

## **REGULAR SESSION**

**TUESDAY, MAY 7, 2019**

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

### **ROLL CALL OF MEMBERS**

All members present except Legislators Ferris and Adsit.

### **RECOGNITIONS AND PROCLAMATIONS**

Aidan Race, Adams informed the Board of the project he undertook to achieve the rank of Eagle Scout. His project encompassed extensive renovation to the Spring Street Little League Baseball Field. The project completely rebuilt the infield, installed a permanent backstop and benches, and was an \$18,000 project that was completed for \$2,000 with over \$15,000 in material donations, and 400 hours of volunteer time provided by him and other scouts. He said there is also room for further improvement at the field in the form of dug outs and more recreation areas. Chairman Gray commended Aidan for his significant contribution to the community.

Nathan Matteson, Adams also informed the Board of the project he undertook to achieve the rank of Eagle Scout. He worked with Region 6 of the NYS Office of Parks, Recreation and Historic Preservation (NYSPRHP) to design and build the Brian C. Thomas Memorial Pollinator Garden at Westcott's Beach State Park. It is a 1700 sq. ft. garden with over 2,000 native pollinator plants, benches and a pergola, and was completed with 497 volunteer hours provided by him, State Park staff, scouts and others. The cost of the project was \$21,000 and New York State provided all the funding. He said the garden creates a habitat and food source for birds, insects, amphibians and reptiles, but especially for pollinator species. The garden was dedicated to Brian C. Thomas who was a NYSPRHP employee, an assistant scoutmaster with Scout Troop 586 and helped Nate spearhead the project, but died suddenly during the project. Chairman Gray thanked Nate for his hard work and for making the community a better place to live with this project.

Chairman Gray deferred to Legislator Maxon who brought these two Scouts forward for recognition, and they presented certificates to Mr. Race and Mr. Matteson for their significant accomplishment in achieving the rank of Eagle Scout, and thanked them for their work and for their exemplary leadership.

Chairman Gray presented a Proclamation to Community Action Planning Council (CAPC) Executive Director Melinda Gault, Deputy Director Claudia Whitmire, and CAPC Board Members Rick Bearman and Nancy Brown, proclaiming May, 2019 as Community Action Month in Jefferson County. The Proclamation was in honor of the 55<sup>th</sup> Anniversary of community action in the United States which was implemented by President Lyndon B. Johnson in 1964, and in recognition of the hard work and dedication of CAPC in our community.

Chairman Gray presented a Proclamation to EMS Director Paul Barter proclaiming May 19-25, 2019 as EMS Week in Jefferson County with the theme EMS Strong is “Stronger Together” and encouraged everyone to observe the week and participate in programs, ceremonies, and activities.

## **PRIVILEGE OF THE FLOOR**

Doug Shelmidine, who farms in Southern Jefferson County with his brother and two sons; they milk about 1,000 cows and farm about 1800 acres addressed the Board on behalf of his son who is President of the Jefferson County Farm Bureau. He strongly encouraged the Board to support a resolution to oppose the proposed New York State Legislation that would, among other things, give farm workers the right to unionize, require overtime pay, and other restrictions. Dairy farmers don't set their own milk prices and can't raise prices just to recoup higher labor costs. They also face competition in the marketplace for other goods with competitors who have lower labor costs; for example minimum wage in PA is \$7.25, Ohio \$8.35 and New York \$11.10. According to the proposed legislation it would have raised their labor costs over 20% last year. Farmers depend on their workers, treat them well, and provide competitive wages and benefits, but may have to cut hours to keep expenses down. He urged legislators to support the resolution that will be brought forward in opposition to this proposed legislation.

County Clerk Gizelle Meeks addressed the Board with concerns about her office, and issues she felt were both unethical and unprofessional behavior over the last few years. With regard to the budget and budget process, she said in 2017 when asked by the County Administrator on behalf of the Board of Legislators she came up with additional revenue in the mortgage tax expense retention revenue line as it had not been increased since the 1980s. However, she did not agree with additional revenues for local mortgage tax that were placed in her budget after she submitted same to the Board because those additional revenues were suggested as a possibility, not a definite. When they never materialized it appeared that she was \$400,000 short over the past two years. She also did not agree with the fact that she has no control over the amount put into the health benefits line in her budget; that figure is entered by the Budget Officer and is never accurate, and the figure she would have used was correct. She felt these shortages made it look like she was negligent with regard to the expenses in her office.

