

REGULAR SESSION

TUESDAY, JULY 3, 2012

Chairwoman Fitzpatrick called the meeting to order at 12:00 p.m.

ROLL CALL OF MEMBERS

All members present except Legislator Ferris.

Chairwoman Fitzpatrick recessed the session to conduct two public hearings.

Public Hearing

**Local Law Intro No. 1 of 2012
A Local Law Reapportioning the Board of Legislators of the
County of Jefferson Based Upon the 2010 Federal Decennial Census**

Chairwoman Fitzpatrick called the public hearing to order at 12:01 p.m. and there being no one wishing to address the Board, the public hearing was closed at 12:02 p.m.

Public Hearing

2012-2013 Jefferson Community College Budget

Chairwoman Fitzpatrick called the public hearing to order at 12:02 p.m. and there being no one wishing to address the Board, the public hearing was closed at 12:03 p.m.

PRIVILEGE OF THE FLOOR

No one present wished to make comments.

MINUTES OF THE LAST SESSION

The minutes of the June Session stand approved in the absence of objection or correction.

PETITIONS, NOTICES AND COMMUNICATIONS

A note of appreciation was received from the family of former Henderson Supervisor Frank Ross for the Board of Legislators' certificate presented to him and the support they received over the final few months of his life.

REPORTS OF STANDING COMMITTEES

A report of the Finance & Rules Committee on resolutions from other jurisdictional

committees was received.

REPORTS OF COUNTY OFFICERS AND OTHERS

A report of the County Treasurer on investments and cash on hand as of May 31, 2012 was received.

A report of the County Administrator on budget transfers for the month of June, 2012 was received.

LOCAL LAWS, RESOLUTIONS AND MOTIONS

Chairwoman Fitzpatrick entertained a motion to take Local Law Intro. No. 1 of 2012 off the table for action. A motion was duly made by Legislator Behling and seconded by Legislator Doldo. (Full text of Local Law in June Session)

Roll Call Vote: Local Law No. 1 of 2012

Ayes: Adsit, Reed, Gray, Ormsby, Peck, Nabywaniec, Docteur, Drake, Behling, Doldo, Astafan, Thomas, Harter, Fitzpatrick

Absent: Ferris

Local Law passed.

Resolution No. 171

Adopting the 2012-2013 Jefferson Community College Budget

By Legislator: Barry M. Ormsby

Whereas, Pursuant to Section 357 of the County Law, the Finance and Rules Committee of this Board has reviewed the requested 2012-2013 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 2012-2013, and be it further

Resolved, In accordance with the 2012-2013 Jefferson Community College Budget, the County of Jefferson will provide a Sponsor Contribution in the amount of \$4,630,151, and thereby approving a total operating expenditure for the JCC Budget of \$25,480,170.

Resolved, That this resolution shall take effect September 1, 2012.

Seconded by Legislator: James A. Nabywaniec

All members present voted aye.

Resolution No. 172

**Appropriation for the Conduct of Jefferson Community College
for Fiscal Year 2012-2013**

By Legislator: Robert J. Thomas

Whereas, This Board, by Resolution No. 171 of 2012 adopted a budget for Jefferson Community College for Fiscal Year 2012-2013.

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, 2012.

Seconded by Legislator: Allen T. Drake

All members present voted aye.

Resolution No. 173

**Amending the 2012 County Budget and Capital Plan
in Relation to the JCC Master Plan Project**

By Legislator: Robert J. Thomas

Whereas, By Resolution No. 70 of 2005, the Jefferson County Board of Legislators endorsed the 2004 Update of the 1998 Facilities Master Plan for Jefferson Community College, which presented recommended capital projects with a total estimated cost of \$18,144,271, and

Whereas, By Resolution No. 272 of 2005, this Board established a Master Plan Projects account in the amount of \$10,000,000 to reflect the County and State funding shares, and

Whereas, By Resolution 89 of 2011, this Board established a softball capital account associated with the Jefferson Community College Master Plan project, and

Whereas, Said softball field account must be increased to pay for engineering reimbursables and to construct a warning track.

Whereas, It is necessary to amend the 2012 County Budget and Capital Plan for this purpose.

