

## **REGULAR SESSION**

**TUESDAY, AUGUST 6, 2013**

Chairwoman Fitzpatrick called the meeting to order at 7:00 p.m.

### **ROLL CALL OF MEMBERS**

All members present except Legislator Peck.

### **PRIVILEGE OF THE FLOOR**

Chris Nichols, 18591 County Route 66, Watertown, Town of Hounsfield, expressed confusion as to what was being adopted tonight in terms of sales tax, is it an increase or is it maintenance of the current rate. He also expressed concern that a pilot was being approved for the Woolworth Building as all of the benefits of tax breaks, grants, and the fact that it is low to moderate income housing (subsidized), the extra cost ultimately ends up being the burden of taxpayers. He felt more private investment should have been sought to fund this project and any other downtown projects.

John Humphrey, 29079 State Route 12, Watertown, Town of Brownville, was not opposed to low income housing but expressed reservation as to whether that is what you would want to attract to the downtown Watertown area. He understood wanting to preserve the historic nature of the Woolworth Building but thought nice apartments might have been a better idea to breathe life back into the area. He was concerned if taxpayers will get their value with this project or if it would lead to more urban renewal where everything is torn down.

Wayne Zimmer, Katherine Street, Watertown expressed concern as to whether there would be enough people who need housing when the proposed apartment building is built at the old Mercy Hospital location.

### **MINUTES OF PREVIOUS MEETING**

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

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

Correspondence was received from Senator Patty Ritchie acknowledging receipt of the Board's Resolution opposing the NY SAFE Act and advising that she has co-sponsored two bills in the Senate to repeal the law and introduced a bill to amend the NYS Constitution to clearly define the rights of citizens "to keep and bear arms."

### **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 Interest Allocated by Fund as of 7/31/2013 and Summary of Cash in Banks as of 6/30/2013.

The County Administrator provided a report on budget transfers for July.

The County Auditor provided a report on erroneous assessments for July.

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

### **Resolution No. 175**

#### **Increasing Taxes on Sales and Uses of Tangible Personal Property and of Certain Services, on Occupancy of Hotel Rooms and on Amusement Charges Pursuant to Article 29 of the Tax Law of the State of New York**

By Legislator: Jennie M. Adsit

Be it Resolved by the Board of Legislators of the County of Jefferson, as follows:

SECTION 1. Section 4-A of Resolution No. 113 adopted by the Board of Supervisors of the County of Jefferson on July 12, 1965 imposing sales and compensating use taxes, is amended to read as follows:

SECTION 4-A. Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional three-quarters of one percent rate of such sales and compensating use taxes, for the period beginning September 1, 2004, and ending November 30, 2015. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 2. Paragraph (c) of subdivision (1) of section 11 of Resolution No. 113 adopted by the Board of Supervisors of the County of Jefferson on July 12, 1965, imposing sales and use taxes, is amended to read as follows:

(c) With respect to the additional tax of three-quarters of one percent imposed for the period beginning September 1, 2004, and ending November 30, 2015, in respect to the use of property used by the purchaser in this county prior to September 1, 2004.

SECTION 3. Subdivision (c) of section 14 of Resolution No. 113 adopted by the Board of Supervisors of the County of Jefferson on July 12, 1965 imposing sales and use taxes, is amended to read as follows:

(c) One hundred percent of net collections from the additional three-quarters of one percent rate of tax imposed for the period beginning September 1, 2004, and ending November 30, 2005, shall be set aside and used solely for County purposes and shall not be subject to any revenue distribution agreement entered into pursuant to section 1262(c) of the New York Tax Law. Net collections from the additional three-quarters of one percent rate of tax imposed for the period December 1, 2005, through November 30, 2015, shall be set aside for County purposes or allocated and distributed pursuant to the agreement pursuant to Section 1262(c) of the New York Tax Law between the County of Jefferson and City of Watertown dated January 10, 2005.

SECTION 4. This resolution shall take effect December 1, 2013.

Seconded by Legislator: Barry M. Ormsby

All members present voted aye.

