

## **REGULAR SESSION**

**TUESDAY, JULY 6, 2010**

Chairman Blankenbush called the meeting to order at 7:00 p.m.

### **ROLL CALL OF MEMBERS**

All members present.

Chairman Blankenbush recessed the Session to hold a public hearing on the Tentative 2010-2011 Jefferson Community College Budget.

### **Public Hearing**

#### **2010 - 2011 Jefferson Community College Budget**

Chairman Blankenbush opened the public hearing at 7:00 p.m., no one present wished to address the Board and the public hearing was closed at 7:01 p.m.

Chairman Blankenbush reconvened the Session and offered privilege of the floor.

### **PRIVILEGE OF THE FLOOR**

Cindy Grant, House Road, Clayton, NY provided the Board members with a copy of a book entitled Wind Turbine Syndrome authored by Nina Pierpont, MD, PhD, a copy of the results of an Index search through the County Clerk's Office for leases in the Clayton area with Atlantic Wind LLC, and a copy of an article on the Wind Turbine Syndrome. She spoke out against the wind turbine project planned in Clayton.

Bert Bowers, Three Mile Bay, and a retired engineer spoke to the Board about a study he has undertaken regarding wind energy the end result of which is that it is an expensive and very inefficient energy source. He told legislators he would email a power point presentation he had completed on the matter but was unable to show tonight.

Wayne Zimmer, 139 Katherine Street, Watertown, stated that more hydro power should be looked at instead of wind turbine projects.

### **READING OF MINUTES OF LAST SESSION, IF NECESSARY**

There being no objection or correction, the minutes of the June Board Session stand approved as presented.

### **PETITIONS, NOTICES AND COMMUNICATIONS**

A letter from Governor Paterson's Office was received acknowledging receipt of

Jefferson County Resolution Nos. 135,136,137, and 141 adopted by the Board in June.

A letter was received from NYSAC Executive Director Stephen J. Acquario acknowledging receipt of resolution No. 136 adopted by the Board in June.

#### **REPORTS OF STANDING COMMITTEES**

The Finance & Rules Committee reported favorably on resolutions referred from other jurisdictional committees.

#### **REPORTS OF COUNTY OFFICERS AND OTHERS**

The County Treasurer provided a report on investments and cash on hand as of June 30, 2010.

The County Administrator provided a report on budget transfers for the month of June, 2010.

#### **LOCAL LAWS, RESOLUTIONS AND MOTIONS**

##### **Resolution No. 145**

##### **Adopting the 2010-2011 Jefferson Community College Budget**

By Legislator: Scott A. Gray

Whereas, Pursuant to Section 357 of the County Law, the Finance and Rules Committee of this Board has reviewed the requested 2010-2011 Jefferson Community College Budget, and

Now, Therefore, Be It Resolved, That pursuant to Section 360 of the County Law, said Budget be and is hereby adopted as the Budget of Jefferson Community College for College Fiscal Year 2010-2011, and be it further

Resolved, In accordance with the 2010-2011 Jefferson Community College Budget, the County of Jefferson will provide a Sponsor Contribution in the amount of \$4,260,548, and thereby approving a total operating expenditure for the JCC Budget of \$22,715,708.

Resolved, That this resolution shall take effect September 1, 2010.

Seconded by Legislator: Robert J. Thomas

All members present voted aye.

##### **Resolution No. 146**

**Appropriation for the Conduct of Jefferson Community College  
for Fiscal Year 2010-2011**

By Legislator: Scott A. Gray

Whereas, This Board, by Resolution No. 145 of 2010 adopted a budget for Jefferson Community College for Fiscal Year 2010-2011.

Now, Therefore, Be It Resolved, That pursuant to Section 360 of County Law, the several amounts specified in such budget are hereby appropriated for the objects and purposes specified, and be it further

Resolved, That this resolution shall take effect September 1, 2010.

Seconded by Legislator: Robert J. Thomas

All members present voted aye.

**Resolution No. 147**

**Authorizing Assignment of Judgment of Foreclosure to  
Former Owners of Certain Parcels of Real Property**

By Legislator: Scott A. Gray

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 former owners of foreclosed properties have tendered offers to purchase an assignment of County's judgment 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 former 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 assignment without recourse, of the County's Judgment 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 execute a non-recourse assignment of the County's Judgment of Foreclosure of the respective parcel of property to the aforesaid former owners on behalf of the County.

