

REGULAR SESSION

TUESDAY, FEBRUARY 5, 2019

Chairman Gray called the meeting to order at 6:00 p.m.

ROLL CALL OF MEMBERS

All members present except Legislator Nabywaniec.

PRIVILEGE OF THE FLOOR

No one present wished to speak.

READING MINUTES OF THE PREVIOUS SESSION

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

PETITIONS, NOTICES AND COMMUNICATIONS

A letter of appreciation was received from Advocate Drum (formerly Fort Drum Regional Liaison Organization) for the County's financial support for 2019.

REPORTS OF STANDING COMMITTEES

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

REPORTS OF COUNTY OFFICERS AND OTHERS

The County Treasurer provided a report on Investments and Cash in Banks as of December 31, 2018.

The County Administrator provided a report on Budget Transfers for the month of January, 2019.

2018 Annual reports were received from the Board of Elections, Dog Control, and Probation Department.

LOCAL LAWS, RESOLUTIONS AND MOTIONS

Resolution No. 33

Payment of Legislators' Expenses

By Legislator: Carolyn D. Fitzpatrick

Whereas, The Committee to whom claims of the members of the Board were referred, has examined and audited such claims and finds the total to be \$ 3,326.40, we have allowed:

Legislator Expense: \$ 3,326.40

Now, Therefore, Be It Resolved, That the County Treasurer be and is hereby directed to draw checks payable to the claimants as audited.

Seconded by Legislator: William W. Johnson

All members present voted aye.

Resolution No. 34

Amending the 2018 County Budget for Sales Tax Distribution

By Legislator: Daniel R. McBride

Whereas, The 2018 County Budget must be amended to recognize additional sales tax for towns, villages and the City of Watertown.

Now, Therefore, Be It Resolved, That the 2018 County Budget is amended as follows:

Increase:

Revenue		
01104500 91110	State Sales Tax	\$2,672,081.67
Expenditures		
01198500 04631	Distribution of Sales Tax	\$2,672,081.67

Seconded by Legislator: Carolyn D. Fitzpatrick

Roll Call Vote

Ayes: Fitzpatrick, Doldo, McBride, Adsit, Ferris, Drake, Maxon, Cantwell, Reed, Jareo, Montigelli, Peck, Johnson, Gray

Absent: Nabywaniec

Resolution passed.

Resolution No. 35

Appointing Member to Jefferson Community College Board of Trustees

By Legislator: Robert W. Cantwell, III

Resolved, That, pursuant to Section 6306 of the Education Law, Eugene R. Renzi be and is hereby appointed to the Jefferson Community College Board of Trustees for the term of March 1, 2019 to June 30, 2026.

Seconded by Legislator: William W. Johnson

All members present voted aye.

Resolution No. 36

Authorizing Lead Agency Status and a Determination of Non-Significance in Accordance with the State Environmental Quality Review (SEQR) Act for Improvements at the Watertown International Airport

By Legislator: Robert W. Cantwell, III

Whereas, Jefferson County is planning a series of improvements to the Watertown International Airport including construction of an ARFF Facility, Air Ambulance Hangar, Access Road, and Terminal Improvements, and

Whereas, The proposed improvements are classified as Unlisted Actions for which Jefferson County is an involved agency for the purposes of SEQR review, and the County will undertake as Lead Agency an uncoordinated review of the projects and, in connection therewith, has reviewed a Short Environmental Assessment completed in conjunction with McFarland-Johnson, Inc..

Now, Therefore, Be It Resolved, Pursuant to 6 NYCRR Sec. 617.6, Jefferson County hereby accepts and assumes the responsibility to act as Lead Agency for the environmental review for the above described action, and

Be It Further Resolved, That the Chairman of the Board of Legislators is hereby authorized to execute the determination of non-significance, and be it further

Resolved, That the Negative Declaration will be filed with all appropriate parties in accordance with 6 NYCRR Sec 617.12.

Seconded by Legislator: Anthony J. Doldo

All members present voted aye.