### **Resolution No. 176**

#### **Authorizing Payment in Lieu of Taxes Agreement Relative to Woolworth Watertown, LLC**

By Legislator: James A. Nabywaniec

Whereas, The Jefferson County Industrial Development Agency (the "Agency") was created by Chapter 369 of the Laws of 1971 of the State of New York pursuant to Title 1 of Article 18-A of the General Municipal Law of the State of New York (collectively, the "Act"), and

Whereas, The Agency has agreed to acquire from Woolworth Watertown, LLC (the "Company"), an interest in certain property located at 11 Public Square (Tax Map Parcel No. 10-01-107.000) and additional parcels of vacant land located at 29, 31, 35-39 and a portion of 41 Public Square (Tax Map Parcel Nos. 7-01-116, 7-01-114, 7-01-113 and a portion of 7-01-112.001) (collectively the "Land"), in the City of Watertown, County of Jefferson, New York, as more particularly described in the PILOT Agreement and attached hereto as Schedule "A", and

Whereas, The Agency has agreed to lease the property to the Company pursuant to a Lease Agreement by and between the Agency and the Company, and the Company intends to renovate, construct and equip commercial space (including retail) on the ground floor and 50 low income rental units on the remaining floors in the historic Woolworth Building and additional parcels of

vacant land for parking (the “Project”), and

Whereas, Pursuant to Section 874(1) of the Act, and Section 412(A) of the Real Property Tax Law of the State of New York, the Agency is exempt from the payment of taxes and assessments imposed upon real property and improvements owned by it other than special ad valorem levies, special assessments and services charges against real property located in Jefferson County which are or may be imposed for special improvements or special district improvements, and

Whereas, Jefferson County deems it appropriate for the Agency to enter into a Payment in Lieu of Taxes Agreement making provision for payments in lieu of taxes by the Company to the Agency for the benefit of the respective taxing jurisdictions within which the property is located, and

Whereas, The Agency’s *Uniform Tax Exempt Policy* requires that the consent of all Taxing Jurisdictions are required before it can enter into any Payment in Lieu of Taxes Agreement.

Now, Therefore, Be It Resolved, That Jefferson County hereby consents to the Agency entering into a Payment in Lieu of Taxes Agreement with Woolworth Watertown, LLC in substantially the same form as presented at this meeting and which is attached to this resolution as **Exhibit “A”**.

Seconded by Legislator: Michael A. Montigelli

## **EXHIBIT “A”**

### **PAYMENT IN LIEU OF TAXES AGREEMENT**

**THIS AGREEMENT**, by and between **WOOLWORTH WATERTOWN, LLC**, a Delaware Limited Liability Company having an address of 50 Jericho Quadrangle, Jericho, New York 11753 (“**Company**”) and **JEFFERSON COUNTY INDUSTRIAL DEVELOPMENT AGENCY**, an Industrial Development Agency and a Public Benefit Corporation of the State of New York having an address of 800 Starbuck Avenue, Watertown, New York 13601 (“**Agency**”),

### **W I T N E S S E T H:**

**WHEREAS**, the Agency was created by Chapter 369 of the Laws of 1971 of the State of New York pursuant to Title I of Article 18-A of the General Municipal Law of the State of New York (collectively, the “**Act**”); and

**WHEREAS**, the Agency by Resolution dated \_\_\_\_\_, 2013, has agreed to undertake a project to renovate, construct and equip commercial space (including retail) on the ground floor and 50 low income rental units on the remaining floors in the historic Woolworth Building (the “**Project**”) on certain land located at 11 Public Square (Tax Map Parcel No. 10-01-107.000) and

additional parcels of vacant land for parking located at 29, 31, 35-39 and a portion of 41 Public Square (Tax Map Parcel Nos. 7-01-116, 7-01-114, 7-01-113 and a portion of 7-01-112.001) (collectively the “Land”), in the City of Watertown, Jefferson County, New York, as more particularly described in Schedule “A” attached hereto (the Project and the Land are hereinafter referred to as the “**Facility**”); and

**WHEREAS**, the Agency has agreed to lease the Facility to the Company pursuant to a Lease Agreement executed and entered into of even date herewith (the “**Lease Agreement**”) by and between Agency and the Company; and

**WHEREAS**, pursuant to the terms of the Lease (1) the Company will agree to cause the Project to be undertaken and completed, and (2) the Agency will agree to undertake and complete the Project; and

**WHEREAS**, simultaneously with the execution and delivery of the Lease Agreement, the Company will execute and deliver to the Agency a certain Lease Agreement to Agency (the “**Underlying Lease**”) pursuant to which the Company leases the Land under the Project; and

