

**MINUTES OF THE PUBLIC HEARING HELD ON JUNE 10, 2010
RELATIVE TO THE PROPOSED COUNTY OF OSWEGO LOCAL LAW
NUMBER 3 OF 2010, ENTITLED, “A LOCAL LAW GRANTING AN EXEMPTION FROM
TAXATION SPECIAL AD VALOREM LEVIES AND SPECIAL ASSESSMENTS AS
PROVIDED FOR UNDER REAL PROPERTY TAX LAW §485 AND §490 REGARDING
NINE MILE POINT, UNIT I, A NUCLEAR POWERED ELECTRIC GENERATING FACILITY”**

Chairman Barry Leemann opened the public hearing at 7:00 p.m. County Attorney, Richard Mitchell read the Public Hearing Notice of the proposed County of Oswego Local Law Number 3 of 2010, entitled “A LOCAL LAW GRANTING AN EXEMPTION FROM TAXATION SPECIAL AD VALOREM LEVIES AND SPECIAL ASSESSMENTS AS PROVIDED FOR UNDER REAL PROPERTY TAX LAW §485 AND §490 REGARDING NINE MILE POINT, UNIT I, A NUCLEAR POWERED ELECTRIC GENERATING FACILITY”. Chairman Leemann offered the floor to any wishing to speak on this matter.

Fran Hofer, Oswego City School District Board of Education member, spoke against a PILOT agreement for Nine Mile Point, Unit I. Mr. Hofer stated that if the plant went back on the tax rolls it would be fair to everyone.

There being no others wishing to speak, the public hearing was declared closed at 7:09 p.m.

**MINUTES OF THE MEETING OF THE OSWEGO COUNTY
LEGISLATURE HELD JUNE 10, 2010**

Chairman Leemann called the meeting to order at 7:10 p.m. Roll call was taken with all legislators present. The invocation was given by the Clerk of the Legislature Ted Jerrett, followed by the salute to the flag.

MINUTES:

Hearing no objections/corrections to the May 13, 2010 minutes, they were approved.

INTRODUCTION OF VISITORS/RECOGNITIONS/PROCLAMATIONS:

Chairman Leemann invited members of the Public Safety and Emergency Services Committee, E-911 Director Mike Allen, and Senior Telecommunicator Robert Loomis forward. Director Allen presented a plaque to Mr. Loomis for his 34 years of dedicated service to the county. Director Allen commended Mr. Loomis for his work and extended his best wishes for him in his retirement.

Chairman Leemann invited members of the Community and Consumer Affairs Committee, County Clerk George Williams, and Index Clerk Claudia Gamble forward. Mr. Williams presented a plaque to Ms. Gamble for her 30 years of service to the county.

Chairman Leemann invited members of the Health and Human Services Committee, Social Services Commissioner Frances Lanigan, and Social Welfare Examiner Janet Bettinger forward. Ms. Lanigan presented a certificate to Ms. Bettinger for her 25 years of service to the county.

Chairman Leemann invited members of the Community and Consumer Affairs Committee and Real Property Tax Director David Hastings forward along with his wife. Committee Chair Hayes presented a certificate to Mr. Hastings in recognition of his years of outstanding service to Oswego County and extended best wishes in his retirement. Director Hastings thanked everyone and expressed how much he enjoyed working for the county. Mr. Hastings introduced Debbie Mullenax as his successor as Director of Real Property Tax Office. Ms. Mullenax thanked the legislature for her appointment.

Chairman Leemann invited Legislator Gardner and outstanding local swimmer Drake Becksted to come forward. Clerk of the Legislature Ted Jerrett read the recognition aloud to the legislature. Legislator Gardner introduced Drake's mother, Patty and mentioned he was a 10th grader at Oswego High School and had raced against world record holders and held his own at the age of 14. Legislator Gardner predicted Drake Becksted will be the next Oswego County Olympian.

Chairman Leemann invited Legislator Barbara Brown, Cooperative Extension Agricultural Economic Development Educator Valerie Walthert, Agriculture Team Coordinator Jonathan Schell and President of Oswego County Farm Bureau Nancy Weber to come forward. Proclamation naming June 2010 as Dairy Month is presented by Legislator Brown and read by Clerk of the Legislature Ted Jerrett. Ms. Weber expressed thanks to Colosse Cheese and Byrne Dairy for supplying cheese and milk for the meeting. Legislator Brown mentioned that the proclamation will be displayed at the Oswego County Fair in the ice cream booth on behalf of dairy farmers. Chairman Leemann held up a poster displaying motorcyclists from Oswego County Abate for a "drink milk" campaign.

