

**REGULAR SESSION**

**TUESDAY, JUNE 4, 2013**

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

**ROLL CALL OF MEMBERS**

All members present.

Chairwoman Fitzpatrick entertained a motion to recess the session to hold three public hearings. A motion was duly made by Legislator Ferris seconded by Legislator Peck and unanimously carried.

**Public Hearing**

**Local Law Intro No. 1 of 2013  
Establishing an Airport Department**

Chairwoman Fitzpatrick opened the public hearing at 7:01 p.m., no one present wished to make comments and the public hearing was closed at 7:02 p.m.

**Public Hearing**

**Pursuant to Not-for-Profit Corporation Law 1411(d) in Connection with the  
Transfer of Land to the Issuer (Jefferson County Facility Development Corporation) to be  
Included Within and Made a Part of the Project to be Undertaken by the Company  
(Jefferson FSA Auxiliary, LLC)**

Chairwoman Fitzpatrick opened the public hearing at 7:05 p.m., no one present wished to make comments and the public hearing was closed at 7:06 p.m.

**Public Hearing**

**In Accordance with Section 147(f) of the Internal Revenue Code as Amended for  
Qualifying up to \$25,000,000 Series 2013 Revenue Bonds as Tax Exempt to be Issued by the  
Issuer in Furtherance of a Project to be Undertaken by the Company**

Chairwoman Fitzpatrick opened the public hearing at 7:07 p.m., no one present wished to make comments and the public hearing was closed at 7:08 p.m.

Chairwoman Fitzpatrick entertained a motion to reconvene the Session. The Session was reconvened on a motion by Legislator Ferris seconded by Legislator Docteur and unanimously carried.

**PRIVILEGE OF THE FLOOR**

Donald Metzger, Town of Lyme, thanked Legislators Behling and Orsmby for their service as he understood they were not running for their seats on the Legislature for the next term. He applauded an editorial that appeared in the Watertown Daily Times concerning commercial, industrial wind power being unproductive, inefficient and ineffective, and distributed a copy of it to legislators. He listed the active wind farm developments/developers in the County and asked the Board not to approve any pilot agreements relative to these projects.

John Peck, speaking as a dairy farmer in the Town of Champion, advised that in honor of June being dairy month he brought in farm fresh milk and his wife baked homemade cookies for everyone. He updated the Board with regard to current issues of importance to the agriculture industry that included: better weather conditions this year for planting, the addition of greek yogurt being a sector of usage for dairy products, the passage of the Fair Labor Practices Act for farm workers in the Assembly which he hoped would not be passed by the Senate, changes in agriculture assessment values based on potential yield of crops and land usage which negatively affects some farms who use their own crops to feed their animals, Senator Schumer's agriculture development block grants for consultants to help farmers with operations management, which many farmers already do on their own with Cooperative Extension, ProDairy, etc. at no cost - an indication that there is a disconnect between state/federal legislators and what is actually going on at home. He thanked the Board for their support of the Agriculture Development Corporation, the Farmland Protection Board and other agriculture issues over the past year that have come before the Board.

#### **MINUTES OF LAST SESSION**

The minutes of the May 7<sup>th</sup> Board Session and the May 28<sup>th</sup> Special Session stand approved in the absence of objection or correction.

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

An annual report for 2013 was received from Credo.

#### **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 and Cash in Banks as of April 30, 2013.

The County Administrator provided a report on budget transfers for the month of May, 2013.

The County Clerk provided a 2013 Annual Report.

**LOCAL LAWS, RESOLUTIONS AND MOTIONS**

**Local Law No 1 of 2013  
Establishing an Airport Department**

Legislator Reed made a motion to take Local Law Intro No. 1 off the table for action by the Board. The motion was seconded by Legislator Thomas and unanimously carried. There being no discussion, the Board unanimously approved Local Law No. 1 of 2013. (The full text of Local Law No. 1 of 2013 is contained in the May Board Session minutes.)

**Resolution No. 139**

**Setting and Reporting Standard Work Day Hours to the New York State  
and Local Employees' Retirement System for Certain Appointed Officials**

By Legislator: Michael A. Montigelli

Be It Resolved, That the County of Jefferson hereby establishes the following as the standard work day for a certain 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 this official to the Clerk of this body:

**APPOINTED OFFICIALS**

<b>Title</b>	<b>Name</b>	<b>Standard Work Day (Hrs/day)</b>	<b>Term Begins/Ends</b>	<b>Employer Record of Time Worked (Y/N)</b>	<b>Days per month (based on Record of Activities)</b>	<b>Not Submitted (Check box if no record of activities completed or timekeeping system)</b>
Jail Physician	David F. Rosner	7 hrs	1/3/2012 - 12/31/2013	N		X
Physician Assistant	William Spearance II	7 hrs	10/15/2012 - 12/31/2013	N	.57	

Seconded by Legislator: James A. Nabywaniec

All members present voted aye.

