

**MINUTES OF THE MEETING OF THE OSWEGO COUNTY
LEGISLATURE HELD JULY 15, 2010.**

Chairman Leemann called the meeting to order at 2:06 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.

PRESENTATIONS OF PETITIONS, COMMUNICATION AND NOTICES: None.

RECOGNITIONS AND PROCLAMATIONS:

Chairman Leemann called the Infrastructure and Facilities Committee forward and invited Director of Solid Waste Frank Visser to join them. Leg. Beardsley presented a certificate to Mr. Visser for 25 years of outstanding service to the County. Director Visser expressed his appreciation for the opportunity to work for Oswego County and thanked the legislature for their support.

Chairman Leemann called the Public Safety and Emergency Services Committee forward and invited Emergency Management Director Patricia Egan and Senior Typist Barbara Hadcock to join them. Leg. Lockwood presented a certificate to Ms. Hadcock for 25 years of dedicated service to the County. Director Egan thanked Ms. Hadcock for her years of service and her willingness to accept new tasks.

Chairman Leemann called the Health and Human Services Committee forward and invited DSS Commissioner Fran Lanigan and Senior Case Worker Sue Ann Simonson to join them. Leg. Proud presented a certificate to Ms. Simonson for 25 years of dedicated service to the County. Commissioner Lanigan thanked Ms. Simonson for her years of service and her willingness to do any task asked.

Chairman Leemann invited ARISE Director Sabine Ingerson to join the Health and Human Services Committee. A proclamation declaring July 26, 2010 as Americans with Disabilities Day was read by Leg. Proud and presented to Director Ingerson. Accepting the proclamation along with Director Ingerson was: Cheryl Arnold, Louise Sperino, Dave Branfield, Lisa Segrin, Spencer Horton and Erik Ingerson. Director Ingerson expressed her thanks to the legislature for their support of ARISE and mentioned a few things that ARISE has implemented. She stated that more needed to be done to break down the borders for the disabled.

MINUTES:

Hearing no objections and/or corrections to the minutes of the June 10, 2010 meeting, the minutes were approved.

PUBLIC SPEAKERS ON RESOLUTIONS OF THE DAY: None.

REPORTS OF COUNTY OFFICIALS:

Leg. Doyle reported that he is still attending meetings with Jefferson County officials regarding the proposed windmills on Lake Ontario to keep abreast of the issue. He also reported that meetings have been taking place in Pulaski regarding the power line that is proposed to go through the town.

Leg. Doyle thanked legislators for their attendance at the fair. He mentioned they had to turn people away the night of the fire works because they were at capacity. Leg. Doyle also reported that the agriculture buildings were full this year. Chairman Leemann said it was a good fair; he expressed his appreciation to the legislators that were involved and thanked them for their hard work. Leg. Brown wished to publicly thank the Fair Board for allowing her daughter to enter their cows since they were late getting entries in because of the tornado that hit their farm.

REPORTS OF STANDING COMMITTEES: None.

REPORTS OF SPECIAL COMMITTEES:

Leg. Wilbur reported that the Soil & Water Conservation District Board is involved in numerous tasks; including the Storm Water Management Plan, Oswego County Safety Day, and the timber sale in Williamstown.

RESOLUTIONS AND MOTIONS:

Leg. Hayes offered Resolution No. 133, entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION COUNTY CLERK – ADDITIONAL HOURS. To transfer \$4,000 from County Clerk additional hours to Motor Vehicle additional hours to cover costs due to vacancies in the department.

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

Leg. Hayes offered Resolution No. 134, 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 2006, 2007, 2008. Leg. Kastler requested the resolution be amended to include the Town of Redfield (Redfield Hotel property) in the name of Francis Adams in the amount of \$1.00 (see attached). Leg. Kastler made a motion to approve resolution as amended; seconded by Leg. Malone. All in favor.

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

Leg. Hayes offered Resolution entitled, RESOLUTION ADOPTING A CODE OF UNIFORM ASSESSMENT STANDARDS AS A GUIDE FOR ALL ASSESSING JURISDICTIONS IN THE COUNTY OF OSWEGO. Leg. Hayes made a motion to table the resolution and return it to the committee for further information; seconded by Leg. Kunzwiler. All in favor, motion carried.

