

## **REGULAR SESSION**

**TUESDAY, JUNE 4, 2019**

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

### **ROLL CALL OF MEMBERS**

All members present except Legislator Adsit.

### **PRIVILEGE OF THE FLOOR**

Chairman Gray introduced North Country Community Cup (NCCC)- Jefferson County Team Co-Captains Jess Hyde (DSS), Ruth Werner (DSS), Dan O'Connor (Probation), Tim Alberry (I.T.), and Jeff Curtacci (I.T.) and congratulated them on the team's first ever 1<sup>st</sup> Place finish in the 2019 NCCC. Ms. Hyde stated that Jefferson County has had a team in twenty two out of the twenty eight years the NCCC has been in existence, she outlined some of the events held, and said as employees legislators, spouses or their family members are welcome to join the team. Chairman Gray said the Board appreciates the employees and their hard work every day, and at this event.

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

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

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

Assemblyman William Barclay acknowledged receipt of Board Resolution No. 106 "Opposing New York State Senate Bill 2837/Assembly Bill 2750 of 2019" concerning collective bargaining rights of farm workers and requiring overtime pay, and said he shares the Board's position and is opposed to these bills.

### **REPORTS OF STANDING COMMITTEES**

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

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

The County Treasurer provided a report on Investments and Cash in Banks as of April 30, 2019.

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

The County Auditor provided a report on Erroneous Assessments for the month of May, 2019.

**LOCAL LAWS, RESOLUTIONS AND MOTIONS**

**Resolution No. 107**

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

By Legislator: James A. Nabywaniec

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 Exhibit “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 is hereby 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: William W. Johnson

**EXHIBIT A**

**Jefferson County Delinquent Tax Buybacks**

<b>TOWN</b>	<b>PARCEL #</b>	<b>NAME</b>
Alexandria	22.15-1-8	Bruce C. And Elaine F. Murray
Alexandria	8.06-1-8	Paul J. & Kelly J. Cole
Alexandria	8.00-2-73.4	Kenneth Boyd Jr.
Alexandria	7.38-2-9	Richard Ashe & Marcel Altenfelder
Antwerp	36.48-1-19	David & Juanita Booth

Antwerp	36.48-1-23	Martin J. & Margaret T. Gleeson
Brownville	63.00-2-35.42	Michael & Kelly Boyanski
Brownville	71.17-1-2.22	Yvonne N. & Joseph G. Dufour
Champion	86.39-1-64	Thomas Derouin
Clayton	42.00-2-29.1	Timothy C. Larose
Clayton	42.00-2-17	Timothy C. & Kim L. Larose
Clayton	52.00-1-66	Guns Corners Properties LLC
Clayton	42.14-1-8	Estate of Walter Gee
Clayton	42.00-1-29.33	Stephen Ormsby Sr.
Ellisburg	124.49-2-29	Mary Keck
Ellisburg	124.49-2-28	Jon W. Besaw
Henderson	97.15-1-13	Keith R. Johnson
Henderson	106.09-2-41	Garrett L. McCarthy
Hounsfield	89.00-2-46.3	Jack Weaver
Hounsfield	81.00-1-25.2	Thomas & Paula Lines
Hounsfield	82.14-1-16	Jerry Sidney Miller
Lorraine	119.08-1-1	Daniel A. Beckstead
Lorraine	119.00-1-10.1	Fred & Jennifer Fregoe
Lyme	70.00-1-9.9	Stephen E. & Desirae Szloboda
Lyme	70.11-3-74.3	Walter J. & Peggy L. Chambry
Lyme	70.00-1-9.13	Stephen E. & Desirae Szloboda
Lyme	70.00-1-5.15	John G. & Betty Muntz
Lyme	70.00-1-5.16	Fulton E. & Carol Evans
Orleans	44.00-1-16.421	Travis Jordal
Pamelia	64.17-1-21.3	World Business Lenders
Pamelia	74.18-1-43.23	Myron C. Kehoe
Philadelphia	46.32-3-32	Sylvia Devita
Rodman	100.00-1-54.5	Carol B. Weeks
Rodman	109.14-1-13	Romeo Perlas
Rutland	5.00-2-4.41	Walkers Manufactured Housing
Rutland	5.00-2-4.511	Walkers Manufactured Housing
Theresa	15.00-1-14	Dana Kaiser
Theresa	15.00-1-15	Dana Kaiser
Theresa	23.80-1-38	Roy Laidlaw
Theresa	45.00-2-9.115	Ricky & Paula Otis (Previous Owner - Jeffrey Robinson)
Theresa	34.11-2-10.2	Clark E. Davis III
Watertown	90.20-1-11.1	Stanley E. Hall
Watertown	90.00-6-30.2	Walkers Manufactured Housing
Watertown	82.11-1-25.21	Jay Hall
Wilna	86.41-4-1	David Runkles
Wilna	86.41-4-3	David Runkles
Wilna	86.41-4-5	David Runkles
Wilna	86.41-4-4	Michael P. Runkles
Wilna	86.24-1-11	George A. Scholl
Wilna	86.24-1-42	Kenneth E. Winkempleck

Worth

121.00-1-53

Joseph J. Parker

All members present voted aye.