**WHEREAS**, pursuant to section 874(1) of the Act, and Section 412(a) of the Real Property Tax Law of the State of New York, the Agency is exempt from the payment of taxes and assessments imposed upon real property and improvements owned by it other than special ad valorem levies, special assessments and service charges against real property located in Jefferson County which are or may be imposed for special improvements or special district improvements; and

**WHEREAS**, the Taxing Jurisdictions which are the City of Watertown (“**City**”), Jefferson County (“**County**”) and the Watertown City School District (“**School**”), have the following taxable years: the County January 1 to December 31, the City and the School July 1 to June 30; and

**WHEREAS**, the Agency and the Company deem it necessary and proper to enter into this agreement with the approval of the Taxing Jurisdictions, making provision for payments in lieu of taxes by the Company to the Agency, for the benefit of the respective Taxing Jurisdictions within which the Facility is or is to be located;

**NOW, THEREFORE**, in consideration of the covenants herein contained, it is mutually agreed as follows:

(a) For the purpose of payments to be made pursuant to this Agreement, the Completion Date for the Project shall be the earlier of \_\_\_\_\_ months from the date the building permit was issued for any part of the Project; or the issuance of a Certificate of Occupancy for this Project or \_\_\_\_\_, 2015 at the election of the Company. The Company shall notify each Taxing Jurisdiction and the Agency within 30 days from the anticipated Completion Date for the Project.

(b) Commencing with the tax year beginning on the next Taxable Status Date

following the Completion Date and for the period set forth below or until the earlier termination of the Lease Agreement, the Company agrees to pay in lieu of all real estate, tangible personal property, inventory and/or other similar taxes and assessments (in addition to paying all special ad valorem levies, special assessments and service charges which are or may be imposed for special improvements or special district improvements) which would be levied upon the Facility during such tax years as if the Facility were owned by the Company and not by the Agency, in the amounts to each of the Taxing Jurisdictions as set forth in **Schedule "B"** attached hereto:

(c) The Company shall pay, or cause to be paid the amounts set forth in **Schedule "B"** hereof within the grace period, without penalty, applicable to taxes, assessments, special ad valorem levies, special service charges or similar tax equivalents, as the case may be, on similar property subject to taxation by the Taxing Jurisdictions during such respective tax years, subject to any late payment penalties pursuant to §874 of the Act if not made within the grace period. Any failure on the part of the Company to timely make any payments pursuant to this Agreement within ten (10) days following written notice from the Agency shall be an event of default ("**Event of Default**") under this Agreement and under the Lease Agreement. Upon such Event of Default, the Agency shall have any and/or all of the Remedies on Default set forth in the Lease Agreement. Further, upon such Event of Default, the Payments In Lieu of Tax due under this Agreement shall immediately be an amount each Taxing Jurisdiction in Schedule "B" computed for years 16 and thereafter. That is to say, the payment in lieu of tax payments shall be an amount equal to One Hundred Percent (100%) of Real Property taxes which would have been due if the Facility was owned by the Company and not by the Agency.

(d) Not used.

(e) Prior to the Completion Date as defined in Paragraph 1(a) above of the Project, the Company shall pay to the Agency on the Facility an amount equal to the real estate taxes and assessments on the Facility as if the Land were owned by the Company and not by the Agency. The Company shall pay or cause such amounts to be paid within the grace period without penalty, applicable to taxes, assessments, special ad valorem levies, special service charges or similar tax equivalents, as the case may be, on similar property subject to taxation by the Taxing Jurisdictions during such respective tax years, subject to any late payment penalties pursuant to Section 874 of the Act if not made within the grace period.

This Agreement shall terminate, unless it is terminated sooner pursuant to the Lease Agreement or any other provisions of this Agreement, on the date ("**Termination Date**") on which time the parties agree that the Lease and Underlying Lease for the Facility shall terminate. In the event of an early termination either pursuant to this Paragraph or any other termination pursuant to this Agreement, both the Lease and the Underlying Lease shall terminate.

In the event that the Facility is transferred from the Agency to the Company, the Facility shall be immediately subject to taxation pursuant to Sections 302 and 520 of the New York Real Property Tax Law, as amended. However, in no event shall the Company be required to pay both a PILOT payment pursuant to the Agreement and real property taxes for a concurrent tax year or portion thereof. Therefore, should the Facility be conveyed to the Company and thus become taxable pursuant to New York RPTL Section 520, any payments payable under this Agreement

as Payments required in Lieu of Taxes shall be reduced by the amount of any taxes which are required to be paid under RPTL Section 520 for any such concurrent tax year or portion thereof, and should such Payment-in-Lieu-of-Taxes already have been made, the Taxing Jurisdictions shall refund any such amounts owing to Company.