Leg. Proud offered Resolution entitled, RESOLUTION ESTABLISHING AND ADOPTING A FEE SCHEDULE FOR THE REGISTRATION AND INSPECTION OF TANNING FACILITIES. Leg. Proud made a motion to table the resolution and return it to the committee for further information; seconded by Leg. Kunzwiler. All in favor, motion carried.

Leg. Proud offered Resolution No. 135, entitled, RESOLUTION AUTHORIZING A HEALTH DEPARTMENT BUDGETARY MODIFICATION TO RECOGNIZE AND TRANSFER FUNDING FOR THE AMERICAN RECOVERY AND INVESTMENT (ARRA) GRANT FOR THE EARLY INTERVENTION PROGRAM. To accept ARRA funds from the New York State Department of Health in the amount of \$53,084 for the Early Intervention Program.

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

Leg. Proud offered Resolution No. 136, entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION DEPARTMENT OF SOCIAL SERVICES – ADDITIONAL HOURS ADULT AND FAMILY SERVICES. Transfer of \$40,000 from salary and wages to additional hours due to a significant backlog of cases in Child Protective Services.

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

Leg. Proud offered Resolution No. 137, entitled, RESOLUTION APPOINTING MEMBERS TO THE OSWEGO COUNTY COMMUNITY SERVICES BOARD. Appointment of John Proud and James Huber for a term to expire 6/30/14.

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

Leg. Proud offered Resolution No. 138, entitled, RESOLUTION AWARDING PROFESSIONAL SERVICES CONTRACT DEPARTMENT OF SOCIAL SERVICES – LEGAL SERVICES. Leg. Proud explained that there were two responses from an RFP for legal services; Caraccioli & Nelson were selected for a five (5) year contract. He mentioned the other firm who submitted a proposal was Seiter & Hallenbeck. Leg. Flett inquired if this was under the DSS budget to which Chairman Leemann responded that it was.

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

Leg. Proud offered Resolution No. 139, entitled, RESOLUTION AUTHORIZING SUBMISSION OF APPLICATION TO THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION FOR CAMP HOLLIS BATH/SHOWER HOUSE.

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

Leg. Proud offered Resolution No. 140, entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION DEPARTMENT OF COMMUNITY DEVELOPMENT, TOURISM AND PLANNING PROGRAM DELIVERY LINE TO CONSTRUCTION LINE SENIOR NUTRITION SITE IN MEXICO. Transfer of \$13,427 for additional work to be done on the roof.

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

Leg. Sorbello offered Resolution No. 141, entitled, RESOLUTION AWARDING PROFESSIONAL SERVICES CONTRACT FOR WEBSITE DESIGN AND MAINTENANCE SERVICES FOR THE COMMUNITY DEVELOPMENT, TOURISM & PLANNING DEPARTMENT. Awarding professional services contract to Blue Eye Design Co. of Rochester NY for \$14,300 initial year setup fee and \$1,800 annually.

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

Leg. Sorbello offered Resolution No. 142, entitled, RESOLUTION COMMENTING ON PROPOSED 6 NYCRR PART 247 REGULATIONS ON OUTDOOR WOOD BOILERS. Resolution opposed proposed regulations forcing the shutdown of many existing wood boilers and is asking support for the continued use of locally grown, renewable resources and the development of clean and efficient outdoor wood boilers. Leg. Brown stated that farms have installed boilers at a cost of sometimes over \$15,000 and it's not fair to expect them to take the boilers out. Leg. Kunzwiler mentioned that Senator Aubertine had

legislation passed through the Senate that has to still go through the Assembly; this resolution is just enhancing action that has already been taken.

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

Leg. Beardsley offered Resolution No. 143, entitled, RESOLUTION ESTABLISHING CAPITAL PROJECT #62 – PAVE/CONSTRUCT COUNTY PARKING LOTS. Transfer of \$213,000 for the purpose of paving/constructing parking lots at Camp Hollis, Board of Elections and Department of Social Services. Leg. Flett asked for clarification of what area was being paved at BOE offices. County Administrator Church stated that it was the lower area that has been used for overflow at the bottom of the hill.