**Resolution No. 108**

**Authorizing the Sale of Certain Tax Foreclosure Property in the Town of Theresa  
to Gerald Bartlett and Rosemary Bartlett**

By Legislator: Daniel R. McBride

Whereas, The County of Jefferson foreclosed on a parcel of land in the Town of Theresa identified as Tax Map No. 34.06-1-3.1 and said parcel has remained unsold following public auction, and

Whereas, Said parcel consists of an area of 50' x 295' and has an assessed value of \$400.00, and

Whereas, A contiguous land owner has contacted the County and offered to pay the sum of \$500.00 to purchase said parcel from the County with the recording costs included in said price, and

Whereas, The *Ad Hoc* Committee on Real Property Tax Foreclosure matters has reviewed and approved this proposed offer.

Now, Therefore, Be it Resolved, That the Chairman of the Board is hereby authorized and directed to execute any and all necessary documents for the conveyance of the above parcel to Gerald Bartlett and Rosemary Bartlett, subject to the review and approval of the County Attorney as to form and content.

Seconded by Legislator: Robert W. Cantwell, III

Chairman Gray thanked Legislator Drake for all his work on this resolution. All members present voted aye.

**Resolution No. 109**

**Concurring in Settlement of Tax Certiorari Proceedings and Authorizing Refund of Taxes  
in Connection Therewith (WGS Clayton Housing Associates, LLC)**

By Legislator: James A. Nabywaniec

Whereas, Pursuant to Article 7 of the Real Property Tax Law, WGS Clayton Housing Associates, LLC, commenced court proceedings to obtain reductions of the assessed valuation of property in the Town of Clayton, and

Whereas, The Town of Clayton has reached a settlement of the proceedings with regard to tax map parcel no.20.64-1-2.-401, with proposed assessed values as follows:

<u>Tax Year</u>	<u>Original Assessment</u>	<u>Reduced Assessment</u>
2015	\$5,000,000	\$3,691,000
2016	\$5,000,000	\$3,766,000
2017	\$5,000,000	\$3,791,000
2018	\$5,000,000	\$3,791,000
2019	\$5,000,000	\$3,791,000

; and

Whereas, The amount of the refund exceeds the authorization of the County Auditor and Treasurer to pay refunds of up to \$5,000.00 without the approval of the Board of Legislators.

Now, Therefore, Be It Resolved, That Jefferson County concurs in the settlements as outlined herein above, and be it further

Resolved, That the County Treasurer is hereby authorized and directed to make appropriate refund as set forth below and to charge back the taxing jurisdiction in accordance with the settlement and Real Property Tax Law §727:

Parcel Nos. 20.64-1-2.-401	2015	\$11,567.68
	2016	\$11,314.18
	2017	\$13,230.02
	2018	\$11,336.97
	2019	<u>\$11,595.82</u>
	Total	\$59,044.67

Seconded by Legislator: Robert W. Cantwell, III

All members present voted aye.

### **Resolution No. 110**

#### **Approving Mortgage Tax Report**

By Legislator: Daniel R. McBride

Whereas, This Board is in receipt of the semi-annual Mortgage Tax Report showing the amount to be credited to each tax district in the County of the money collected during the preceding six months ended March 31, 2019.

Now, Therefore, Be It Resolved, That, pursuant to Section 261 of the Tax Law, this Board issue

Tax Warrants for the payment to the respective tax districts of the amounts so credited and authorize and direct the County Treasurer to make payment of said amounts to the respective districts in accordance with the report.

Seconded by Legislator: William W. Johnson

All members present voted aye.

### **Resolution No. 111**

#### **Setting Time and Place for Public Hearing on Tentative 2019-2020 Jefferson Community College Budget**

By Legislator: Allen T. Drake

Resolved, That a public hearing on the Tentative Jefferson Community College Budget for College Fiscal Year 2019-2020 be held before this Board of Legislators on Tuesday, July 2, 2019 at 6:00 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: William W. Johnson

Mr. Hagemann announced that as previously discussed the Board Session if held on July 2 would conflict with a large annual community July 4<sup>th</sup> celebration held in Thompson Park, Watertown. Following brief discussion, Legislator Peck moved to change the day and time of the public hearing to **Monday, July 1, 2019**. The motion was seconded by Legislator Ferris and unanimously carried.

All members present voted aye on Resolution No. 111, as amended.

Attorney Paulsen reminded legislators that they would also need to move that the day and time of the July Board Session be changed to Monday, July 1, 2019 before the end of this meeting.

### **Resolution No. 112**

#### **Authorizing Appointments to the Jefferson-Lewis Workforce Development Board**

By Legislator: Carolyn D. Fitzpatrick

Whereas, The Workforce Innovation and Opportunity Act of 2014, Public Law 113-128, requires that there be established a local Workforce Development Board (WDB) to oversee local job

training services and activities, and

Whereas, Chapter 2, Section 107(a)(b) of the Workforce Innovation and Opportunity Act authorizes the establishment, membership, and composition of the local Workforce Development Board, and

Whereas, Chapter 2, Section 107(c) of the Workforce Innovation and Opportunity Act authorizes the appointment and certification for local Workforce Development Board membership, and

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

Now, Therefore Be It Resolved, That the Board of Legislators hereby authorizes the following appointments to the Workforce Development Board for term as indicated:

<u>Member</u>	<u>Term to Expire</u>
Reappointments	
<u>Jefferson County Representatives</u>	
Robert Hagemann, Jefferson County	6/30/2022
Steven Todd, Jefferson-Lewis BOCES	6/30/2022
Ty Stone, JCC President	6/30/2022
<u>Lewis County Representatives</u>	
Lynn Murray, Owner of Murcrest Farms	6/30/2022
New Appointments	
<u>Jefferson County Representatives</u>	
Rodney Castillo, Keyes Information Technology	6/30/2021
Lisa Storey, Samaritan Medical Center	6/30/2021
<u>Lewis County Representatives</u>	
Shellie Orloff, Qubica AMF	6/30/2020

Seconded by Legislator: Daniel R. McBride

All members present voted aye.

**Resolution No. 113**

**Authorizing Agreements for Provision of Mental Hygiene Services**

By Legislator: Robert W. Cantwell, III

Whereas, New York State Mental Hygiene Law provides that the Jefferson County Community Services Board may contract for the provision of various mental hygiene services to the public with the approval of the Board of Legislators.

Now, Therefore, Be It Resolved, That, pursuant to Section 41.13 of the Mental Hygiene Law, this Board does hereby grant its approval for the Community Services Board to enter into agreements with the following not-for-profit organizations for provision of the referenced mental hygiene services during calendar year 2019 for consideration as reflected herein:

<u>Agency</u>	<u>Consideration to be Received from the County</u>	<u>State Aid</u>	<u>County Aid</u>
Carthage Area Hospital			
Behavioral Health Clinic	\$ 52,418	\$ 52,418	\$ 0
Credo Community Center for the Treatment of Addictions			
Men's Halfway House	\$221,229	\$221,229	\$ 0
Chemical Dependence Clinic	\$361,925	\$307,229	\$ 54,696
Women's Drug Free Residential	\$496,696	\$496,696	\$ 0
Case Mgmt/Supportive Housing	\$ 85,512	\$ 85,512	\$ 0
Vocational/Education Program	\$116,737	\$116,737	\$ 0
Community Res. (Aftercare)	\$225,760	\$186,760	\$ 39,000
Res. Rehab. Svcs. For Youth	\$165,765	\$165,765	\$ 0
Opiate Treatment Program	\$301,248	\$301,248	\$ 0
Case Management/Vivitrol	\$ 20,000	\$ 20,000	\$ 0
Mental Health Outpatient Clinic	\$ 2,688	\$ 2,688	\$ 0
Jail Base Program	\$ 60,000	\$ 60,000	\$ 0
Alcohol/Substance Abuse Council DBA Pivot			
Recovery Center	\$350,000	\$350,000	\$ 0
Prevention Services & Stop DWI	\$804,015	\$706,865	\$ 50,000
			DWI \$ 47,150
Children's Home of Jefferson County			
Family Respite	\$ 46,146	\$ 40,042	\$ 6,104
Mobile Crisis Outreach	\$146,933	\$127,669	\$ 19,264
Prevention Program	\$ 28,763	\$ 24,885	\$ 3,878
Health Home Management/SPOA/SPOE	\$334,251	\$334,251	\$ 0
Non-Medicaid Care Coordination Mgrs	\$201,132	\$201,132	\$ 0
Community Outpatient Clinic	\$ 86,018	\$ 38,643	\$ 47,375
Records Management	\$ 10,000	\$ 0	\$ 10,000
Forensic Jail Program	\$134,120	\$133,236	\$ 884
Therapeutic Crisis Respite Program	\$650,000	\$650,000	\$ 0



Jefferson Rehabilitation Center			
Employment Programs	\$281,985	\$272,111	\$ 9,874
Ongoing Integrated Employment	\$ 82,936	\$ 82,936	\$ 0
Family Support Svcs.	\$ 5,000	\$ 0	\$ 5,000
Mental Health Assn.			
Psychosocial/Drop-In Program	\$276,457	\$257,711	\$ 18,746
Adult Respite Program	\$ 38,821	\$ 33,473	\$ 5,348
PFC Joseph Dwyer Peer Support	\$ 92,500	\$ 92,500	\$ 0
Northern Regional Center for Independent Living			
Family Support Services	\$256,428	\$248,235	\$ 8,193
Mental Health Advocacy	\$ 42,847	\$ 42,847	\$ 0
North Country Transitional Living Services DBA Transitional Living Services of NNY			
Supported Housing	\$402,863	\$393,419	\$ 9,444
Behavioral Health & Wellness Clinic	\$ 12,096	\$ 12,096	\$ 0
Homeless/MICA/Case Mgmt	\$112,368	\$112,368	\$ 0
Samaritan Medical Center			
Outpatient Children's Services	\$ 80,642	\$ 80,642	\$ 0
River Hospital			
PFC Joseph Dwyer Peer Support	\$ 92,500	\$ 92,500	\$ 0
Community Wellness Outpatient	\$ 34,945	\$ 0	\$ 34,945

and be it further

Resolved, That this Board further grants approval for the Community Services Board to enter into such agreements with the State of New York as may be required to obtain the State Aid funding outlined herein.

Seconded by Legislator: William W. Johnson

All members present voted aye.

