

**MINUTES OF THE MEETING OF THE
OSWEGO COUNTY LEGISLATURE HELD ON
FEBRUARY 10, 2005**

Chairman Johnson called the meeting to order at 2:02 p.m. Roll call was taken with all legislators present except Leg. Proud. Invocation was given by Ted Jerrett, Clerk of the Legislature, followed by the salute to the flag. Chairman Johnson asked if there were any objections to the January 4, 2005, minutes and advised that under the rules unless there are any objections the minutes would be approved. Hearing none, the minutes stand approved.

INTRODUCTION OF VISITORS

Legs. Anson, Leemann, French, Gardner, Thomas, and Ospelt introduced constituents and guests that were present.

REPORTS OF TOWN AND COUNTY OFFICIALS

John DeHollander, SWCD, gave an overview of the annual report of the Oswego County Water Quality Coordinating Committee. Mr. DeHollander advised that this is an ad hoc committee at the county level made up of various county departments, agencies and/or other organizations that have a stake in the water quality programming on behalf of Oswego County. The active participants on this committee that serve are the Soil and Water Conservation District, County Planning Dept., Cornell Cooperative Extension of Oswego County, The Central New York Regional Development, USDA Natural Resources Conservation Service, Tug Hill Commission and the Oswego County Environmental Management Council. Mr. DeHollander explained the role of the committee and its coordination of services as each of the members have their priorities in areas of responsibilities when it comes to addressing water quality and other environmental issues. Under this committee structure the agencies come together to try to understand individual differences and coordinate resources whether it be personnel, technical or financial so they are not duplicated in a wasteful manner on behalf of Oswego County. There are also many outside federal, state and local programs that either regulate or impact what the committee does as natural resource managers. Mr. DeHollander made reference to the 2004 annual report and urged that if anyone had any questions to contact him. He also reported that the quality of surface and ground water resources of Oswego County is good, but noted that there is always room for improvement and that there are activities that could negatively impact these resources. The continued effort of future water quality programming needs to be understood, coordinated and delivered at the local level. The committee hopes to continue its role in making sure that these objectives are accomplished for the betterment of the local environment. As part of his presentation Mr. DeHollander brought forward the need of financial support in regard to other competitive state-wide grants that are administered through this water quality coordinating committee network that can greatly assist others at the local level in achieving their goal and objectives in addressing water quality issues. Mr. DeHollander thanked his committee members in putting together the report and thanked the Legislature for letting him speak on behalf of the committee.

PUBLIC SPEAKERS

Tom Greco, a resident of Fulton, came forward to speak in regard to resolution number 15 establishing a position of Assistant District Attorney – Stop DWI. Mr. Greco advised that Shamus Heagerty, a best friend of his son, was struck and killed by a drunk driver. He urged Legislators to support a full-time Assistant District Attorney and vote unanimously to pass this resolution.

Joanne Hutchinson, a resident of Parish, and a State Chair for M.A.D.D. came forward to reiterate the importance of having another full-time Assistant District Attorney in the office. Ms. Hutchinson's daughter Amanda was a victim of a drunk driver. She advised that she has noticed that the District Attorney's staff has dwindled over the years and this leads to cases being postponed and long waits for adjudication. Ms. Hutchinson asked that legislators think again as there is a need to fill this position.

PROCLAMATIONS, PRESENTATIONS, RECOGNITIONS AND ANNOUNCEMENTS

Leg. Leemann, along with the Infrastructure and Facilities Committee members, Don Morey, Superintendent of Public Works, and Mark Bailey, Heavy Equipment Operator, came forward to recognize Mr. Bailey for 25 years of service with the county.

Leg. Brown reported on a recent NYSAC Conference that she attended. She presented Chairman Johnson a CAP hat from the conference. The attendees met with the board, heads of the committees, and the resolution committee and decided that there would be only one resolution, a call for the CAP on Medicaid. Preliminary information that was given was that Oswego County, at the end of 2002, had the highest percentage that had to be paid out of our tax base for Medicaid. Proposals have been put forth to do several formulas to take sales tax money and give the county rebates. In some counties it will work out and others it will not, and is an issue that will have to be looked at very carefully.