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

Leg. Beardsley offered Resolution No. 144, entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION DEPARTMENT OF SOLID WASTE – CAPITAL PROJECT #39. Transfer of \$30,000 for repair the structural damage to the lower apron at ERF.

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

Leg. Beardsley offered Resolution No. 145, entitled, RESOLUTION INCREASING AUTHORIZATION OF CAPITAL PROJECT NO. 199 BRIDGE – COUNTY ROUTE 54 BRIDGE OVER FISH CREEK. Authorization to transfer \$150,000 from Capital Reserve No. 16 to Capital Project No. 199 to cover additional costs to purchase material to be used for reconstruction and design of the replacement dam.

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

Leg. Beardsley offered Resolution No. 146, entitled, RESOLUTION ESTABLISHING CAPITAL PROJECT – BRIDGES STONE ROAD BRIDGE OVER CATFISH CREEK. Transfer \$250,000 from Capital Reserve #16 to Capital Project #61 for the replacement of the Stone Road Bridge over Catfish Creek in the Town of New Haven. Leg. Ospelt commented that the county is mandated by the state to be responsible for dams.

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

Leg. Beardsley offered Resolution No. 147, entitled, RESOLUTION SETTING THE DATE FOR A PUBLIC HEARING ON THE OSWEGO COUNTY LOCAL SOLID WASTE MANAGEMENT PLAN. A public hearing on the Oswego County Local Solid Waste Management Plan will be held on August 17, 2010 at 7:00 pm in the Legislative Chambers of the Oswego County Legislature.

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

Leg. Beardsley offered Resolution No. 148, entitled, RESOLUTION AUTHORIZING CONTRACT APPROVAL DEPARTMENT OF SOLID WATE – BRISTOL HILL FUEL TANK. Authorizing a professional services contract in the amount of \$19,500 with C&S Companies for the engineering work required to replace the diesel fuel tank at the Bristol Hill Garage.

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

Leg. Beardsley offered Resolution No. 149, entitled, RESOLUTION AWARDING PROFESSIONAL SERVICES CONTRACT FOR DAM INSPECTION AND MAINTENANCE SERVICES FOR THE HIGHWAY DEPARTMENT. To award a professional services contract for dam inspection and maintenance to Keystone Engineers of Binghamton, NY for \$11,800 in 2010, \$5,400 in 2011, and \$500 in 2012.

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

Leg. Lockwood offered Resolution No. 150, entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION EMERGENCY MANAGEMENT OFFICE – STATE HOMELAND SECURITY GRANT EMERGENCY SERVICES TRAINING AND EQUIPMENT. To accept grant funding in the amount of \$223,184 to pay for Deputy Fire Coordinator additional hours, emergency services training and equipment as approved by the project budget. Leg. Kunzwiler asked if this was an additional position. Chairman Leemann responded that is was not, it was additional hours.

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

Leg. Lockwood offered Resolution No. 151, entitled, RESOLUTION RECOMMENDING MEMBERS TO THE EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL. Appointment of nine (9) members to EMSAC for a one-year term starting July 1, 2010 and expiring on June 30, 2011.

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

Leg. Lockwood offered Resolution No. 152, entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION SHERIFF'S OFFICE – HOMELAND SECURITY GRANT (OPERATION STONE GARDEN '09). To accept grant award in the amount of \$156,637 to purchase equipment and to pay for overtime in operations to support border patrol initiatives.

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

Leg. Lockwood offered Resolution No. 153, entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION SHERIFF'S OFFICE – HOMELAND SECURITY GRANT LETPP '09 (LAW ENFORCEMENT TRAINING PROTECTION PROGRAM). To accept federal funding in the amount of \$92,750 to pay for training expenses and to purchase fingerprint processing and identification equipment.

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

Leg. Lockwood offered Resolution No. 154, entitled, RESOLUTION ADOPTING THE CENTRAL NEW YORK INTEROPERABLE COMMUNICATIONS CONSORTIUM TACTICAL INTEROPERABLE COMMUNICATIONS PLAN (TICP). Implementation of its guidelines will assist the county and emergency responders in implementation of interoperable talk paths with anticipation of problems that arise due to emergencies.