#### **Resolution No. 114**

#### **Accepting Funding for NYS Health Building Healthy Communities Conference Scholarships and Amending the 2019 County Budget in Relation Thereto**

By Legislator: Daniel R. McBride

Whereas, The New York State Health Foundation has advised Jefferson County Public Health

Service (JCPHS) of the award of scholarships covering the 2019 Annual Meeting of the American Public Health Association, and

Whereas, JCPHS will receive funding in the amount of \$2,000 for Faith Lustik to attend the meeting to promote innovative ideas related to building healthy communities.

Now, Therefore, Be It Resolved, That Jefferson County hereby accepts said funding, and the 2019 County Budget is hereby amended as follows:

**Increase:**

Revenue		
01405000 91689	Other Health Department Income	\$ 2,000
Expenditure		
01406000 04613	Training	\$ 546
01406000 04313	Travel	1,454

Seconded by Legislator: Allen T. Drake

Roll Call Vote

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

Absent: Adsit

Resolution passed.

**Resolution No. 115**

**Accepting Donation on Behalf of the Department of Social Services  
and Amending the 2019 County Budget**

By Legislator: William W. Johnson

Whereas, Timothy Fahsel has donated funds to the Jefferson County Department of Social Services to be used for the Foster Parent Appreciation celebration, and

Whereas, The 2019 County Budget must be amended to recognize this donation.

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

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

**Increase:**

Revenue:  
01601000 92705                      Donations                                      \$ 100.00

Expenditure:  
01601000 04624                      Client Incidentals                                      \$ 100.00

Seconded by Legislator:    Allen T. Drake

Roll Call Vote

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

Absent:                      Adsit

Resolution passed.

**Resolution No. 116**

**Authorizing Agreement With Onondaga County for Participation in the Central New York Interoperable Communications Consortium (CNYICC)**

By Legislator:    Jeremiah J. Maxon

Whereas, Jefferson County will soon begin to operate a new and improved emergency operations communication system with improved radio coverage and interoperability capabilities, and

Whereas, Onondaga County operates, through its Department of Emergency Communications, a digital trunked land mobile radio (TLMR) network known as the Onondaga County Interoperable Communications System (OCICS), and

Whereas, The Onondaga County Interoperable Communications System utilizes a Master Site server to coordinate radio conversations on the TLMR and to gain efficiencies in the use of public airspace, and the Master Site server has sufficient capacity to permit additional public service users, and

Whereas, Jefferson County benefits from joining the Consortium and sharing existing resources instead of having to purchase and maintain its own Master Site server, and

Whereas, The Central New York Interoperable Communications Consortium (CNYICC) is currently comprised of five member counties; Onondaga, Cayuga, Madison, Oneida, and Oswego. Each member of the Consortium shares equally in the annual cost of maintaining the master site server which is approximately \$326,717.00 per year, and

Whereas, Jefferson County would become the sixth member of the consortium, thereby reducing the annual average cost for each member of the consortium.

Now, Therefore, Be it Resolved, That the Chairman of the Board of Legislators is hereby authorized and directed to execute a Master Site Agreement with Onondaga County to permit Jefferson County to join the CNYICC, upon the terms set forth above, subject to the approval of the County Attorney as to form and content.

Seconded by Legislator: Anthony J. Doldo

All members present voted aye.

### **Resolution No. 117**

#### **Adopting Revised Guidelines and Administrative Procedures in Relation to the County's Housing Improvement Program funded by NYS Community Development Block Grant (CDBG) Awards**

By Legislator: Robert W. Cantwell, III

Whereas, Jefferson County has received its eleventh competitive Community Development Block Grant (CDBG) 2018 Program Year award from the New York State Office of Community Renewal to implement and administer a county-wide Housing Improvement Program, and

Whereas, Local Guidelines and Administrative Procedures have been developed for implementation and administration of the program in compliance with applicable federal, state and local regulations, and

Whereas, Such Guidelines and Procedures were last adopted by the County Board of Legislators on July 5, 2017 by Resolution 127 of 2017 for the 2016 CDBG award, and

Whereas, The Guidelines and Administrative Procedures are periodically updated to incorporate changes to meet program and regulatory requirements associated with all current and subsequent awards, and

Whereas, Updates to the Guidelines and Administrative Procedures must be adopted by the Board of Legislators.

Now, Therefore, Be It Resolved, That this Board of Legislators, having been provided with a June 4, 2019 draft copy of the Guidelines and Administrative Procedures for Jefferson County for the 2018 grant award hereby adopts them and they shall become effective immediately for all County-sponsored housing rehabilitation activities conducted with Small Cities Community Development Block Grant funding.

Seconded by Legislator: Robert D. Ferris

All members present voted aye.

**Resolution No. 118**

**Authorizing Agreement with Jefferson County Children's Home  
for the Provision of Non-Secure Detention Services**

By Legislator Patrick R. Jareo

Whereas, Pursuant to Section 218-1a of County Law, Jefferson County is required to provide non-secure detention facilities for the temporary boarding and care of juveniles placed in the custody of the County by the Family Court, and

Whereas, The County desires to contract for such services through a contractual agreement with the Children's Home of Jefferson County which will provide a local group home of four beds with 24-hour awake staff, and the transport of juveniles to medical and counseling appointments, and

Whereas, The New York State Office of Children and Family Services will provide 49% reimbursement of the Non-Secure Detention Services Program.