Now, Therefore, Be It Resolved, That the 2012 County Budget is hereby amended as follows:

Increase:

20-9006-2490.2021.013	Softball Field	\$8,000
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Decrease:

20-9006-2490.2021.011	JCC Site Work	\$8,000
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and be it further

Resolved, That the six year capital plan is hereby amended accordingly.

Seconded by Legislator: Jennie M. Adsit

All members present voted aye.

Legislator Ferris arrived at the meeting.

Resolution No. 174

Appointing Election Commissioners

By Legislator: Robert J. Thomas

Resolved, That pursuant to Section 3-204 of the Elections Law, Jerry O. Eaton, Republican, and Sean M. Hennessey, Democrat, be and hereby are appointed as Election Commissioners of the County of Jefferson for two year terms beginning January 1, 2013.

Seconded by Legislator: Allen T. Drake

All members present voted aye.

Resolution No. 175

**Amending the 2012 County Budget to Recognize Insurance Recovery
and Allocating Same in Sheriff's Department Budget**

By Legislator: Robert D. Ferris

Whereas, The Sheriff's Department has received an insurance settlement check in the amount of \$1,815.75 for damage to a patrol unit, and has requested that the settlement be used to supplement the external fleet expense line to pay for needed repairs.

Now, Therefore, Be It Resolved, That the 2012 County Budget is hereby amended as follows:

Increase:

01-3110-3110.4310.002 External Fleet Expense \$1,815.75

01-3110-999.92680 Insurance Recoveries \$ 1,815.75

Seconded by Legislator: Jennie M. Adsit

Roll Call Vote:

Ayes: Docteur, Drake, Peck, Adsit, Behling, Nabywaniec, Doldo, Gray, Thomas, Reed,
Ormsby, Ferris, Harter, Astafan, Fitzpatrick

Resolution passed.

Resolution No. 176

**Accepting Donations from Department of Defense for
Sheriff's Department and Watertown International Airport**

By Legislator: Michael F. Astafan

Whereas, The Sheriff's Department and the Watertown International Airport has each received from the United States Department of Defense a donation of a Humvee.

Now, Therefore, Be It Resolved, That this Board of Legislators does hereby gratefully accept said donations.

Seconded by Legislator: Robert D. Ferris

All members present voted aye.

Resolution No. 177

Establishing Petty Cash Fund at the Airport in Relation to Fixed Base Operator (FBO)

By Legislator: Jennie M. Adsit

Resolved, That, Pursuant to Section 371 of the County Law, there is hereby established a revolving petty cash fund at the Watertown International Airport in the amount of \$100 to be used in providing change for cash sales of gasoline and miscellaneous catering expenses.

Seconded by Legislator: Scott A. Gray

All members present voted aye.

Resolution No. 178

**Authorizing Memorandum of Understanding to Create the
Northern New York Region Interoperable Communications Consortium - NNYRICC
and to Join the Central New York Region Interoperable Communication Consortium**

By Legislator: Robert D. Ferris

Whereas, There is a need to cooperate regionally and establish an interoperable communications network to serve the Northern New York Region, and

Whereas, This need has been expressed in the National SAFECOM program, is encouraged by the Federal Government through a number of federal grant programs, and which is recognized as the future for planning interoperable communications systems, and

Whereas, In order to accomplish such initiative, it is the desire of Jefferson, Lewis and St. Lawrence Counties to form a consortium for the purposes of both applying for grants and working cooperatively to establish said regional interoperable communications network, and

Whereas, The consortium, organized through an inter-governmental agreement in the form of a Memorandum of Understanding, would have equal representation from each county, be committed to working on a joint interoperable communications network, and would: serve all police, fire and EMS agencies as well as other public service organizations within the three county region; create inter-governmental efficiencies; and develop assets for the mutual benefit of all parties, and

Whereas, In order to allow for the possibility of sharing resources, expertise and the communication system in use and/or development in central New York, it is the desire of Jefferson County to also join the existing Central New York Region Interoperability Communications Consortium (currently Onondaga, Oswego, Madison, Cayuga, and Cortland Counties).

