

REGULAR SESSION

TUESDAY, MARCH 5, 2019

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

ROLL CALL OF MEMBERS

All members present except Legislators, Montigelli, Jareo, Ferris and Adsit.

PRIVILEGE OF THE FLOOR

No one present wished to speak.

READING OF MINUTES OF LAST SESSION

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

PETITIONS, NOTICES AND COMMUNICATIONS

The 2019 NYSAC Legislative Conference Resolutions were received.

REPORTS 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 January 31, 2019.

The County Administrator provided a report on budget transfers for year end 2018, and the month of February, 2019.

2018 Annual Reports were received from the County Auditor, County Clerk and the Planning Department.

LOCAL LAWS, RESOLUTIONS AND MOTIONS

Resolution No. 47

Amending the 2019 County Budget in Relation to Samaritan Senior Village, Inc.

By Legislator: Carolyn D. Fitzpatrick

Whereas, Pursuant to Resolution 281 of 2011, this Board of Legislators authorized an agreement with Samaritan Medical Center, its subsidiaries or related corporations, providing for the transfer of the County's adult home residents of Whispering Pines to a new facility in consideration of a payment of \$5,000,000 for a term of ten years, and

Whereas, Said agreement with Samaritan Senior Village, Inc., among other clauses, specified that the \$5,000,000 payment was in consideration of replacing the services the County would have provided at the County Home for a period of ten years, and

Whereas, Pursuant to Resolution 290 of 2012, this Board amended its 2012 County Budget to appropriate the funds for the payment, and

Whereas, The County's outside auditors, with whom the County Treasurer is in agreement, recommend that the County amend its budgets beginning in 2013 and continuing for a ten year period, to reflect the value (\$500,000 per year), of the services rendered by the Samaritan Senior Village, Inc. facility, and

Whereas, Pursuant to Resolution No. 129 of 2014 this Board amended its 2013 and 2014 County Budgets and Resolution No. 48 of 2016 amended the 2015 and 2016 County Budgets, and Resolution No. 54 of 2017 amended the 2017 County Budget, Resolution No. 226 of 2018 amended the 2018 County Budget, and amendment of the 2019 County Budget is needed.

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

Increase:

| | | |
|----------------|---------------------------|-----------|
| 01000000 30599 | Appropriated Fund Balance | \$500,000 |
| 01603000 04422 | Contracted Health Care | \$500,000 |

Seconded by Legislator: James A. Nabywaniec

Roll Call Vote

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

Absent: Montigelli, Adsit, Jareo, Ferris

Resolution passed.

Resolution No. 48

Authorizing a Joint Services Agreement with the Town of Pamela for Optional County Assessment Services to the Town Pursuant to Real Property Tax Law § 1537.

By Legislator: Daniel R. McBride

Whereas, The Town of Pamela currently has a vacancy in the position of Town Assessor, and

Whereas, Pursuant to NYS Real Property Tax Law § 1537, an assessing unit and county shall have the power to enter into, amend, cancel and terminate an agreement for appraisal services, exemption services or assessment services, and such agreement shall be considered an agreement for the provision of a “joint services” pursuant to NYS General Municipal Law Article 5-G, and

Whereas, The Town of Parmelia desires the County to assume the duties of Town Assessor for the purpose of providing exemption and assessment services through the staff of the County Department of Real Property Tax Services and has enacted a resolution on February 12, 2019 authorizing an agreement for said purpose, and

Whereas, The parties have agreed that the Town will compensate the County on the basis of \$19.40 per parcel of Town assessment roll properties for each year of such agreement, and

Whereas, The Parties are desirous of entering into a joint services agreement for a period of one year, subject to extension for an additional two year period upon written agreement of the parties.

Now, Therefore, Be, It Resolved, that the Chairman of the Board of Legislators is hereby authorized and directed to execute an agreement with the Town of Pamela upon the aforementioned terms, subject to the approval of the County Attorney as to form and content.

Seconded by Legislator: Allen T. Drake

Real Property Tax Services Director Roxanne Burns advised that this kind of agreement is new to Jefferson County but is a trend across the State for municipalities to contract with counties for part or all of the assessment services. She said it would take about two years for data collection and to get the town in order, but what the Town ultimately wants is a revaluation because it has not been done in over 25 years. It will not require her to hire another person in the office, she introduced Real Property Appraisal Technician Alex Marchenkoff, from her office who will be the Town of Pamela Assessor, on top of his other work.

Mr. Marchenkoff advised that the Town of Pamela has 1,724 parcels and they used that figure when coming up with the cost of \$19.40/parcel, and it will take at least three years to complete the revaluation. He also informed the Committee of his educational background culminating in an MBA from Columbia College of Missouri, and said he has been in the revaluation division of Real Property since 2012.

Attorney Paulsen advised that the Town would still be responsible for the tax certiorari work and there is still a local Board of Assessment Review to hear grievances. Ms. Burns related that Mr. Marchinkoff’s duties will not affect the Small claims Assessment Review (SCAR) process in any way, the County will not be responsible for any court cases after SCAR, and if Mr. Marchinkoff has to testify in court, it will not be at County expense. She said County Attorney

Paulsen and Town Attorney Renzi have been working to finalize the formal agreement. There being no further discussion, all members present voted aye.

