complete access to the former Niagara Mohawk Fire Training School in the City of Oswego. Senator Jim Wright and Assemblyman Will Barclay have also obtained a \$100,000 district appropriation to aid with the necessary repairs and improvements to the building.

Chairman Johnson introduced Richland Town Supervisor Jim Atkinson and Pulaski Mayor Ed Delaney. Both gentlemen welcomed the Legislators to the Courthouse in Pulaski, and offered a few comments.

Chairman Johnson asked that Mr. Atkinson and Mayor Delaney stay up front for the next recognition. Chairman Johnson introduced the Pulaski High School Marching Band Director Jack Jennings and the representatives of the Band. Ted Jerrett read a recognition regarding the Band representing New York State in Washington, D.C. Chairman Johnson presented the Recognition to Director Jennings. Mr. Jennings offered a few comments.

Chairman Johnson introduced Nancy Farrell, President of the Pulaski Chamber of Commerce. Ms. Farrell urged the legislators to continue seeking out new businesses and jobs for the area to create a solid tax base for the growth of the County.

**PUBLIC SPEAKERS:** None

**PRESENTATIONS OF PETITIONS, COMMUNICATIONS, AND NOTICES:**

Ted Jerrett reminded the legislators that there is a NYSAC conference in Rochester, NY, on September 14<sup>th</sup> through the 16<sup>th</sup> and anyone wishing to attend should contact him.

**PROCLAMATIONS AND COMMENDATIONS:**

Leg. Proud along with Social Services Committee members, came forward to recognize and award Patrice Skinner for 30 years of service. Fran Lanigan, Commissioner of Social Services offered a few remarks.

Leg. Santore, along with members of the Social Services Committee, came forward to recognize and award Peggy Feeny for 25 years of service. Fran Lanigan, Commissioner of Social Services offered a few remarks.

Leg. Leemann called the members of the Infrastructure and Facilities Committee forward and invited Leg. Rusaw and Public Works employee Jack Sherman to join them. Superintendent of Public Works Don Morey offered a few remarks recognizing Jack Sherman for his 25 years of service to the County.

**REPORTS OF TOWN AND COUNTY OFFICIALS:**

Richard Mitchell, County Attorney, reported to the legislature that the Jomatt tax property closing, with the settlement having been approved some time ago, was not able to close in July. This was due in part to the objection of the United States Trustee and scheduling of the United States Bankruptcy Court. Since that time, the Court has approved the settlement and the Trustee has withdrawn his objections and with the approval of this body, would like to go forward with the closing either on August 11<sup>th</sup> or 12<sup>th</sup>.

**REPORTS FROM STANDING COMMITTEES:** None

**REPORTS FROM SPECIAL COMMITTEES:** None

**RESOLUTIONS:**

Leg. Santore offered Resolution No. 93, entitled RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF DEEDS FOR PROPERTY SOLD BY THE OSWEGO COUNTY LEGISLATURE, TITLES TO WHICH WERE ACQUIRED BY THE TAX FORECLOSURES OF 2001 & 2003. Leg. Santore stated that the owners of these parcels, or their designees, have paid the taxes on the properties and now the County should deed them back to those individuals.

Resolution passed by a voice vote  
YES: 23 NO: 0 ABSENT: 2

Leg. Santore offered a Resolution entitled, RESOLUTION AUTHORIZING SALE OF SEVERAL PARCELS OF SURPLUS PROPERTY OF THE COUNTY OF OSWEGO PURSUANT TO COUNTY LAW § 215. Leg. Santore moved to refer this back to committee and Leg. Beckwith seconded it.

Motion was passed by a voice vote  
YES: 23 NO: 0 ABSENT: 2

Leg. Bullard offered Resolution No. 94, entitled RESOLUTION AUTHORIZING BUDGETARY MODIFICATION - SHERIFF'S DEPARTMENT. Leg. Bullard stated that the Sheriff's Department is the recipient of a \$1,000 grant from Wal-Mart in Oswego, to purchase equipment to include light bars for the patrol cars.

Resolution passed, by a voice vote  
YES: 23 NO: 0 ABSENT: 2

Leg. Bullard offered Resolution No. 95, entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION - SHERIFF'S DEPARTMENT. Leg. Bullard stated that the County has been awarded an additional \$60,000 from the Office of Homeland Security. Leg. Bullard moved to amend this resolution as follows: instead of putting the money in 5110, he

would like the money to be put in line 5120, for overtime expenditures. Leg. Waters seconded the motion. The amendment passed by a voice vote. Leg. Malone questioned whether money was directed just to the Sheriff's Department or could the Sheriff's Department direct the monies to be used somewhere else if needed. Steve Lyman, County Administrator, explained that the Sheriff is the grantee of the funding, but he can distribute it elsewhere if needed; for example for security for the Port of Oswego.