Seconded by Legislator: Robert J. Thomas

**“Attachment A”**

**Jefferson County Delinquent Tax “Last Chance Buy Backs” 6/2/10 - 6/8/10**

<b>Town</b>	<b>Parcel</b>	<b>Name</b>
Alexandria	7.38-2-36.2	Vernon C. Langlois
Alexandria	6.15-1-18	Glen & Maxine Gould
Alexandria	8.18-2-34	Francis & Brenda Bulson
Alexandria	8.18-2-35	Francis Bulson
Alexandria	8.18-2-36	Francis & Brenda Bulson
Alexandria	8.18-2-37	Francis Bulson
Brownville	73.00-1-22.21	Robert Banks (Gould) Also 73.00-1-22.21-10
Cape Vincent	59.00-1-26	Joseph E. Marut
Cape Vincent	59.00-1-25	Joseph E. Marut
Champion	86.48-1-72	Brian & Denise Lupien
Champion	86.39-2-59.1	Brian Lupien
Clayton	11.11-1-12	Francis Bazinet
Ellisburg	129.00-1-18.1	Gary & Robin Benjamin
Henderson	106.09-2-41	Garrett McCarthy
Leray	55.64-1-1.2	Leon & Ellen Farrell
Lyme	51.00-2-10.42	Marla Sivkin Cohen
Orleans	33.00-1-41	Northland Truck Stop, Inc.
Rutland	75.16-2-25	Wendell Day Smith
Theresa	9.00-2-2.131	Glen & Maxine Gould
Theresa	33.00-2-19.2	Northland Truck Stop, Inc.
Theresa	33.00-2-21.2	Northland Truck Stop, Inc.
Theresa	33.00-2-21.1	Northland Truck Stop, Inc.
Theresa	33.00-2-2	Northland Truck Stop, Inc.
Theresa	16.00-2-51	Allison Peck & Lucas Kropywnyckyj
Theresa	23.72-1-22	Clinton Pierce
Theresa	24.05-2-78	Villone, Richard J.
Watertown	100.07-2-1	Phillip I. Ward
Watertown	100.07-2-2	Phillip I. Ward
Watertown	100.07-2-3	Phillip I. Ward
Wilna	77.14-1-10	Shelley K. Gifford
Wilna	86.51-1-7	Todd Simpson

All members present voted aye.

**Resolution No. 148**

**Conditionally Authorizing Agreement to Sell a Certain Parcel  
of Real Property Identified as Tax Map Parcel No. 2.00-1-40.1 in the Town of Rutland**

By Legislator: Scott A. Gray

Whereas, Tax Map Parcel No. 2.00-1-40.1 located in the Town of Rutland is subject to several years of delinquent real property tax liens, and

Whereas, Said parcel contains a dilapidated mobile home and a significant amount of refuse making the property unlikely to sell at public auction for a significant portion of the delinquent tax lien, and

Whereas, Ernest A. Blunt owns contiguous property and has offered to purchase said parcel from the County of Jefferson and to assume title to the parcel for the purpose of removing the mobile home and other refuse from the property should the County take title through tax foreclosure, and

Whereas, The County desires to see the property returned to the tax rolls in the ownership of a responsible party and see that the parcel is cleaned of the refuse and uninhabitable dwelling.

Now, Therefore, Be it Resolved, That should the County come into title of the above referenced parcel as a result of foreclosure of the tax lien, the parcel shall be sold to Earnest A Blunt for \$500.00, with the buyer to bear the costs of any applicable filing and recording costs, and the Chairman of the Board and the County Attorney are authorized to execute any documents necessary to accomplish such conveyance, and be it further

Resolved, That prior to the County taking a judgment of foreclosure in regard to said parcel, the Chairman of the Board of Legislators be and hereby is authorized to execute a Contract of Purchase and Sale with the buyer, providing for the sale of said parcel to the buyer as outlined above, with the following further conditions in said contract: (1) a "put" clause whereby the County may compel the buyer to take title to the Parcel from the County; and (2) a provision requiring the buyer to defend, indemnify and hold harmless the County and all of its agents, officers employees, contractors and servants for and from any and all environmental liability which may or does attach as a consequence of the County's temporary ownership of the said parcel following tax foreclosure.

Seconded by Legislator: Robert J. Thomas

All members present voted aye.

### **Resolution No. 149**

#### **Authorizing Refund of Taxes Resulting From Tax Certiorari Proceedings and Appropriating Funds in Connection Therewith (Thousand Island Park Corporation, *et al.*)**

By Legislator: Scott A. Gray

Whereas, Pursuant to Article 7 of the Real Property Tax Law Thousand Island Park Corporation, *et al.* commenced court proceedings to obtain reductions of the assessed valuation of property in

the Town of Orleans, and

Whereas, The Town of Orleans has reached a settlement of the proceedings, with proposed refunds of paid County taxes as follows:

TI Park Parcel Owners (collectively)	\$182,979.92
TI Park Corporation Holdings (suffix parcels)	\$ 6,099.28
TI Park Corporation Property 12.12-1-1 formerly 13.00-1-1	<u>\$132,795.66</u>
Total	\$321,874.86

and

Whereas, it is necessary to appropriate additional funds into the “Refund Real Estate Taxes” budget line to cover the above expenditure.

Now, Therefore, Be It Resolved, That the County Treasurer is hereby authorized and directed to make appropriate refund (\$321,874.86) and to charge back the taxing jurisdiction in accordance with the settlement and Real Property Tax Law § 727, and be it further,

Resolved, that the 2010 County Budget is hereby amended as follows:

**Increase:**

01-1910-1964.4600	Refund Real Estate Taxes	\$195,000.00
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**Decrease:**

01-1910-1900-4963	Contingent Account	\$195,000.00
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Seconded by Legislator: Robert J. Thomas

All members present voted aye.