Resolution No. 49

Concurring in Settlement of Tax Certiorari Proceedings and Authorizing Refund of Taxes in Connection Therewith (McDonald's Corporation).

By Legislator: Allen T. Drake

Whereas, Pursuant to Article 7 of the Real Property Tax Law, McDonald's Corporation, commenced court proceedings to obtain reductions of the assessed valuation of property in the City of Watertown, and

Whereas, The City of Watertown has reached a settlement of the proceedings with regard to tax map parcel nos. 5-16-101.000 and 8-05-104.001, with proposed assessed values as follows:

| <u>Tax Year</u> | <u>Original Assessment</u> | <u>Reduced Assessment</u> |
|-----------------|----------------------------|---------------------------|
| <u>2014</u> | | |
| 5-16-101.000 | \$1,163,100 | \$ 910,000 |
| 8-05-104.001 | \$1,608,700 | \$1,450,000 |
| <u>2015</u> | | |
| 5-16-101.000 | \$1,163,100 | \$ 910,000 |
| 8-05-104.001 | \$1,608,700 | \$1,450,000 |
| <u>2016</u> | | |
| 5-16-101.000 | \$1,163,100 | \$ 925,000 |
| 8-05-104.001 | \$1,608,700 | \$1,450,000 |
| <u>2017</u> | | |
| 5-16-101.000 | \$1,163,100 | \$ 925,000 |
| 8-05-104.001 | \$1,608,700 | \$1,450,000 |
| <u>2018</u> | | |
| 5-16-101.000 | \$1,163,100 | \$ 935,000 |
| 8-05-104.001 | \$1,608,700 | \$1,500,000 |

;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. 5-16-101.000 | \$ 9,330.62 |
| 8.05-104.001 | \$ 5,733.90 |
| | <hr/> |
| Total | \$15,064.52 |

Seconded by Legislator: James A. Nabwyaniec

All members present voted aye.

Resolution No. 50

Urging New York State to Fund All Costs Associated with New State-Enacted Voting Reforms Implemented at the County Level

By Legislator: Daniel R. McBride

Whereas, Counties, through a local Board of Elections, are responsible for managing election operations, and paying for all or most of the costs of these operations, and

Whereas, In January, State Lawmakers have passed and the Governor has enacted a series of reforms to State Election Law and the voting process, including early voting, consolidating the federal and state primary dates, voter registration transfers, and pre-registration of 16-year-olds, and

Whereas, The State's new early voting law requires counties to open polling sites for early voting for 10 days prior to any primary or general election, starting during the 2019 general election, and

Whereas, These reforms will likely require counties to purchase and use electronic polling books, and make other investments in their election systems initially estimated to cost up to \$200,000 in Jefferson County, and

Whereas, Despite their desire to improve voter turnout, state leaders have not invested in our voting system infrastructure in more than a decade.

Now, Therefore, Be It Resolved, That the Jefferson County Board of Legislators calls upon Governor Andrew M. Cuomo, and the New York State Legislature to create a task force of state and local officials to determine the costs associated with implementing these voting reforms, and

be it further

Resolved, That the state fund the costs associated with the new reforms which include such things as equipment, inclusive of electronic polling books, and education and training for poll workers, and be it further

Resolved, That certified copies of this resolution be sent by the Clerk of this Board to Governor Andrew Cuomo, Senate Majority Leader Andrea Stewart-Cousins, Senate Minority Leader John Flanagan, Assembly Speaker Carl Heastie, Assembly Minority Leader Brian Kolb, Senator Patty Ritchie, Assemblyman Ken Blankenbush, Assemblyman Mark Walczyk, and the New York State Association of Counties.

Seconded by Legislator: James A. Nabywaniec

Legislator Maxon felt it was important to remind everyone that Governor Cuomo proposed early voting last year and included money in the budget for it, but did not include funding in the NYS budget for it this year. He said counties don't have the kind of money it will take to have electric poll books and polling places for early voting. He said it was beyond preposterous that the Governor would suggest these changes without providing the funding. There being no further discussion, all members present voted aye.

Resolution No. 51

Opposing the Proposed and Amended 2020 Executive State Budget Impacting Aid and Incentives to Municipalities and State Cost Shifts to Counties

By Legislator: James A. Nabywaniec

Whereas, On February 15, 2019, Governor Cuomo announced a 30-Day Amendment to the 2020 Executive Budget making impacted towns and villages whole from changes to Aid and Incentives for Municipalities (AIM) funding by utilizing revenue from county sales tax, and

Whereas, Instead of restoring AIM with State funding and signifying a desire by the State to act as partners with local governments, this budget amendment required counties to make up for lost AIM funding with sales tax revenue, imposing a new mandate on counties, and

Whereas, Already-existing unfunded State mandates are the cause of high local taxes in New York State, and

Whereas, Counties were granted the authority to levy a local sales tax in the late 1960s to help pay for Medicaid, indigent legal defense services, and other state mandates on counties, and

Whereas, Requiring counties to make up for the State's cut in AIM funding to villages and towns sets an unsustainable precedent and unnecessarily shifts the State's burden to local taxpayers who already pay some of the highest property taxes in the nation, and

Whereas, Cutting AIM funding in the first place for Jefferson County towns and villages is a tax-shift from broad-based State income taxes to one of county responsibility, and

Whereas, The Fiscal Year 2020 Executive Budget recommends a reduction in AIM funding for towns and villages in Jefferson County, cutting a total of \$490,677, and

Whereas, Replacing what had been State AIM assistance with funding from county revenues is simply a tax-shift that ultimately will result in higher property taxes.