Resolution passed as amended by a voice vote  
with Leg. Seager opposing  
YES: 22 NO: 1 ABSENT: 2

Leg. Bullard offered Resolution No. 96, entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION – PROBATION DEPARTMENT – TO PURCHASE A COPIER. Leg. Bullard sated this modification was for the purpose of a copier and moved to amend this resolution to add a line, dept. 3141 line 5230, to include \$658 for automotive equipment; seconded by Leg. Waters. Amendment passed.

Resolution, as amended passed, by a voice vote  
with Leg. Anson opposing.  
YES: 22 NO: 1 ABSENT: 2

Leg. Proud offered Resolution No. 97, entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION - OFFICE FOR THE AGING. This resolution authorizes the County to accept EISEP monies (\$51,828) to provide services to seniors (age 60 years or older).

Resolution passed by a voice vote  
YES: 23 NO: 0 ABSENT: 2

Leg. Proud offered Resolution No. 98, entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION - DEPARTMENT OF SOCIAL SERVICES. This resolution is to accept additional federal funding, in the amount of \$18,906, for the Home Energy Assistance Program.

Resolution passes, by a voice vote  
YES: 23 NO: 0 ABSENT: 2

Leg. Leemann offered Resolution No. 99, entitled RESOLUTION AUTHORIZING BUDGETARY MODIFICATION - DEPARTMENT OF PUBLIC WORKS. This resolution is to transfer \$300,000 from the CHIPS account to the Gasoline & Oil account in order to cover the costs of gasoline and diesel fuel for the remainder of the year.

Resolution passed with a voice vote  
YES: 23 NO: 0 ABSENT: 2

Leg. Osetek offered Resolution No. 100, entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION - PURCHASING DEPARTMENT. This resolution is to authorize the transfer funds to cover additional anticipated costs of copier maintenance contracts.

Resolution passed with a voice vote  
YES: 23 NO: 0 ABSENT: 2

Leg. Ospelt offered a resolution entitled, RESOLUTION AUTHORIZING CHAIRMAN TO ENTER INTO AN AGREEMENT BETWEEN THE FINGER LAKES ASSOCIATION, INC. AND OSWEGO COUNTY. Leg. Waters moved to table this resolution indefinitely, seconded by Leg. Seager.

Motion to table passed with a voice vote  
YES: 23 NO: 0 ABSENT: 2

Leg. Ospelt offered Resolution No. 101, entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION - DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT NEW YORK CHOCOLATE AND CONFECTIONS COMPANY REVOLVING LOAN. This resolution approves a budget modification to increase the appropriation for revenue and expense for the NY Chocolate Revolving Loan accounts.

Resolution passed, with a voice vote  
YES: 23 NO: 0 ABSENT: 2

Leg. Proud offered Resolution No. 102, entitled, RESOLUTION AUTHORIZING PROFESSIONAL SERVICES CONTRACT-LEGAL SERVICES FOR THE DEPARTMENT OF SOCIAL SERVICES. This resolution accepts the low bid of Caraccioli & Associates, PLLC, in the amount of \$280,500 to provide legal services to the Department of Social Services. Leg. Brown suggested a correction should be made: i.e. \$316,200 was submitted by Olinksy & DiMartino law firm, not Caraccioli & Associates, as stated by Leg. Proud.

Resolution passed, with a voice vote,  
with Leg. Gearsbeck opposing.  
YES: 22 NO: 1 ABSENT: 2

Leg. Ospelt offered Resolution No. 103, entitled, RESOLUTION AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE TO ENTER INTO AGREEMENTS WITH THE OSWEGO HOUSING DEVELOPMENT REHABILITATION PROGRAM. The County has been awarded \$400,000 grant for the New York State Department of Housing and Community Renewal for the HOME Homeowner Rehabilitation Program.

Resolution passed, with a voice vote  
YES: 23 NO: 0 ABSENT: 2

Leg. Ospelt offered a resolution entitled, RESOLUTION AUTHORIZING THE CHAIR OF THE LEGISLATURE TO ENTER INTO AN AGREEMENT WITH OSWEGO COUNTY SOIL AND WATER CONSERVATION DISTRICT FOR IMPLEMENTATION OF THE 04-05 WATER MANAGEMENT PROGRAM. Leg. Ospelt moved to table the resolution indefinitely, seconded by Leg. Brown.

Motion to table passed, with a voice vote  
YES: 23 NO: 0 ABSENT: 2

Leg. Ospelt, offered Resolution No. 104, entitled, RESOLUTION AUTHORIZING THE CHAIR OF THE LEGISLATURE TO AMEND A CONTRACT WITH OSWEGO COUNTY SOIL AND WATER CONSERVATION DISTRICT FOR THE IMPLEMENTATION OF THE 02-03 WATER QUALITY MANAGEMENT PROGRAM. This resolution allows the contract to be

amended. The revision in the contract calls for the purchase of survey equipment by Oswego County Soil and Water Conservation District. The grant has a balance of \$11,733, which is available for this purpose.