REPORTS OF COUNTY OFFICIALS:

County Attorney Richard Mitchell introduced Mike Pedersen, Esq. from Weitz Luxenberg to present an update on the Average Wholesale Price litigation. Mr. Pedersen explained he was an attorney from New York City representing the county against 70 drug distributors; the county was paying a higher price than the average wholesale price to distributors. Mr. Pedersen recommended approving the settlement offer from four (4) of the defendants. He also explained that the litigation is currently in state court and depositions have not yet been taken from Oswego County employees. Mr. Pedersen stated that he has been spending time at the Social Services department going through records to prove the state never notified the county of the pricing discrepancy.

Legislator Barbara Brown asked Valerie Walthert and Jonathan Schell of Cooperative Extension to come forward along with Legislator Amy Tresidder and Legislator Terry Wilbur. Legislator Brown reported that the three legislators had attended the NYSAC meeting and were all appointed to the Blue Ribbon Task Force for Agriculture; Ms. Walthert and Mr. Schell attended the meetings in regard to dairy farming. Legislator Brown explained that farms are in a financial bind in today's economy; in order to obtain information from the farmers, listening hearings were held in Hastings, Granby and Richland with the help of Cooperative Extension. A summary of the listening sessions was provided to the legislature. Legislator Wilbur stated that Oswego County is the only county that has done anything from the task force and he expressed his thanks to Cooperative Extension. Legislator Tresidder thanked Cooperative Extension and mentioned that it was nice to get information first hand to take back to the task force. Agriculture Team Coordinator Jonathan Schell thanked the legislature for their support and mentioned the following important points:

- There is a need to influence young people to take on farming as a living;
- Oswego County Harvest Guide to promote the support of local foods;
- Will be unveiling the Oswego County Harvest Brand;
- Soil and Water District along with Oswego Industries to promote agriculture in the county;
- Agriculture contributes 35 million dollars to the local community per year.

REPORTS OF STANDING COMMITTEES: None

REPORTS OF SPECIAL COMMITTEES: None

PUBLIC SPEAKERS ON RESOLUTIONS OF THE DAY:

Kevin Caraccioli, Esq., Attorney for the Town of Scriba spoke on the proposed Tax Agreement with Nine Mile Point, Unit I. Mr. Caraccioli assured the legislature that the Town of Scriba stands committed to the agreement made with Nine Mile Point, Unit I. He went on to say that Scriba hosts three (3) nuclear plants and the town sets the assessed value; they recognized the strength in cooperating with the tax agreement and negotiated in good faith. Mr. Caraccioli stated that Nine Mile is paying 270 percent more in taxes with this agreement than they were paying; the town desires a 3 or 4 party deal but is prepared to exercise its authority to enter into the agreement with the plant and fix the amount the county and school district will receive. Mr. Caraccioli encouraged the legislature to honor the spirit of the agreement and approve the Tax Agreement with Nine Mile Point, Unit I.

RESOLUTIONS AND MOTIONS:

Leg. Beardsley offered Resolution No. 116, entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION DEPARTMENT OF SOLID WASTE – SAFETY TRAINING GRANT. This resolution accepted a \$14,189 grant award from the NYS Occupational Safety and Health Hazard Abatement Board for required training.

Resolution passed, with a voice vote
YES: 25 NO: 0 ABSENT: 0

Leg. Proud offered Resolution No. 117, entitled, RESOLUTION ESTABLISHING CAPITAL PROJECT #60 – CAMP ZERBE STUDY. This resolution established Capital Project #60 for \$68,332 with funding through an EPA grant from NYS Parks & Recreation with a local match from Buildings Renovation Reserve. Leg. Kunzwiler asked if the full amount was not used will the additional money go towards repairs. County Administrator Philip Church responded that the county’s portion can be used towards renovations but he would have to check on the grant funding. Leg. Malone inquired why the renovations couldn’t be done in-house and who came up with the amount. Chairman Leemann stated that NYS Parks & Recreation said the building needed to be repaired or built in kind according the initial agreement when the county bought Camp Zerbe; this resolution lets a study be conducted to see if the lodge can be repaired. Leg. Malone asked who would do the study; state or independent contractor. Chairman Leemann responded that an RFP would go out and any money remaining would go into a reserve fund. Leg. Proud mentioned that the cost of the assessment would be more because it is a historical site.