Now, Therefore, Be it Resolved, That the Jefferson County Board of Legislators supports the full restoration of this state aid program to local governments and urges the Governor and State Legislature to fully restore this state funding in the final 2019/2020 State Budget, and be it further

Resolved, That certified copies of this resolution be sent by the Clerk of this Board to Governor Andrew Cuomo, Senate Majority Leader Andrea Stewart-Cousins, Senate Minority Leader John Flanagan, Assembly Speaker Carl Heastie, Assembly Minority Leader Brian Kolb, Senator Patty Ritchie, Assemblyman Ken Blankenbush, Assemblyman Mark Walczyk, Jefferson County Town Supervisors and Village Mayors, and the New York State Association of Counties.

By Legislator: Daniel R. McBride

Legislator Peck thanked the Board for bringing this resolution forward as the towns have been very upset by this aid cut, and felt it was a very unfair precedent to set. Chairman Gray said if this goes through there is a potential for the State to raid other revenue streams and it needs to be stopped now. There being no further discussion, all members present voted aye.

Resolution No. 52

Reappointing Member to the Jefferson County Industrial Development Agency

By Legislator: James A. Nabywaniec

Whereas, Pursuant to General Municipal Law § 892-e the New York State Legislature created the Jefferson County Industrial Development Agency, and

Whereas, Pursuant to General Municipal Law § 856(2) the County Legislature shall appoint and reappoint any member of the agency.

Now, Therefore, Be It Resolved, that pursuant to Article 18-a of the General Municipal Law of the State of New York, the Jefferson County Board of Legislators hereby reappoints David J. Converse, for a term of four years to expire on December 31, 2022, as a member of the Jefferson County Industrial Development Agency.

Seconded by Legislator: Daniel R. McBride

All members present voted aye.

Resolution No. 53

Reappointing Member to the Jefferson County Industrial Development Agency

By Legislator: Allen T. Drake

Whereas, Pursuant to General Municipal Law § 892-e the New York State Legislature created the Jefferson County Industrial Development Agency, and

Whereas, Pursuant to General Municipal Law § 856(2) the County Legislature shall appoint and reappoint any member of the agency.

Now, Therefore, Be It Resolved, that pursuant to Article 18-a of the General Municipal Law of the State of New York, the Jefferson County Board of Legislators hereby reappoints W. Edward Walldroff, for a term of four years to expire on December 31, 2022, as a member of the Jefferson County Industrial Development Agency.

Seconded by Legislator: Carolyn D. Fitzpatrick

All members present voted aye.

Legislator Jareo arrived at the meeting.

Resolution No. 54

Reappropriating Funds from Various Unspent Grants Relative to the Fire and Emergency Management Department and Amending the 2019 County Budget in Relation Thereto

By Legislator: Jeremiah J. Maxon

Whereas, Jefferson County, through its Fire and Emergency Management Department, has received and recognized various grants in 2016, 2017 and 2018 which have not been fully expended, and

Whereas, Said Grants and their remaining unspent amounts include the FY2016 Hazmat grant, FY2016 State Homeland Security Program (SHSP) grant, FY2017 SHSP grant, FY2018 Hazmat Grant and FY2018 SHSP, and

Whereas, Said funds must be reappropriated and placed in the appropriate expenditure lines.

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

Increase:

Expenditures:

| | | |
|----------------|--------------------------------------|--------------|
| 01341400 02100 | Equipment | \$ 16,000.00 |
| 01341400 02401 | Automotive | 50,000.00 |
| 01341400 04111 | Trackable Durable Items | 73,378.24 |
| 01341400 04115 | Telephone | 9,414.57 |
| 01341400 04118 | Computer Hardware | 13,646.08 |
| 01341400 04119 | Computer Software | 10,000.00 |
| 01341400 04218 | Building Security | 12,000.00 |
| 01341400 04428 | Public Safety Services - Other Govts | 27,000.00 |
| 01341400 04514 | Uniforms & Clothing | 20,428.00 |
| 01341400 04585 | Operating Supplies | 13,225.47 |

Appropriated Fund Balance:

| | | |
|----------------|---------------------------|--------------|
| 01000000 30599 | Appropriated Fund Balance | \$245,092.36 |
|----------------|---------------------------|--------------|

Seconded by Legislator: Robert D. Ferris

Roll Call Vote

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

Absent: Adsit Nabywaniec, Ferris

Resolution passed.