To the extent the Facility or any part thereof is declared to be subject to taxation or assessments by an amendment to the Act, other legislative change, or by a final judgment of a court of competent jurisdiction, the obligations of the Company hereunder shall, to such extent, be null and void.

Any notice required to be given under this Agreement shall be deemed to have been duly given when delivered and, if delivered by mail, postage prepaid, return receipt requested, addressed to the respective parties hereto at their respective addresses specified below or such other addresses as either party may specify in writing to the other:

**If to the Agency:** Jefferson County Industrial Development Agency  
800 Starbuck Avenue, Suite 800  
Watertown, New York 13601  
Attn: Donald C. Alexander, CEO

**With a copy to:** James Heary, Attorney at Law, P.C.  
120 Washington Street, Suite 500  
Watertown, New York 13601  
Attn: James Heary, Esq.

**If to the Company:** Woolworth Watertown, LLC  
C/o Georgica Green Ventures LLC  
50 Jericho Quadrangle  
Jericho, New York 11753  
Attn: David J. Gallo

**With a copy to:** Cannon, Heyman & Weiss, LLP  
54 State Street, 5<sup>th</sup> fl.  
Albany, New York 12207  
Attn: Geoffrey Cannon, Esq.

This Agreement shall be governed by and construed in accordance with the laws of the State of New York.

This Agreement shall be binding upon and inure to the benefit of the parties, their respective successors and assigns.

This Agreement may only be assigned by the Company with the written consent of the Agency and the Taxing Jurisdictions. In the event of such assignment, the Company will remain legally responsible to all of the other parties to this Agreement for all of the obligations and

responsibilities herein imposed upon it.

This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original for all purposes and all of which shall constitute collectively a single agreement. In making proof of this Agreement, it shall not be necessary to produce or account for more than one such counterpart.

**IN WITNESS WHEREOF**, each of the parties hereto has executed this Agreement on the date set forth before the signature of its respective representative.

Date: June , 2013

**WOOLWORTH WATERTOWN, LLC**

By: \_\_\_\_\_  
David J. Gallo, Managing Partner

Date: June , 2013

**JEFFERSON COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY**

By: \_\_\_\_\_  
Donald C. Alexander, CEO

SCHEDULE "A"  
(Legal Description of Land)

SCHEDULE "B"

Payments to be made to each of the Taxing Jurisdictions  
for the 15-year term of this PILOT

Payment amounts to each Taxing Jurisdiction shall be paid pursuant to the payment schedule set forth below:

County \$7.215725  
City \$7.211  
School \$9.957695

PAYMENT SCHEDULE

Tax Years                      CountyCity                      School Total

Years 1-4	\$2,663	\$2,661	\$3,675	\$ 8,999
Years 5-9	\$3,551	\$3,548	\$4,901	\$12,000
Years 10-15	\$4,439	\$4,435	\$6,126	\$15,000

Years 16+ PILOT payments shall be an amount equal to One Hundred Percent (100%) of Real Property taxes which would have been due if the Facility was owned by the Company and not by the Agency.

All members present voted aye.

**Resolution No. 177**

**Authorizing Agreement With JR Associates for the Hosting of Automated Teller Machines at Several County Building Locations**

By Legislator: Jennie M. Adsit

Whereas, Jefferson County maintains several public buildings housing departments which do business with the public at which cash transactions are frequently required, and

Whereas, Jefferson County believes that it is in the interest of public convenience and efficiency of governmental operations that automated teller machines be available in the lobby areas of certain County owned buildings, and

Whereas, JR Associates is in the business of owning, installing and maintaining automated teller machines and having submitted a favorable proposal for the placement and revenue sharing resulting from the placement of such machines to the County.

Now, Therefore, Be It Resolved, That the Chairwoman of the Board of Legislators be and hereby is authorized and directed to execute an agreement with JR Associates for the placement of four automated teller machines for a term expiring December 31, 2015 at rate of compensation equaling 30% of the user fee which shall be \$3.00 per transaction, subject to the approval of the County Attorney as to form and content.

Seconded by Legislator: Barry M. Ormsby

All members present vote aye.