Now, Therefore, Be It Resolved, That, Jefferson County enter into an agreement with the Children's Home of Jefferson County to provide non-secure detention beds and supportive services to include some juvenile transports during the period January 1, 2019 through December 31, 2019 at a cost not to exceed \$298.50 per day/per juvenile, with a daily rate of \$50 for a bed-hold and an additional cost of \$175.00 per day for one-on-one staff charges, and be it further

Resolved, That the Chairman of the Board is hereby authorized and directed to execute such agreement on behalf of Jefferson County, subject to approval of the County Attorney as to form and content.

Seconded by Legislator: Robert W. Cantwell, III

All members present voted aye.

**Resolution No. 119**

**Amending the 2019 County Budget in Relation to the Probation Department Vehicle**

By Legislator: Patrick R. Jareo

Whereas, After a thorough review of viable equipment replacement options the Director of Probation has identified a used low mileage 2018 Sedan (Chevy Impala) for purchase to replace a rapidly aging repurposed police cruiser, and

Whereas, The department is able to fund 50% of the costs in its current budget but the 2019 Budget must be amended to do so.

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

**Increase:**

Expenditure 01314000 02401	Automotive Equipment	\$ 22,451.03
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**Decrease:**

Expenditure 01199000 04963	Contingency Account	\$ 12,451.03
01314000 04416	Professional Fees	10,000.00

Seconded by Legislator: Robert W. Cantwell, III

Roll Call Vote

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

Absent: Adsit

Resolution passed.

**Resolution No. 120**

**Authorizing FY 2018 Operation Stonegarden Grant Agreement and Amending the 2019 County Budget in Relation Thereto**

By Legislator: Robert D. Ferris

Whereas, The Sheriff's Department has been awarded a \$125,575 FY18 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, Village of Alexandria Bay and Village of Clayton Police Departments, and

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

Whereas, The 2019 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 NYSOHS 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 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 2019 County Budget is hereby amended as follows:

**Increase:**

Revenue:

01311000 943201	Federal Homeland Security - Sheriff	\$125,575.00
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Expenditures:

01311400 01300	Overtime	\$ 20,000.00
01311400 02100	Equipment	90,000.00
01311400 043101	Internal Fleet Expense	2,656.80
01311400 04311	Gasoline & Oil	1,328.20
01311400 04428	Public Safety - Other Governments	4,300.00
01311400 08010	Retirement	3,462.02
01311400 08030	Social Security	2,898.50
01311400 08040	Workers Comp.	929.48

Seconded by Legislator: Robert W. Cantwell, III

As he has in the past, Legislator Maxon expressed his concern relative to continued reliance on Operation Stonegarden funding for programs he feels violate 4<sup>th</sup> Amendment rights regarding unreasonable search and seizure by the federal government. He said he will not support this resolution, or any future Operation Stonegarden resolutions.

Legislator Peck said these monies are used by the Villages of Clayton and Alexandria Bay as well as the Sheriff's Department and asked if there was a reason it goes out to other agencies, and if so can we create rules and parameters that they operate under. Chairman Gray advised that the Sheriff's Department administers the distribution of the Grant regardless who is receiving it. Administrator Hagemann advised that the grant is very clear itself as to how the money is to be allocated, we act more as a facilitator in the process.

Legislator Jareo, as he has stated in the past, said our Sheriff's Department agrees with him in how the monies should be spent, but the problem is the grant is not being controlled by the Sheriff's Department and the other agencies have carte blanche within the scope of the grant. It has been proven all over this country that these funds have been used to overrun the constitution in a lot of ways, and that is a serious concern he has.

Roll Call Vote

Ayes: Peck, Fitzpatrick, Reed, Cantwell, Johnson, Doldo, Montigelli, Drake, Nabywaniec, Ferris, Gray

Nays: Jareo, McBride, Maxon

Absent: Adsit

Resolution passed.

**Resolution No. 121**

**Adopting New York State Unified Solar Permit in Relation to  
Uniform Fire Prevention and Building Code**

By Legislator: Patrick R. Jareo

Whereas, The County of Jefferson is responsible for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code in municipalities in Jefferson County that have opted not to administer and enforce same, and

Whereas, New York State has developed a unified solar photovoltaic permitting application and process to streamline municipal permitting for residential and small commercial projects with a rated capacity of 25 kilowatts or less, and

Whereas, The State permitting application is substantially the same as that currently used by Jefferson County Code Enforcement and is recommended by the Director, and

Whereas, This Board of Legislators supports participation in the unified permitting process, thereby increasing the County's eligibility for grants through the New York State Energy Research and Development Authority (NYSERDA).

Now, Therefore, Be It Resolved, That Jefferson County adopts the New York State Unified Solar Permit as attached hereto, and be it further

Resolved, That this Resolution shall take effect on June 10, 2019.

Seconded by Legislator: Jeremiah J. Maxon

\* NYS Unified Solar Permit is attached as an Addendum to the minutes.

All members present voted aye.