**Resolution No. 140**

**Adopting the 2012-2013 Jefferson Community College Budget As Amended**

By Legislator: Jennie M. Adsit

Whereas, Section 602.8 of the “Official Compilation of Codes, Rules and Regulations of the State of New York” limits total State operating aid to the budgeted or actual whichever is less, and

Whereas, The actual total operating Costs and State operating aid for the 2012-2013 College fiscal year for Jefferson Community College were greater than budgeted, and

Whereas, Operating budget amendments require College Board of Trustee, Sponsor and State University Trustee approval, and

Whereas, The Jefferson County Legislature is required to approve the College’s annual unrestricted operating budget, and

Whereas, Such approval must state the total unrestricted appropriations, sponsor contribution and fiscal year for which the operating budget is approved, and

Whereas, The Finance & Rules Committee of the Board of Legislators recommends approval of the total budget and sponsor contribution as presented.

Now, Therefore, Be It Resolved, That the unrestricted operating budget for Jefferson Community College for the college fiscal year September 1, 2012 through August 31, 2013, in the sum of \$26,005,994 be approved, and be it further

Resolved, That the Sponsor Contribution for Jefferson Community College for the college fiscal year September 1, 2012 through August 31, 2013, in the sum of \$4,630,151 be approved, and be it further

Resolved, That the Jefferson Community College’s operating budget be submitted to the State University Board of Trustees for approval.

Seconded by Legislator: James A. Nabywaniec

All members present voted aye.

### **Resolution No. 141**

#### **Setting Time and Place for Public Hearing on Tentative 2013-2014 Jefferson Community College Budget**

By Legislator: Michael J. Docteur

Resolved, That a public hearing on the Tentative Jefferson Community College Budget for College Fiscal Year 2013-2014 be held before this Board of Legislators on Tuesday, July 2, 2013 at 7:00 p.m. in the Chambers of the Board of Legislators, 195 Arsenal Street, Watertown, NY, and be it further

Resolved, That the Clerk of the Board be and is hereby directed to give notice of said public hearing as required by law.

Seconded by Legislator: Michael A. Montigelli

All members present voted aye.

### **Resolution No. 142**

**Resolution of the Board of Legislators of Jefferson County Authorizing (i) The Issuance by the Jefferson County Civic Facility Development Corporation (The “Issuer”) of up to \$25,000,000 Aggregate Principal Amount Tax-Exempt Revenue Bonds (Jefferson FSA Auxiliary, LLC Project), Series 2013 in Accordance with Section 147(f) of the Internal Revenue Code of 1986, As Amended (The “Code”) in Connection with a Certain Project (As Described Herein) to be Undertaken by Jefferson FSA Auxiliary, LLC, and (ii) The Transfer of a Certain Parcel of Land (The “Land”, As Described Herein) to the Issuer to be Incorporated Into the Project**

By Legislator: Jennie M. Adsit

Whereas, Pursuant to a Certificate of Incorporation (the “Certificate”) filed with the New York Secretary of State on the 25th day of April, 2011, the Jefferson County Civic Facility Development Corporation (the “Issuer”) was duly formed under the New York Not-for-Profit Corporation Law (“N-PCL”) as a not-for-profit local development corporation for the purpose of conducting activities that will relieve and reduce unemployment in Jefferson County, New York (the “County”); promote and provide for additional and maximum employment in the County; better and maintain job opportunities in the County; instruct or train individuals in the County to improve or develop their capabilities for such jobs; carry on scientific research for the purpose of aiding the County by attracting new industry to the County; or by encouraging the development of, or retention of, industry in the County; and lessening the burdens of government and acting in the public interest; and

Whereas, Pursuant to a resolution adopted April 5, 2011 (the “County Authorizing Resolution”), the Board of Legislators of the County authorized, among other things, the establishment of the Issuer pursuant to N-PCL Section 1411 to, among other things, (i) perform essential governmental functions including activities associated with job creation and the promotion of community and economic development activities within and around the County, and (ii) issue certain bonds on behalf of the County; and

Whereas, **Jefferson FSA Auxiliary, LLC** (the “Company”), a limited liability company disregarded for federal income tax purposes and wholly controlled by the Faculty-Student Association of Jefferson Community College, Inc., a not-for-profit corporation and 501(c)(3) organization described under the Internal Revenue Code, has submitted an application (the “Application”) to the Issuer, a copy of which Application is on file at the office of the Issuer, which Application requested that the Issuer consider the issuance of its Tax-Exempt Revenue Bonds (Jefferson FSA Auxiliary, LLC Project) under §145 of the Internal Revenue Code of

1986, as amended, (the “Code”) in the principal amount not to exceed \$25,000,000 (or such other amount as advised by the Company) (the “Bonds”) for the purposes of undertaking a certain project (the “Project”) consisting of the following: (A)(1) the acquisition of a fee title, leasehold or other interest in a parcel or parcels of land located at 1220 Coffeen Street, Watertown, New York, comprising in the aggregate approximately six (6) acres (the “Land”, being described within **Exhibit A**, hereto); (2) the acquisition, construction, and equipping on the Land of a four-story, approximately 290-bed, 96,000-square foot student housing facility and related improvements (including, but not limited to, common areas and surface parking) operated by the Institution to provide housing and related services to students attending Jefferson Community College (collectively the “Improvements”); and (3) the acquisition and installation in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the “Equipment”, and together with the Land and the Improvements, the “Facility”); (B) the paying of all or a portion of the costs incidental to the issuance of the Bonds, including issuance costs of the Bonds, capitalized interest and any reserve funds as may be necessary to secure the Bonds; and (C) the granting of certain other financial assistance with respect to the foregoing, including potential exemptions from mortgage recording taxes (collectively with the Bonds, the “Financial Assistance”); and