County Clerk Meeks continued, for the past two years she has asked for two additional I.D. badge card readers; one at the front door of the DMV and one at her administrative office door. She further requested that a doorway be put in between her administrative office and her personal office. In both instances she included the expenses in her budget (\$3,500), but they were removed as she was told they were a Buildings & Grounds Department expense. She pointed out that if approved tonight, one resolution will save \$12,000 in her personal services line that could more than pay for those improvements. She felt the responsibility of approving her budget should lay with her and the Board of Legislators, not the County Administrator or the Superintendent of Buildings & Grounds. She said she has worked hard since she was elected in 2014 to increase revenues and decrease expenses for her office and did not feel she has made any requests that are frivolous or would not in some way benefit her staff or constituents. She

expressed frustration that there are constant roadblocks with simple requests and because of that she finds it hard to move forward. She assured the Board that she has always found funds within her budget to cover anything additional she requested, or was willing to give something else up in order to cover it. She asked for the Board's support with the two badge entries tonight, and her future endeavors and assured the Board that she has the best interest of Jefferson County and her constituents in mind when making decisions in her office.

A gentleman asked if he could ask the County Clerk a couple questions, Chairman Gray informed him that privilege of the floor it is not a question and answer period with Board members or others in the audience, but he was free to make any comments if he wished. The gentleman declined to make comments.

### **READING OF MINUTES OF LAST MEETING**

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

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

None.

### **REPORTS OF STANDING COMMITTEES**

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

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

The County Treasurer provided a report on Investments and Cash in Banks as of March 31, 2019.

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

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

#### **Resolution No. 82**

#### **Payment of Legislators' Expenses**

By Legislator: Daniel R. McBride

Whereas, This Committee to whom claims of the members of the Board were referred, has examined and audited such claims and finds the total to be \$ 143.84 we have allowed:

Legislator Expense: \$ 143.84

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

Seconded by Legislator: William W. Johnson

All members present voted aye.

### **Resolution No. 83**

**Authorizing the County of Jefferson to Accept Maintenance Jurisdiction Rights From the State of New York for the Portion of State Highway No. 1962 in the Town of Orleans, Jefferson County, As Shown on Attached Map 28.**

By Legislator: James A. Nabywaniec

Whereas, These land are owned in Fee by the County of Jefferson and will become part of the United States Land Port of Entry Boarder Crossing in Alexandria Bay, New York, and

Whereas, An Official Order has been prepared by the NYS Department of Transportation to discontinue and transfer maintenance jurisdiction to the County of Jefferson, and

Now, Therefore, Be It Resolved, That upon completion and acceptance of the Official Order, the County of Jefferson is hereby authorized to accept all responsibility and maintenance jurisdiction of this portion of State Highway 1962, and it is further

Resolved, That the Chairman of the Board of Legislators is hereby authorized and directed to enter into agreements or any other documents to carry out the intent of this Resolution.

Seconded by Legislator: Allen T. Drake

All members present voted aye.

\* Map included as an Addendum to minutes.

### **Resolution No. 84**

**Authorizing the Acceptance of an Offer to Sell Unused Highway Property in the Town of Orleans to the United States General Services Administration for Use in the Expansion Project of the Alexandria Bay Land Port of Entry.**

By Legislator: Carolyn D. Fitzpatrick

Whereas, Jefferson County owns approximately 2.3 acres of land associated with County Route

191 in the Town of Orleans immediately adjacent to the Alexandria Bay Land Port of Entry, and

Whereas, Said real property is not currently used for highway purposes and has been determined by the County Superintendent of Highways to be of no further use for highway purposes to the County, and

Whereas, The United States General Services Administration presented the County with an offer to purchase the property depicted on the attached Map 28 of the NYS Department of Transportation, in fee, for the sum of \$203,000.00, and

Whereas, The County commissioned an independent appraisal of the property and said appraisal confirmed that the offer of the General Services Administration represents fair and reasonable compensation for the purchase.

Now, Therefore, Be It Resolved, That the Board of Legislators determines that the property depicted in the attached survey map is abandoned pursuant to New York State County Highway Law § 118-a, and that said property be sold to the United States of America as a contiguous land owner on the terms set forth above, and it is further

Resolved, that the Chairman of the Board is hereby authorized and directed to execute the necessary agreements and other documents constituting the contract of sale and conveyance documents, subject to the review and approval of the County Attorney as to form and content.

Seconded by Legislator: Allen T. Drake

All members present voted aye.

\* Map included as an Addendum to minutes.

#### **Resolution No. 85**

#### **Authorizing an Agreement with the New York State Environmental Protection and Spill Compensation Fund Regarding Tax Map Parcel No. 7.09-1-60 in the Town of Alexandria.**

By Legislator: Daniel R. McBride

Whereas, Tax Map Parcel Number 7.09-1-60 in the Town of Alexandria (45492 NYS Route 12) is a former gasoline station with underground petroleum storage tanks that were recently removed by the NYS Department of Environmental Conservation, and

Whereas, There is a significant lien against the property as a result of the environmental cleanup costs incurred by NYS DEC, and

Whereas, In addition the property is significantly delinquent in the payment of real property taxes

and Jefferson County has commenced tax foreclosure proceedings to enforce the tax lien, and

Whereas, The County has negotiated with the NYS Environmental Protection and Spill Compensation Fund (hereinafter "Spill Fund") to obtain a release for itself and any future owner of the property holding said parties harmless from the cost of cleanup for the existing spill on the site, and

Whereas, The terms of the agreement with the Spill Fund require the County to pay to the Spill Fund upon sale of the premises 50% of the sale proceeds.