Resolution No. 37

Authorizing an Agreement with AutoMon, LLC

By Legislator: Jeremiah J. Maxon

Whereas, The Probation Department utilizes a web-based software program for case management services through AutoMon, LLC known as Caseload Explorer to provide technical support services to Probation related to this program, and

Whereas, AutoMon, LLC has been awarded the contract to provide software associated with this program.

Now, Therefore, Be It Resolved, That Jefferson County desires to enter into an agreement with AutoMon, LLC for said services for the period August 10, 2018 through August 9, 2019, and be it further

Resolved, That the Chairman of the Board of Legislators be and is hereby authorized and directed to execute said agreement on behalf of the County, subject to the review of the County Attorney as to form and content.

Seconded by Legislator: Anthony J. Doldo

All members present voted aye.

Resolution No. 38

Amending the 2019 County Budget and Capital Plan in Relation to the County Bridge Account

By Legislator: Jeremiah J. Maxon

Whereas, The Superintendent of Highways has identified a completed bridge project account with a remaining balance, and

Whereas, This capital expenditure and related revenue account should be brought to zero balance and closed.

Now, Therefore, Be It Resolved, That the 2019 County Budget is amended as follows:

Decrease:

Expenditure		
20511300 02903	CR 87 over Skinner Creek (H017)	\$727,682.62

Revenue		
20900600 94592	Federal Aid Bridges	\$502,146.11

Fund Balance		
20000000 30599	Appropriated Fund Balance	\$336,384.14

Increase:

Revenue		
20900600 93592	State Aid Bridges	\$110,847.63

and be it further

Resolved, That capital account 20511300 02903 is hereby closed, and be it further

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

Seconded by Legislator: Robert W. Cantwell, III

Roll Call Vote

Ayes: Reed, Adsit, Doldo, Maxon, Ferris, Peck, Montigelli, Jareo, Fitzpatrick, McBride, Cantwell, Johnson, Drake, Gray

Absent: Nabywaniec

Resolution passed.

Resolution No. 39

Authorizing the Implementation and Funding in the First Instance 100% of the Federal Aid and State “Bridge NY” Program Aid Eligible Costs of a Transportation Federal-Aid Project (Canal Street over Black River Channel), Appropriating Funds Therefor and Amending the 2019 County Budget and Capital Plan

By Legislator: Jeremiah J. Maxon

Whereas, A Project for the Canal Street over Black River Channel, PIN 775365 (the “Project”) is eligible for Funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne by Federal funds (CFDA 20.205) and non-federal funds, and

Whereas, By Resolution 93 of 2017, the County of Jefferson approved the above project by making a commitment for the cost of the Preliminary Engineering and Right of Way Incidental phases of the project, and authorizing \$177,000 to cover the cost of these phases, and

Whereas, The County has allocated \$500,000 additionally to this project through the Adopted 2018 Budget for a total of \$677,000, and

Whereas, The County of Jefferson desires to advance the Project by making a commitment of 100% of the federal and non-federal share of the cost of the Final Design, Construction and Construction Inspection phases of the project, and

Whereas, The total project cost is projected by NYSDOT at \$2,230,000.

Now, Therefore, Be It Resolved, That the Jefferson County Board of Legislators does hereby amend the 2019 County Budget and Capital Plan to establish said project in the Capital Fund, and be it further

Resolved, That the Board of Legislators hereby authorizes the Jefferson County Treasurer to pay in the first instance 100% of the federal and non-federal share of the cost of the Final Design, Construction and Construction Inspection of the project, and be it further

Resolved, That the Board of Legislators hereby agrees that Jefferson County shall be responsible for all costs of the project which exceeds the amount of the Bridge NY funding awarded to Jefferson County, and be it further

Resolved, That the sum of \$2,053,000, which includes the Final Design, Construction and Construction Inspection of the project, or so much thereof as is necessary is hereby appropriated from Account 20511300 02913 in the 2019 County Budget, and made available to cover the cost of participation in the above phases of the Project, and be it further

Resolved, That in the event the full federal and non-federal share of the costs of the project exceed the amount appropriated below, the Jefferson County Board of Legislators shall convene to appropriate said excess amount immediately upon the notification by the Chairman of the Jefferson County Board of Legislators thereof, and be it further