**Resolution No. 150**

**Conditionally Authorizing Agreement to Sell Certain Parcels  
of Real Property Identified as Tax Map Parcels Nos. 61.51-1-36 in the  
Town of Lyme and 72.07-1-46 in the Town of Brownville**

By Legislator: Scott A. Gray

Whereas, Tax Map Parcel Nos. 61.51-1-36 located in the Town of Lyme and 72.07-1-46 located in the Town of Brownville are subject to several years of delinquent real property tax liens, and

Whereas, Said parcels are each believed to have underground petroleum storage tanks associated with their former use as gasoline sales markets, and

Whereas, The Ronald Cornell has offered to purchase said parcels from the County of Jefferson and to assume title to the parcels for the purpose of removing said underground petroleum storage tanks and demolishing the above ground structures from the properties should the County take title through tax foreclosure, and

Whereas, The County desires to see the property returned to the tax rolls in the ownership of a responsible party and see that the parcels are appropriately environmentally remediated in regard to the underground petroleum storage tanks and any associated soil contamination.

Now, Therefore, Be it Resolved, That should the County come into title of the above referenced parcels as a result of foreclosure of the tax lien, the parcels shall be individually sold to Ronald Cornell for the sum of \$55,000.00 for Parcel No. 61.51-1-36 and \$50,000.00 for Parcel No. 72.07-1-46, with the buyer to bear the costs of any applicable filing and recording costs, and the Chairman of the Board and the County Attorney are authorized to execute any documents necessary to accomplish such conveyance, and be it further

Resolved, That prior to the County taking a judgment of foreclosure in regard to said parcels, the Chairman of the Board of Legislators be and hereby is authorized to execute a Contract of Purchase and Sale with the buyer, providing for the sale of said parcels to the buyer as outlined above, with the following further conditions in said contract: (1) a "put" clause whereby the County may compel the buyer to take title to the Parcel from the County; and (2) a provision requiring the buyer to defend, indemnify and hold harmless the County and all of its agents, officers employees, contractors and servants for and from any and all environmental liability which may or does attach as a consequence of the County's temporary ownership of the said parcel following tax foreclosure.

Seconded by Legislator: Robert J. Thomas

All members present voted aye.

### **Resolution No. 151**

#### **Authorizing Agreement with Maximus, Inc. for Professional Services Relative to the Development of Cost Allocation Plans**

By Legislator: Scott A. Gray

Whereas, Jefferson County is responsible for the operation of certain federally funded programs and provides central service support to such programs utilizing local tax monies, and

Whereas, Federal Office of Management and Budget Circular A-87 provides that the Federal Government will reimburse counties for an equitable share of central service support costs through the development of a cost allocation plan, and

Whereas, It is desirable to utilize the professional services of a consultant experienced in preparation of cost allocation plans in the development of Jefferson County's Cost Allocation Plan as a means of insuring maximum federal reimbursement, and

Whereas, In response to a request for proposals, three proposals were received and reviewed in detail.

Now, Therefore, Be It Resolved, That Jefferson County enter into an agreement with Maximus, Inc. for professional services in the development of central services cost allocation plans based on actual costs for 2009, 2010 and 2011, with an option for 2012, including related documents in conformance with Federal Office of Management and Budget requirements, consideration to be paid shall be \$8,300 for each year of the three year agreement and the optional fourth year, and be it further

Resolved, That, pursuant to Section 450 of County Law, the Chairman of the Board of Legislators be and is hereby authorized and directed to execute such contract on behalf of Jefferson County, subject to approval by the County Attorney as to form.

Seconded by Legislator: Robert J. Thomas

All members present voted aye.

#### **Resolution No. 152**

#### **Approving Appointments to the Jefferson County Agricultural Development Corporation Board of Directors**

By Legislator: Scott A. Gray

Whereas, Pursuant to Resolution 284 of 2002, The Jefferson County Board of Legislators approved the by-laws of the Jefferson County Agricultural Development Corporation (JCADC), and

Whereas, Said by-laws provide that the Board of Legislators appoint up to nine of the voting members of the JCADC Board of Directors, upon its recommendation, and

Whereas, There are currently three vacancies on the Board and the JCADC has recommended two replacements and one new appointment to fill those positions.

Now, Therefore, Be It Resolved, That Martha Aschman, Greg Lake, and Dan Deon be appointed to the Jefferson County Agricultural Development Corporation Board of Directors, for a term to expire December 31, 2012.

Seconded by Legislator: Robert J. Thomas

All members present voted aye.

**Resolution No. 153**

**Authorizing Agreement with the Department of the Army for Mutual Aid  
in Fire Protection**

By Legislator: Philip N. Reed, Sr.

Whereas, Pursuant to Resolution No. 170 of 1987, Jefferson County entered into an agreement with the Directorate of Emergency Services, Fort Drum, New York for mutual aid in fire protection and hazardous materials incident response, and

Whereas, The Director of Fire and Emergency Management recommends renewing a reciprocal agreement between the parties.

Now, Therefore, Be It Resolved, That Jefferson County enter into an agreement with the Department of the Army, Fort Drum, New York for mutual aid during the period May 1, 2010 through April 30, 2013, and be it further

Resolved, That the Chairman of the Board be and is hereby authorized and directed to execute said agreements on behalf of Jefferson County, subject to the review of the County Attorney.