Resolution passed, with a voice vote  
YES: 23 NO: 0 ABSENT: 2

Leg. Ospelt offered a resolution, entitled, RESOLUTION AUTHORIZING THE CHAIR OF THE LEGISLATURE TO ENTER INTO AN AGREEMENT WITH THE OSWEGO COUNTY SOIL AND WATER CONSERVATION DISTRICT FOR THE SPECIAL PROJECT -WATER CHESTNUT; and moved for its postponement, indefinitely. Seconded by Leg. Bullard.

Motion passed by a voice vote  
YES: 23 NO: 0 ABSENT: 2

Leg. Ospelt offered Resolution No. 105, entitled, RESOLUTION SUPPORTING THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT: APPLICATION TO THE STATE OF NEW YORK FOR A BROWNFIELD OPPORTUNITY AREA (BOA) GRANT. This resolution authorizes the Department of Planning and Community Development to apply for a grant in the amount of \$200,000.00.

Resolution passed by a voice vote  
YES: 23 NO: 0 ABSENT: 2

Leg. Leemann offered Resolution No. 106, entitled, RESOLUTION ACCEPTING PROPERTY FROM WALMART EAST STORES, INC. IN THE VILLAGE OF CENTRAL SQUARE FOR PURPOSES OF DEDICATION AS A COUNTY HIGHWAY. This resolution would transfer the entrance roadway of the Wal-Mart Supercenter in the Village of Central Square to the County of Oswego along with a \$61,225.59 escrow account to cover the cost of the acquisition and the construction of a snowplow turnaround by the County of Oswego. Leg. Waters requested a roll call vote. After a lengthy discussion, Leg. Hoefler moved the question; seconded by Leg. Brown. By a show of hands, the motion failed and the discussion continued. Chairman Johnson offered a few remark, and Leg. Anson called a point of order.

Leg. Waters moved to amend the resolution to schedule a Public Hearing on this issue on September 15, 2005, seconded by Leg. Anson. Discussion on the amendment followed. The motion failed and discussion returned to the Resolution.

Leg. Vasho moved the question, which was seconded by Leg. Santore. This motion passed by a show of hands. Leg. Waters called for a Roll Call Vote resulting in the following:

YES: LEEMANN, PROUD, BROWN, BEARDSLEY, SEAGER, RUSAW, OSPELT, GARDNER, BULLARD OSETEK, SANTORE, KUNZWILER, HOEFER, MALONE, VASHO, BREWER, JOHNSON.

NO: ANSON, WATERS, BRYANT, GEARSBECK, BECKWITH, FRENCH.

ABSENT: THOMAS, PONZI.

Resolution passed with a Roll Call vote

YES: 17 NO: 6 ABSENT: 2

Leg. Leemann offered Resolution No. 107, entitled, RESOLUTION ACCEPTING A GRANT OFFER AND ESTABLISHING A CAPITAL PROJECT FOR THE ENGINEERING DESIGN TO THE RUNWAY 6, 24, 15 & 33 RUNWAY6 SAFETY AREAS. Oswego County has received a grant from the FAA in the amount of \$28,500.00. The total project cost is \$30,000.00.

Resolution passed with a voice vote  
YES: 23 NO: 0 ABSENT: 2

Leg. Leemann offered Resolution No. 108, entitled, RESOLUTION APPROVING LEASE WITH THE NEW YORK STATE DEPARTMENT OF LABOR. This resolution would allow New York State Department of Labor to lease property from the County, 630 square feet of office space at the rate of \$13.50 per square foot annually, for a period of five years. The State of New York also agrees to fully reimburse the County for renovation costs of \$13,848 for work to be done by the county Department of Buildings and Grounds.

Resolution passed with a voice vote  
YES: 23 NO: 0 ABSENT: 2

Leg. Bullard offered Resolution No. 109, entitled, RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT BY AND BETWEEN THE COUNTY OF OSWEGO AND THE U.S. DEPARTMENT OF HOMELAND SECURITY, CUSTOMS & BORDERS PROTECTION. This resolution grants the federal government a leasehold interest in the Jones Road tower consistent with the lease and for the annual rent of \$660 for the initial five (5) year term. Leg. Malone asked if the rent could be increased a certain percentage over the course of the lease. Richard Mitchell, County Attorney, explained that a percentage increase could be included but he was not sure of what agreement the Sheriff and the government had reached regarding the tower site. The lease that is currently in place, expired and was extended by the Sheriff out of necessity for one year. The Legislature can ask for a percentage increase. Leg. Malone moved to amend the resolution to include a percentage increase for the second, third, fourth and fifth years of the lease; seconded by Leg. Brewer. A brief discussion followed. The motion to amend the resolution passed, Leg. Bryant, Ospelt, Santore, and Brown opposing. Leg. Proud requested a reading of the amended resolution. Steve Lyman stated that under the first resolve it will read as follows: "Resolved, that the County of Oswego hereby grants the federal government a leasehold interest in the Jones Road Tower consistent with the terms of annexed lease and for the annual rent of \$660 for the first year of the lease with an annual rate of increase as can be negotiated between the County and the Department of Homeland Security. "