Resolved, That the Chairman of the Jefferson County Board of Legislators be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal and State Aid, subject to the approval of the County Attorney as to form and substance, on behalf of the County of Jefferson with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs, and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not federal-or State-aid eligible, and be it further

Resolved, That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and be it further

Resolved, That this Resolution shall take effect immediately, and be it further

Resolved, That the 2019 County Budget is hereby amended as follows:

Increase:

Expenditure		
20511300 02913	Canal Street over Black River (D012)	\$1,553,000
Revenue		
20900600 94592	Federal Aid Bridges	\$1,052,550
Fund Balance		
20000000 30599	Appropriated Fund Balance	575,450

Decrease:

Revenue		
2090600 93592	State Aid Bridges	\$ 75,000

and be if further

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

Seconded by Legislator: Robert W. Cantwell, III

Roll Call Vote

Ayes: Peck, McBride, Adsit, Ferris, Johnson, Cantwell, Reed, Doldo, Maxon, Jareo, Drake, Montigelli, Fitzpatrick, Gray

Absent: Nabywaniec

Resolution passed.

Resolution No. 40

Re-Appointing Members to the Community Services Board

By Legislator: Anthony J. Doldo

Resolved, That pursuant to Section 41.11 of the Mental Hygiene Law the following individuals are hereby reappointed 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>
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Christina O'Neil	Mental Health	12/31/2021
Maureen Cean	Alcohol & Substance Abuse	12/31/2021
Pat Fontana, Jr.	Alcohol & Substance Abuse	12/31/2021

Seconded by Legislator: Robert D. Ferris

All members present voted aye.

Resolution No. 41

**Amending 2019 County Budget Relative to Additional Revenue From
NYS Office of Children and Family Services for Safe Harbour: NY Funding**

By Legislator: Jeremiah J. Maxon

Whereas, The Jefferson County Department of Social Services (DSS) has received notification from the NYS Office of Children and Family Services that DSS has been awarded Safe Harbour: NY funds in the amount of \$43,350 to advance programming to address the needs of trafficked and commercially sexually exploited youth.

Now, Therefore, Be It Resolved, That the 2019 County Budget is hereby amended as follows:

Increase:

Revenue		
01601000 93610	State Aid Social Services Admin	\$43,350

Expenditure		
01601000 04416	Professional Fees	\$43,350

Seconded by Legislator: Carolyn D. Fitzpatrick

Roll Call Vote

Ayes: Johnson, Peck, Fitzpatrick, Cantwell, Doldo, McBride, Reed, Drake, Jareo, Montigelli, Ferris, Maxon, Adsit, Gray

Absent: Nabywaniec

Resolution passed.

Resolution No. 42

Amending 2019 County Budget to Re-Appropriate Funding From

**NYS Office of Temporary and Disability Assistance for Non-Custodial
Parent Employment Program**

By Legislator: Carolyn D. Fitzpatrick

Whereas, By Resolution 245 of 2018, this Board of Legislators accepted \$46,796 in NYS Office of Temporary and Disability Assistance funding for Non-Custodial Parent Employment Program, and

Whereas, NYS Office of Temporary and Disability Assistance has allowed Jefferson County Department of Social Services until September 30, 2019 to expend the unspent funds, and

Whereas, There remain unspent Non-Custodial Parent Employment Program funds that must be re-appropriated for 2019.

Now, Therefore, Be It Resolved, That the 2019 County Budget is hereby amended as follows:

Increase:

01000000 30599	Appropriated Fund Balance	\$46,796
01610900 04600	Family Assistance Programs	\$46,796

Seconded by Legislator: Robert D. Ferris

Roll Call Vote

Ayes: Cantwell, Peck, Fitzpatrick, McBride, Montigelli, Reed, Ferris, Maxon, Johnson, Adsit, Drake, Jareo, Doldo, Gray

Absent: Naybwaniec

Resolution passed.