**Resolution No. 178**

**Authorizing the Final Dissolution of Tom Brouty Aircraft Services Corporation**

By Legislator: Barry M. Ormsby

Whereas, The County of Jefferson purchased the outstanding shares of Tom Brouty Aircraft Services Corporation (hereafter “TBAS Inc”) on April 30, 2012 and commenced operations of said corporation under the operational control of the County as Fixed Base Operator for the Watertown International Airport, and

Whereas, By Resolution 295 of 2012 this Board authorized the execution of a plan and certificate of dissolution as well as the filing there of with the New York State Department of State to accomplish the dissolution of the corporate entity known as TBAS, Inc., and

Whereas, Said plan and certificate having been filed with and accepted by the Secretary of State of the State of New York on June 6, 2013.

Now, Therefore, Be It Resolved, That Tom Brouty Aircraft Services, Incorporated is hereby dissolved, and it is further

Resolved, That the Chairwoman of the Board of Legislators, County Treasurer and County Attorney are hereby authorized and directed to execute and file any necessary documents or returns required to complete any affairs of the corporation, subject to approval of the County Attorney as to form and content.

Seconded by Legislator: Michael A. Montigelli

All members present voted aye.

### **Resolution No. 179**

#### **Establishing Time and Place for a Public Hearing on the Inclusion of Viable Agricultural Land in Certified Agricultural Districts before the Districts’ Established Review Periods**

By Legislator: James A. Nabywaniec

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 Agricultural and Farmland

Protection Board for review and recommendation, and

Whereas, The recommendation of the Agricultural and Farmland Protection Board concerning the inclusion proposals will be submitted to the Clerk of the Board prior to the public hearing.

Now, Therefore, Be It Resolved, That a Public Hearing be conducted by this Board of Legislators concerning the inclusion of viable agricultural land in certified Agricultural Districts before the Districts' established review periods. 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 26, 2013 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: Jennie M. Adsit

All members present voted aye.

### **Resolution No. 180**

#### **Amending the 2013 County Budget in Relation to the State FY10, FY11 and FY12 Law Enforcement Terrorism Prevention Program Grant (LETPP)**

By Legislator: Jennie M. Adsit

Whereas, Pursuant to Resolutions 76 of 2011 and 97 and 292 of 2012, and 27 and 79 of 2013, this Board of Legislators has accepted and subsequently re-appropriated unspent funds from the New York State Office of Homeland Security's FY10, FY11 and FY12 Law Enforcement Terrorism Prevention Program (LETPP)(CDFR 97.067) Program, and

Whereas, The State of New York has recently reviewed the County's accounting of grants distributed through it using monies provided by the federal government for this program, and

Whereas, The State agreements require that each individual grant provided through this funding source be accounted for separately, and not co-mingled with any general fund or other grant funding, and

Whereas, The State has agreed to let the County use internal project number accounting to provide said tracking, and

Whereas, Previously, the County had created two separate sub-departments in the Sheriff's Department to track these grants but from now on, there is no reason to keep more than one, nor is there a need for multiple revenue accounts for these funds, and

Whereas, Sub-department 3414 will be discontinued and all remaining funds will be moved to Sub-department 3114, and Revenue account 94389 will no longer be used for these funds.

Now, Therefore, Be It Resolved, That the 2013 County Budget be amended as follows:

**Increase:**

(Revenue)

01-3110-999.94320.114	Federal Aid - Homeland Security	\$166,727
-----------------------	---------------------------------	-----------

(Expenditure)

01-3110-3114.2300	Technical Equipment	141,727
-------------------	---------------------	---------

01-3110-3114.4428	Public Safety Services - Other Govt	25,000
-------------------	-------------------------------------	--------

**Decrease:**

01-0599	Appropriated Fund Balance	71,729
---------	---------------------------	--------

(Revenue)

01-3110-999.94389	Federal Aid - Other Public Safety	\$ 94,998
-------------------	-----------------------------------	-----------

(Expenditure)

01-3110-3414.2300	Technical Equipment	141,727
-------------------	---------------------	---------

01-3110-3414.4428	Public Safety Services - Other Govt	25,000
-------------------	-------------------------------------	--------

Seconded by Legislator: Anthony J. Doldo

Roll Call Vote

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

Absent: Peck

Resolution passed.