Now, Therefore, Be It Resolved, That the Board of Legislators hereby authorizes and directs the Chairman of the Board to execute an agreement with the Spill Fund as outlined above, subject to the review and approval of the County Attorney as to form and content.

Seconded by Legislator: Robert W. Cantwell, III

All members present voted aye, except Legislator Maxon who abstained.

#### **Resolution No. 86**

#### **Adjusting Positions in the County Clerk's Office and Amending the 2019 County Budget**

By Legislator: Carolyn D. Fitzpatrick

Whereas, The County Clerk has recommended position modifications to reflect operational changes and facilitate efficiency, and

Whereas, The office has experienced retirements in late 2018.

Now, Therefore, Be It Resolved, That the vacant Senior Clerk (1460 #10) Records Management unit position be downgraded and transferred to Clerk (1410 #29) County Clerk unit, and be it further

Resolved, That the two positions of Clerk (1410 #6 and #20) County Clerk unit be upgraded to Recording Clerk, and be it further

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

#### **Increase:**

01141000 01100	Personal Services	\$19,873
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#### **Decrease:**

01146000 01100	Personal Services	\$42,461
0100000 30599	Appropriated Fund Balance	22,588

and be it further

Resolved, That this resolution take effect May 12, 2019.

Seconded by Legislator: Allen T. Drake

Legislator Maxon asked for clarification as to what oversight Committee this came through, and whether we are doing everything the County Clerk requested in this resolution in terms of upgrading a position to Deputy Clerk.

Mr. Hagemann advised that the Finance & Rules Committee approved this resolution and the Deputy Clerk position is currently under further review with the Human Resources Department. It will potentially come back at budget time for some type of adjustment; whether it is that specific position or some other position remains to be seen.

Legislator Maxon said he spoke to the County Clerk about this and he feels that as a countywide elected official we should give her broad latitude with the way that she runs her operations. He understood that the Board has a fiduciary responsibility, but said she is a countywide elected official and when she makes a reasonable request of him he will support what she is asking. He gets that we have reviews and processes in place, but he would like to see the County Clerk get the things she asked for.

All members present voted aye except Legislators Maxon and Fitzpatrick who voted nay.

### **Resolution No. 87**

#### **Authorizing State Environmental Quality Review Act (SEQR) Determination in Relation to the Jefferson Community College Green Campus Entryway Project**

By Legislator: Robert W. Cantwell, III

Whereas, Jefferson Community College (“JCC”) has been awarded an \$880,000 Green Innovation Grant by the NYS Environmental Facilities Corporation with a required 10% local match, and

Whereas, The Green Campus Entryway Project (“Project”) will incorporate green infrastructure for re-construction of roadways, sidewalks, curbing, traffic control measures, parking areas, stormwater management facilities, interpretive signage, utility piping, public transportation accommodations, traversable curbing and landscaping for a total cost of \$1,377,000, and

Whereas, The Board of Legislators of the County of Jefferson, New York (the “County”) is owner of the Project site property, and County Highway Department is County’s representative

participating in project review, and

Whereas, JCC is undertaking the Project as authorized by JCC Resolution No. 137-19 of May 1, with capital chargebacks funding the local share of \$497,000, and

Whereas, The County desires to comply with the SEQR Act and the Regulations with respect to the Project pursuant to Article 8 of the Environmental Conservation Law, as amended, the State Environmental Quality Review Act (SEQR) and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, and

Whereas, The proposed Project represents the replacement, rehabilitation or reconstruction of a structure or facility in kind within the meaning of 6 NYCRR 617.5(c)(2) and includes the retrofit of an existing structure (roadway) and its appurtenant area to incorporate green infrastructure within the meaning of 6 NYCRR 617.5(c)(3).

Now, Therefore, Be, It Resolved, That the County hereby determines that the proposed Green Campus Entryway Project is a Type II Action under the State Environmental Quality Review Act and is therefor not subject to further State environmental review under 6 NYCRR 617.5.

Seconded by Legislator: James A. Nabywaniec

All members present voted aye.

#### **Resolution No. 88**

##### **Memorial for Ralph A. Green, Sr.**

By Legislator: William W. Johnson

Resolved, That a suitably inscribed memorial page be set apart in the 2019 Journal of Proceedings in memory of the late Ralph A. Green, Sr. who died March 11, 2019 in Watertown. Mr. Green served on the Board of Supervisors representing the Town of Watertown from 1992-1995.

Seconded by Legislator: Carolyn D. Fitzpatrick

All members present voted aye.