Seconded by Legislator: Michael J. Docteur

All members present voted aye.

**Resolution No. 154**

**Amending 2010 County Budget Relative to Community Services Department**

By Legislator: James A. Nabywaniec

Whereas, Individuals currently in court ordered placements in an institutional setting will require care for an extended period of time, and

Whereas, The County is responsible for a 50% share of these costs, and year-end projections for individuals already being housed and possible admissions through the next six months are significantly over budget and require additional appropriation to sustain expenditures.

Now, Therefore, Be It Resolved, That the 2010 County Budget be and is hereby amended as follows to cover the shortfall in funding relative to court ordered institutional admissions:

**Increase:**

01-4310-4390.4413	Medical Fees	\$200,000
01-1910-1990.4963	Contingent Account	\$200,000

Seconded by Legislator: James D. St.Croix

All members present voted aye.

**Resolution No. 155**

**Authorizing Agreement with Provider for Provision of Related Services  
in Connection with the Program for Preschool Children with Disabilities**

By Legislator: James A. Nabywaniec

Whereas, The Program for Preschool Children with Disabilities which 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, Pursuant to Chapter 243 of the Laws of 1989, Jefferson County maintains a list of appropriately certified or licensed professionals to deliver related services in connection with the Program for Preschool Children with Disabilities, and has established the 2010-2011 reimbursement rates for such services.

Now, Therefore, Be It Resolved, That, Jefferson County enter into an agreement with The Rowland Center, Inc. for the provision of speech therapy, physical therapy, and occupational therapy services for Preschool Related Services, at established rates, for the period July 1, 2010 through June 30, 2011, and be it further

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

Seconded by Legislator: James D. St.Croix

All members present voted aye.

**Resolution No. 156**

**Authorizing the Execution of a Memorandum of Understanding  
with St. Lawrence and Clinton Counties for Substance Abuse Evaluations**

By Legislator: James A. Nabywaniec

Whereas, The Jefferson County Community Services Department is responsible for conducting professional evaluations for inmates at the Jefferson County Jail who potentially have a substance abuse disorder, and

Whereas, At the present time there are Jefferson County inmates housed at both St. Lawrence and Clinton County facilities, and

Whereas, The Community Services Department desires to execute a Memorandum of Understanding with St. Lawrence and Clinton Counties Community Services Offices to provide evaluation services to the Jefferson County inmates at their facilities who potentially have a substance abuse disorder in order to identify inmates who may be eligible for Drug Court.

Now, Therefore, Be It Resolved, That the Jefferson County Community Services Department shall enter into a Memorandum of Understanding with St. Lawrence County and Clinton County Community Services Departments in relation to the professional evaluation of Jefferson County inmates at their facilities, and be it further

Resolved, That the evaluations will be provided by clinicians at a cost of \$90.00 per evaluation to be billed on a monthly basis and the evaluation findings will be conveyed to the Jefferson County Community Services office in a timely fashion; the period of the MOU will be July 1, 2010 to December 31, 2010, and may be extended beyond the initial period by written agreement and mutual satisfaction of the parties, and be it further

Resolved, That the Director of Community Services is hereby authorized to execute such Memorandum of Understanding on behalf of Jefferson County, subject to approval by the County Attorney as to form and content.

Seconded by Legislator: James D. St.Croix

All mebers present voted aye.

### **Resolution No. 157**

#### **Authorizing Agreements for Provision of Physical Therapy Assistant Services to Clients of the Home Health Care Programs**

By Legislator: James A. Nabywaniec

Whereas, The Jefferson County Public Health Service utilizes Physical Therapists to provide direct services for the Certified Home Health Agency and Long Term Home Health Care Program clients, and

Whereas, After evaluating rehabilitation requirements, levels of client care and costs, Public Health recommends establishing agreements with Physical Therapist Assistants in Jefferson County to address the need for maintaining care to clients on service.

Now, Therefore, Be It Resolved, That Jefferson County enter into agreements with Eldon R. Kilpatrick, P.T.A. and Erin L. LaLonde, P.T.A. to provide physical therapy assistant services for Public Health clients at a rate of \$40 per visit for the period of July 07, 2010 through December 31, 2012, and be it further

Resolved, That the Chairman of the Board of Legislators be and is hereby authorized and directed to execute such agreement on behalf of Jefferson County.

Seconded by Legislator: James D. St.Croix

All members present voted aye.

**Resolution No. 158**

**Authorizing Agreements for Provision of Physical Therapy Assistant Services  
to Clients of the Home Health Care Programs**

By Legislator: James A. Nabywaniec

Whereas, The Jefferson County Public Health Service utilizes Physical Therapists to provide direct services for the Certified Home Health Agency and Long Term Home Health Care Program clients, and

Whereas, After evaluating rehabilitation requirements, levels of client care and costs, Public Health recommends establishing agreements with Physical Therapist Assistants in Jefferson County to address the need for maintaining care to clients on service.