**Resolution No. 181**

**Authorizing FY 2012 Operation Stonegarden Grant Agreement and Amending the 2013 County Budget in Relation Thereto**

By Legislator: Michael F. Astafan

Whereas, The Sheriff's Department has been awarded a \$169,150.61 FY12 Operation Stonegarden Program Grant (CFDA 97.067) from the New York State Office of Homeland Security (NYSOHS) for the purpose of increasing security at the border, and

Whereas, Said funds will be used for border security operations and provide for overtime payments for various details of the Sheriff's Department, New York State Police and New York State Park Police, and

Whereas, Said grant requires an agreement with the NYSOHS, and possibly with other involved police agencies, and

Whereas, The 2013 County Budget must be amended to recognize the revenue and appropriate it to expenditure accounts.

Now, Therefore, Be It Resolved, That this Board of Legislators enter into an agreement with the New York State Office of Homeland Security to accept the grant as described above, as well as any other agreements with involved police agencies necessary for the grant's programs and 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 and approval of the County Attorney, and be it further

Resolved, that the 2013 County Budget is hereby amended as follows:

**Increase:**

(Revenue)

01-3110-999.94320.114	Federal Aid Other Public Safety	\$ 169,150.61
-----------------------	---------------------------------	---------------

(Expenditures)

01-3110-3114.1300	Operation Stonegarden Overtime	\$ 100,619.70
01-3110-3114.2300	Operation Stonegarden Technical Equipment	15,000.00
01-3110-3114.4310.001	Operation Stonegarden Internal Fleet Expense	15,975.80
01-3110-3114.4111.001	Operation Stonegarden Audio-Visual Equipment	600.00
01-3110-3114.4311	Operation Stonegarden Gasoline & Oil	7,986.70
01-3110-3114.8010	Operation Stonegarden Retirement	13,757.10
01-3110-3114.8030	Operation Stonegarden Social Security	11,517.84
01-3110-3114.8040	Operation Stonegarden Workers Comp.	3,693.47

Seconded by Legislator: Michael W. Behling

Roll Call Vote

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

Absent: Peck

Resolution passed.

**Resolution No. 182**

**Authorizing Agreement for the Provision of Nursing Care at the County Jail**

By Legislator: Anthony J. Doldo

Whereas, It is desirable to utilize Medical Staffing Network Healthcare, LLC for the provision of supplemental nursing services for the County Jail.

Now, Therefore, Be It Resolved, That Jefferson County enter into an agreement with Medical Staffing Network Healthcare, LLC to provide for nursing services at the County Jail on an as-needed basis to the Sheriff's Department during the period August 1, 2013 through December 31, 2015 at \$57 per hour for an RN during the year 2013, subject to overtime and holiday pay provisions, and shall be subject to two (2) additional automatic renewals for one (1) year each if neither party terminates the agreement, and be it further

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

Seconded by Legislator: Michael W. Behling

All members present voted aye.

### **Resolution No. 183**

#### **Amending the 2013 County Budget Relative to Mental Hygiene/Community Services and Authorizing Amended Agreements in Relation Thereto**

By Legislator: Anthony J. Doldo

Whereas, By Resolution No. 85 of 2013 contracts for various mental hygiene programs were authorized for the Credo Community Center for the Treatment of Addictions, and

Whereas, The NYSOASAS has approved additional ongoing and one time only funds in the amount of \$5,720 for ongoing nurse supervision at the Women's Residential program and \$132,200 in one time only funding for various programs for electronic health records, security cameras, and for women and children psychiatric service/medication needs within programs serving them, and

Whereas, The additional funding needs to be recognized and amended agreements authorized for these changes.

Now, Therefore, Be It Resolved, That the 2013 County Budget be and is hereby amended as follows:

#### **Increase:**

##### Revenue

01-4310-999.93484	State Aid - Alcohol & Substance Abuse Services	\$132,200
01-4310-999.94484	Federal Aid - Alcohol & Substance Abuse Serv.	\$ 5,720

##### Expenditure

01-4310-4320.4702	Credo Community Center	\$137,920
-------------------	------------------------	-----------

and be it further

Resolved, That the Board does hereby grant its approval for the Community Services Board to enter into any necessary amended agreements with Credo Community Center for the Treatment of Addictions and New York State for these changes.

Seconded by Legislator: Michael A. Montigelli

Roll Call Vote

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

Absent: Peck

Resolution passed.