#### **Resolution No. 89**

##### **Authorizing the Recovery of a Workers' Compensation Law Lien by Participating in the Settlement of a Medical Malpractice Action.**

By Legislator: Carolyn D. Fitzpatrick



Whereas, The County of Jefferson is self insured for the provision of New York State required Workers' Compensation Law coverage for its employees, and

Whereas, The Workers' Compensation Claimant has pursued a medical malpractice action with his wife against certain defendants and through mediation received an offer to settle the action, subject to the consent of the County of Jefferson, and

Whereas, The County of Jefferson has expended \$1,450,432.00, in medical expenses since and including the date(s) of the alleged acts of malpractice; and therefore the County would have a lien to the extent of those medical expenses which would not have otherwise been incurred but for such acts of malpractice, less the County's fair share of the attorneys' fees and expenses incurred in reaching this settlement, less whatever share of the settlement is allocated to the spouse and less the County's fair share of attorneys' fees and expenses in obtaining this settlement, and

Whereas, The County would be entitled to a holiday or credit against future medical expenses incurred as a result of the alleged acts of malpractice against the Claimant's net recovery less the County's fair share of attorney's fees and expenses in obtaining this settlement, and

Whereas, Under the proposed settlement, the County of Jefferson would consent to the settlement under the conditions the County would receive a lump sum payment of \$1,000,000.00; there would be no claim against the settlement proceeds on the part of the spouse; the County would have a dollar for dollar offset against any indemnity benefits to which the Claimant might be otherwise entitled to under the underlying workers' compensation claim, but the County would waive its holiday against all continuing medical benefits to which the Claimant is entitled under the underlying workers' compensation claim.

Now, Therefore, Be It Resolved, That the County Attorney, or his designee, is hereby authorized and directed to enter into the consent to the settlement of the medical malpractice action with the necessary stipulations or orders in order to secure the recovery of \$1,000,000.00 subject to the terms and conditions outlined above.

Seconded by Legislator: Allen T. Drake

All members present voted aye.

### **Resolution No. 90**

**Authorizing the Implementation and Funding in the First Instance 100% of the Federal Aid and State "Marchiselli" Program Aid Eligible Costs of a Transportation Federal-Aid Project (County Route 87 (Sandy Creek Road) over Lindsey Creek) and Appropriating Funds Therefor**

By Legislator: Patrick R. Jareo

Whereas, A Project for County Route 87 (Sandy Creek Road) over Lindsey Creek, PIN 775385 (the "Project") is eligible for Funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

Whereas, The County of Jefferson desires to advance the Project by making a commitment of 100% of the federal and non-federal share of the cost of the Design and Right of Way Incidental Phases of the project.

Now, Therefore, Be It Resolved, That the Jefferson County Board of Legislators does hereby approve the Project, and be it further

Resolved, That the Jefferson County Board of Legislators hereby authorizes the Jefferson County Treasurer to pay in the first instance 100% of the federal and non-federal share of the cost of the Design and Right of Way Incidental Phases of the project or portions thereof, and be it further

Resolved, That the sum of \$162,000, which includes the Design and Right of Way Incidental Phases, or so much thereof as is necessary is hereby appropriated from Account 20511300 02846 in the 2019 County Budget, and made available to cover the cost of participation in the above phases of the Project, and be it further

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

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

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

Resolved, That this Resolution shall take effect immediately.

Seconded by Legislator: Jeremiah J. Maxon

All members present voted aye.

**Resolution No. 91**

**Authorizing the Implementation and Funding in the First Instance 100% of the State  
“Bridge NY” Program Aid Eligible Costs of a Transportation Project (County  
Route 189 over Clora Creek), Appropriating Funds Therefor and Amending the  
2019 County Budget and Capital Plan**

By Legislator: Robert W. Cantwell, III

Whereas, A Project for the County Route 189 over Clora Creek, PIN 775384.301 (the “Project”) is eligible for reimbursement of qualified costs from Bridge NY funding that calls for the apportionment of the costs of such program to be borne by Bridge NY funds, and

Whereas, The County of Jefferson desires to advance the Project by making a commitment of 100% of the cost of All Phases of the project.

Now, Therefore, Be It Resolved, That the Jefferson County Board of Legislators does hereby approve said project in the Capital Fund, and be it further

Resolved, That the Board of Legislators hereby authorizes the Jefferson County Treasurer to pay in the first instance 100% of the cost of All Phases of the project, and be it further

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

Resolved, That the sum of \$454,193, which includes All Phases of the project, or so much thereof as is necessary is hereby appropriated from Account 20511300 02872 in the 2019 County Budget, and made available to cover the cost of participation in the above phases of the Project, and be it further

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

Resolved, That the Board of Legislators hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and that the construction phase of the project shall be completed within thirty (30) months, and be if further

Resolved, That the Chairman of the Jefferson County Board of Legislators be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests with NYSDOT for State Aid and/or Bridge NY funding, subject to the approval of the County Attorney as to form and substance, on behalf of the County of Jefferson with NYSDOT in connection with the advancement or approval of the Project and providing for the administration

of the Project and the municipality's first instance funding of project costs, and be it further

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

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

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

**Increase:**

Expenditure		
20511300 02872	CR 189 over Clora Creek	\$ 454,193
Revenue		
20900600 93592	State Aid Bridges	\$ 454,193

and be it further

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

Seconded by Legislator: Robert D. Ferris

Roll Call Vote

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

Absent: Adsit, Ferris

Resolution passed.