Now, Therefore, Be It Resolved, That Jefferson County enter into agreements with Eldon R. Kilpatrick, P.T.A. and Erin L. LaLonde, P.T.A. to provide physical therapy assistant services for Public Health clients at a rate of \$40 per visit for the period of July 07, 2010 through December 31, 2012, and be it further

Resolved, That the Chairman of the Board of Legislators be and is hereby authorized and directed to execute such agreement on behalf of Jefferson County.

Seconded by Legislator: James D. St.Croix

All members present voted aye.

**Resolution No. 159**

**Amending the 2010 County Budget in Relation to  
Operating Requirements in the Public Health Service Department**

By Legislator: James A. Nabywaniec

Whereas, The Public Health Service requires a transfer of funds between permanent and temporary staff line accounts.

Now, Therefore, Be It Resolved, That the 2010 County Budget is hereby amended as follows:

**Decrease:**

01-4050-4050.1100	Personal Services	\$135,000
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**Increase:**

01-4050-4050.1110                      Temporary                      \$135,000

Seconded by Legislator: James D. St.Croix

All members present voted aye.

**Resolution No. 160**

**Authorizing Agreement with ACC Technical Services, Inc.  
Relative to a Clinic Scheduling Web-Application Purchase**

By Legislator: James A. Naybwaniec

Whereas, With the receipt of Public Health Preparedness and H1N1 Response/Vaccination dollars in the amount of \$356,697 for the period of 08/10/09 - 08/09/10, and

Whereas, The grants have supported permanent preparedness personnel, temporary H1N1 staff, equipment purchases, contractual expenses and fringe benefits, along with administrative and indirect costs, and

Whereas, Per the New York State Department of Health (NYSDOH) and Centers for Disease Control (CDC) funds for the grant term may be utilized for purchases to support current and future public health work and response efforts, and

Whereas, Purchase of a clinic scheduling application would organize processes, provide residents immediate information, enable on-line appointment registrations and improve staffing assignments, thereby producing savings, and

Whereas, After review of an application used by Counties in Central New York, the Director of Public Health recommends the purchase of ACC Technical Services, Inc. eHealth Scheduling web-based application, and

Whereas, Said application is a special professional product and is 100% allowable within NYSDOH Preparedness and CDC H1N1 Response funding, and

Whereas, ACC will provide project implementation services, including application set-up and training of County Public Health staff in the use of said product, and

Whereas, The cost of the program and services is \$11,800 for the base application, along with 5 year license and hosting expenses.

Now, Therefore, Be It Resolved, That Jefferson County enter into an agreement with ACC Technical Services, Inc. for the purposes stated above during the period of July 7, 2010 through

July 31, 2015, and be it further

Resolved, That the Chairman of the Board of Legislators be and is hereby authorized 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 2010 County Budget is hereby amended as follows:

**Decrease:**

01-4050-4058.4415	Advertising	\$3,200
01-4050-4058.4510	Medical Supplies	\$8,600

**Increase:**

01-4050-4058.4416	Professional Fees	\$11,800
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Seconded by Legislator: James D. St.Croix

All members present voted aye.

**Resolution No. 161**

**Accepting Donation on Behalf of the Department of Social Services and Amending the 2010 County Budget**

By Legislator: James A. Nabywaniec

Whereas, The Boathouse Restaurant has donated \$215.90 to the Department of Social Services to be used to offset costs for the December holiday party for foster children, and

Whereas, The 2010 County Budget must be amended to recognize said donation.

Now, Therefore, Be It Resolved, That Pursuant to County Law Section 215 (3), this Board of Legislators accepts said donation and be it further

Resolved, That the 2010 County Budget is amended as follows:

**Increase:**

Revenue:

01-6010-999.92705	Donations	\$215.90
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Expenditure:

01-6010-6010.4624	Client Incidentals	\$215.90
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Seconded by Legislator: James D. St.Croix

Roll Call Vote

Ayes: St.Croix, Behling, Adsit, Burto, nabywaniec, Darke, Gray, Thomas, Reed, Zando, Ferris, Ormsby, Docteur, Fitzpatrick, Blankenbush

Resolution passed.

**Resolution No. 162**

**Amending the 2010 County Budget to Recognize American Reinvestment and Recovery Act (Stimulus) Funds for the Homelessness Prevention and Rapid Re-Housing Program**

By Legislator: James A. Nabywaniec

Whereas, By Resolution 250 of 2009, This Board of Legislators recognized the 2009 portion (\$495,000) of \$1,976,682 in American Reinvestment and Recovery Act (Stimulus) funds received for the Homelessness Prevention and Rapid Re-Housing Program to be spent in 2009-2011, and

Whereas, The 2010 County Budget included \$585,000 in funds for this program, and

Whereas, Department of Social Services will spend an additional \$850,000 this year on this program, which is 100% federally reimbursable, and the 2010 County Budget must be amended to recognize the revenue and appropriate the fund to the proper account.

Now, Therefore, Be It Resolved, that the 2010 County Budget be and is hereby amended as follows:

**Increase:**

Revenue		
01-6070-999.94675.S	FAid HUD HPRP Homeless Prev	\$850,000

Expenditure		
01-6070-6310.4628.S	HUD HPRP Homeless Prev STIM	\$850,000

Seconded by Legislator: James D. St.Croix

Roll Call Vote

Ayes: Adsit, Ormsby, Thomas, Nabywaniec, Gray, Ferris, Reed, burto, St.Croix, Drake, Behling, Docteur, Zando, Fitzpatrick, Blankenbush

Resolution passed.