Ted Jerrett, Clerk of the Legislature, reported that Robert Hayes, Director of E-911, has submitted his notice of resignation effective March 1. Chairman Johnson requested that Mr. Hayes be invited to the next meeting of the Legislature.

RESOLUTIONS

Leg. Santore offered Resolution No. 1 entitled, RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF DEEDS OF PROPERTY SOLD BY THE OSWEGO COUNTY LEGISLATURE, TITLES TO WHICH WERE ACQUIRED BY THE TAX FORECLOSURES OF 2000 AND/OR 2002. Leg. Santore stated that we have three parcels that were taken by the county for delinquent taxes. The owners have come forward and paid the taxes in full and it is now our duty to give them back their deeds.

The Resolution Passed, by a Show of Hands
AYES: - 24 - NAYS: - 0 - ABSENT: - 1 -

Leg. Bryant offered Resolution No. 2 entitled, RESOLUTION FIXING TIME AND PLACE FOR PUBLIC HEARING RELATIVE TO PROPOSED LOCAL LAW NO.1 OF 2005, ENTITLED, A LOCAL LAW SUPERCEDING COUNTY LAW '215 REGARDING THE LEASING OF PROPERTY OWNED BY THE COUNTY OF OSWEGO. Leg. Bryant said this resolution states that there will be a hearing and public will talk about leasing property that the county owns.

Leg. Anson stated that the public should be made aware of this and hopes that a lot of the public attends. This changes County Law and extends leasing property from five to twenty years. Another area of concern is that legislative committees can approve without coming to the floor. It changes the way we do business now.

Leg. Malone offered a motion to amend the resolution to set the time of the Public Hearing at 7:00 p.m. instead of 2:00 p.m. so that the public can attend. The amendment to the resolution was seconded by Leg. Anson.

A roll call vote was taken on the motion to change the time to 7:00 p.m. resulting in the following:

AYES: THOMAS, ANSON, GEARSBECK, BROWN, OSETEK, PONZI, KUNZWILER, HOEFER, MALONE, BECKWITH, VASHO, FRENCH, BREWER

NAYS: WATERS, LEEMANN, BRYANT, BEARDSLEY, SEAGER, RUSAW, OSPELT, GARDNER, BULLARD, SANTORE, JOHNSON

ABSENT: PROUD

The Motion to Amend Passed.

AYES: -13- NAYS: -11- ABSENT: - 1-

Leg. Rusaw advised that he would not support this resolution.

A roll call vote was taken on the Resolution resulting in the following:

AYES: THOMAS, LEEMANN, BRYANT, BROWN, BEARDSLEY, SEAGER, OSPELT, GARDNER, BULLARD, OSETEK, SANTORE, PONZI, KUNZWILER, MALONE, BECKWITH, VASHO, FRENCH, BREWER JOHNSON

NAYS: ANSON, WATERS, GEARSBECK, RUSAW, HOEFER

ABSENT: PROUD

The Resolution Passed

AYES: -19- NAYS: -5- ABSENT: - 1-

Leg. Waters offered a motion to suspend the rules changing the meeting time for the full Legislature from 2:00 p.m. on March 10, to 7:00 p.m. The motion was seconded by Leg. Beckwith.

The Motion to Amend was Passed, by a Show of Hands
AYES: -24- NAYS: - 0 - ABSENT: - 1 -

Leg. Ospelt offered Resolution No. 3 entitled, RESOLUTION FIXING TIME AND PLACE FOR PUBLIC HEARING RELATIVE TO THE REQUESTS OF LANDOWNER INCLUSION WITHIN THE EXISTING CERTIFIED AGRICULTURAL DISTRICT PURSUANT TO THE NYS AGRICULTURAL AND MARKETS LAW (AML), SECTION 303-b, AS AMENDED. Leg. Ospelt stated that this is a public hearing and stated that this involves property in the Agricultural district.

Leg. Brown made a motion to amend and set the time at 7:00 p.m. and this was seconded by Leg. Vasho.