Whereas, By resolution adopted May 7, 2013, the Board of Legislators of Jefferson County authorized the scheduling and conduct a public hearing (the “Public Hearing”) to be held for the following purposes: (i) to qualify the issuance of Bonds by the Issuer as tax-exempt under Section 147(f) of the Code; and (ii) to consider the proposed transfer of the Land to the Issuer pursuant to N-PCL Section 1411(d), such Land to be included within and made a part of the Project to be undertaken by the Company; and

Whereas, The Planning Board of the City of Watertown (the “Planning Board”), as previously designated “lead agency” pursuant to the State Environmental Quality Review Act, as codified under Article 8 of the Environmental Conservation Law and Regulations adopted pursuant thereto by the Department of Environmental Conservation of the State (collectively, “SEQRA”), has reviewed the proposed Project, site plan renderings and Full Environmental Assessment Form (“EAF”), for which the Planning Board approved the Company’s site plan application and issued a negative declaration pursuant to SEQRA (the “Negative Declaration”, dated May 20, 2013) a copy of which along with the EAF are attached hereto as **Exhibit B**; and

Whereas, Pursuant to and in accordance with Section 147(f) of the Code and N-PCL Section 1411(d), the County duly scheduled, noticed and conducted the Public Hearing on June 4, 2013 immediately prior to this meeting, during which all interested parties were provided with an opportunity to provide verbal or written comments relative to the issuance of the Bonds by the Issuer and the proposed transfer of the Land by the County (a copy of an affidavit of publication of a Notice of Public Hearing is attached hereto as **Exhibit C**); and

Whereas, The County Board of Legislators, after due consideration of the foregoing, as the “applicable elected representative” of the County, within the meaning of Section 147(f)(2)(E) of the Code, desires to approve the issuance of the Bonds, provided the principal, premium, if any, and interest on the Bonds shall be special limited obligations of the Issuer and shall never be a debt of the State of New York (the “State”) or any political subdivision thereof, including,

without limitation, the County, and neither the State, nor any political subdivision thereof, including, without limitation, the County, shall be liable thereon; and

Whereas, The County Board of Legislators, after due consideration of the foregoing, desires to ratify the findings of the Planning Board with respect to SEQRA and authorize: (i) the issuance of Bonds by the Issuer pursuant to Section 147(f) of the Code; and (ii) the proposed transfer of the Land to the Issuer pursuant to N-PCL Section 1411(d), such Land to be included within and made a part of the Project to be undertaken by the Company.

Now, Therefore, Be It Resolved, by The Board of Legislators of the County of Jefferson as follows:

Section 1. Based upon a review of the EAF and the Negative Declaration issued by the Planning Board, the County hereby consents to and affirms the status of the Planning Board as Lead Agency for review of the Project, within the meaning of, and for all purposes of complying with SEQRA;

(a) ratifies the proceedings undertaken by the Planning Board under SEQRA with respect to the acquisition, construction and equipping of the Project pursuant to SEQRA, including the adoption of the Negative Declaration; and

(b) finds that the Project involves an “Unlisted Action” (as such quoted term is defined under SEQRA) for which the County is an involved agency (as such quoted term is defined under SEQRA). Based upon the review by the County of the EAF and related documents delivered by the Company to the Issuer and County and other representations made by the Company to the Issuer and County in connection with the Project, the County hereby finds that (i) the Project will result in no major impacts and, therefore, is one which may not cause significant damage to the environment; (ii) the Project will not have a “significant effect on the environment” (as such quoted term is defined under SEQRA); and (iii) no “environmental impact statement” (as such quoted term is defined under SEQRA) need be prepared for this action. This determination constitutes ratification of the Planning Board’s negative declaration” (as such quoted terms are defined under SEQRA) for purposes of SEQRA. No further review or action is required pursuant to SEQRA with respect to the Project.

Section 2. For the purpose of satisfying the approval requirement of Section 147(f) of the Code, the County does hereby approve the issuance by the Issuer of the Bonds for the purpose of financing the Project, provided that the Bonds, and the premium, if any, and interest thereon, shall be special limited obligations of the Issuer and shall never be a debt of the State or any political subdivision thereof, including, without limitation, the County, and neither the State nor any political subdivision thereof, including, without limitation, the County, shall be liable thereon. This approval is given pursuant to Section 147(f) of the Code for the sole purpose of qualifying the interest payable on the Bond for exclusion from gross income for federal income tax purposes pursuant to the provisions of Section 103 and 141-150 of the Code.

Section 3. Pursuant to N-PCL Section 1411, the County hereby determines that the Land is not required for use by the County and authorizes the transfer of fee title to the Land to

the Issuer to be included within and made a part of the Project to be undertaken by the Company. The Chair of the Board of Legislators is hereby authorized to execute and deliver such deeds and recording forms approved as to form by the County Attorney to effectuate the transfer of the Land to the Issuer on or about the date of issuance of the Bonds.