Resolution No. 55

Authorizing Grant Agreement, State Environmental Quality Review Act (SEQR) Determination, and Amending the 2019 County Budget in Relation to a 2018 Community Development Block Grant Award from the NYS Office of Community Renewal

By Legislator: Patrick R. Jareo

Whereas, Jefferson County has recently been notified by the New York State Office of Community Renewal (OCR) that its 2018 Community Development Block Grant (CDBG) application has been approved, and

Whereas, The \$800,000 award will be used to continue an owner-occupied housing rehabilitation program to benefit income eligible homeowners throughout Jefferson County, and

Whereas, A Grant Agreement between the New York State Housing Trust Fund Corporation (HTFC) and the County is necessary to access the funds, and

Whereas, Jefferson County has evaluated the CDBG action under the project classification guidelines of the New York State Environmental Quality Review Act, and

Whereas, The 2019 County Budget needs to be amended to recognize and allocate the CDBG award.

Now, Therefore, Be It Resolved, That the Chair of the Board of Legislators is hereby authorized to execute a Grant Agreement, subject to the approval of the County Attorney, with the New York State HTFC in accordance with HTFC and OCR guidelines, and be it further

Resolved, That the County has determined that this CDBG project is a Type II Action under the State Environmental Quality Review Act and requires no further State environmental review, and be it further

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

Increase:

Revenue

| | | |
|----------------|--------------------|------------|
| 30866800 94911 | Federal Aid – CDBG | \$ 800,000 |
|----------------|--------------------|------------|

Expenditure

| | | |
|----------------|--------------------|------------|
| 30866800 04014 | CDBG Housing Rehab | \$ 800,000 |
|----------------|--------------------|------------|

Seconded by Legislator: Robert W. Cantwell, III

Roll Call Vote

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

Absent: Montigelli, Ferris, Adsit

Resolution passed.

Resolution No. 56

Amending the 2019 County Budget and Capital Plan to Recognize 2019 Revenue from Fort Drum Residential Communities Initiative

By Legislator: Robert W. Cantwell, III

Whereas, Jefferson County authorized an amendment to the Community Development Agreement relative to Fort Drum Mountain Community Homes (FDMCH) Residential Community Initiative by Resolution 162 of 2013, which Agreement provides for FDMCH to make certain payments, and

Whereas, The county received \$139,713.60, which needs to be recognized and appropriated.

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

Increase:

| | | |
|----------------|-----------------------------------|---------------|
| Revenue | | |
| 01104500 91081 | Payments In Lieu of Taxes | \$ 139,713.60 |
| Transfers | | |
| 01995000 09006 | Transfer to Capital Projects Fund | \$ 139,713.60 |
| 20900600 95031 | Transfer from General Fund | 139,713.60 |
| Expenditure | | |
| 20698900 02064 | Property Acquisition/Improvements | \$ 139,713.60 |

and be it further

Resolved, That the six year Capital Plan is amended accordingly

Seconded by Legislator: Robert D. Ferris

Roll Call Vote

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

Absent: Ferris, Montigelli, Adsit

Resolution passed.

Resolution No. 57

**Amending the 2019 County Budget to Re-Appropriate
Metropolitan Planning Organization (MPO) Funding**

By Legislator: Patrick R. Jareo

Whereas, By Resolution 21 of 2017, this Board of Legislators accepted \$182,000 New York State Department of Transportation funding for a Long Range Transportation Plan for the MPO, and

Whereas, By Resolution 100 of 2018, this Board re-appropriated funding for 2018, and

Whereas, There remain unspent grant funds that must be re-appropriated for 2019.

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

Increase:

| | | |
|---|---------------------------|--------------|
| Appropriated Fund Balance 05000000 30599 | Appropriated Fund Balance | \$ 32,418.24 |
| Expenditure 05501000 04416 | Professional Services | \$ 32,418.24 |

Seconded by Legislator: Robert W. Cantwell, III

Roll Call Vote

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

Absent: Adsit, Ferris, Montigelli

Resolution passed.

Resolution No. 58

**Authorizing Agreement with Thompson Reuters for
CLEAR Services to the Probation Department**

By Legislator: Patrick R. Jareo

Whereas, The County Probation Department is responsible for supervising and monitoring offenders, and

Whereas, The Probation Department has a difficult time keeping track of offenders who frequently change their residence, and

Whereas, Thompson Reuters offers CLEAR services, an investigation tool, that enables the Probation Department to search for offenders accessing various search methods, and

Whereas, The Probation Department wishes to contract with Thompson Reuters for CLEAR services for the period April 1, 2019 through March 31, 2022 for the amount of \$373.74 per month in 2019, with increase not to exceed 2% for 2020 and 2021.

Now, Therefore, Be It Resolved, That Jefferson County enter into an agreement with Thompson Reuters, for the services, term and amount stated above, and be it further

Resolved, That the Chairman of the Board of Legislators be and is hereby authorized and directed to enter into said agreement on behalf of Jefferson County, subject to the review of the

County Attorney as to form and content.

Seconded by Legislator: Robert W. Cantwell, III

All members present voted aye.

Resolution No. 59

Amending the 2019 County Budget in Relation to Law Enforcement

By Legislator: Robert D. Ferris

Whereas, New York State has created the State and Municipal Facilities (SAM) Grant program, to assist municipalities with costs of rehabilitation, improvement and reconstruction of facilities, road maintenance and equipment, and

Whereas, The SAM grant program now includes automotive equipment among acceptable projects to be funded, and

Whereas, Jefferson County will receive \$100,000 from New York State designated for purchase of an emergency response team vehicle.