The Amended Resolution Passed, by a Show of Hands
AYES: -24 - NAYS: - 0 - ABSENT: - 1 -

Leg. Ospelt offered Resolution No. 4 entitled, RESOLUTION SUPPORTING APPOINTMENT TO THE REGION 7 FISH AND WILDLIFE MANAGEMENT BOARD. Leg. Ospelt stated that this resolution is to appoint five members to the board and that he supports this resolution.

The Resolution Passed, by a Show of Hands
AYES: -24 - NAYS: - 0 - ABSENT: - 1 -

Leg. Ospelt offered Resolution No.5 entitled, RESOLUTION APPOINTING MEMBERS TO THE OSWEGO COUNTY SOIL AND WATER CONSERVATION DISTRICT BOARD OF DIRECTORS. Leg. Ospelt stated that this resolution is to appoint three members to the board of directors and he supports the resolution.

The Resolution Passed, by a Show of Hands
AYES: -24 - NAYS: - 0 - ABSENT: - 1 -

Leg. Ospelt offered Resolution No. 6 entitled, RESOLUTION OF THE COUNTY LEGISLATURE OF THE COUNTY OF OSWEGO, NEW YORK, IN SUPPORT OF AN AMENDMENT TO ARTICLE 18-A OF THE GENERAL MUNICIPAL LAW TO PROVIDE FOR PERMANENT AUTHORIZATION FOR INDUSTRIAL DEVELOPMENT AGENCIES TO UNDERTAKE CIVIC FACILITY PROJECTS AND TO REMOVE THE \$20 MILLION CAP ON CIVIC FACILITY PROJECT FINANCING.

Leg. Ospelt advised that projects cost more now and recommends to take the cap off and supports the resolution.

The Resolution Passed, by a Show of Hands
with Legs. Malone and Hoefer opposing
AYES: - 22 - NAYS: - 2 - ABSENT: - 1-

Leg. Leemann offered Resolution No. 7 entitled, RESOLUTION BRINGING CLOSURE TO THE TEMPORARY AIRPORT ADVISORY BOARD. Leg. Leemann advised that the chairman of the Airport Advisory Committee has completed his job, and the committee has done an excellent job.

The Resolution Passed, by a Show of Hands
AYES: -24 - NAYS: - 0 - ABSENT: - 1 -

Leg. Brewer stated that the full legislature should write a letter to the committee thanking them for a job well done.

Leg. Leemann read the last resolved of the resolution that states that the Oswego County Legislature commends the leadership and members of the Airport Advisory Board for its years of dedication and numerous successes on behalf of the people of Oswego County.

Leg. Santore offered Resolution No. 8 entitled, RESOLUTION ON IMPLEMENTATION OF THE HELP AMERICA VOTE ACT. Leg. Santore stated that the State Legislature has stalled action on this act and we have at stake approximately \$6,000,000 in federal monies in advance until they make a decision as to what they are going to do. We have a deadline of election 2006 to get this fully implemented or we lose the \$6,000,000.

The Resolution Passed, by a Show of Hands
AYES: -24 - NAYS: - 0 - ABSENT: - 1 -

Leg. Ospelt offered Resolution No. 9 entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION DEPARTMENT OF PROMOTION AND TOURISM. Leg. Ospelt advised that this is to reallocate some bed tax money and update the county web site.

Leg. Anson stated he believes that a portion of this money belongs to the town and cities that we took away from them a few years ago and that he will be voting no on this resolution.

The Resolution Passed, by a Show of Hands
with Legs. Gearsbeck and Anson opposing
AYES: - 22 - NAYS: - 2 - ABSENT: - 1 -

Legs. Ospelt offered Resolution No. 10 entitled, RESOLUTION AUTHORIZING PROFESSIONAL SERVICES CONTRACT PROMOTION AND TOURISM. Leg. Ospelt stated that this is in excess of \$5,000, and a Request for Proposal was required.

The Resolution Passed, by a Show of Hands
AYES: -24 - NAYS: - 0 - ABSENT: - 1 –

Leg. Bullard offered Resolution No. 11 entitled, RESOLUTION CREATING POSITIONS IN THE SHERIFF’S DEPARTMENT. Leg. Bullard stated that this is creating three part-time positions for the NYS Unified Court System to expand in the court, will not cost the county any money, and urged support of the resolution.