Section 4. This resolution shall be deemed to be made for the benefit of the Company and the holders of the Bonds.

Section 5. This Resolution shall take effect immediately.

Seconded by Legislator: James A. Nabywaniec

### **EXHIBIT A**

#### **DESCRIPTION OF THE LAND**

ALL THAT TRACT or parcel of land situate in the City of Watertown, County of Jefferson, State of New York, and further described as follows:

BEGINNING at 1-1/2 inch iron pipe found in the westerly line of the City of Watertown Tax Parcel No. 8-29-107, said point of beginning is situate the following bearings and distances from the intersection of the easterly street margin of Hycliff Drive North with the northerly street margin of Coffeen Street:

1. N 24° 44' 17" E, along the easterly margin of Hycliff Street, a distance of 73.92 feet to a point;
2. N 30° 48' 00" E, to and along the aforesaid westerly line of the City of Watertown Tax Parcel No. 8-29-107 a distance of 1307.01 feet to an angle point in said westerly line;
3. N 26° 21' 49" E, continuing along the westerly line of the City of Watertown Tax Parcel No. 8-29-107, a distance of 160.01 feet to the POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING N 65° 10' 11" W a distance of 659.76 feet to a point situate approximately 30 feet from the centerline of the pavement of Cannoneer Loop as located on November 27, 2012;

THENCE along Cannoneer Loop the following bearings and distances and approximately 30 feet from the aforementioned centerline of the pavement of Cannoneer Loop located on November 27, 2012:

1. N 25° 56' 29" E, a distance of 344.74 feet to a point;
2. A generally northeasterly direction and on a curve to the right having a radius of 424.00 feet, a distance of 129.92 feet to a point, said point being a direct tie of N 34° 43' 11" E, 129.41 feet from the last mentioned point;

3. N 43° 29' 52" E, a distance of 39.04 feet to the southwesterly limits of Rand Drive;

THENCE S 53° 59' 11" E along the southwesterly limits of Rand Drive, a distance of 348.58 feet to a point;

THENCE in a generally southeasterly direction, along the southwesterly limits of Rand Drive, as the limits curve to the right at a radius of 463.22 feet, a distance of 343.57 feet to a point, said point is situate a direct tie of S 32° 44' 18" E, 335.75 feet from the last mentioned point in the southwesterly limits of Rand Drive;

THENCE S 26° 21' 49" W, distance of 261.58 feet to the point of beginning.

CONTAINING 6.55 acres of land more or less.

**EXHIBIT B**

**EAF AND NEGATIVE DECLARATION**

(Addendum to Minutes)

**EXHIBIT C**

**NOTICE OF PUBLIC HEARING AND  
AFFIDAVIT OF PUBLICATION CERTIFICATION**

STATE OF NEW YORK                    )  
COUNTY OF JEFFERSON                )

I, Robert F. Hagemann, III, the undersigned, Clerk of the Board of Legislators of the County of Jefferson, New York do hereby certify that (A) all members of the County Board of Legislators had due notice of a meeting of the Board of Legislators held on June 4, 2013; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the County Board of Legislators present throughout said meeting.

I further certify that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

In witness whereof, I have hereunto set my hand and affixed the seal of the Agency this \_\_\_\_\_ day of June, 2013.

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(SEAL)

Roll Call Vote

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

Resolution passed.

**Resolution No. 143**

**Appointing Members to Jefferson Community College Board of Trustees**

By Legislator: Allen T. Drake

Resolved, That, pursuant to Section 6306 of the Education Law, Jody R.A. LaLone and Terry N. Fralick be and are hereby appointed to the Jefferson Community College Board of Trustees for a terms to expire June 30, 2020.

Seconded by Legislator: James A. Nabywaniec

All members present voted aye.

**Resolution No. 144**

**Amending the 2013 County Budget and Capital Plan in Relation to the  
FY 2009, 2010 and 2011 State Homeland Security Program (SHSP) Grants**

By Legislator: Jennie M. Adsit

Whereas, Pursuant to Resolutions 232 of 2010, 73 and 130 of 2011, 90 and 146 of 2012, and 46 of 2013, this Board of Legislators accepted FY 09, FY10, and FY11 State Homeland Security Program (SHSP) (CDFA 97.067) grants and subsequently re-appropriated these funds, for the Department of Fire & Emergency Management, funded by the U.S. Department of Homeland Security's Office for Domestic Preparedness, and

Whereas, Remaining grant funds must be transferred from the capital fund into general fund accounts by amending the 2013 County Budget and capital plan.

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

**Increase:**

(Transfers)		
01-8992-999.95031	From Capital Fund	\$61,011.38
20-9006-9901.9000	To General Fund	61,011.38
(Expenditures)		
01-3410-3414.2300	Technical Equipment - SHSP	\$ 12,187.62
01-3410-3414.2302	Radios- SHSP	48,823.76

**Decrease:**

(Capital Account)		
20-9006-3020.2058	High Band Paging	\$61,011.38

and be it further

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

Seconded by Legislator: Michael J. Docteur

Roll Call Vote

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

Resolution passed.