**Resolution No. 92**

**Authorizing the Implementation and Funding in the First Instance 100% of the State "Bridge NY" Program Aid Eligible Costs of a Transportation Project (County Route 53 (Brown Road) over Philomel Creek Tributary), Appropriating Funds Therefor and Amending the 2019 County Budget and Capital Plan**

By Legislator: Patrick R. Jareo

Whereas, A Project for the County Route 53 (Brown Road) over Philomel Creek Tributary, PIN 775384.302 (the "Project") is eligible for reimbursement of qualified costs from Bridge NY funding that calls for the apportionment of the costs of such program to be borne by Bridge NY

funds, and

Whereas, The County of Jefferson desires to advance the Project by making a commitment of 100% of the cost of All Phases of the project.

Now, Therefore, Be It Resolved, That the Jefferson County Board of Legislators does hereby approve said project in the Capital Fund, and be it further

Resolved, That the Board of Legislators hereby authorizes the Jefferson County Treasurer to pay in the first instance 100% of the cost of All Phases of the project, and be it further

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

Resolved, That the sum of \$562,607, which includes All Phases of the project, or so much thereof as is necessary is hereby appropriated from Account 20511300 02873 in the 2019 County Budget, and made available to cover the cost of participation in the above phases of the Project, and be it further

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

Resolved, That the Board of Legislators hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and that the construction phase of the project shall be completed within thirty (30) months, and be if further

Resolved, That the Chairman of the Jefferson County Board of Legislators be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests with NYSDOT for State Aid and/or Bridge NY funding, subject to the approval of the County Attorney as to form and substance, on behalf of the County of Jefferson with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's funding of project costs, and be it further

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

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

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

**Increase:**

Expenditure  
20511300 02873      CR 53 over Philomel Creek Tributary      \$ 562,607

Revenue  
20900600 93592      State Aid Bridges      \$ 562,607

and be it further

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

Seconded by Legislator:    Jeremiah J. Maxon

Roll Call Vote

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

Absent:                Adsit, Ferris

Resolution passed.

### **Resolution No. 93**

#### **Authorizing Agreements in Relation to Juvenile Secure Detention and the Supervision & Treatment Services for Juveniles Program (STSJP)**

By Legislator:    Anthony J. Doldo

Whereas, New York State Office of Children and Family Services has awarded Jefferson County \$148,610 for the provision of services and programs as alternatives to detention through the Supervision and Treatment Services for Juveniles Program, and

Whereas, Available funding has been included in the 2019 County Budget and it is necessary to authorize agreements with the Jefferson County Children's Home for \$133,610 and the Resolution Center of Jefferson County and Lewis Counties for \$15,000, for the period October 1, 2018 through September 30, 2019, for the provision of STSJP services.

Now, Therefore, Be It Resolved, That Jefferson County hereby accept said grant award, and be it further

Resolved, That the Chairman of the Board of Legislators is hereby authorized and directed to execute any and all documents as may be required to fulfill the requirements of this grant award on behalf of Jefferson County, subject to the review of the County Attorney as to form and content.

Seconded by Legislator: Robert D. Ferris

All members present voted aye.

**Resolution No. 94**

**Recognizing NYS Division of Criminal Justice Services Program Grant and Amending the 2019 County Budget in Relation Thereto**

By Legislator: Jeremiah J. Maxon

Whereas, The Jefferson County Sheriff's Department has been awarded an NYS Division of Criminal Justice Services Program Grant in the amount of \$15,000, and

Whereas, Said grant will be used to purchase in-car computer equipment.

Now, Therefore, Be It Resolved, That Jefferson County hereby accepts said grant award, and be it further

Resolved, That the Chairman of the Board of Legislators is hereby authorized and directed to execute any and all documents as may be required to fulfill the requirements of this grant award on behalf of Jefferson County, and be it further

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

**Increase:**

Revenue		
01311000 93389	State Aid - Other Public Safety	\$ 15,000
Expenditure		
01311000 04111	Trackable Durable Expendables	\$ 15,000

Seconded by Legislator: Robert W. Cantwell, III

Roll Call Vote

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

Absent: Ferris, Adsit

Resolution passed.