Leg. Hoefler stated that he would not support this resolution and Leg. Anson said that he would support, but would like to see someone with qualifications other than a retiree in the position. This way the person would not be collecting retirement and benefits. Leg. Bryant advised that the Sheriff explained that the person hired would not receive benefits and would be paid hourly.

The Resolution Passed, by a Show of Hands
with Leg. Hoefler opposing
AYES: - 23 - NAYS: - 1 - ABSENT: - 1 –

Leg. Bullard offered Resolution No. 12 entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION SHERIFF’S DEPARTMENT. Leg. Bullard stated that Wal-Mart has offered \$1,000 to the Sheriff’s Dept. and urged support of the resolution.

The Resolution Passed, by a Show of Hands
AYES: -24 - NAYS: - 0 - ABSENT: - 1 –

Leg. Bullard offered Resolution No. 13 entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION SHERIFF’S DEPARTMENT. Leg. Bullard advised that this is a \$2,000 donation from the NYS Credit Union for supplies to be used for DARE instructors and students.

The Resolution Passed, by a Show of Hands
AYES: -24 - NAYS: - 0 - ABSENT: - 1 –

Leg. Leemann offered Resolution No. 14 entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION DEPARTMENT OF PUBLIC WORKS. Leg. Leemann stated that this is a balance of the CHIPS funding that was received last year and will be used for 2005, and encouraged the adoption of this resolution.

Leg. Ospelt added that the Highway Superintendent, Don Morey should be thanked for the job he has done this year and his obtaining more CHIPS money. Mr. Morey was commended for his efforts.

The Resolution Passed, by a Show of Hands
AYES: -24 - NAYS: - 0 - ABSENT: - 1 -

Leg. Bryant offered Resolution No. 15 entitled, RESOLUTION ESTABLISHING POSITION OF ASSISTANT DISTRICT ATTORNEY – STOP DWI PROGRAM. Leg. Bryant stated that this is the resolution that the public spoke about earlier in the meeting. He advised that the resolution was supported unanimously by the Government and Operations Committee as well as the Finance and Personnel Committee. Leg. Bryant asked that any legislator who wished to speak in support of the resolution to do so. Legs. Waters, Leemann, Anson, Thomas, Seager, Kunzwiler, Brewer and Johnson spoke in support of the resolution.

A roll call vote was taken on the Resolution resulting in the following:

AYES: THOMAS, ANSON, WATERS, LEEMANN, BRYANT, GEARSBECK, BROWN, BEARDSLEY, SEAGER, RUSAW, OSPELT, GARDNER, BULLARD, OSETEK, SANTORE, PONZI, KUNZWILER, HOEFER, MALONE, BECKWITH, VASHO, FRENCH, BREWER JOHNSON

ABSENT: PROUD

The Resolution Passed
AYES: -24- NAYS: -0- ABSENT: - 1-

Leg. Santore offered Resolution No. 16 entitled, RESOLUTION AUTHORIZING EXPENDITURE FROM CAPITAL RESERVE NO. 145. Leg. Santore stated the Central Services has done a thorough inventory of all the hardware and software systems that the county uses and has come up with a 3-year plan to address the systems that are no longer adequate to satisfy the needs of our government. This is to take \$100,000 out of technology reserve and into a capital account.

The Resolution Passed, by a Show of Hands
AYES: -24 - NAYS: - 0 - ABSENT: - 1 -

Leg. Osetek offered Resolution No. 17 entitled, RESOLUTION ABOLISHING POSITION OF EMPLOYMENT IN THE DEPARTMENT OF SOCIAL SERVICES. Leg. Osetek stated that this is to abolish a vacant position of Senior Employment Specialist at DSS and received unanimous support from the Finance and Personnel Committee in its vacancy review process.

The Resolution Passed, by a Show of Hands
AYES: -24 - NAYS: - 0 - ABSENT: - 1 –

Leg. Osetek offered Resolution No. 18 entitled, RESOLUTION AUTHORIZING PROFESSIONAL SERVICES CONTRACT COUNTY TREASURER’S OFFICE. Legislator Osetek stated that this resolution authorizes the professional services contracts for Independent Title Agency to perform In Rem Title Searches and notifications as part of the process for getting unpaid city and county taxes as dictated by the NYS Real Property Law.