**Resolution No. 145**

**Supporting Voluntary Probation Officer Firearms Program  
and Amending the 2013 County Budget in Relation Thereto**

By Legislator: Michael J. Docteur

Whereas, The Probation Director has proposed a voluntary program wherein the County's probation officers could choose to carry County provided firearms during the performance of their duties, and

Whereas, The Director has developed policies and procedures to institute said program, including psychological evaluations, firearms certification and training, firearms safety and storage, and firearms display and use, and

Whereas, Under said policies, the Director may suspend or revoke any probation officer's authority to carry a firearm at any time, with or without cause, and

Whereas, The County has entered into a letter of understanding with CSEA, in which the union agrees to support and abide by the policies and procedures of the County program, and

Whereas, This Board of Legislators hereby, and after due deliberation, supports the proposed firearms program and policies, and

Whereas, The 2013 County Budget must be amended to provide funding for the program's implementation.

Now, Therefore, Be It Resolved, That this Board of Legislators agrees with and supports the Probation Director's voluntary firearms program, and be it further

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

**Increase:**

01-3140-3140-4111.005	Firearms	\$1,350
01-3140-3140.4416	Professional Fees	5,400
01-3140-3140.4585	Operating Supplies	594

01-1436-1900.4314	Insurance	\$1,800
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**Decrease:**

01-1910-1990.4963	Contingent	\$9,144
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Seconded by Legislator: Allen T. Drake

All members present voted aye.

**Resolution No. 146**

**Appointing Member to the Jefferson County Long Term Care Advisory Council**

By Legislator: Anthony J. Doldo

Whereas, Pursuant to Resolution No. 308 of 2006, this Board of Legislators authorized an agreement with the New York State Office for the Aging for funding to establish a Point of Entry for long term care services, as required by law, and

Whereas, Said agreement required Jefferson County to create a Long Term Care Advisory Council (the "Council"), which will study and monitor the long term care system in the County and make recommendations for changes as necessary, and

Whereas, Said Council may have between 15 and 20 members and the Director of the Office for the Aging is recommending the appointment of 3 new members bringing the total membership to 18.

Now, Therefore, Be It Resolved, That the following is appointed to the Long Term Care Advisory Council for a three (3) year term to expire as follows:

<u>Name</u>	<u>Affiliation</u>	<u>Term to Expire</u>
Lorraine Clement	Jefferson Physicians Organization	12/31/2015

Seconded by Legislator: Michael J. Docteur

All members present voted aye.

**Resolution No. 147**

**Authorizing Agreements with NYS Department of Education Approved Agencies for the Provision of Special Education Services for Preschool Children with Disabilities**

By Legislator: Michael J. Docteur

Whereas, New York State Education Law requires that municipalities enter into agreements with agencies approved by the NYS Commissioner of Education to offer special education services to preschool children with disabilities who are determined by the Board of Education of local school districts to require placement in such special education programs, and

Whereas, The New York State Commissioner of Education has approved a number of providers of services and has set rates for all special education program services, and

Whereas, In conjunction with the operation of the Special Education Services for Preschool Children with Disabilities program, it is necessary to enter into contracts with approved services providers at said established rates.

Now, Therefore, Be It Resolved, Pursuant to Section 4410 of the New York State Education Law, Jefferson County is hereby authorized to enter into agreements for the term July 1, 2013 through June 30, 2014, for the provision of special education services to children ages three through five with disabilities with the following New York State Education Department approved service providers:

<u>Provider</u>	<u>Service</u>
Benchmark Family Services	Evaluations Special Education Classroom Special Education Itinerant Teaching
Building Blocks SLP, OT & PT Family Services, PLLC	Evaluations Special Education Itinerant Teaching
Jefferson Rehabilitation Center	Evaluations Special Education Classroom Special Education Itinerant Teaching

Milestones Children's Center

Evaluations  
Special Education Itinerant Teaching

and be it further

Resolved, That the need for such special education services is to be determined by local School Boards of Education, at rates established by the NYS Commissioner of Education as certified by the Director of the Budget of the State of New York, and shall be in a form and contain such terms and conditions as may be acceptable to the NYS Commissioner of Education, and be it further

Resolved, That the Chairman of the Board of Legislators and the Director of Community Services be and are hereby authorized and directed to execute such agreements on behalf of Jefferson County, subject to approval by the County Attorney as to form and substance, and be it further

Resolved, That the Director of Community Services be and is hereby directed to send a letter notifying local School Boards of Education of the rates of each of the special education service providers and the percentage of local share of such cost.

Seconded by Legislator: Robert J. Thomas

All members present voted aye.

### **Resolution No. 148**

#### **Authorizing Agreements and Establishing Rates for Provision of Related Services in Connection with the Program for Preschool Children with Disabilities**

By Legislator: Anthony J. Doldo

Whereas, The Program for Preschool Children with Disabilities 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, Chapter 243 of the Laws of 1989 require that counties maintain a list of appropriately certified or licensed professionals to deliver related services to preschool children with disabilities and set a reasonable reimbursement rate for such services, subject to the approval of the New York State Education Department.