Now, Therefore, Be It Resolved, That Jefferson County enter into Memorandums of Understanding as necessary with Lewis and St. Lawrence Counties and with the Central New York Region Interoperability Communications Consortium for the purposes stated above, and that the Chairman of the Board of Legislators be and is hereby authorized and directed to execute said agreements on behalf of Jefferson County, subject to the review of the County Attorney as to form and content.

Seconded by Legislator: Scott A. Gray

All members present voted aye.

Resolution No. 179

**Accepting Donations on Behalf of the Department of Social Services
and Amending the 2012 County Budget**

By Legislator: Robert J. Thomas

Whereas, St. John Bosco School and American Legion Auxiliary, Army & Navy Post 61 have donated \$130 and \$100, respective to the Whispering Pines Adult Home to be used for client incidentals, and

Whereas, The 2012 County Budget must be amended to recognize said donations.

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

Resolved, That the 2012 County Budget is amended as follows:

Increase:

Revenue:

01-6030-999.92705	Donations	\$230.00
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Expenditure:

01-6030-6030.4624	Client Incidentals	\$230.00
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Seconded by Legislator: Michael F. Astafan

Roll Call Vote:

Ayes: Ferris, Reed, Behling, Drake, Gray, Ormsby, Astafan, Peck, Nabywaniec, Doldo, Thomas, Harter, Docteur, Adsit, Fitzpatrick

Resolution passed.

Resolution No. 180

**Amending the 2012 County Budget in Relation to the Recoupment of
Medicaid "Overburden Claims" from the NYS Department of Health**

By Legislator: Anthony J. Doldo

Whereas, Jefferson County became aware that the New York State Department of Health (DOH) has failed to reimburse numerous counties for Medicaid expenditures duly billed through the NYS Department of Health's Welfare Management System (WMS) due to unilateral and secretive manipulation of case coding protocol, and

Whereas, The County retained a consultant and outside counsel, Nancy Rose Stormer, Esq, to review its billing records in order to determine whether DOH failed to properly reimburse the Jefferson County Department of Social Services for Medicaid expenditures known as “overburden claims” relating to services for certain mentally disabled persons, and to pursue legal action if necessary, and

Whereas, Upon this review, claims totaling \$747,714, which the County recognized as revenue in 2011, were submitted to NYS for reimbursement and were formally rejected by the Department of Health, and

Whereas, In order to pursue its rights, and pursuant to Resolution 108 of 2012, the County commenced a lawsuit to recover said claims, and

Whereas, such action was successful, the County has now received \$538,015 from the State and is in hopes of receiving the remainder, and

Whereas, The County’s agreement with Nancy Rose Stormer, Esq. requires her fees to be paid within a certain deadline, and

Whereas, The State of New York will reimburse the County for said fees, and

Whereas, The 2012 County Budget must be amended to provide funds for this payment and recognize the State’s reimbursement.

Now, Therefore, Be it Resolved, that the 2012 County Budget is amended as follows:

Increase:

Expenditure		
01-6010-6010.4411	Legal Fees	\$249,718.93
Revenue		
01-6010-999.93610	State Aid	\$249,718.93

Seconded by Legislator: John D. Peck

Roll Call Vote

Ayes: Astafan, Doldo, Harter, Docteur, Ferris, Adsit, Gray, Behling, Drake, Thomas, Reed, Peck, Nabywaniec, Ormsby, Fitzpatrick

Resolution passed.

Resolution No. 181

**Authorizing Agreement with the Fort Drum Regional Health Planning
Organization (FDRHPO) for the Implementation of a Local Government
Efficiency Grant and Amending the 2012 County Budget in Relation Thereto**

By Legislator: Robert J. Thomas

Whereas, The County's Emergency Medical Services (EMS) unit under the direction of the Jefferson County Public Health Service coordinates education, planning, systems response, and quality improvement of the County EMS services, and

Whereas, A 2007 Comprehensive Emergency Medical Services (EMS) assessment of Jefferson County conducted by Fitch & Associates concluded that the current system is not well-suited to meet identified trends or anticipated local service needs, and