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

Increase:

| | | |
|----------------|---------------------------------|------------|
| Revenue | | |
| 01311000 93389 | State Aid - Other Public Safety | \$ 100,000 |
| Expenditure | | |
| 01311000 02401 | Automotive Equipment | \$ 100,000 |

Seconded by Legislator: Robert W. Cantwell, III

Roll Call Vote

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

Absent: Ferris, Adsit, Montigelli

Resolution passed.

Resolution No. 60

Reappropriating Funds from Various Unspent Traffic Safety Committee Grants Relative to the Sheriff's Department and Amending the 2019 County Budget in Relation Thereto

By Legislator: Patrick R. Jareo

Whereas, By Resolutions 283 and 284 of 2018, this Board of Legislators recognized grants from the NYS Governor's Traffic Safety Committee Child Passenger Safety and Police Traffic Services Programs, and

Whereas, There remain unspent grant funds that must be re-appropriated and placed in the appropriate expenditure lines for 2019.

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

Increase:

| | | | |
|---------------------------|---------------------------|----|-------|
| Appropriated Fund Balance | | | |
| 01000000 30599 | Appropriated Fund Balance | \$ | 7,800 |
| Expenditures | | | |
| 01311000 01300 | Overtime | \$ | 6,200 |
| 01311000 04112 | Membership and Dues | | 200 |
| 01311000 04585 | Operating Supplies | | 1,200 |
| 01311000 04613 | Training | | 200 |

Seconded by Legislator: Jeremiah J. Maxon

Roll Call Vote

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

Nays: Jareo

Absent: Montigelli, Adsit, Ferris

Resolution passed.

Resolution No. 61

Reappropriating Funds from Various Unspent Homeland Security Grants Relative to the Sheriff's Department and Amending the 2019 County Budget in Relation Thereto

By Legislator: Robert W. Cantwell, III

Whereas, By Resolution 45 of 2017, this Board of Legislators recognized FY2016 Operation Stonegarden Program Grant, and

Whereas, By Resolution 80 of 2018, this Board re-appropriated said grant funding for 2018, and

Whereas, By Resolution 197 of 2018, this Board recognized FY2018 Law Enforcement Terrorism Prevention Program Grant, and

Whereas, There remain unspent funds in both grants that must be re-appropriated and placed in the appropriate expenditure lines for 2019.

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

Increase:

| | | |
|---------------------------|---------------------------|--------------|
| Appropriated Fund Balance | | |
| 01000000 30599 | Appropriated Fund Balance | \$ 80,894.13 |
| Expenditures | | |
| 01311400 01300 | Overtime | \$ 11,651.66 |
| 01311400 02100 | Equipment | 61,465.12 |
| 01311400 04119 | Computer Software | 3,991.00 |
| 01311400 043101 | Internal Fleet Expense | 803.94 |
| 01311400 04311 | Gasoline & Oil | 401.91 |
| 01311400 08010 | Retirement | 1,225.48 |
| 01311400 08030 | Social Security | 1,026.01 |
| 01311400 08040 | Workers Compensation | 329.01 |

Seconded by Legislator: Robert D. Ferris

Chairman Gray advised that this resolution came out of General Services Committee with a negative recommendation, however the Finance & Rules Committee reported it out favorably.

Legislator Maxon wanted to make everyone aware of some of the abuses of power that have taken place under programs funded by Operation Stonegarden, a Federal Homeland Security/Border Patrol Grant given to communities along the borders. He said our rights are precious and people who trade liberty for security deserve neither. As is his custom, he will not support this or any other resolution for programs funded by Operation Stonegarden and he is doing so for everyone's individual rights.

Legislator Peck stated that he has looked up some of the abuses in the past and a majority of them are along the southern border, which is a haven of nefariousness on both sides of the border. He said he has enough faith and trust in our local law enforcement that if there was something questionable she would let us know. Until such time as the Sheriff informs us of any events that happen locally, he would be supporting these grants.

Legislator Jareo stated that he did not know of any abuse in Jefferson County and the Sheriff has done a great job using these funds, but there was abuse in St. Lawrence County.

Roll Call Vote

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

Nays: Jareo, Maxon

Absent: Montigelli, Ferris, Adsit

Resolution passed.

Resolution No. 62

Authorizing FY 2017 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 \$77,725 FY17 Operation Stonegarden Program Grant (CFDA 97.067) from the New York State Office of Homeland Security (NYSOHS) for the purpose of increasing security at the border, and

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

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

Whereas, The 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 \$ 77,725.00

Expenditures:

| | | |
|-----------------|------------------------|--------------|
| 01311400 01300 | Overtime | \$ 19,000.00 |
| 01311400 02100 | Equipment | 40,000.00 |
| 01311400 043101 | Internal Fleet Expense | 2,016.77 |
| 01311400 04311 | Gasoline & Oil | 1,008.23 |
| 01311400 04585 | Operating Supplies | 10,000.00 |
| 01311400 08010 | Retirement | 2,706.93 |
| 01311400 08030 | Social Security | 2,266.32 |
| 01311400 08040 | Workers Comp. | 726.75 |

Seconded by Legislator: Robert W. Cantwell, III

Chairman Gray advised that this resolution also came out of General Services Committee with a negative recommendation and was reported out of Finance & Rules Committee favorably.