Now, Therefore, Be It Resolved, That, pursuant to Section 4410 of the Education Law, Jefferson County enter into an agreement with each of the following parties for the provision of the indicated service(s). The term of said agreement shall be for the period July 1, 2013 through June 30, 2014 in accordance with the requirements of the State Education Law and regulations:

Provider

Service

Benchmark Family Services

Speech Therapy  
Physical Therapy  
Occupational Therapy

Building Blocks SLP, OT & PT  
Family Services, PLLC

Speech Therapy  
Physical Therapy  
Occupational Therapy

Jefferson Rehabilitation Center

Speech Therapy  
Physical Therapy  
Occupational Therapy

Special Programs, Inc. D.B.A. Little  
Lukes Childcare Center

Speech Therapy  
Physical Therapy  
Occupational Therapy

The Rowland Center, Inc.

Speech Therapy  
Physical Therapy  
Occupational Therapy

and be it further

Resolved, That the rates of payment for Preschool Related Services by a Speech Pathologist, Occupational Therapist and Physical Therapist are hereby established as follows:

	On-site	Off-site
Individual Up to 59 Minutes	\$ 34.00	\$ 59.00
Individual Over 60 Minutes	\$ 49.00	\$ 73.00
Group Up to 59 Minutes	\$ 25.00	\$ 39.00
Group Over 60 Minutes	\$ 39.00	\$ 54.00

and be it further

Resolved, That the rates of payment for Preschool Related Services by Certified Occupational Therapy and Licensed Physical Therapy Assistants are hereby established as follows:

	On-site	Off-site
Up to 59 min.	\$ 25.00	\$ 39.00
Over 60 min.	\$ 34.00	\$ 47.00
Group Up to 59 Minutes	\$ 22.00	\$ 34.00
Group Over 60 Minutes	\$ 31.00	\$ 44.00

and be it further

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

Resolved, That the Director of Community Services is hereby authorized and directed to take such steps and execute such documents as may be necessary to secure approval of the rates established herein by the New York State Education Department.

Seconded by Legislator: Robert J. Thomas

All members present voted aye.

**Resolution No. 149**

**Appointing Members to the Community Services Board**

By Legislator: Michael A. Montigelli

Resolved, That pursuant to Section 41.11 of the Mental Hygiene Law the following individuals are hereby appointed as members of the Jefferson County Community Services Board and the designated sub-committee thereof for terms to expire as indicated below:

<u>Member</u>	<u>Sub-Committee</u>	<u>Term to Expire</u>
Karen Richmond	Mental Health	12/31/2016
Jennifer Draper	People with Developmental Disabilities	12/31/2016

Seconded by Legislator: John D. Peck

All members present voted aye.

**Resolution No. 150**

**Accepting Funding and Authorizing an Agreement in Connection With  
Public Health Emergency Preparedness Program**

By Legislator: Michael A. Montigelli

Whereas, The Jefferson County Public Health Service has been reallocated \$474,760 for a 5 year term renewal, or \$94,952 annually from the Centers for Disease Control (CDC) and Health Research, Inc. (HRI) of the New York State Department of Health (NYSDOH) for the period 07/01/13-06/30/17 to improve its capacity to address Public Health Emergency Preparedness (PHEP) functions, and

Whereas, The Public Health Service will use these funds to further develop its plan and improve capacities to respond to public health threats pursuant to guidelines developed by CDC and the NYSDOH, and

Whereas, The PHEP Plan and other improvements will require use of existing personal services

authorized in the 2013 budget, purchase of certain equipment and payment of operating expenses, all to be 100% funded by the grant.

Now, Therefore, Be It Resolved, That Jefferson County hereby again accepts such funding covering the period of July 01, 2013 through June 30, 2017, contingent on continued state and federal funding, and authorizes the Chairman of the Board of Legislators to sign any and all documents necessary to accept such funding and to execute a renewal agreement with HRI/NYSDOH, subject to approval by the County Attorney as to form and content.

Seconded by Legislator: Anthony J. Doldo

All members present voted aye.

### **Resolution No. 151**

#### **Authorizing an Amended Agreement with ACC Technical Services and Amending the 2013 County Budget Relative to a Clinic Scheduling Web-Application**

By Legislator: Michael F. Astafan

Whereas, By Resolution No. 160 of 2010, the Board of Legislators authorized a contract with ACC Technical Services, Inc. for the period of July 7, 2010 through July 31, 2015 for the purchase of an eHealth Scheduling application for influenza and pneumonia clinics, and

Whereas, Enhanced use of the current eHealth Scheduling web-based application on a daily basis for all Public Health Service clinics would organize clinic processes, provide residents immediate information, enable on-line appointment registrations and improve staffing assignments, thereby producing savings, and

Whereas, Said application is a special professional product and is 100% allowable within NYSDOH Public Health Emergency Preparedness and CDC funding, and

Whereas, ACC will continue to provide ongoing maintenance and enhancement services and train Public Health Service staff in the optimal use of said application, and

Whereas, The cost of the program, enhancements and services is an added \$7,200 for three (3) additional years of license and hosting expenses.