Whereas, In 2008 the County received, pursuant to Resolution 287 of 2008 and through its Public Health Service, a Local Government Efficiency (High Priority Planning) Grant to assess the feasibility, build consensus, develop actions, and implement a business plan to ensure the EMS system can evolve and improve, and

Whereas, Jefferson County pursuant to Resolution 266 of 2010 and through its Public Health Service, applied for and was subsequently awarded a NYSDOS Local Government Efficiency (Implementation) Grant in the amount of \$405,000 over a three (3) year period to establish an Emergency Medical Services Agency, Inc. (EMSAI), and implement a business plan that ensures the Emergency Medical System can evolve and improve, and

Whereas, Pursuant to Resolutions 266 of 2010 and 227 of 2011, Jefferson County committed to providing a local share toward the project, to be \$32,103 in year 1, \$36,692 in year 2, and \$39,458 in year 3, and

Whereas, Pursuant to Rule 57 of the Standing Rules of this Board of Legislators, the Chairman of the Board appointed an ad hoc Committee to examine the creation of the EMSAI and the related issue of acquiring a County-wide EMS Certificate of Need (CON) from the New York State Department of the Health, and

Whereas, In its report, the ad hoc Committee has recommended that the County enter into an agreement with the FDRHPO, also a non-profit organization formed under New York State laws and in conformance with Internal Revenue Service (IRS) requirements for a non-profit entity, to implement the Local Government Efficiency (Implementation) Grant in place of the aforementioned EMSAI, until and unless both parties agree to its creation, and to provide both the grant funding and the County's local share over the course of the three (3) year period for this purpose, and

Whereas, It is also necessary to amend the 2012 County Budget to recognize the 2012 revenues and expenditures relating to this grant and agreement.

Now, Therefore, Be It Resolved, That this Board of Legislators enter into an agreement with the Fort Drum Regional Health Planning Organization for the purposes stated above for a three (3) year term, and authorizes and directs the Chairman of the Board execute said agreement on behalf of Jefferson County, subject to approval by the County Attorney as to form and content, and be it further

Resolved, That the 2012 County Budget is amended as follows:

Increase:

Expenditures

01-4050-4057.4416	DOS Efficiency Grant - Professional Fees	\$ 99,603
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Revenue

01-4050-999.93452	State Aid, Public Health (Grants)	67,500
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Decrease:

Expenditures

01-1910-1990.4963	Contingent	\$ 32,103
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Seconded by Legislator: Steven T. Harter

Roll Call Vote

Ayes: Nabywaniec, Peck, Behling, Docteur, Adsit, Ferris, Thomas, Astafan, Gray, Doldo, Reed, Drake, Ormsby, Harter, Fitzpatrick

Resolution passed.

Resolution No. 182

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

By Legislator: Robert D. Ferris

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 re-appointment the following individuals to three year terms, said terms to commence July 1, 2012 and expire June 30, 2015:

Donald Alexander	Jefferson County Job Development Corporation
Duane Watson	ACCESS-VR
George Anderson	Current Applications
Dennis Affinati	IBEW
Robert Hagemann	County of Jefferson
Dale Stehlin	Bricklayers Allied Craftworker
Michael Britt	Samaritan Medical Center
Jim Hummer	Fibermark

Seconded by Legislator: Philip N. Reed, Sr.

All members present voted aye.

Chairwoman Fitzpatrick entertained a motion to waive the Standing Rules to permit the introduction of an additional resolution for consideration. A motion was duly made by Legislator Docteur seconded by Legislator Gray and unanimously carried.

Resolution No. 183

Authorizing Cancellation of a Certain Tax Auction Foreclosure Sale

By Legislator: Michael W. Behling

Whereas, Properties acquired by real property tax foreclosure were offered for sale at public auction on June 9, 2012, and

Whereas, Tax Map Parcel No. 64.47-1-14 in the Town of Pamela was sold as said public auction, and

Whereas, Subsequent to said auction it became known that the owner of said parcel was in the active service of the United States Military at the time of the commencement of the foreclosure action serving overseas and pursuant to the provisions of the Soldiers and Sailors Civil Relief Act, may have a right to vacate the judgment of foreclosure, and

Whereas, It appearing that the County may not be able to convey good and clear title to purchaser at auction due to the aforementioned right of the property owner, and

Whereas, The Board of Legislators under Resolution No. 185 of 1999 reserved the right to reject bids and to authorize the return of deposits to bidders whose purchases have been cancelled by Resolution.