**Resolution No. 122**



## **Adopting Energy Benchmarking Through Annual Reporting for Jefferson County Owned Buildings**

By Legislator: Jeremiah J. Maxon

Whereas, The County of Jefferson supports the use of Building Energy Benchmarking to promote public health, safety and welfare by making available information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the County, and

Whereas, Collecting, reporting, and sharing Building Energy Benchmarking data on a regular basis allows better understanding of the energy performance of municipal buildings relative to similar buildings nationwide, and

Whereas, The following definitions will apply:

“Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics;

“Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings;

“Covered Municipal Building” shall mean a building or facility that is owned or occupied by Jefferson County that is 1,000 square feet or larger in size and used year-round;

“Department” shall mean the Buildings and Grounds Department;

“Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in utility bills or other documentation of actual Energy use;

“Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings;

“Energy Use Intensity (EUI)” shall mean the BTUs (1,000 British Thermal Units) used per square foot of gross floor area;

“Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy;

“Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor;

“Weather Normalized Source EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations, and

Whereas, The County Administrator may exempt a particular Covered Municipal Building from the benchmarking requirement if he determines that it has characteristics that make benchmarking impractical, and

Whereas, No later than September 30, 2019 for 2018, and no later than May 1 every year thereafter, the Administrator’s designee shall enter into Portfolio Manager the total energy consumed by each non-exempted Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year, and

Whereas, For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Administrator’s designee shall begin inputting data in the following year, and

Whereas, The Department shall make available to the public online Benchmarking Information for 2018 no later than December 31, 2019; and for each year thereafter by July 1 for the previous calendar year, for non-exempted Covered Municipal Buildings the following information:

- (a) Summary statistics on Energy consumption for non-exempted Covered Municipal Buildings derived from aggregation of Benchmarking Information;
- (b) For each non-exempted Covered Municipal Building individually:
  - (i) The status of compliance with the requirements of this Resolution;
  - (ii) The building address, primary use type, and gross floor area;
  - (iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available;
  - (iv) A comparison of the annual summary statistics (as required by this Resolution) across calendar years for all years since annual reporting under this Resolution has been required for said building; and

Whereas, The Department shall maintain records as necessary, including but not limited to Energy bills and other documents received from tenants and/or utilities, for a period of three (3) years.

Now Therefore Be It Resolved, That this Board of Legislators adopts energy benchmarking through annual reporting for Jefferson County owned buildings, and be it further

Resolved, That the County Administrator may promulgate procedures necessary for the administration of the requirements of this Resolution, and be it further

Resolved, That within thirty days after each anniversary date of the effective date of this Resolution, the County Administrator shall submit a report to the Legislative Board, including but not limited to: summary statistics on Energy consumption for non-exempted Covered

Municipal Buildings derived from aggregation of Benchmarking Information; a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the County Administrator or designee determined to be exempt from the benchmarking requirement and the reason for the exemption; and the status of compliance with the requirements of this Resolution, and be it further

Resolved, That this Resolution shall take effect on June 10, 2019.

Seconded by Legislator: Anthony J. Doldo

All members present voted aye.

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

### **Resolution No. 123**

#### **Authorizing Settlement of Litigation Relative to Eminent Domain Proceedings with Roscoe Eisenhower, and Amending the 2019 County Budget and Capital Plan**

By Legislator: Philip N. Reed, Sr.

Whereas, By Resolution 187 of 2013 the Jefferson County Board of Legislators authorized the commencement of Eminent Domain proceedings in regard to certain real property adjacent to the Watertown International Airport the acquisition of which is necessary for air safety and compliance with Federal Aviation Administration regulations; and

Whereas, Property owner Roscoe Eisenhower exercised his right to challenge the valuation of compensation offered by the County under Eminent Domain Law and the matter proceeded to be litigated with each party having submitted independent appraisals of the value and alleged damages resulting from the taking, and

Whereas, On the advice of counsel after the consideration of the documentary evidence and legal basis relating to the taking, and that a negotiated settlement is, as a matter of litigation analysis and risk management, a cost-effective alternative to full trial of the action. Counsel has advised that the range of possible verdicts includes the possibility a decision upholding the County's appraisal, but also may include an adverse verdict in an amount which is in the discretion of the trier of fact and which exceeds the settlement demand of the respondents; and that the substantial costs of proceeding to trial—including both the labor and opportunity costs of making senior employees of the County available throughout the trial; the costs of attorney preparation and presentation of trial; and the costs to be incurred for our expert witnesses in preparing for and testifying at trial serve to offset the total cost of settlement to the County; at the same time that a settlement defines the extent of expense and removes the threat of uncapped exposure, and

Whereas, Pursuant to Local Law No. 5 of 1986, a settlement or compromise of a claim in the amount of \$10,000.00 or greater requires the prior approval of the Board of Legislators, and

Whereas, The Proposed settlement provides for the County to purchase fee title for 55.46 acres of land currently subject to an avigation easement plus a contiguous five acres in lieu of retaining a permanent air navigation easement and additionally provides for the County to obtain access rights to lands of Eisenhower to the east of the Runway 10-28 Protection Zone for the purpose of topping or removing eight trees currently penetrating the 50:1 surface plane extending from the end of the runway, and

Whereas, Funding is anticipated from the Federal Aviation Administration (FAA) and New York State Department of Transportation (NYSDOT) to cover most of the settlement.