Resolution No. 43

**Amending 2019 County Budget for the Department of Social Services Relative
to Additional Revenue From NYS Office of Children and Family Services**

By Legislator: Carolyn D. Fitzpatrick

Whereas, The NYS Office of Children and Family Services has allocated \$70,000 to Jefferson County for the period of December 1, 2018 - November 30, 2019 to identify and support the behavioral health needs of both adults and children where substance abuse is an issue, and

Whereas, The funding was made available through the Child Abuse or Neglect Prevention and Treatment Act (CAPTA) Comprehensive Addiction and Recovery Act of 2016 (CARA) and will be used in collaboration with PIVOT for the co-location of a Behavioral Health Consultant within Social Services who will work in partnership alongside Child Protective Services (CPS) and Preventive Services caseworkers, and

Whereas, The Behavioral Health Consultant will accompany caseworkers in the field, provide direct consultation with caseworkers, conduct screenings for adults and/or children, provide clinical assessments and documentation to support CPS, and make referrals for ongoing services when warranted, and

Whereas, The consultant will assist in the development, implementation and monitoring of the plan of safe care for any infant born and identified as being affected by substance abuse or withdrawal symptoms or Fetal Alcohol Spectrum Disorder, and

Whereas, It is necessary to amend the County Budget to accept and allocate this grant funding.

Now, Therefore, Be It Resolved, That the 2019 County Budget is hereby amended as follows:

Increase:

Revenue		
01601000 94610	Federal Aid Social Services Admin	\$70,000
Expenditure		
01601000 04416	Professional Fees	\$70,000

Seconded by Legislator: Anthony J. Doldo

Roll Call Vote

Ayes: Cantwell, Johnson, Fitzpatrick, Drake, Montigelli, Jareo, Peck, McBride, Reed, Ferris, Doldo, Maxon, Adsit, Gray

Absent: Nabywaniec

Resolution passed.

Resolution No. 44

**Authorizing 2019 Comprehensive Planning Resource Allocation Agreement
with the NYS Office of Children & Family Services and Authorizing
Contractual Youth Program Agreements**

By Legislator: Carolyn D. Fitzpatrick

Whereas, The Jefferson County Youth Advisory Board has endorsed the allocation of State Aid Funding for 2019 Youth Development Programs (YDP) to be operated and administered by various eligible organizations in Jefferson County, and

Whereas, The following constitutes the list of endorsed State Aid allocations for 2019 Youth Development Programs which require an agreement between the County and the respective Agency or Municipality and provision for pass-through funding:

Youth Development Program (YDP)

<u>Agency/Program</u>	<u>State Aid Allocation</u>
ACR Health/The Q Center	8,500
Children's Home of Jefferson County/Teen Center	11,000
Hearts for Youth, Inc./Hearts for Youth	10,500
Lyme Central School/Summer Theater Institute	5,500
NCPPC/Safe Zone Project	6,500
PPNCNY/Peer Prevention Advocates	10,000
Resolution Center of Jeff. & Lewis Counties/Youth Court	8,000
Watertown YMCA/Girls on the Run	13,000
Jefferson County DSS/Recreation Scholarships	12,000

Now, Therefore, Be It Resolved, That Jefferson County enter into a Resource Allocation Agreement with the NYS Office of Children and Family Services for the year 2019 which contains applications for State Aid funding for County Youth Development Program Administration and for the above listed Youth Development Programs, and be it further.

Resolved, That upon final approval and execution of said Resource Allocation Agreement by the appropriate State officials, Jefferson County enter into agreements with the above Contractual Agencies/Municipalities for provision of Youth Development Programs for the youth of Jefferson County during 2019 and with Cornell Cooperative Extension in the amount of \$6,050 to provide support for the Youth Advisory Board for 2019-2020, and be it further

Resolved, That the Chairman of the Board of Legislators be and is hereby authorized and directed to execute the Resource Allocation Agreement and the various contractual Agency/Municipality Agreements on behalf of Jefferson County, subject to the review and approval of the County Attorney as to form and content.

Seconded by Legislator: Robert D. Ferris

All members present voted aye.

Chairman Gray entertained a motion and second to waive the Standing Rules to permit the introduction of two additional resolutions for consideration. A motion was duly made by Legislator Montigelli seconded by Legislator Johnson and unanimously carried by the Board.