**Resolution No. 95**

**Amending the 2019 County Budget to Recognize Insurance Recovery  
and Allocating Same in Sheriff's Department Budget**

By Legislator: Robert D. Ferris

Whereas, The Sheriff's Department has received an insurance settlement check in the amount of \$13,500 for damage to a patrol unit, and has requested that the settlement be used to supplement the automotive equipment expense line to pay for a replacement.

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

**Increase:**

Revenue			
01311000 92680	Insurance Recoveries		\$ 13,500
Expenditure			
01311000 02401	Automotive Equipment		\$ 13,500

Seconded by Legislator: Jeremiah J. Maxon

Roll Call Vote

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

Absent: Adsit, Ferris

Resolution passed.

**Resolution No. 96**

**Amending the 2019 County Budget in Relation to Law Enforcement**

By Legislator: Robert W. Cantwell, III

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 \$125,000 from New York State designated for purchase of an evidence van and associated equipment.



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

**Increase:**

Revenue		
01311000 93389	State Aid - Other Public Safety	\$ 125,000
Expenditure		
01311000 02401	Automotive Equipment	\$110,000
01311000 02100	Departmental Equipment	15,000

Seconded by Legislator: Jeremiah J. Maxon

Chairman Gray entertained a motion to amend the amounts in the resolution to **Automotive Equipment \$70,000 and Departmental Equipment \$55,000**. Such motion was made by Legislator Montigelli and seconded by Legislator Maxon. There was no discussion on the amendment and it was unanimously carried by the Board

Roll Call Vote on Resolution 96, as amended

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

Absent: Adsit, Ferris

Resolution passed.

**Resolution No. 97**

**Accepting Donation for Sheriff's Department and Amending  
the 2019 County Budget in Relation Thereto**

By Legislator: Anthony J. Doldo

Whereas, The Sheriff's Department has received a donation from the Northern New York Community Foundation, Inc., and

Whereas, The donation will be used for a yearly mock crash DWI scenario at Indian River Central School.

Now, Therefore, Be It Resolved, That this Board of Legislators does hereby gratefully accept said donation, and be it further

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

**Increase:**

Revenue:  
01311000 92705                      Gifts and Donations                      \$ 50

Expenditures:  
01311000 04415                      Advertising                      \$ 50

Seconded by Legislator:    Robert D. Ferris

Roll Call Vote

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

Absent:                      Adsit, Ferris

Resolution passed.

**Resolution No. 98**

**Authorizing Extension of Agreement with NYS Department of Agriculture  
and Markets for the Provision of Petroleum Product Quality Program Services**

By Legislator:    Robert D. Ferris

Whereas, Pursuant to Section 179 of the Agriculture and Markets Law, the State of New York has established a Petroleum Product Quality Program to guard against the sale of inferior petroleum products in New York State by insuring that petroleum products meet specified quality standards, and

Whereas, Under the program the NYS Department of Agriculture and Markets will reimburse a contracting county quarterly for actual costs and expenses incurred in collecting and inspecting petroleum product samples, and

Whereas, Jefferson County, through the Department of Consumer Affairs Bureau of Weights and Measures, has contracted with the State Department of Agriculture and Markets for the provision of petroleum product quality program services, and

Whereas, The NYS Department of Agriculture and Markets has notified the Director of Weights and Measures that an allotment of \$8,968 is available to reimburse Jefferson County annually for petroleum product collection and inspection during the period April 1, 2019 through March 31, 2024.

Now, Therefore, Be It Resolved, That the County of Jefferson Board of Legislators authorizes the

extension of a contract with the New York State Department of Agriculture and Markets for the provision of Petroleum Product Quality Program services for the contract period April 1, 2019 through March 31, 2024 in the aggregate amount of \$44,840, and be it further

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

Seconded by Legislator: Robert W. Cantwell, III

All members present voted aye.

### **Resolution No. 99**

#### **Amending the 2019 County Budget Relative to Weights and Measures Department**

By Legislator: Patrick R. Jareo

Whereas, Jefferson County Weights and Measures utilizes a field prover to test fuels such as distillates and gasoline, and

Whereas, The current equipment, which is 60 years old, is no longer able to be used in testing any flammable fuels.

Now, Therefore, Be It Resolved, That the Weights and Measures Department be authorized to purchase a new mobile 100 gallon prover system, and be it further

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

**Increase:**

01654000 02100	Departmental Equipment	\$ 35,000
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**Decrease:**

01199000 04963	Contingent Account	\$ 35,000
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Seconded by Legislator: Jeremiah J. Maxon

Roll Call Vote

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

Absent: Adsit, Ferris

Resolution passed.

**Resolution No. 100**

**Authorizing Agreement for Provision of Services to Elderly of Jefferson County**

By Legislator: James A. Nabywaniec

Whereas, The Jefferson County Office for the Aging works for the establishment and expansion of programs and services which assist older persons in the areas of their most urgent needs, and

Whereas, the Office for the Aging is eligible to receive State and Federal funds for the purpose of providing needed programs and services to elderly residents of Jefferson County, and

Whereas, the Office for the Aging and this Board of Legislators desire to contract for the provision of certain programs and services to the elderly.