**Resolution No. 184**

**Authorizing Amended Agreement for Home Health Care Services to Public Health in Relation to NYS Department of Health (NYSDOH) Workforce Development Funding**

By Legislator: Anthony J. Doldo

Whereas, Pursuant to Workforce Recruitment and Retention legislation passed in the 2002-2003 to 2012 State Budgets, Public Health has received \$1,826,930 through December 2012 in additional Medicaid funding for the purpose of recruiting and training non-supervisory home health care service workers with direct patient care responsibility, and

Whereas, Public Health identified a need for the three Licensed Home Care Service Agencies it contracted with to develop enhanced paraprofessional recruitment and retention programming, and previously recommended utilizing a portion of the funds for that purpose, and

Whereas, It is again necessary to modify agreements to award estimated amounts for such NYSDOH Workforce Development funding for the period December 1, 2012 through December 31, 2012.

Now, Therefore, Be It Resolved, That Jefferson County enter into amended supplemental home health care service reimbursement to reflect the award of NYSDOH Workforce Development funding, with \$63,375 to be paid out of 2011 - 2012 accruals as follows:

CareGivers, AKA Homemakers	\$48,200
Family Home Care	\$ 9,775
Sibley Personnel	\$ 5,400

Seconded by Legislator: Michael A. Montigelli

All members present voted aye.

**Resolution No. 185**

**Authorizing Agreement in Connection with Long Term  
Home Health Care Waivered Services**

By Legislator: Robert J. Thomas

Whereas, The availability of social day care enhances services currently being provided by the County Long Term Home Health Care Program, thereby delaying or preventing long term institutional care, and

Whereas, Special waivers allow 100% Medicaid reimbursement for the cost of these additional services.

Now, Therefore, Be It Resolved, That Jefferson County renew an agreement for the provision of social day care services for the period August 6, 2013 through December 31, 2014 as follows:

<u>Contract</u>	<u>Service</u>	<u>Cost</u>
Samaritan-Keep Nursing Home	Social Day Care	\$41.32/day; \$20.66/half day
	Transportation	\$38/Round Trip

and be it further

Resolved, That revised charges for waived services may be paid if established and provided by the New York State Department of Health, and be it further

Resolved, That the Chairman of the Board of Legislators be and is hereby authorized and directed to execute said agreement with Samaritan-Keep Nursing Home on behalf of Jefferson County.

Seconded by Legislator: Michael A. Montigelli

All members present voted aye.

**Resolution No. 186**

**Authorizing an Amended Agreement with Erie County  
for Toxicology Testing Services**

By Legislator: John D. Peck

Whereas, By Resolution No. 312 of 2012, this Board of Legislators authorized a contract with the Erie County Department of Health Medical Examiner Program for toxicology services for the period of January 1, 2013 through December 31, 2017 for blood at \$330 per test and

blood/urine/organs at \$550 per test, and

Whereas, By Resolution 152 of 2013, Said authorization was amended to change the rate because Erie County changed its billing software and subsequently requested consideration of changing from the two rates to one blended charge of \$345 per test, and

Whereas, Erie County prefers a two year agreement (January 1, 2013 through December 31, 2014) in order to ensure a constant rate during its term.

Now, Therefore, Be It Resolved, That Jefferson County amend its agreement with Erie County to change the term to January 1, 2013 through December 31, 2014.

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

Seconded by Legislator: Robert J. Thomas

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. Such motion was made by Legislator Docteur seconded by Legislator Nabywaniec and unanimously carried by the Board.

### **Resolution No. 187**

#### **Authorizing Commencement of Eminent Domain Proceedings in Relation to Watertown International Airport**

By Legislator: Robert D. Ferris

Whereas, The County of Jefferson is responsible for the operation of the Watertown International Airport including the aviation facilities, runways, navigation aids, and protection of airspace, and

Whereas, Capital improvement to runway 10-28 consisting of an extension of 1000 feet is scheduled to occur in 2014 and said improvement, in addition to complying with current standards, requires an expansion and relocation of current navigational easements and runway protection zones, and

Whereas, Property acquisition is necessary to assure aviation safety and to comply with Federal Aviation Administration rules, regulations and standards, and

Whereas, This Board of Legislators prefers to acquire the necessary property through voluntary purchase from the affected land owners, however, to dat negotiation with such owners have been inconclusive, and

Whereas, It is necessary to public use and benefit that condemnation proceedings occur promptly

if voluntary conveyance of the property cannot be agreed upon.