Now, Therefore, Be It Resolved, That for purposes of avoiding the costs and expense of a trial; and for purposes of compromising a claim at a point well within the estimated range of possible court verdicts, the Board of Legislators does hereby agree to a settlement of the matter herein; and the sum of one hundred forty eight thousand two hundred and 00/100 Dollars (\$148,200.00) for purposes of settling the referenced litigation and purchasing the aforementioned real property, and be it further

Resolved, That pursuant to NYS Eminent Domain Procedure Law §701 the County as condemnor is also responsible for the condemnee's attorney fees and appraisal expenses and shall pay such expenses in the amount of fifty nine thousand nine hundred sixty one and 96/100 dollars (\$59,961.96), and be it further

Resolved, That the Chairman of the Board is hereby authorized and directed to execute any necessary documents to secure the conveyance of aforementioned real property and also agreements with the FAA and NYSDOT subject to the approval of the County Attorney as to form and content, and be it further

Resolved, That the County Attorney is hereby authorized and directed to enter into a Stipulation of Settlement for the above litigation on the terms outlined herein and tender to the Condemnee the sums due upon closing of the title for the real property, and be it further

Resolved, That this Board of Legislators has previously adopted State Environmental Quality Review Act findings on March 9, 2010, later amended on February 11, 2014, determining a Negative Declaration of environmental impact. Purchase in fee of the 55.46 acres of land in place of utilizing said land as an avigation easement with land use restrictions and the additional purchase of five acres is determined to have no environmental impact and the previous SEQR findings are so amended, and be it further

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

**Increase:**  
Revenue

20900600 94589	Federal Aid - FAA	\$197,753.96
20900600 93589	State Aid - DOT	5,204.00

Expenditure		
20561000 020995	RPZ Land Acquisition	\$208,161.96

**Decrease:**

Expenditure		
20698900 02064	Property Improvements	\$ 5,204.00

and be it further

Resolved, That the six year Capital Plan is hereby amended accordingly.

Seconded by Legislator: Carolyn D. Fitzpatrick

Roll Call Vote

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

Abstain: Maxon

Absent: Adsit

Resolution passed.

**Resolution No. 124**

**Opposing a Portion of Proposed Legislative Bills S4676/A4863 Changing the Order in Which Multiple Tax Liens are to be Redeemed**

By Legislator: Michael A. Montigelli

Whereas, The County of Jefferson, New York enforces real property taxes pursuant to Article 11 of the New York State Real Property Tax Law (Article 11) and is responsible for enforcing school, village, town and County taxes on all parcels outside of the City of Watertown including guaranteeing town, school and village taxes, and

Whereas, Legislative bills S4676A/A4863, have been introduced proposing to amend Article 11 Section 1112(1), by changing the order in which a tax lien must be redeemed when partial payment is made on a property for which the County holds more than one tax lien, and

Whereas Article 11, Section 1112(1), currently provides that the most recent lien must be redeemed first; and

Whereas, The Bills propose to amend Article 11 so that the oldest tax lien must be paid first, which proposal will have detrimental effects on both tax payers and the municipality collecting taxes, and

Whereas, The purpose for requiring that the most recent tax lien be paid first is in concert with Article 11, Section 1123, whereby the County cannot start foreclosure filing to enforce the taxes until twenty one months after the lien date, and

Whereas, The proposed change allowing the oldest tax lien to be paid first would result in the County's inability to enforce the most recent tax lien and would further result in the County expending additional resources to manage the increased number of delinquent parcels, and

Whereas, Permitting taxpayers to be a year in arrears would be unfair to the taxpayers who timely pay their taxes.

Now, Therefore, Be It Resolved, That the County of Jefferson opposes the Bills to the extent they change the order in which multiple tax liens are to be redeemed, and be it further

Resolved, That certified copies of this resolution be forwarded to Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Senator Patty Ritchie, Assemblyman Ken Blankenbush, Assemblyman Mark Walczyk, Assemblyman William Barclay, and the New York State Association of Counties.

By Legislator: Carolyn D. Fitzpatrick

Legislator Maxon said he read the text of the bills and he felt it was important to tell Albany when they have done a good job, and the bills that are proposed will make some changes that are reasonable protections for the taxpayers. He added that by capping interest charges at no more than 12% rather than mandating that they be no less than 12%, and by requiring municipalities to redeem older debts before they redeem newer debts will protect the taxpayers from foreclosure. He felt taxpayers would make a more honest effort to redeem their properties instead of knowing that they have to pay or enter into a payment schedule with no missed payments in order to keep their home. He supports the bills and the changes to the law, and not the resolution.

Legislator Jareo reiterated Legislator Maxon's points and said we need to realize we are taking people's properties and we should afford them every measure available before we do that. He was not saying that we are doing it unjustly now, but this adds another layer of protection for property owners and he was surprised that this common sense approach came from Albany. He supports the bills as proposed, and is opposed to this resolution.

Legislator Peck asked that the County Attorney clarify the resolutions and explain how the changes in the bills will affect the foreclosure process as the resolution only opposes a portion of the bills and does not mention the cap on interest rates so he assumed we agreed with that.