Now, Therefore, Be It Resolved, That Jefferson County extend its agreement with ACC Technical Services, Inc. for the purposes stated above and for use during the period of August 1, 2015 through July 31, 2018, and be it further

Resolved, That the Chairman of the Board of Legislators be and is hereby authorized to execute said amended 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 2013 County Budget is hereby amended as follows:

**Increase:**

01-4050-4058.4416	Professional Fees	\$6,300
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**Decrease:**

01-4050-4058.4313	Travel	\$2,300
01-4050-4058.4415	Advertising	\$4,000

Seconded by Legislator: Michael J. Docteur

All members present voted aye.

**Resolution No. 152**

**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, 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, A Public Health Service evaluation based on recent usage indicated that the one charge is actually an average cost per toxicology test decrease and a total annual expense reduction.

Now, Therefore, Be It Resolved, That Jefferson County amend its agreement with Erie County to change the prior two accepted charges to one all-inclusive rate.

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: Michael F. Astafan

All members present voted aye.

**Resolution No. 153**

**Amending the 2013 County Budget in Relation to  
the Department of Social Services (Software Purchase)**

By Legislator: Michael J. Docteur

Whereas, The Jefferson County Department of Social Services acts as the fiscal guardians for certain individuals who are not able to manage their own finances, and

Whereas, Said role requires extensive financial tracking, repetitive actions, and strong security and anti-fraud measures, and

Whereas, Said requirements would be more efficiently met via a computerized system, and

Whereas, The Commissioner of Social Services and her staff are recommending the purchase of a software package called AccuFund Representative Payee, developed by Binnacle Technology Solutions, LLC.

Now, Therefore Be It Resolved, That the 2013 County Budget is hereby amended as follows to allow for such purchase:

**Increase:**

01-6010-6010.4119	Computer Software	\$21,730
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**Decrease:**

01-6070-6055.4600	Daycare	\$21,730
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Seconded by Legislator: Michael F. Astafan

All members present voted aye.

**Resolution No. 154**

**Adopting Modifications Pursuant to the Eight Year Review of the  
Jefferson County Southeast Agricultural District, No. 1**

By Legislator: Philip N. Reed, Sr.

Whereas, In 2012 the Board of Legislators formally received notification from the New York State Department of Agriculture and Markets to commence the Eight Year Review of the Jefferson County Southeast Agricultural District, No. 1, and

Whereas, In accordance with the provisions of the New York State Agriculture and Markets Law, Article 25AA, as amended, a review notice was published and the Jefferson County Southeast Agricultural District, No. 1 was placed on file with the County for a thirty (30) day review and modification period, and

Whereas, During the review period, 57 acres of land were requested to be added and 659 acres of

land were requested to be removed from the District, and

Whereas, The District and proposed modifications were referred to the Jefferson County Agriculture and Farmland Protection Board for its review and recommendations, and

Whereas, The report of the County Agriculture and Farmland Protection Board with its recommendation to modify and re-establish the district for eight years has been duly received by this Board of Legislators, and

Whereas, A public hearing was held on November 14, 2012 at which time consideration was given to the original Agricultural District, the recommendation of the County Agriculture and Farmland Protection Board, and the proposed modifications to the District, and

Whereas, The proposed district modifications were subsequently referred to the NYS Commissioner of Agriculture and Markets, and on May 1, 2013 the County of Jefferson was notified by the Department of Agriculture and Markets that the district is eligible for recertification.

Now, Therefore, Be It Resolved, That Pursuant to Section 303 of the New York State Agriculture and Markets Law, the Jefferson County Board of Legislators does hereby modify and re-establish the Jefferson County Southeast Agricultural District, No. 1, to consist of 48,789 acres of land, for a period of eight years. The modified boundary is depicted on a set of maps entitled Jefferson County Southeast Agricultural District, No. 1.

Seconded by Legislator: John D. Peck

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 Gray seconded by Legislator Ferris and unanimously carried.

### **Resolution No. 155**

#### **Authorizing the Vacating of Judgment of Foreclosure for Owners of Certain Parcels of Real Property and Discontinuance of Foreclosure Proceeding.**

By Legislator: Robert D. Ferris

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 owners of foreclosed properties have tendered offers to re-purchase County's right 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 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 re-purchase of the County's right 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 file with the Court a motion seeking an Order to vacate the Judgement of Foreclosure, discontinuing the *in rem* tax foreclosure action and cancelling the Notice of Pendency of such action in regard to the respective parcel(s) of property.