**Resolution No. 163**

**Establishing Time and Place for a Public Hearing on the Inclusion of Viable Agricultural Land in a Certified Agricultural District Before the District's Established Review Period**

By Legislator: Barry M. Ormsby

Whereas, New York State Agriculture and Markets Law Article 25AA, Section 303-b requires that Counties establish an annual thirty day period within which to accept requests by landowners to have viable agricultural land included in a certified Agricultural District, and

Whereas, The Jefferson County Board of Legislators passed Resolution No. 98 of 2004, Establishing an Annual Thirty Day Period for Landowners to Submit Proposals to Include Viable Agricultural Land within an Existing Agricultural District Before the District's Established Review Period, and

Whereas, Resolution No. 98 of 2004 established June 1 through June 30 as the annual thirty day review period, and

Whereas, In accordance with Section 303-b of Article 25AA of the New York State Agriculture and Markets Law, the requests for inclusion were referred to the Agriculture and Farmland Protection Board for review and recommendation, and

Whereas, The recommendation of the Agriculture and Farmland Protection Board will be submitted to the Clerk of the Board prior to the public hearing for the inclusion properties.

Now, Therefore, Be It Resolved, That a Public Hearing be conducted by this Board of Legislators concerning the inclusion of viable agricultural land in a certified Agricultural District before the District's established review period. The public hearing will be held at the Jefferson County Department of Planning Conference Room, Third Floor, County Office Building, located at 175 Arsenal St., Watertown, on Monday, August 16, 2010 at 7:00 p.m. and be it further

Resolved, That a notice of such public hearing shall be given in accordance with law.

Seconded by Legislator: Philip N. Reed, Sr.

All members present voted aye.

**Resolution No. 164**

**Authorizing Amended Agreements in Connection with the NYS Snowmobile Trails Grant-in-Aid Program and Amending the 2010 Budget in Relation Thereto**

By Legislator: Barry M. Ormsby

Whereas, Resolution No. 41 of 2010 authorized the County to accept a 2009-2010 program year grant award from the NYS Office of Parks, Recreation, and Historic Preservation (OPRHP) for reimbursement of local snowmobile trail maintenance activities performed by the Winona Forest

Recreation Association, Barnes Corners Sno-Pals, Inc., Thousands Islands Snowmobile Club, and Missing Link Snowmobile Club, and

Whereas, OPRHP recently notified the County of the availability of \$9,211 in supplemental funds through the 2009-2010 Snowmobile Trails Grant-in-Aid Program.

Now, Therefore, Be It Resolved, That Jefferson County does hereby accept \$9,211 in supplemental funding as referenced above and authorizes amendments to agreements, upon the approval of the County Attorney, between the County of Jefferson and the four aforementioned snowmobile clubs for distribution of the funds to reimburse snowmobile trail development and maintenance consistent with the grant program requirements, and be it further

Resolved, that the 2010 County Budget be amended as follows:

**Increase:**

Revenue:

01-8020.999.93889	Snowmobile Trail Maintenance\Development	\$ 9,211
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Expenditure:

01-8020-7989.4600	Snowmobile Trail Maintenance\Development	\$ 9,211
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Seconded by Legislator: Philip N. Reed, Sr.

Roll Call Vote

Ayes: Reed, Zando, Gray, Ferris, Docteur, Behling, Burto, Adsit, Ormsby, St.Croix, Drake, Thomas, Fitzpatrick, Nabywaniec, Blankenbush

Resolution passed.

**Resolution No. 165**

**Approving Appointment to the Jefferson County Planning Board**

By Legislator: Barry M. Ormsby

Resolved, That pursuant to Section 239-c of the General Municipal Law, the following individual is hereby appointed to the Jefferson County Planning Board for a term to expire December 31, 2011.

Dwight Greene

Seconded by Legislator: Philip N. Reed, Sr.

All members present voted aye.

**Resolution No. 166**

**Authorizing Appointments and Re-Appointments to the  
Jefferson-Lewis Workforce Investment Board**

By Legislator: Barry M. Orsmy

Whereas, The Workforce Investment Act of 1998, Public Law 105-200, requires that there be established a local Workforce Investment Board (WIB) to oversee local job training services and activities, and

Whereas, Chapter 2, Section 117(a)(b) of the Workforce Investment Act authorizes the establishment, membership, and composition of the local Workforce Investment Board, and

Whereas, Chapter 2, Section 117(c) of the Workforce Investment Act authorizes the appointment and certification for local Workforce Investment Board membership, and

Whereas, Article V of the Workforce Investment Board By-Laws indicate the procedures for membership on the Board, and

Whereas, The Counties of Jefferson and Lewis seek to appoint individuals to the local Workforce Investment Board who have interest and experience in the delivery of local workforce development services, and

Now, Therefore Be It Resolved, That the Board of Legislators hereby authorizes the Chairman of the Board to appoint the following individuals to serve as members of the Jefferson-Lewis Workforce Investment Board for the terms indicated.