County Attorney Paulsen advised that there are three things the legislation does. <sup>1</sup>It eliminates the

5% penalty the taxpayers now pay when their unpaid taxes are returned to the County and he has no objection to that.<sup>2</sup> It puts a cap on the 12% interest rate, and he said he has been involved in tax foreclosure process for close to 20 years and he was not aware the interest rate ever exceeded 12%, and he was also not opposed to that provision. The only provision he objects to as harmful to the municipalities and tax enforcement units and to the people who have fallen behind in paying their taxes, is the reversal of the rule that has been in effect since at least 1993 when the current tax enforcement statute was enacted by New York State, and Jefferson County has been utilizing it since 1996,<sup>3</sup> is changing the provision that payment of delinquent tax liens is expected in reverse chronological order. Currently, if you have been behind in your taxes long enough to be facing a foreclosure action you are expected, in order to satisfy that foreclosure action, to bring yourself current on all taxes. If the rule were otherwise, all you would be doing is paying off that oldest tax which are subject to the foreclosure and always remaining behind at least two years under the rule change. He explained that in order to enter foreclosure action you need to have a lien that is at least twenty-one months old. He said it is not fair to the taxpayers who pay their taxes on time that some taxpayers can perpetually be two years behind; it is certainly not fair to the taxpayers to continually utilize that cushion and are subject to interest accruing and not have an incentive to get caught up.

County Attorney Paulsen said the system has worked well for at least 25 years and he did not see the benefit to anyone in changing it, and anyone that has worked in the enforcement of taxes would agree with that. Respectfully to the legislators who have spoke tonight, if you disagree with how the system works that is one thing, but to be fair to everyone in enforcing the tax law, the fairest way to work is to continue to enforce it in reverse chronological order and that is why he has asked that this resolution be put forward tonight and he urged the Board's support for leaving that aspect of the law intact.

Chairman Gray said that by encouraging perpetual tardiness, you are encouraging greater interest expense on people, and the unintended consequence will be a hardship on them as they will leave two years taxes compounding interest. In the meantime there is a potential for delinquencies to increase and the County has to keep relevying the town, village and school taxes on those properties and making jurisdictions whole.

Legislator Jareo disagreed that it is more harmful to pay more interest, to have your home foreclosed on is a much more stringent penalty then paying a little more interest on it.

County Attorney Paulsen again explained the current process and how that process would change if the proposed changes were made. He said there will always be a certain percentage of people who end up in foreclosure and will lose their properties, but he is trying to look across a wide spectrum of properties that go into foreclosure every year, roughly 400, and of that 400 generally it is down to about 60 that they wind up selling.

Legislator Jareo understood the County Attorney's perspective and said in Mr. Paulsen's position the resolution is correct, however he sees his role as protecting his constituents and the proposed State legislation does that.

Legislator Maxon stated to the point that all taxpayers are shouldering the burden of the delinquent taxpayers, if the delinquent tax payer chose to stay two years behind constantly, they are paying 12% per year for the privilege, and are paying approximately an additional \$500 per year to cover some of those costs. There is an incentive to remain current in that they are paying 12% interest a year, and it is a more just system to allow people to stay in their homes.

Legislator Ferris asked for a roll call vote on the resolution.

#### Roll Call Vote

Ayes: Peck, Montigelli, Doldo, Drake, Fitzparick, Cantwell, Johnson, Nabywaniec, Gray

Nays: Maxon, Reed, Jareo, Ferris, McBride

Absent: Adsit

Resolution passed.

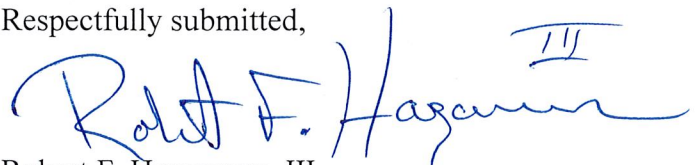
Chairman Gray entertained a motion to change the July Board Session to Monday, July 1, 2019 at 6:00 p.m. Such motion was made by Legislator Maxon seconded by Legislator Ferris and unanimously carried.

Legislator Peck reminded everyone that June is Dairy Month, and today happens to be National Cheese Day. He said USDA does a census of agriculture every five years and from 2012 - 2017 in Jefferson County: the number of farms decreased by 10% to 792; land and farms decreased by 15% to 247,516; market value of products sold decreased by 10% to \$165 million. He said there are some interesting increases in other types of agriculture in the County, but livestock is still the vast majority of sales within the County; livestock, poultry and products is 78% of sales and crops is 22%; and 68% of land is used for crop purposes. He said agriculture is alive and well as far as land use and activity but economically it is severely challenged. Unfortunately, 2018 proved to be another challenging year with milk prices, but there is very slow recovery despite the actions of the New York State government.

Chairman Gray encouraged everyone to let people know that communities along the Lake and River are operating as usual, and activities and events will move forward as scheduled.

There being nothing further to come before the Board, on a motion by Legislator Maxon seconded by Legislator Montigelli and unanimously carried, the meeting was adjourned at 6:40.

Respectfully submitted,

A handwritten signature in blue ink that reads "Robert F. Hagemann, III". The signature is written in a cursive style with a large, stylized "H" and "M".

Robert F. Hagemann, III  
Clerk of the Board