Roll Call Vote

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

Nays: Jareo, Maxon

Absent: Montigelli, Adsit, Ferris

Resolution passed.

Resolution No. 63

**Amending the 2019 County Budget to Reappropriate
DSRIP Funding for the Office for the Aging**

By Legislator: Allen T. Drake

Whereas, By Resolution No. 75 of 2016 Jefferson County entered into a contract with North Country Initiative for the Delivery System Reform Incentive Payment Program (DSRIP), and

Whereas, By Resolution No. 235 of 2018 DSRIP funding was received and allocated for completing a mandated comprehensive needs assessment for the 2019 New York State Office for the Aging 4-year plan, and

Whereas, Unspent funds must be reappropriated and included in the 2019 Budget.

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

Increase:

Fund Balance
01000000 30599 Appropriated Fund Balance \$12,650

Expenditure:
01677200 04416 Professional Fees \$12,650

Seconded by Legislator: Robert D. Ferris

Roll Call Vote

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

Absent: Ferris, Montigelli, Adsit

Resolution passed.

Resolution No. 64

**Amending the 2019 County Budget to Reappropriate Funds and Accepting Additional
2019 Funding for Veterans Peer Support (P2P) Program**

By Legislator: Carolyn D. Fitzpatrick

Whereas, Funds for the Veterans Peer Support (P2P) Program need to be reappropriated in the amount of \$152,500 to be used by the Mental Health Association and River Hospital for the period covering January 1, 2019 - June 30, 2019 and July 1, 2019- December 31, 2019, and

Whereas, Additional 2019 Office of Mental Health State Aid funding was received in the amount of \$92,500 for this program.

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

Increase:

01000000 30599 Appropriated Fund Balance \$152,500

Revenue
01431000 93490 State Aid Mental Health 92,500

Expenditures
01432000 04735 Veterans Peer Support 245,000

Seconded by Legislator: Allen T. Drake

Roll Call Vote

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

Absent: Adsit, Ferris, Montigelli

Resolution passed.

Resolution No. 65

Amending the 2019 County Budget to Reappropriate Federal Medicaid Administration Reimbursement for the Community Services Department

By Legislator: James A. Nabywaniec

Whereas, By Resolution No. 238 of 2018 this Board recognized Federal Medicaid Administration Reimbursement, (CFDA Number 93.778 formerly Federal Salary Sharing) from the Office of Mental Health, the Office of Alcoholism and Substance Abuse Services, and the Office for People with Developmental Disabilities, and

Whereas, The remaining balance of these funds needs to be reappropriated so it can be used for mental health purposes including administrative costs, clinic deficits and community based services in 2019.

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

Increase:

| | | |
|----------------|--------------------------------|----------|
| 01000000 30599 | Appropriated Fund Balance | \$75,000 |
| Expenditure | | |
| 01431000 04713 | Contracted Mental Health Admin | \$75,000 |

Seconded by Legislator: James A. Nabywaniec

Roll Call Vote

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

Absent: Adsit, Montigelli, Ferris

Resolution passed.

Resolution No. 66

**Amending the 2019 County Budget to Reappropriate DSRIP Funding
for Community Services Department**

By Legislator: Carolyn D. Fitzpatrick

Whereas, By Resolution No. 75 of 2016 Jefferson County entered into a contract with North Country Initiative for the Delivery System Reform Incentive Payment Program (DSRIP), and

Whereas, By Resolutions No. 84, 115 and 189 of 2017, and 104 of 2018 DSRIP funding for Community Services was received and allocated for training, and

Whereas, Unspent funds must be reappropriated and included in the 2019 Budget for Crisis Intervention Training.

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

Increase:

| | | |
|----------------|---------------------------|------------|
| 01000000 30599 | Appropriated Fund Balance | \$4,666.38 |
| Expenditure | | |
| 01431000 04613 | Training | \$4,666.38 |

Seconded by Legislator: Anthony J. Doldo

Roll Call Vote

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

Absent: Ferris, Adsit, Montigelli

Resolution passed.

Resolution No. 67

**Authorizing Funding in Connection with NYSDOH Local Health Department Performance
Incentive Initiative and Amending the 2019 County Budget in Relation Thereto**

By Legislator: Anthony J. Doldo

Whereas, The Jefferson County Public Health Service – Preventive Services unit has been recognized by the New York State Department of Health for Legionella Outbreak Response, and

Whereas, The Jefferson County Public Health Service is eligible to receive an incentive award for this achievement, and

Whereas, The clinic will use the funds accepted to support costs associated with Article 6 eligible services.

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

Increase:

| | | |
|----------------|-------------------------|---------|
| Revenue | | |
| 01405000 93401 | State Aid Public Health | \$2,600 |

| | | |
|----------------|-------------------|---------|
| Expenditure: | | |
| 01405100 04416 | Professional Fees | \$2,600 |

Seconded by Legislator: Carolyn D. Fitzpatrick

Roll Call Vote

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

Absent: Montigelli, Ferris, Adsit

Resolution passed.