Resolution passed, with a voice vote
Legs. Karasek, Fruce, LeClair, and Malone in opposition.
YES: 21 NO: 4 ABSENT: 0

Leg. Proud offered Resolution No. 118, entitled RESOLUTION APPOINTING MEMBERS TO THE OSWEGO COUNTY CHILD PROTECTION ADVISORY COUNCIL. This resolution appointed Karrie D. Damm, LMFT and Executive Director of the county Child Advocacy Center to the Child Protection Advisory Council.

Resolution passed, with a voice vote
YES: 25 NO: 0 ABSENT: 0

Leg. Proud offered Resolution No. 119, entitled RESOLUTION AUTHORIZING BUDGETARY MODIFICATION DEPARTMENT OF SOCIAL SERVICES. This resolution authorizes the transfer of \$30,000 from Salary & Wages to Additional Hours to assist staff in meeting the increased demands in processing applications and claims. Leg. Malone inquired if this would require extended hours or opening weekends. Social Services Commissioner Frances Lanigan responded that this resolution would allow staff to work 40 hours a week instead of 35. She also stated that it wasn't unusual for staff to work on Saturday 7:00 am to 12:00 pm.

Resolution passed, with a voice vote
YES: 25 NO: 0 ABSENT: 0

Leg. Proud offered Resolution No. 120, entitled RESOLUTION AUTHORIZING BUDGETARY MODIFICATION YOUTH BUREAU – CREATING A SEASONAL POSITION AT CAMP HOLLIS AND PAYING FOR IT THROUGH GRANT FUNDS. This resolution accepted grant funding received by Friends of Camp Hollis, Inc. in the amount of \$2,692 from the Constellation Energy Community Involvement Program and creates the position of Group Activities Leader in the Camp Hollis budget. Leg. Proud mentioned that the additional position is at no cost to the county.

Resolution passed, with a voice vote
YES: 25 NO: 0 ABSENT: 0

Leg. Hayes offered Resolution No. 121, 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 2008.

Resolution passed, with a voice vote
YES: 25 NO: 0 ABSENT: 0

Leg. Sorbello offered Resolution No. 122, entitled RESOLUTION AWARDED A CONTRACT FOR WELL AND SEPTIC SERVICES. This resolution authorizes a professional services contract with Fischer Civil Engineering of Camden NY for traditional septic design at \$1300, mound design at \$1800, raised bed design at \$1800 and Aerobic design for \$2000.

Resolution passed, with a voice vote
YES: 25 NO: 0 ABSENT: 0

Leg. Sorbello offered Resolution No. 123, entitled RESOLUTION SUPPORTING NYS LEGISLATION TO KEEP NYS PARKS AND HISTORIC SITES OPEN. Leg. Sorbello stated that even though the parks are open at this time the resolution is still being sent to state representatives. Leg. Brown announced there will be a Flag Day Ceremony at Fort Ontario at 11:00 am on June 11 and urged attendance.

Resolution passed, with a voice vote
YES: 25 NO: 0 ABSENT: 0

Leg. Sorbello offered Resolution entitled RESOLUTION AWARDED PROFESSIONAL SERVICES CONTRACT "AQUATIC VEGETATION CONTROL" LEGISLATIVE ACCOUNTS. This resolution allowed for a professional service contract for aquatic vegetation control between Oswego County Soil and Water Conservation District and Allied Biological of Maryland, NY for the sum of \$47,766. Leg. Sorbello stated that \$60,000 was budgeted in 2010 for aquatic vegetation control. He mentioned that the herbicide needed to be applied within the next few weeks to be affective. Soil and Water Conservation Manager John DeHollander noted that environmental causes have been hurt by of the state budget crisis. He explained that the DEC is asking for more information in regard to the Great Lakes Federal Grant that was applied for. Mr. DeHollander asked the legislature to provide the funding this year and Soil and Water District will reimburse with federal money when received. Leg. Malone stated that he doesn't believe the county will get reimbursed. Leg. Doyle disagreed; saying the issue was debated in the EDP Committee and the infestation was discussed. Leg. Doyle stated that infestation is now in the Salmon River and an investment needs to be made because the waterways are part of economic development, and waterfront properties are one of the largest assessed values in the county. Leg. Oldenburg agreed that maintenance of the rivers is very important, but it is clearly a State responsibility and the State should be held accountable and not allowed to shift the costs of State obligations onto County taxpayers. He expressed concern that the County will not be reimbursed and will be expected to continue diverting scarce local dollars to additional neglected State obligations. Leg. Brown mentioned that the weeds in the river slow down drainage and adversely affect farmers.