Now, Therefore, Be It Resolved, That the Board of Legislators authorizes and directs the commencement of eminent domain proceedings in regard to the property identified on Exhibit "A" hereto and property owners William and Colleen Lawler, Roscoe Eisenhower, jointly or individually, be it further

Resolved, That the Chairwoman of the Board of Legislators is hereby authorized and directed to issue a notice of public hearing pursuant to section 202 of the NYS Eminent Domain Procedure Law as soon as practicable upon being advised by the County Attorney that all legal prerequisites to commencing the action have occurred.

Seconded by Legislator: James A. Nabywaniec

Legislator Ormsby, Airport Ad Hoc Committee Chair, stated that this property is necessary as a safety buffer for the extra 1,000 ft of runway needed in Spring, 2014. He said that the County's outreach efforts to the two property owners have remained unanswered and given the defined timeline of the FAA for approval of the extension we are regrettably forced to take this action so we can move forward. This is also necessary because in the next 1½ years American Airlines will do away with the 44 seat plane and move to a 50 seat plane which requires a 7,000 foot runway. He said it is still the hope of the Airport Committee that the property owners enter into meaningful discussions to negotiate a fair settlement, but if the County is pushed into the eminent domain process it would be his recommendation to proceed in the least intrusive way possible by affording the landowners the option of either an easement or the County making a purchase. He stated that at any time if meaningful discussion can commence the eminent domain process will cease and that would ultimately be the County's wishes. Legislator Ormsby advised the he took a tour of the land with Highway Superintendent Lawrence and with the exception of a small portion that is used for corn all of the land in question is trees and brush, the County would not be taking anyone's house, garage, or prime mowed property, and if we are in an easement situation people will still be allowed to hunt on the property.

Legislator Gray advised that many times in the public eminent domain has a negative connotation and it is a process that government takes when it is necessary to acquire property that is for the greater good. He said it is a fair process to the taxpayers and the landowners as it is done through appraisals and outside arbitration and agreements are reached in that consensus; everyone will be paid fair market value of the property according to the appraiser. It should not be looked at as a negative process in this regard as it is very worthwhile for the continued operation of the Airport.

Legislator Reed pointed out that the actual pavement of the runway extension is still on County owned property, we will not be paving on anyone's property and current flight patterns already fly over much of the land that is being discussed.

Highway Superintendent James Lawrence advised that the extension is not only related to commercial flights but also general aviation as private planes flying into the Airport are larger, and the land is needed to set a buffer or runway protection zone on the end of each runway. The zone allows for woodland acquisition or woodland easements for the protection of the residents,

passengers and the airport as a whole.

County Attorney Paulsen added that the property in question is vacant and we need to prevent it from being built upon within the danger zone.

Legislator Montigelli said he has 20+ years of experience on a local planning board and people seem to forget they only own their property within the context of society and your rights change if you don't pay your taxes, if you are doing something illegal, if you die without having heirs, or for eminent domain purposes. While he did not think he would ever be in a position where eminent domain has to happen, this circumstance is definitely within the context of society, is for the greater good and is the County's responsibility as the Airport serves not only county residents but many others in this part of the State.

Chairwoman Fitzpatrick pointed out that in the 13 years she has been a legislator this is the first time eminent domain has come before her for a decision and requested a roll call vote on the resolution.

#### Roll Call Vote

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

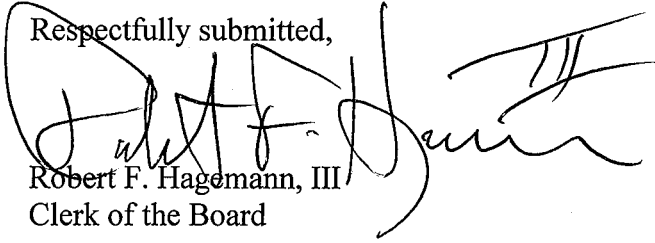
Absent: Peck

Resolution passed.

Chairwoman Fitzpatrick thanked Legislator Nabywaniec for attending the Regional Economic Development Council meeting in Malone on her behalf and said Employment & Training Director Cheryl Mayforth would be giving an update on those efforts at the Planning & Development Committee meeting.

There being no further business of the Board, on a motion by Legislator Gray seconded by Legislator Nabywaniec and unanimously carried, the meeting was adjourned at 7:33 p.m.

Respectfully submitted,

  
Robert F. Hagemann, III  
Clerk of the Board