Resolution No. 45

Establishing Part-Time Compensation

by Legislator: Jeremiah J. Maxon

Whereas, The Community Services Board appointed Timothy J. Ruetten as Director of Community Services, effective January 27, 2019, and

Whereas, By Resolution No. 22 of 2018, this Board of Legislators established the annual salary for Timothy J. Ruetten as Director of Community Services, and

Whereas, Timothy J. Ruetten will also continue to perform certain duties in the Office for the Aging until a permanent Director is appointed.

Now, Therefore, Be it Resolved, That Timothy J. Ruetten will receive a flat annual \$5,000 prorated for the time he serves in compensation for these part time duties.

Seconded by Legislator: Carolyn D. Fitzpatrick

All members present voted aye.

Resolution No. 46

Authorizing the Cancellation of Interest, Penalties and Other Charges Associated With the Delinquent Tax Lien on Tax Map Parcel Number 61.34-1-8 in the Town of Lyme.

By Legislator: Robert W. Cantwell, III

Whereas, A delinquent tax lien exists for tax map parcel no. 61.34-1-8 in the Town of Lyme in the amount of \$14,179.30 as of January 31, 2019 and said amount includes interest, penalties and fees commencing with a period of non payment of taxes during 2007-2008, and

Whereas, The parcel owner filed for bankruptcy court protection in 2008 and Jefferson County was precluded by the existence of the automatic bankruptcy stay from enforcing the tax lien until 2017, and

Whereas, The owner of the parcel had contracted to sell the parcel, prior to filing for bankruptcy, through a land contract to a third person residing on the parcel, and

Whereas, The land contract was paid in full and title conveyed to the purchaser as of early 2018 and a tax foreclosure petition was filed against the property in December of 2018 by the County of Jefferson, and

Whereas, Real Property Tax Law section 1182 permits the governing body of a tax district to

cancel or reduce the interest, penalties and other charges imposed by law to which the tax district is lawfully entitled provided the governing body shall determine that doing so is in the best interest of the tax district, and

Whereas, The interest, penalties and fees accruing after the time Jefferson County would normally have commenced foreclosure proceedings, notwithstanding the bankruptcy proceedings, are an inequity for the present owner and should be waived in the interest of fairness.

Now, Therefore, Be it Resolved, that this Board finds that the cancellation of interest, penalties and other charges accruing after December 1, 2010 are in the best interest of Jefferson County and hereby cancels all interest, penalties and other charges associated with the delinquent tax lien on tax map parcel no. 61.34-1-8 in the Town of Lyme, effective upon the enactment of this resolution, and the Jefferson County Treasurer is hereby authorized and directed to amend the tax receivable records accordingly, and it is further

Resolved, That the taxes, interest, penalties, and fees due for the above tax parcel number are established, effective upon the enactment of this resolution, and the amount set forth below, and if unpaid, shall resume bearing interest at the statutory rate:

	<u>Base Tax</u>	<u>Penalty</u>	<u>Interest</u>	<u>Legal Fee</u>	<u>Total</u>
2008	\$1,505.06	\$75.25	\$553.11	\$155.00	\$2,288.42
2009	\$4,390.03	\$219.50	\$1,060.19	\$155.00	\$5,824.72
				Total	\$8,113.14

Seconded by Legislator: William W. Johnson

Legislator Jareo said he has a big problem with this resolution and asked if the person with the land contract was paying the taxes, why did they stop. Chairman Gray advised that the land contract person was not receiving the tax bills until the land contract was complete, and thought that the taxes were part of the bankruptcy so she stopped paying them.

Legislator Maxon asked if the resolution is showing the amount that the taxes are being reduced to, and if so, we are forgiving a substantial amount of taxes. He said he was conflicted about supporting the resolution and realized that there were extenuating circumstances, but also did not believe that the government should collect interest and fees on top of taxes. Ultimately, he said he would support the resolution because of his dislike of government.

Legislator Jareo strongly agreed with Legislator Maxon's point, and said he has a problem with this not being uniform, as equal application of taxes is paramount to fairness. He said he can sympathize with the circumstances and said the fees and interest seem excessive, but if we are looking at one we should look at all delinquencies.