Audrey Sargent, Director of Human Resources and Safety, Hi-Lite Markings, to fill a business sector position on the Board, said term to commence July 1, 2010 and expire June 30, 2013.

Douglas Murray, Owner of Murcrest Dairy Farm, to fill a business sector position on the Board, said term to commence July 1, 2010 and expire June 30, 2013.

Laura Cerow, Commissioner of Department of Social Services, to fill a TANF sector position on the Board, said term to commence July 1, 2010 and expire June 30, 2013.

Re-appointment of the following individuals to three year terms, said terms to commence July 1, 2010 and expire June 30, 2013:

Jill Bettinger	Jefferson Community College
Jay Boak	Jefferson-Lewis Board of Cooperative Education Services
Clifford Donaldson	NYS Department of Labor
Joseph Todora	Lewis County General Hospital

Seconded by Legislator: Philip N. Reed, Sr.

All members present voted aye.

**Resolution No. 167**

**Urging Support of Homeowners' Right to Utilize "Outdoor Wood Boilers" (OWBs)  
for Heating Purposes and Opposing Proposed DEC Regulations  
Requiring Homeowners to Remove OWBs**

By Legislator: Barry M. Ormsby

Whereas, The price of home heating fuels has risen for all people including the residents of Jefferson County, and

Whereas, Jefferson County has a large population of senior citizens and families on fixed incomes, and

Whereas, Jefferson County has sources of wood that could be used to heat homes and businesses, and

Whereas, Outdoor wood boilers (OWBs) offer a safer alternative to indoor wood stoves and furnaces that can start home fires because of stray sparks or chimney fires, and

Whereas, OWBs provide a cost effective alternative to fossil fuels, and

Whereas, OWBs should have properly installed chimneys that reach 2-4 feet higher than the highest rooftop of any residence within 100 feet of the furnace that is not being served by the furnace, and

Whereas, OWBs were not made for, and never should have any mixed solid waste burned in them, and

Whereas, In August 2005, the then New York Attorney General and six (6) other State Attorney Generals, and the Northeast State for Coordinated Air Use Management, which was supported by the HPBA Outdoor Furnace Manufacturers Caucus, petitioned the United States Environmental Protection Agency to set standards for OWBs, and

Whereas, The EPA Hydronic Heater Phase 2 Program was released in October 2008 and established an emissions reduction program for OWBs, and

Whereas, On August 13, 2009, the New York State Energy research and Development Authority (NYSERDA) announced \$1.5 Million in funding for high-efficiency wood-heating market, and

Whereas, The New York State Department of Environmental Conservation in April 2010 published proposed regulation 6 NYCRR Part 247, Outdoor Wood Boilers, and

Whereas, The Jefferson County Board of Legislators supports proposed emission limits, and new regulations on OWBs sold after April 15, 2011 have to meet the proposed emission limits, and any provisions that are consistent with the EPA Hydronic Heater Phase 2 Program and other northeast state regulations for OWBs including Vermont, Maine, New Hampshire and Massachusetts, and

Whereas, The Jefferson County Board of Legislators does not support the proposed DEC regulations Part 247 requiring forcing the removal of existing OWBs by 2015 or 2020 depending on when the furnace was purchased and before the end of their useful life which unfairly deprives Jefferson County and its residents from using their OWBs and any other provisions that are inconsistent with the EPA Hydronic Heater Phase 2 Program and other northeast state regulations including Vermont, Maine, New Hampshire and Massachusetts, and

Whereas, The USEPA is currently in the process of establishing nationwide federal regulations for OWBs that could be promulgated by May 2012 by EPA's most recent schedule made publicly available.

Now, Therefore, Be It Resolved, That the Jefferson County Board of Legislators does hereby support efforts to protect the use of properly operated OWBs that are installed and operated properly by opposing phase-out dates of 2015 or 2020 before the end of the outdoor hydronic heaters' useful life, so as not to deprive Jefferson County residents of useful property, and

Be It Further Resolved, That the Jefferson County Board of Legislators does hereby call on Governor Paterson, both houses of the New York State Legislature, the New York State Association of Counties, and New York State Agencies to support the continued use of, and the development of clean and efficient OWBs, by proposing New York State regulations that are consistent with the USEPA Hydronic Heater Phase 2 Program and other northeast states including Vermont, Maine, New Hampshire and Massachusetts, and

Be It Further Resolved, That copies of this resolution be forwarded to our State elected representatives, the New York State Association of Counties, and the New York State Department of Environmental Conservation.

Seconded by Legislator: Philip N. Reed, Sr.

All members present voted aye.

### **Resolution No. 168**

#### **Establishing Time and Place for a Public Hearing for a 2010 Community Development Block Grant (CDBG) Economic Development Application and Authorizing Related Subrecipient Agreement with the Jefferson County Local Development Corporation**

By Legislator: Barry M. Ormsby

Whereas, The Jefferson County Industrial Development Agency (JCIDA) and Jefferson County Local Development Corporation (JCLDC) are working with the Florelle Tissue Corporation to re-establish a paper manufacturing operation at the former Brownville Specialty Papers facility, and

Whereas, Florelle is a Canadian company that proposes to utilize the mill to produce paper towels, napkins, and tissues from its own paper, which will be manufactured onsite, and

Whereas, Florelle plans to create 50 jobs during the first year of operation and increase this total to 75 by the end of year three, and

Whereas, The JCIDA has identified the need for a CDBG request of \$255,000 from the NYS Office of Community Renewal for assistance with the purchase of machinery and equipment for the operation, and

Whereas, Grant proceeds will be loaned to the company and repaid to the Jefferson County Local Development Corporation's Revolving Loan Fund.