Now, Therefore, Be it Resolved, that the auction sale for the following property be and hereby is conditionally cancelled subject to agreement with the owner as set forth below, and any down payment shall be returned, without interest, as soon as practicable:

<u>Town</u>	<u>Parcel No.</u>	<u>Successful Bidder</u>
Pamelia	64.47-1-14	United Realty & Development LLC

and be it further,

Resolved, that upon payment of the delinquent taxes in full, including interest, penalties and fees and the applicable buyers premium due the auctioneer in the amount of \$7,500.00, the Chairwomen of the Board and the County Attorney are hereby authorized and directed execute any necessary document for filing to vacate the foreclosure judgment and/or return title to the previous owner: Christopher G. Hurlburt.

Seconded by Legislator: Barry M. Ormsby

County Attorney Paulsen advised that this is being brought forward at his request as he is in talks with the property owner and the property owner's attorney which began not long after the auction. He said it was brought to his attention that the property owner is in the military, has been serving over seas in Rwanda for the better part of the year and has been renting the property out. He said on those grounds he felt it was appropriate to offer to cancel the sale, and under the condition of paying all the back takes as well as the auctioneer fees, the County would move forward with vacating the foreclosure and returning the title to the previous owner. As talks are ongoing Mr. Paulsen stated that if Mr. Hurlburt does not agree to pay the fees as outlined in the resolution the County will proceed with foreclosure and sale of the property; tentatively he has made a down payment in escrow of all of the back taxes, however the auctioneers fees are still in question.

County Attorney Paulsen continued that to complicate the matter further, Mr. Hurlburt's explanation as to why he had not received any bills/notices was that (besides being out of the country) the 911 address on the mail box was not correct, and the owner believed the taxes were being paid through an escrow account.

Following brief discussion regarding the effectiveness of the wording in the resolution and the conditions in the resolution , all members present voted aye.

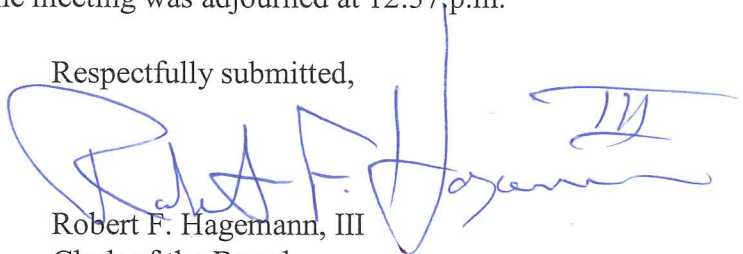
Chairwoman Fitzpatrick reminded legislators of the Yellow Ribbon Celebration at Thompson Park scheduled for this evening with music and fireworks.

Legislator Gray clarified that despite what an article in the Watertown Daily Times portrayed, a decision concerning sales tax distribution relative to pilots is not in the hands of the County. He said because it affects the Towns not the County, the Town Supervisors need to discuss the matter, make a decision and then it will be an issue the County can address relative to re-distribution of sales tax for future pilots.

Legislator Harter reported that he has a contract of sale on his house and while he intended to relocate within his district, he may be relocating to the Town of Watertown so if that happens he intends to resign as District 5 Legislator some time in the next 30 days or so. He thanked Administration, the Chairwoman and his colleagues on the Board, both last year and this year, for helping him to understand things and for all their help during his time on the Board. He said it is entirely possible his resignation will happen before the next full Board meeting and assured everyone that he has notified the appropriate people who will make a recommendation for his replacement. Chairwoman Fitzpatrick wished Legislator Harter well.

There being no further business of the Board, on a motion by Legislator Peck seconded by Legislator Ferris and unanimously carried, the meeting was adjourned at 12:37 p.m.

Respectfully submitted,



Robert F. Hagemann, III
Clerk of the Board