Chairman Gray said this has rarely, if ever, been done and the situation would be nearly

impossible to replicate because there are so many extenuating circumstances. He said people who routinely don't pay their taxes are typically delinquent, and she has not shown that behavior, this circumstance was totally caused by someone else and was out of her control. He acknowledged that it would also be very difficult to justify wiping away everyone's delinquencies, like Legislator Jareo suggested.

Legislator Peck asked how much of the interest rate is within the County's control, and wondered if it was statutorily established or if we have the ability to change it to reflect a more favorable rate. Attorney Paulsen advised that it is statutorily set, 1% per month or 12%.

There being no further discussion, all members present voted aye, except Legislators Jareo and Peck who voted nay.

Legislator Reed pointed out the sign designating Jefferson County as a Purple Heart County that is still in the front of the room from when it was brought in for display at the General Services Committee meeting. He said the sign was designed and built in house at the Highway Department Sign Shop and they did an outstanding job; the signs will be placed at all County road entrances to the County.

Legislator Peck asked if the County was going to contact New York State on behalf of the towns and villages concerning the Aid to Municipalities (AIM) that was cut in the NYS Budget for those municipalities. He asked if it was a topic of discussion at the recent NYSAC Conference in Albany, and if they heard anything about the funding being restored as has happened in the past. He asked that at least our New York State reps be contacted about this because with more permanently establishing a 2% tap cap, and then cutting this funding the State is being unreasonable and towns will not be able to meet their obligations. Chairman Gray agreed that contact with our State representatives about this issue was warranted.

Chairman Gray said legalizing marijuana was front and center at NYSAC, and Administrator Hagemann added that Raise the Age and Indigent Defense were also talked about considerably. They said Indigent Defense in particular will have a large impact in terms of funding, some of which the State has committed to, but other unintended consequences will mean that other County departments will have to grow which will not be funded by the State and wholly by the County. There were also a number of new initiatives the County will be undertaking on behalf of the State and they are committing to funding those now, but the question is, for how long.

Administrator Hagemann expressed concern about changes to the voting laws and what they mean for the Board of Elections, particularly how the County will implement them and make adjustments within the department. The State will not fund any of those changes. Chairman Gray added that there are regulations concerning polling places per capita and it looks like we may have to add polling places also at our expense.

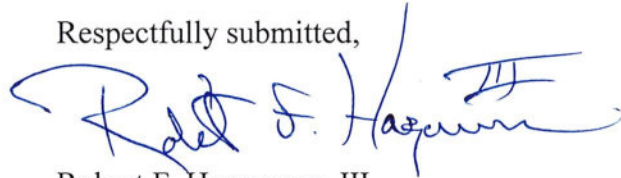
Chairman Gray publicly acknowledged people on the front lines during the winter storm last week. He said everyone from the plow drivers for the County, City, State, towns and villages who were going through some treacherous conditions trying to keep the roads open; law

enforcement from the Sheriff's Department and New York State Police whose response time was excellent in reporting conditions and reporting cars that had gone off the road and needed assistance in the southern end of the County; and the emergency management people did an outstanding job responding to the needs of the community. He said Administration and the DOT Regional Director were present and responsive throughout the event, and many people/ organizations were involved and worked very fluid and smoothly together.

In light of the fact that New York State closed Route 81 to trucks which resulted in back ups on secondary roads as trucks were trying to get through the County, Legislator Reed said there should be some local input in these types of situations so vital services can still make it through when they need to. He acknowledged it was nothing like the last Ice Storm that lasted for days, but more local input is needed. Chairman Gray agreed that there were issues that need to be discussed and reevaluated, but overall the response was excellent. Legislator Jareo thanked Chairman Gray for also being so responsive to questions during the event as his district is the most southern in the County was hit hard.

There being no further business of the Board, on a motion by Legislator Ferris seconded by Legislator Montigelli and unanimously carried, the meeting was adjourned at 6:35 p.m.

Respectfully submitted,

A handwritten signature in blue ink, reading "Robert F. Hagemann, III". The signature is written in a cursive style with a large initial "R" and a distinct "III" at the end.

Robert F. Hagemann, III
Clerk of the Board