Resolution No. 68

Authorizing the Commencement of Litigation by Jefferson County for the Purpose of Recovering Costs Associated With the Provision of Public Benefits and Services Associated with Opioid Abuse and Opioid Addicted Individuals.

By Legislator: Anthony J. Doldo

Whereas, Opioid abuse has become a local problem no less than it has on the state and nationwide scale, and

Whereas, Jefferson County and regional addiction treatment programs report significant increases in opioid addiction cases in recent years resulting from both prescription drug abuse as well as illicit substance abuse, and

Whereas, The impact on government functions and expenditures, direct and indirect, resulting from opioid abuse is almost incalculable, including burdens on the social services, addiction

services, mental health services, law enforcement, the courts, health care, and the penal system, and

Whereas, The Board of Legislators has a fiduciary duty to the taxpayers to attempt to recoup the above expenditures, if possible, through any reasonable means at its disposal. Multiple municipal entities in New York State and throughout the nation have commenced lawsuits against one or more manufactures of opioid prescription drugs seeking compensations on several theories of recovery, and

Whereas, Several suitably staffed and experienced law firms are currently representing other New York State Counties and are available to evaluate Jefferson County's potential damages and causes of action subject to review, approval, and retention by the County Attorney as outside counsel for the County.

Now, Therefore, Be It Resolved, That the Board of Legislators hereby authorizes the commencement of litigation for the purpose of recovering costs incurred by Jefferson County associated with the provision of benefits and services for opioid abuse or addiction and directs the County Attorney to retain counsel for said purpose.

Seconded by Legislator: Carolyn D. Fitzpatrick

As he explained last October, Legislator Maxon said he is philosophically against suing a drug manufacturer for someone misusing their product. He was surprised to see the resolution again as there has been no new information forwarded in the five months since this resolution was defeated, and he feels that many questions need to be answered before this decision can be made. He said good governing is deliberate, however discussions with other legislators time and again expressed that we need to file a lawsuit now to recoup costs and our questions will be answered later, and he did not agree with that. This is an individual lawsuit, not a class action so there is no deadline to file and he has grave concerns about the way the lawsuits have metastasized into suing pharmacies (Walmart, Costco, Walgreens, and Rite Aid in NY) and naming them as co-defendants. Following discussion on the resolution, he fully intends to move to postpone consideration on this matter in order to allow for an investigation. He drafted a resolution that was sent to legislators that would form a Special Committee (not an Ad Hoc Committee) so agendas will be publically posted, the public would be invited, it would take testimony from law firms, administrators of hospitals, pharmacies, pharmaceutical companies, etc., to let them lay out the case for or against a lawsuit in an impartial way so the members of the Board can be more fully appraised of the reasons for and against a lawsuit.

Legislator Drake advised that he was not present at the meeting in October but he would have voted for the lawsuit. If these businesses have not broken the law as far as false advertising or not disclosing how addictive it was, or offered excessive money to promote these drugs, then they have nothing to worry about with the lawsuit. He said his community is for this lawsuit as there have been good people who died, and some of them are living on pins and needles because they are trying to overcome addiction; he will be supporting this lawsuit on their behalf. He added that this is not about money, it is about righting a mistake so future generations don't go through this.

Legislator Peck said he has not been silent in the five months, he has always been open to communications regarding questions or concerns to continue the dialogue. The resolution was not outright defeated in October, it was because of a lack of majority due to absences, which allows it to be brought forward again. He also welcomed further discussion citing statistics related to opioid deaths, and noting that three executives from Purdue Pharma plead guilty and settled with the federal government in 2007. Because of that he felt the federal government will not be moving forward on the issue and it is up to the local governments and states to try to recoup costs associated with the day-to-day response/treatment/rehabilitation of the addicted individuals. He feels it was false advertising and corporations are not above moral and ethical behavior. We should allow our attorney to move forward to examine our cost/benefit and understand what our liabilities are and package that into the suit going forward. The resolution brings the lawfirm on board to analyze our benefit, then the Board can determine if there is enough benefit to file the lawsuit. Legislator Peck did not believe answers to questions would be forthcoming without having the law firm on board to do the necessary grunt work that our own staff can not do. He advised that there will be an attorney at the Health & Human Services Committee meeting later this month to answer questions, outside of the detailed cost information specifically for Jefferson County. He was still in favor of the resolution moving forward tonight and respectfully understood the desire for more information, and said he may not have reached out to certain Board members knowing what their philosophical views were and did not believe they would ever change.

Legislator Jareo stated that since someone is going to be giving us more information in a couple weeks he did not see the rush to move something forward without the necessary information that could sway people. Although philosophically he is opposed to a lot of this and it would be hard to sway him, information is power so why not wait until more information is available to vote on this.

Legislator McBride said as an engineer he is thinking this was a product that was brought to the medical market that had a need, and it was an FDA approved product that was found to be required for certain applications. He was worried that a lawsuit could potentially scare these companies into not wanting to do these innovations in the future in the event that potential problems such as this happen, they won't want to run such a risk. Because of that, he would be voting against the resolution.