Now, Therefore, Be It Resolved, That pursuant to Section 95-a of the General Municipal Law, Jefferson County enter into an agreement for the period of January 1, 2019 through December 31, 2020 with the below listed party for provision of such programs and services to elderly residents of Jefferson County and for such consideration as follows:

**Chronic Disease Self-Management Program**

**YMCA** for the provision of Evidence Based Chronic Disease Self-Management Program that has been approved by the New York State Office for the Aging for IIID funds at a rate of \$350 per participant, not to exceed \$9,500,

and be it further

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

Seconded by Legislator: Robert D. Ferris

All members present voted aye.

**Resolution No. 101**

**Amending the 2019 County Budget Relative to 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, 200 and 237 of 2018 DSRIP funding for Community Services was received and allocated for training, and

Whereas, A DSRIP Year 4 high performance incentive payment #1 has been received in the amount of \$264.20 and needs to be recognized and allocated for training.

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

**Increase:**

Revenue		
01431000 93488	State Aid Other Health	\$264.20
Expenditure		
01431000 04613	Training	\$264.20

Seconded by Legislator: Allen T. Drake

Roll Call Vote

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

Absent: Ferris, Adsit

Resolution passed.

**Resolution No. 102**

**Amending the 2019 County Budget to Allocate Additional State Aid for Community Services and Mental Health Programs and Authorizing Amended Agreements in Relation Thereto**

By Legislator: Robert D. Ferris

Whereas, The New York State Offices of Mental Health and of Alcoholism and Substance Abuse Services has approved additional State Aid for cost of living allowance as well as minimum wage increases, and

Whereas, The 2019 County Budget needs to be amended to reflect the additional funds.

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

**Increase:**

Revenue

01431000 93490	State Aid - Mental Health	\$21,805
01431000 93484	State Aid - Alcohol & Substance Abuse	19,763

Expenditure:

01432000 04702	Credo Foundation	\$19,763
01432000 04708	NRCIL FSS RIV	5
01432000 04714	NCTLS Reinvestment	2,386
01432000 04718	JRC Employment	534
01432000 04721	Mental Health Assn	2,968
01432000 04732	Children's Home - Jeff Co	15,912

and be it further

Resolved, that the Chairman of the Board is authorized to execute the necessary amended agreements related to this additional funding with the approval of the County Attorney as to form and content.

Seconded by Legislator: Carolyn D. Fitzpatrick

Roll Call Vote

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

Absent: Ferris, Adsit

Resolution passed.

**Resolution No. 103**

**Appointing Member to the Community Services Board**

By Legislator: Carolyn D. Fitzpatrick

Resolved, That pursuant to Section 41.11 of the Mental Hygiene Law the following individual is hereby appointed as a member of the Jefferson County Community Services Board and the designated sub-committee thereof for a term to expire as indicated below:

<u>Member</u>	<u>Sub-Committee</u>	<u>Term to Expire</u>
Jerian O'Dell	Alcohol & Substance Abuse	12/31/2021

Seconded by Legislator: Robert D. Ferris

All members present voted aye.

**Resolution No. 104**

**Authorizing Agreement for Public Health Service Participation in the  
Central New York Epidemiological Alliance**

By Legislator: James A. Nabywaniec

Whereas, The county health departments of Cayuga, Cortland, Jefferson, Lewis, Madison, Onondaga, Oswego, and Tompkins comprise the Central New York (CNY) Epidemiological Alliance founded in 2008, and

Whereas, The county health departments of the CNY Epidemiological Alliance have worked together as an alliance since August 2008 and all have responsibilities for public health emergency planning and response, and

Whereas, From time to time, some public health problems may require public health services that exceed the capacities of the individual county health departments, and

Whereas, This Board last authorized Jefferson County's participation by Resolution 285 of 2014 for the period of July 1, 2014 through June 30, 2019, and

Whereas, The county health departments of the CNY Epidemiological Alliance are desirous of establishing an intermunicipal agreement to continue to provide mutual aid to each other during a public health emergency for the period of July 1, 2019, through June 30, 2024.

Now, Therefore, Be It Resolved, That Jefferson County enter into an intermunicipal shared services agreement with Cayuga, Cortland, Lewis, Madison, Onondaga, Oswego, and Tompkins Counties for the provision of mutual aid public health preparedness and response services for the period July 1, 2019, through June 30, 2024, and be it further

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

Seconded by Legislator: Allen T. Drake

All members present voted aye.

**Resolution No. 105**

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

By Legislator: James A. Nabywaniec

Whereas, The Jefferson County Public Health Service has been reallocated \$88,073 for a 1 year term renewal from the Centers for Disease Control (CDC) and Health Research, Inc. (HRI) of the New York State Department of Health (NYSDOH) for the period 07/01/19-06/30/20 to improve its capacity to address Public Health Emergency Preparedness (PHEP) functions, and

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

Whereas, The PHEP Plan and other improvements will require use of existing personal services authorized in the 2019 budget, purchase of certain equipment and payment of operating expenses, all to be 100% funded by the grant.