Resolution passed as amended, with a voice vote  
YES: 23 NO: 0 ABSENT: 2

Leg. Osetek offered Resolution No. 110, entitled, RESOLUTION AUTHORIZING WITHDRAWAL OF FUNDS FROM THE GENERAL MUNICIPAL LAW §6-n INSURANCE RESERVE FUND TO SETTLE PENDING LITIGATION IN THE MATTER OF THE UNITED STATES OF AMERICA v. COUNTY OF OSWEGO, ET AL. This resolution authorizes the Oswego County Treasurer to pay to the order of the United States of America the sum of \$50,294.57 from the GML §6-n Insurance Reserve Fund to settle this matter. Leg. Osetek moved to amend the resolution to include the words "...and approval of the Government Operations and Law Committee.." to follow the words "NOW, THEREFORE, upon the recommendation of the

Finance and Personnel Committee...”; seconded by Leg. Kunzwiler. The amendment to the resolution passed by a voice vote. Discussion on the amended resolution followed. Richard Mitchell, County Attorney, gave a brief summary of the history of litigation and expressed his desire to settle this matter for a sum of \$50,294.57 and resolve renegotiated outstanding issues.

Resolution passed, as amended, with a voice vote  
YES: 23 NO: 0 ABSENT: 2

Leg. Proud offered Resolution No. 111, entitled, RESOLUTION AUTHORIZING A CONTINGENT FEE RETAINER AGREEMENT WITH WEITZ & LUXENBERG, P.C. This resolution establishes the outside counsel that will assist the County Attorney with Medicaid Fraud litigation.

Resolution passed with a voice vote  
YES: 23 NO: 0 ABSENT: 2

Leg. Waters moved to suspend the rules to add three more resolutions to this meeting. Leg. Ospelt seconded the motion. Motion passed by a voice vote.

Leg. Bullard offered Resolution No. 112, entitled, RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT BY AND BETWEEN THE COUNTY OF OSWEGO AND SYRACUSE SMSA, L.P. d/b/a VERIZON WIRELESS. This resolution approves a communications tower space rental lease with Verizon Wireless, which has been renegotiated with terms more favorable to Oswego County. The new lease allows for increased tower revenue for the E-911 Center and gives greater control to Oswego County.

Resolution passed with a voice vote  
With Legislator Hoefler opposed  
YES: 22 NO: 1 ABSENT: 2

Leg. Bullard offered Resolution No. 113, entitled, RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT BY AND BETWEEN THE COUNTY OF OSWEGO AND INDEPENDENT WIRELESS ONE LEASED REALTY CORPORATION. This resolution approves the communications tower space rental lease with Sprint.

Resolution passed with a voice vote  
YES: 23 NO: 0 ABSENT: 2

Leg. Bullard offered Resolution No. 114, entitled, RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT BY AND BETWEEN THE COUNTY OF OSWEGO AND NEXTELL WIP LEASE CORPORATION d/b/a NEXTEL PARTNERS. This resolution approves a communications tower space rental lease with Nextel.

Resolution passed with a voice vote  
YES: 23 NO: 0 ABSENT: 2

**UNFINISHED BUSINESS: None**

**NEW BUSINESS/MISCELLANEOUS BUSINESS: None**

There being no further business the meeting adjourned at 4:00 p.m. under a motion by Leg. Ospelt, seconded by Leg. Brown. All in favor.

**OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE LEGISLATURE:**

Margaret Weigel spoke on behalf of the Oswego County Library Council and urged the legislators to keep supporting the libraries.

Sean P. Doyle hoped that Oswego County would bring some of the County offices back to the Pulaski area, especially Veteran's Affairs. Leg. Proud stated that the Health and Human Services Committee was looking into the possibility of restoring at least one day per week of Veteran benefits to the Pulaski area.

Jim Atkinson asked to have the Fishing Advisory Board for the County reestablished.

Margaret Kastler, Supervisor of the Town of Sandy Creek related how popular the Sandy Island Beach area has become this year.

Bill Bubis outlined three issues of concern. There should be other ways to raise revenue for the County instead of raising taxes; for instance, fining people for infractions of rules and regulations. He spoke of his concerns regarding the DA's office and emphasized the importance of applying the laws equally to all people.

There were no others wishing to speak.