Resolution defeated, with a roll call vote
YES: 12 NO: 13 ABSENT: 0

YES: Legs. Kastler, Doyle, Proud, Brown, Hayes, Ospelt, Mulcahey, Kunzwiler, Chalifoux, Karasek,
Sorbello, LeClair

NO: Legs. Potter, Leemann, Sakonyi, Martino, Beardsley, Lockwood, Gardner, Oldenburg, Tresidder,
Flett, Malone, Wilbur, Fruce

Leg. Lockwood offered Resolution No. 124, entitled RESOLUTION APPOINTING INTERIM FIRE COORDINATOR FOR THE COUNTY OF OSWEGO. This resolution appointed Don Forbes as the Interim Fire Coordinator commencing June 10, 2010. Leg. Proud highly recommended the appointment; stating that Mr. Forbes is a product of local schools and fire department. Leg. Kunzwiler inquired why it's an interim appointment to which County Administrator Philip Church responded that a civil service

test has to be administered before a permanent appointment can be made. Legs. Brown and Flett both recommended the appointment.

Resolution passed, with a voice vote
YES: 25 NO: 0 ABSENT: 0

Leg. Lockwood offered Resolution No. 125, entitled RESOLUTION AWARDED CONTRACT FOR GEO TECHNICAL DRILLING E-911 DEPARTMENT. This resolution authorized a contract with Parratt-Wolff Inc. for \$300 per site and \$1700 per rig/crew day for drilling, boring, and testing of soil beneath proposed emergency radio tower sites.

Resolution passed, with a voice vote
YES: 25 NO: 0 ABSENT: 0

Leg. Lockwood offered Resolution No. 126, entitled RESOLUTION AWARDED CONTRACT FOR AN E-911 RELOCATION FEASIBILITY STUDY. This resolution authorizes a professional services contract with King and Kings Architects of Syracuse for \$24,900 to study the benefit of moving County E-911 Offices outside the 10-mile Emergency Protection Zone (EPZ) and the steps to be taken.

Resolution passed, with a voice vote
YES: 25 NO: 0 ABSENT: 0

Leg. Ospelt offered Resolution No. 127, entitled RESOLUTION URGING THE GOVERNOR AND THE STATE LEGISLATURE TO REJECT ATTEMPTS TO CUT THE FLEXIBLE FUND FOR FAMILY SERVICES AND SHIFT COSTS TO COUNTIES. This resolution opposes a proposed State cost-shift to Oswego County of approximately \$500,000.

Resolution passed, with a voice vote
YES: 25 NO: 0 ABSENT: 0

Leg. Ospelt offered Resolution No. 128, entitled RESOLUTION PURSUANT TO SECTION 206 OF COUNTY LAW CHANGING LEGISLATIVE OFFICE BUILDING HOURS FOR JULY AND AUGUST. This resolution changes the hours of operation in the County Legislative Office Building from 9 a.m. until 5 p.m. to 8:30 a.m. until 4 p.m. for the months of July and August. Leg. Mulcahey said the change in hours could make it tough to get services from the county. Leg. Malone agreed. Leg. Ospelt explained that studies show few customers in the building from 4 p.m. to 5 p.m.

Resolution passed, with a voice vote
Legs. Malone and Mulcahey in opposition.
YES: 23 NO: 2 ABSENT: 0

Leg. Proud offered Resolution No. 129, entitled RESOLUTION ADOPTING COUNTY OF OSWEGO LOCAL LAW NUMBER 3 OF 2010 "A LOCAL LAW GRANTING AN EXEMPTION FROM TAXATION SPECIAL AD VALOREM LEVIES AND SPECIAL ASSESSMENTS AS PROVIDED

FOR UNDER REAL PROPERTY TAX LAW §485 AND §490 REGARDING NINE MILE POINT, UNIT I, A NUCLEAR POWERED ELECTRIC GENERATING FACILITY”. County Attorney Richard Mitchell presented an amended Local Law with technical changes made. Leg. Malone inquired if the amendments would require another public hearing. County Attorney Mitchell responded “no”, that the substance of the Local Law is unchanged with only technical revisions to provide flexibility to the county.

Resolution as amended passed, with a voice vote

Legs. Kunzwiler and Oldenburg abstained, noting their employment by Constellation.