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

Leg. Lockwood offered Resolution No. 155, entitled, RESOLUTION DETERMINING TO ACCEPT A FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR THE PROPOSED EMERGENCY RADIO COMMUNICATIONS SYSTEM UPGRADE. County Attorney Richard Mitchell offered an amended resolution. Motion made to approve amendment by Leg. Doyle, seconded by Leg. Kunzwiler. All in favor.

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

Leg. Lockwood offered Resolution No. 156, entitled, RESOLUTION APPROVING FREQUENCY RECONFIGURATION AGREEMENT WITH NEXTEL OF NEW YORK INC. Federal Communications Commission ordered that frequency allocations in the 800 MHz band be reconfigured.

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

Leg. Potter offered Resolution No. 157, entitled, RESOLUTION APPOINTING MEMBERS TO THE COUNTY BOARD OF ETHICS. Appointment of Hon. Robert J. Nicholson, J.S.C., term to expire 2/1/2013; and Debbie Meyer of Volney, term to expire 2/1/2012.

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

Leg. Ospelt offered Resolution No. 158, entitled, RESOLUTION AWARDING PROFESSIONAL SERVICES CONTRACT TO PROVIDE CUSTOMER SERVICE TRAINING TO OSWEGO COUNTY EMPLOYEES. Award contract to Human Development Associates, Liverpool at a cost not to exceed \$600 per session for one (1) year, renewable up to two (2) additional years.

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

Leg. Ospelt offered Resolution No. 159, entitled, RESOLUTION URGING NEW YORK STATE TO SIGNIFICANTLY CUT THE UNFUNDED MANDATES THAT CAUSE LOCAL PROPERTY TAX INCREASES BEFORE IMPOSING A CAP ON LOCAL PROPERTY TAXES. Leg. Kunzwiler commented that this is problematic throughout the state; the state should be providing funding for mandates.

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

Leg. Hayes offered Resolution No. 160, entitled, RESOLUTION AUTHORIZING PROFESSIONAL SERVICES CONTRACT APPROVAL FOR “TAX PROPERTY AUCTION” OFFICE OF REAL PROPERTY TAX SERVICES. To enter into a contract with consultant David Hastings for an amount not to exceed \$8,000 for preparation for the Oswego County Real Property Tax Auction of 2010.

Resolution passed, with a voice vote.

YES: 25 NO: 0 ABSENT: 0

Leg. Kunzwiler moved for a five (5) minute recess, seconded by Leg. Chalifoux, all in favor.

Chairman Leemann resumed the meeting at 3:10 p.m.

Leg. Lockwood moved to waive the rules to introduce an additional resolution; Leg. Karasek seconded.

Request passed, with a roll call vote.

YES: 17 NO: 7 ABSENT: 0 ABSTAIN: 1

YES: Legs. Kastler, Doyle, Leemann, Martino, Proud, Brown, Beardsley, Hayes, Lockwood, Ospelt, Mulcahey, Tresidder, Kunzwiler, Chalifoux, Karasek, Sorbello, LeClair