Now, Therefore, Be it Resolved, Pursuant to Section 104 (A)(2) of the Federal Housing and Community Development Act, as amended, a public hearing soliciting comments on the application shall be held on Tuesday, July 20<sup>th</sup>, 2010 at 6:30 p.m. in the Board of Legislators' Chambers, Historic Courthouse, 195 Arsenal Street, Watertown, New York, and be it further,

Resolved, That the Chairman of the Board is hereby authorized to execute all necessary CDBG application documents related to this project, and be it further,

Resolved, That the Chairman of the Board is authorized to establish a Subrecipient Agreement, subject to the approval of the County Attorney, with the Jefferson County Local Development Corporation to transfer any awarded CDBG funds to the Corporation and to govern use and re-use of any awarded funds consistent with State and Federal requirements.

Seconded by Legislator: Philip N. Reed, Sr.

All members present voted aye.

Chairman Blankenbush entertained a motion to waive the Standing Rules 35, 60 and all other appropriate rules to introduce additional resolutions for consideration. A motion was duly made by Legislator Burto seconded by Legislator Gray and unanimously carried.

### **Resolution No. 169**

#### **Setting Standard Work Day and Reporting Same to the New York State and Local Employees' Retirement System**

By Legislator: Robert D. Ferris

Be It Resolved, That the County of Jefferson hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body:

**ELECTED OFFICIALS**

<b>Title</b>	<b>Name</b>	<b>Standard Work Day (Hrs/day)</b>	<b>Time Begins/Ends</b>	<b>Employer Record of Time Worked (Y/N)</b>	<b>Days/Month (based on Record of Activities)</b>
Legislator	Michael J. Docteur	7 Hrs	1/1/2010-12/31/2011	N	5.25
Legislator	Philip N. Reed, Sr.	7 Hrs	1/1/2010-12/31/2011	N	5.91
Legislator	Kenneth D. Blankenbush	7 Hrs	1/1/2010-12/31/2010	N	6.14
Legislator	Kent D. Burto	7 Hrs	1/1/2010-12/31/2010	N	4.01
Legislator	James A. Nabywaniec	7 Hrs	1/1/2010-12/31/2010	N	5.05
Legislator	Barry M. Ormsby	7 Hrs	1/1/2010-12/31/2010	N	4.56
Legislator	Michael W. Behling	7 Hrs	1/1/2010-12/31/2010	N	1.66
Legislator	Jennie M. Adsit	7 Hrs	1/1/2010-12/31/2010	N	1.04
Legislator	James D. St.Croix	7 Hrs	1/1/2010-12/31/2010	N	1.52

Seconded by Legislator: Robert J. Thomas

All members present voted aye.

**Resolution No. 170**

**Authorizing Cancellation of Sale by Public Auction of a Certain Property in the Town of Pamelaia**

By Legislator: Philip N. Reed, Sr.

Whereas, A public auction of tax foreclosed properties was held on June 12, 2010 at which Tax Map Parcel No. 74.17-1-32 in the Town of Pamelaia was offered for sale, and

Whereas, Said parcel was purchased by Reny Management, Inc. for the sum of \$15,500.00, and

Whereas, Reny Management has requested to be relieved of the sale because the residence situated on the property is bisected by the City of Watertown boundary line and the only street access to the residence is through a parcel wholly contained in the City and not subject to this sale, and

Whereas, Due to errors in the assessment records of the Town of Pamela misidentifying the address of Tax Map Parcel No. 74.17-1-32 the above state of facts could not have been reasonably ascertained prior to the auction.

Whereas, It appears that the parcel as it exists materially deviates from the manner it was presented in the auction materials based on the assessment records.

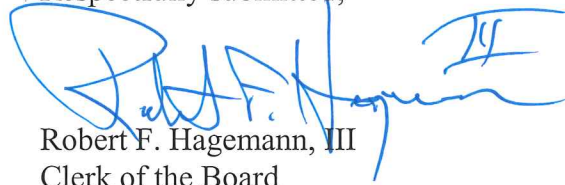
Now, Therefore, Be it Resolved, that pursuant to Administrative Regulations §7.01(I)(1.1) the Board of Legislators cancels the sale of the above parcel which took place on June 12, 2010 and directs the Treasurer to refund the buyer's down payment, administrative fee, transfer tax and buyers premium, without interest.

Seconded by Legislator: Barry M. Ormsby

All members present voted aye.

There being no further business of the Board, on a motion by Legislator Reed seconded by Legislator Ferris and unanimously carried, the meeting was adjourned at 7:26 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Robert F. Hagemann, III", with a date "1/15" written to the right of the signature.

Robert F. Hagemann, III  
Clerk of the Board