The Resolution Passed, by a Show of Hands
AYES: -24 - NAYS: - 0 - ABSENT: - 1 –

Leg. Ospelt offered Resolution No. 19 entitled, RESOLUTION AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE TO ENTER INTO A CONTRACT WITH THE NEW YORK STATE HOUSING TRUST FUND CORPORATION.

The Resolution Passed, by a Show of Hands
AYES: -24 - NAYS: - 0 - ABSENT: - 1 –

Leg. Ospelt offered Resolution No. 20 entitled, RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT MONIES FOR 2004-2005 SNOWMOBILE TRAIL PROGRAM AND BUDGET MODIFICATION.

The Resolution Passed, by a Show of Hands
AYES: -24 - NAYS: - 0 - ABSENT: - 1 –

MISCELLANEOUS BUSINESS

LEGISLATOR Hoefler stated that he had been very patient with Verizon, but since requesting several times, and not receiving, a report as to why the cell phone tower fell down he is running out of patience with the company. He advised that we have requested and paid for a report but that Verizon is withholding it. He wants to know why the report is being withheld. Chairman Johnson said that this would be looked into.

Leg. Waters offered a motion to recess, seconded by Leg. French. Motion Carried

The meeting recessed at 3:05 p.m.

Motion to go out of recess and return to regular session was made by Leg. Ponzi and seconded by Leg. Bullard at 3:33 p.m.

INFORMATIONAL MEETING

Chairman Johnson advised that this informational meeting is for the proposed tax settlement at the Town of Orwell's Brascan Hydroelectric Power Plant. Chairman Johnson asked that guests be introduced. Leg. Anson introduced Marilyn Roser, Supervisor, Town of Orwell, and Town of Orwell Councilman Robert Crossett. Leg. Leemann introduced members of the Altmar-Parish-Williamstown school district. Deborah Haab, Superintendent of Schools, Mary Ann Phillips, President of the School Board, and Board Members Thomas Benedetto and William Scriber. Richard Mitchell introduced Joe Shields, Attorney for the School District, Kevin Caraccioli, Attorney for the Town of Orwell, Matt Moses, Attorney for Brascan, Rob Easterly an employee of Brascan Power and David Hastings, Director of Real Property Tax.

Richard Mitchell gave an overview of the situation and the consideration of the county, school district and town to enter into a PILOT (payment in lieu of taxes) agreement with the owner of Brascan. Prior to Brascan's ownership Niagara Mohawk owned the Bennetts Bridge and Lighthouse Hill Hydroelectric Plants and at that time Niagara Mohawk filed a lawsuit against the town stating that they had been over assessed. When Brascan purchased these plants, part of the deal was that they assume all outstanding litigation which included the lawsuit against the Town of Orwell. Without the agreement the county may be forced to refund money, plus interest that was overpaid. An extensive presentation and discussion between all present continued.

Leg. Waters offered a motion to recess, seconded by Leg. Kunzwiler. Motion Carried.

The meeting recessed at 4:30 p.m.

Motion to go out of recess and return to regular session was made by Leg. Ospelt and seconded by Leg. Ponzi at 4:37 p.m. Motion Carried.

A motion made by Leg. Bullard to schedule a special meeting to further discuss and decide on the PILOT agreement, motion seconded by Leg. Ponzi. Motion Carried.

Chairman Johnson advised that this will need to go to the Government Operations and Law Committee for approval.

A motion was made by Leg. Bryant to defer this to the Government Operations and Law Committee and seconded by Leg. Brown. Motion Carried.

County Attorney Richard Mitchell will draw up a resolution to transfer funds, which will be considered by Committee.

A motion was made by Leg. Kunzwiler and seconded by Leg. Osetek to schedule a Government Operations and Law Committee meeting on February 17, at 12:00 p.m. with the full Legislature reconvening at 12:30 p.m. Motion Carried.

Leg. Kunzwiler offered a motion to recess, seconded by Leg. Osetek. Motion Carried.

The meeting recessed at 4:55 p.m.