NO: Legs. Potter, Sakonyi, Gardner, Oldenburg, Flett, Malone, Wilbur

ABSTAIN: Leg. Fruce

Leg. Sorbello offered Resolution No. 161, entitled, RESOLUTION AWARDED PROFESSIONAL SERVICES CONTRACT “AQUATIC VEGETATION CONTROL” LEGISLATIVE ACCOUNTS. To award contract to the Oswego County Soil and Water Conservation District, with subcontract to Allied Biological of Maryland, NY for a sum not to exceed \$47,766. Leg. Kunzwiler commented that it was not usual to have a defeated motion brought back to the legislature floor and he hoped that it would be reciprocated in the future. Leg. Sorbello stated that funding has been approved through the state since the resolution was last voted on. John DeHollander, Soil & Water Conservation District stated that federal grant funding through New York State has been awarded, just not sure when the money will arrive; he estimated around September. Chairman Leemann questioned the states payment for last year to which Mr. DeHollander responded that the state is delinquent on the last grant. Leg. Kunzwiler mentioned that he had spoken to Tim Carroll, Chair of Environmental Management Council and that they’ve been battling the problem for years and he’s looking for assurance that this is not a band aid; the problem needs to be eradicated so the county doesn’t keep spending money. Leg. Doyle generally agreed that a solution needed to be found; he mentioned that chemicals have never been used and the problem with cutting was that the cuttings floated to other areas and colonized. He stated the problem is getting worse and the county can’t afford to wait on the State to step in; it could potentially threaten a large part of the economy through tourism, canal corridor, fisheries and property values. Leg. LeClair mentioned the County would have a better chance of getting funding if the federal government was involved; she stated that Oswego County is not going to solve the problem alone. Leg. Oldenburg commented that this is a state and federal problem not the County. He stated the money should be in hand and then get projects done; it will just keep recurring. Leg. Beardsley stated it was critical that everyone sit down and come up with a solution. Leg. Brown mentioned that this was discussed last year during the budget process and \$60,000 was allocated for this type of project. Leg. Oldenburg said it was put in the budget with the reassurance that the money would be reimbursed by the state. Leg. Kunzwiler asked what this would do exactly and if the chestnuts would come back. Mr. DeHollander responded true management of the weed will be a multi-year project; the chemical may kill off areas that are treated this year; however mature patches take longer to eradicate. He also stated that this is the first year the state has given permission to treat chemically. Chairman Leemann asked if the seeds could float from one area to another and Mr. DeHollander responded affirmatively. Leg. Sorbello commented that the DEC gave permission to

Oswego County for the use of chemical for treatment; the county took the lead. He also stated that it is a problem throughout the Northeast and it cannot be ignored. Leg. Mulcahey mentioned that Fulton homeowners can't swim or get a boat into the water at their residence; this is a real problem that needs to be addressed. Leg. Oldenburg commented that the residents' frustration is misguided; they should be blaming the state and the federal government. Leg. Gardner inquired about written confirmation that funding is coming. Mr. DeHollander provided a letter to the DEC in Albany stating that the grant was approved and will be processed; there was nothing further available. Chairman Leemann stated that twelve (12) million dollars plus was currently owed to the County from New York State. Leg. Kunzwiler advised the legislature that they need to realize that this won't solve the problem; they need to be prepared for it to continue. Leg. Doyle responded that he believe there will be a large dent in the water chestnut issue from this treatment by cutting off production of next years seeds.

Resolution passed, with a roll call vote.

YES: 17 NO: 8 ABSENT: 0

YES: Legs. Kastler, Doyle, Martino, Proud, Brown, Beardsley, Hayes, Lockwood, Ospelt, Mulcahey, Tresidder, Kunzwiler, Chalifoux, Karasek, Sorbello, Fruce, LeClair

NO: Legs. Potter, Leemann, Sakonyi, Gardner, Oldenburg, Flett, Malone, Wilbur

Leg. Malone moved to waive the rules to introduce additional legislation that previously failed regarding proposed windmills on Lake Ontario; Leg. Kunzwiler seconded.

Request passed, with a roll call vote.

YES: 20 NO: 5 ABSENT: 0

YES: Legs. Potter, Doyle, Leemann, Martino, Beardsley, Hayes, Lockwood, Ospelt, Gardner, Mulcahey, Tresidder, Flett, Kunzwiler, Chalifoux, Malone, Wilbur, Karasek, Sorbello, Fruce, LeClair

NO: Legs. Kastler, Sakonyi, Proud, Brown, Oldenburg

Leg. Beardsley moved to have a five (5) minute recess, seconded by Leg. Oldenburg, all in favor.

Chairman Leemann called the meeting back to order at 3:57 p.m.

Leg. Malone moved to rescind earlier motion to introduce an addition resolution, seconded by Leg. Kunzwiler. All in favor.

UNFINISHED BUSINESS/NEW BUSINESS/MISCELLANEOUS BUSINESS: Leg. Ospelt mentioned that the County is ahead in sales tax revenue and seems to be heading in the right direction.

ADJOURNMENT:

Leg. Malone moved to adjourn the meeting, seconded by Leg. Wilbur. All in favor. The meeting was adjourned at 4:00 p.m.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE LEGISLATURE REGARDING COUNTY ISSUES:

There were none wishing to speak.