Chairman Gray said that our participation, or lack thereof, in this lawsuit will not change the overall lawsuit moving forward so we are not making an impact one way or the other. The policy decision, in his opinion, is measuring the impact this has had on our community, measuring department by department and what taxpayers have had to pay in order to address this situation in our community. If there is a measurable impact and a reasonable case moving forward for us to recoup some of the taxpayer money it is in order.

Legislator Reed stated that this is an explosive, emotional topic that some have seen up close and personal, but discussion concerning waiting to vote on this does not mean there is no empathy for persons or their family. He disagrees with the mechanics of this, and he is someone that maybe could be swayed, but doesn't feel he has the information needed to move forward with a lawsuit which is a pretty serious step. He wanted to know what the parameters are, if there is a

possible attorney or firm that has been penciled in, and no one has been able to tell him that time is of the essence here. He is in favor of Legislator Maxon's idea moving forward or some type of compromise as that kind of a conversation never took place to his knowledge. He said we have heard about the passion, and no one is denying that, but he wanted to hear more about the legalities as this is litigation, and our lawsuit will not affect the drug companies at this point so what is the rush. We are now looking at getting information later this month and he feels we should have had parameters and information before hand, i.e. what kind of money are we talking, where is it going to go, etc.

Legislator Maxon asked if Jefferson County and the Town of Adams both sued the drug companies and won, what decision is a judge going to make for the conduit to distribute the funds - through the State, County, etc. , and he was not convinced that our need to participate has been proven. He still intends, when discussion is finished, to move to postpone consideration on this resolution to allow for an investigation and recommendation of a Special Committee, and will then introduce a resolution to create a Special Committee that will have three months to investigate. He recognized that waiving the Standing Rules to introduce a resolution takes ten votes, however the resolution itself only needs a simple majority. Also, this resolution requires a simple majority and if it does not pass it can't be introduced for another three months. He has been looking for a compromise, as members of the Board do not feel they have enough information but are being pressured to pass the bill so that we can see what is in it, and then if they don't like it we can "put the dragons back in pandora's box". He feels this is bad governing and bad practice; we should be deliberative and if three months is too long, change the period of time in the proposed resolution.

Legislator Maxon made a motion to postpone consideration of the resolution to allow for an investigation and recommendation of a Special Committee (Standing Rule 57), and Legislator Jareo seconded the motion. There was brief discussion concerning the time frame for postponing the vote on the resolution after which Legislator Maxon clarified that the Special Committee would be set up by a separate resolution (following a waiver of the Standing Rules) to report back to the full Board at the June Board of Legislators Session, as outlined in the resolution he emailed out this past weekend to legislators.

Legislator Peck stated that he respectfully understood the need for more information, but did not think it would require three months, as we have been talking about this since late summer 2018 already. He clarified that he does not want to delay this vote at all, as he believes there is a majority who would be in favor of the resolution. As it relates to time frame, Legislator Peck asked County Attorney Paulsen if a bankruptcy by a particular corporation would affect our claim. County Attorney Paulsen advised that if we had not filed a complaint before they file for bankruptcy, we would not be able to file a claim against them. What affect their filing bankruptcy after we file a complaint against them would have, he could not speak to and said that would be for the trial attorney to address; certainly if we hadn't commenced anything, that would be a lost opportunity.

Chairman Gray called the question and asked for a Roll Call Vote on Legislator Maxon's motion to postpone consideration.

Roll Call Vote

Ayes: McBride, Reed, Jareo, Maxon

Nays: Doldo, Cantwell, Drake, Fitzpatrick, Peck, Nabywaniec, Johnson, Gray

Absent: Ferris, Montigelli, Adsit

Motion defeated.

Legislator Maxon requested a Roll Call Vote on Resolution No. 68

Roll Call Vote

Ayes: Johnson, Doldo, Fitzpatrick, Peck, Drake, Cantwell, Nabywaniec, Gray

Nays: Jareo, Reed, McBride, Maxon

Absent: Ferris, Montigelli, Adsit

Resolution passed.

Legislator Doldo advised that this is an old problem as he had back surgery in the early 1990's and was prescribed opiates without any warning as to how addictive they were. He was not blaming the local doctors or pharmacists as he did not believe they had knowledge either, it was the manufacturer who failed to provide information so patients could make an informed choice. He was one of the lucky ones and was able to stop taking them without incident. Since that time he has been involved in the community concerning this issue, he has been to Pivot meetings and has learned a lot, also helped people out that were on opioids and it is a tough problem. He said it has cost our community and families thousands of dollars, and we all know people who have struggled with this. He said he does not blame anyone else but the manufacturers for not giving out proper information, as they only care about the almighty dollar. He said they do make good drugs, but they also have to be responsible and inform the public of the side effects of the drugs so people can make an informed choice.

There being no further business of the Board, on a motion by Legislator Cantwell, seconded by Legislator Nabywaniec and unanimously carried, the meeting was adjourned at 7:05 p.m.

Respectfully submitted,


Robert F. Hagemann, III
Clerk of the Board