Seconded by Legislator: Robert J. Thomas

#### EXHIBIT A

#### Jefferson County Delinquent Tax Buybacks as of 6/4/2013

<b>Town</b>	<b>Parcel #</b>	<b>Name</b>
Adams	100.17-2-45.1	Gary S. & Beverly Reibert
Adams	107.00-1-68.1	Paul & Michelle Perry
Alexandria	8.18-3-43	Dominic Cappuccetti & David Ayen
Alexandria	7.29-3-43	Noel A. Shangraw (Alison Hanley)
Alexandria	8.00-2-61.1	Patsy A. Hudson Estate
Antwerp	36.00-2-2.6	David & Kristina Dean
Brownville	80.00-1-54.1	William J. Saiff III
Brownville	80.09-1-5.89	Randy & Carol Holtzhafer
Cape Vincent	40.00-1-62.2	Timothy Reff & Brenda Tracey
Cape Vincent	59.00-1-5.22	Kirchof, Kurt Etal
Cape Vincent	59.11-1-25.21	Valerie J. Waite
Cape Vincent	59.11-1-25.22	Valerie J. Waite
Champion	76.06-2-58	Larry J. Lacey Jr.
Champion	76.06-2-65	Nick Ortiz
Clayton	42.14-2-53.-201	Depauville Pentecostal Assembly
Clayton	20.55-1-10	Beverly K. Potter Estate
Clayton	12.11-2-47.1	Mary Gray Living Trust
Ellisburg	117.82-1-18	Cynthia A. Morales
Ellisburg	118.00-1-48.22	Thomas J. Minnick
Henderson	105.19-1-6	Gordon Raymond Jr.
Henderson	105.19-1-27	Gordon Raymond Jr.
Leray	45.00-3-8.1	Mark J. Forbes
Lorraine	119.00-1-29.2	Michael J. Beckstead
Lyme	70.00-1-7	Mark Clementel
Lyme	60.14-1-6.211	Howard W. Davis

Lyme	70.11-4-1.1	James Dennison Estate
Lyme	62.00-2-3.121	Tina Peck (New owner Jeffrey Cohen)
Orleans	32.11-2-2.6	Charles & Katherine Graham
Orleans	44.00-1-23.1	Paul S. Recor
Pamelia	44.00-2-4.1	Clementine Rose Revocable Trust
Rutland	8.00-3-31.1	South of the Border Trading Post
Rutland	75.16-2-45	Thomas R. Greenwood
Rutland	75.15-1-61	Mark & Lori O'Connell
Theresa	33.00-2-13.2	Harold P. Ludlow
Theresa	33.00-2-13.3	Harold P. Ludlow
Theresa	33.00-2-41	Oliver J. Wisner Estate
Theresa	23.81-1-33	Brett Towne
Theresa	9.00-2-7	David & Lourdes Lantiegne
Watertown	90.18-1-20	Gary Reibert
Watertown	90.16-1-9.1	GSR Development Co. Inc.
Watertown	91.05-1-67.6	GSR Development Co. Inc.
Watertown	83.20-1-9	Ronald & Elizabeth Hirschey
Wilna	77.18-1-6.2	Cher C. Lazenby
Wilna	67.00-1-2.1	Darrel Lagrow
Wilna	76.26-1-39.6	GSR Development Co. Inc.
Worth	126.00-1-8.1	Robert Bates

Mr. Paulsen advised that property owners have up to three days before the foreclosure auction to take advantage of the "Buy Back Program" to pay in full the back taxes with interest, penalties and administrative fees on the property. The foregoing list is the owners who have availed themselves of this program, approximately \$304,000 was collected and there are 70 properties that will still be up for auction on Saturday.

Legislator Peck inquired about a particular parcel subject to foreclosure that the Mayor of the Village of West Carthage and the Town of Champion Supervisor contacted him about and wondered what, if any, option the Village has outside of the foreclosure process to take title to the property. He advised that he found a copy of a letter from the West Carthage Mayor on his desk this evening regarding the property.

Mr. Paulsen advised that discussions have been ongoing for about a week concerning this parcel and the individual owner appeared last week, was approved for the Buy Back Program but could not come up with the funds to make the payment that was due by the end of the day today. He said prior to that the Mayor of West Carthage delivered a letter from the Village expressing interest in the parcel, however that did not negate the owners ability under the County's Rules to have their interests protected until the Buy Back deadline. Following discussions with Chairman Gray right before the meeting, it is his intention to withdraw the parcel from the auction and discuss with the Real Property Ad Hoc Committee the disposition of the property in terms of whether it is sold to the Village or kept for other disposition by the County given the short time frame until the auction. Chairman Gray agreed with the County Attorney's handling of the matter as more negotiation is needed. Legislator Peck asked for clarification as to whom is

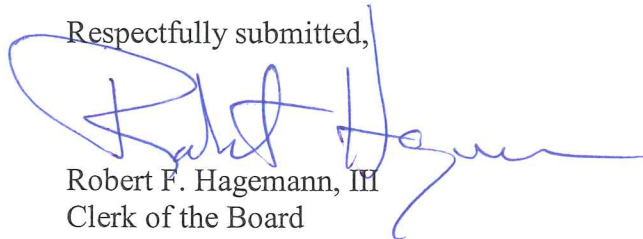
being negotiated with and if the parcel is being withdrawn from the auction at this point. Chairman Gray advised negotiation would be with the Village and County Attorney Paulsen confirmed that it was his intention to withdraw the parcel from the auction.

There being no further discussion, all members present voted aye on the resolution.

Chairwoman Fitzpatrick thanked Vice Chairman Michael Docteur for covering any issues that arose while she was out of the County on vacation in California.

There being no further business of the Board, on a motion by Legislator Behling seconded by Legislator Ferris and unanimously carried, the meeting was adjourned at 7:35 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Robert F. Hagemann, III". The signature is stylized and cursive, with a large initial "R" and "H".

Robert F. Hagemann, III  
Clerk of the Board