YES: 23 NO: 0 ABSENT: 0 ABSTAIN: 2

Leg. Proud offered Resolution No. 130, entitled RESOLUTION AUTHORIZING THE CHAIRMAN TO EXECUTE A TAX AGREEMENT ON CERTAIN TERMS WITH NINE MILE POINT NUCLEAR STATION, LLC PURSUANT TO REAL PROPERTY TAX LAW §485. This resolution authorizes a one year tax agreement with Nine Mile Point, Unit I for \$11 million. County Attorney Mitchell explained that the amended resolution and agreement had the date written in the margin.

Resolution passed, with a roll call vote

Legs. Kunzwiler and Oldenburg abstained, noting their employment by Constellation.

YES: 23 NO: 0 ABSENT: 0 ABSTAIN: 2

Leg. Kunzwiler said Chairman Leemann listened to concerns over the previous PILOT and put together a bipartisan team that insured that all legislators were well informed within the bounds of the confidential negotiations. Leg. Kunzwiler thanked the Chairman Leemann and the Negotiations Committee for a fair agreement. Leg. Brown inquired about the penalty clause and how the county would know if spent fuel rods were imported from outside the county. County Attorney Mitchell explained that state and federal regulations are in place that would alert the County in such an instance. Leg. Mulcahey commended the negotiating team. Leg. Beardsley also thanked the team and added, in response to speaker Fran Hoefer that the County is focused on County issues and has no authority to affect how the school handles their portion of the PILOT payments. He thanked those on the negotiating teams that stuck by their word. Chairman Leemann stated that he is expecting this tax agreement to help lower the county tax levy. Leg. Proud mentioned that this is a one year agreement and will be setting the stage for agreements to follow with Nine Mile Unit II and FitzPatrick; that establishing trust now will serve taxpayers and all other parties well in the future. Leg. Malone asked what would happen if the agreement was turned down by the legislature. County Administrator Church responded that if there was no agreement, the Town of Scriba would place the nuclear plant on the tax roll at assessed value and the county would likely place a good portion of the taxes received into an account to address pending assessment litigation, an annually recurring expense that is avoided by the proposed tax agreement (PILOT). County Attorney Mitchell explained that assessment litigation would also be costly to the Town and School District.

Leg. Kunzwiler made a motion to waive the rules and allow two (2) additional resolutions to go before the legislature. Leg. Doyle seconded the motion.

Motion to waive the rules passed, with a voice vote

Leg. Malone opposed.

YES: 24 NO: 1 ABSENT: 0

Leg. Ospelt offered Resolution No. 131, entitled A RESOLUTION AUTHORIZING THE CHAIRMAN TO EXECUTE SETTLEMENT DOCUMENTS WITH UCB PHARMA, INC., TEVA PHARMACEUTICAL INDUSTRIES, LTD, FUJISAWA HEALTHCARE, INC./FUJISAWA USA, INC. AND ETHEX CORPORATION ON CERTAIN TERMS RELATIVE TO THE MATTER OF *COUNTY OF OSWEGO v. ABBOTT LABS, et al.* This resolution accepts a settlement agreement with the above mentioned companies in the amount of \$189,557.02.

Resolution passed, with a voice vote

YES: 25 NO: 0 ABSENT: 0

Leg. Sorbello offered Resolution No. 132, entitled RESOLUTION SUPPORTING THE COUNTY OF OSWEGO INDUSTRIAL DEVELOPMENT AGENCY'S APPLICATION FOR THE USDA RURAL DEVELOPMENT INTERMEDIARY RELENDING PROGRAM. This resolution supports the Industrial Development Agency's application for USDA funds which will expand financing resources to spur economic development and create and retain employment in Oswego County. Leg. Malone asked who guarantees the money if not paid back. Leg. Sorbello explained that the IDA is responsible.

Resolution passed, with a voice vote

YES: 25 NO: 0 ABSENT: 0

UNFINISHED BUSINESS: None

MISCELLANEOUS BUSINESS:

Legislator Morris Sorbello mentioned that Granby Center will be hosting a Meet and Greet of State Candidates.

Clerk of the Legislature Ted Jerrett noted that legislators' time logs needed to be in as soon as possible to receive New York State Retirement credit.

Leg. Doyle reminded everyone about the Agricultural Society (County) Fair, tour and picnic.

ADJOURNMENT:

Motion to adjourn meeting made by Leg. Kunzwiler; seconded by Leg. Ospelt. Meeting adjourned at 8:54 p.m.

PUBLIC COMMENT PERIOD: There was no one wishing to speak.