Now, Therefore, Be It Resolved, That Jefferson County hereby again accepts such funding covering the period of July 01, 2019, through June 30, 2020, and authorizes the Chairman of the Board of Legislators to sign any and all documents necessary to accept such funding and to execute a renewal agreement with HRI/NYSDOH, subject to approval by the County Attorney as to form and content.

Seconded by Legislator: Robert D. Ferris

All members present voted aye.

Chairman Gray entertained a motion to waive the appropriate Standing Rules to permit the introduction of an additional resolution for consideration. Such motion was made by Legislator Peck seconded by Legislator Fitzpatrick and unanimously carried by the Board.

### **Resolution No. 106**

#### **Opposing New York State Senate Bill 2837/Assembly Bill 2750 of 2019**

By Legislator: John D. Peck

Whereas, Farming is a highly regulated industry which goes on twenty-four hours a day, every day of the year, and

Whereas, According to the USDA, 98% of New York State farms are family owned, and

Whereas, Jefferson County farmers provide valuable jobs and are a critical component of our County and the region's economy, and

Whereas, Farm labor is highly competitive, and Jefferson County's farmers are respectful and appreciative of their employees, and



Whereas, Senate Bill 2837 and Assembly Bill 2750 would, among other things, provide for collective bargaining rights of farm workers and require overtime pay, and

Whereas, According to Farm Credit East, the already established and rising minimum wage requirements combined with this new overtime initiative would raise labor costs on NY farms by nearly \$300 Million and reduce net farm income 23.4%, and

Whereas, Family farming is already on the decline, and placing further constraints is another disincentive to continue family farming operations, when the land farms sit on can be profitably sold and developed for non-agricultural uses, and

Whereas, New York's farm families, while local, must deal with competitive global agricultural markets and prices that cannot be passed on to consumers, and

Whereas, The net effect of increasing agricultural costs solely on New York farms will simply be to drive New York farm families out of business.

Now, Therefore, Be It Resolved, That this legislative body does oppose Senate Bill 2837/Assembly Bill 2750 and requests that Jefferson County's State Legislators take such steps as they can to defeat such legislation, and be it further

Resolved, That a copy of this resolution be sent to Senator Patty Ritchie, Assemblyman Ken Blankenbush, Assemblyman Mark Walczyk and Assemblyman Will Barclay.

Seconded by Legislator: Patrick R. Jareo

Legislator Peck appreciated the Chairman allowing this resolution to come before the Board tonight and said the legislation is attempting to put a very unique and specialized business lumped in with all other businesses like manufacturing and other service oriented industries. It is special and unique in the design, the lack of control they have, and the elements that they have to contend with daily (rain, snow, sun, diseases etc.) He said it is a shame that Albany persists in passing extreme, progressive legislation that is not in the best interests of all residents of the State. The last time this legislation was up the Chair of the Agriculture Committee, Senator Darrel Aubertine, held a number of forums all over the State to gather information and understanding of how it would affect Agriculture across the various spectrums. This time the legislation is being pushed by a Senator from New York City on the Labor Committee who did three round tables that were in Morrisville, Dutchess County and on Long Island. He said it is unfortunate that it is yet another issue that pits upstate against downstate, and that so much effort gets put into finding ways to create policy that divide the State more than it brings the State together. He urged legislators to support the resolution.

Legislator Montigelli reiterated the views of Legislator Peck and said he supports labor and the working man. In 1938 the federal Fair Labor Standards Act recognized that agriculture was not the same as manufacturing, they realized you could not treat farm workers the same as you treat factory workers. Food needs to be harvested when it is ripe, not on a 9 - 5 schedule. He said the proposed legislation is the result of downstate control of the New York State government. On the radio today he heard a downstate legislator say that round tables were held throughout the State and "they even

went to a Republican county”.

Legislator Maxon added that with government intervention in the workforce especially insofar as they try to legislate wages, there are so many examples of unintended consequences. He was afraid as the downstate overlords are dictating that farm workers have to be paid overtime, farmers are going to respond by cutting hours and by engaging in even more automation which will put some of these people completely out of the workforce. He said time and time again when we see a push for \$15.00 minimum wage or now mandated overtime pay for farm labor, there are people who are going to be priced out of the marketplace and they are going to go from being employed to being unemployed. It is unfortunate that a number of our family farms won't be able to absorb that cost to get into automation and will have to go out of business, which is the exact opposite of what they are trying to do here.

Legislator Jareo said that even locally there is a misconception that farm workers are paid poorly and that is not the case. As with any industry there is a broad range in how people are paid, but some of these jobs are very well paid.

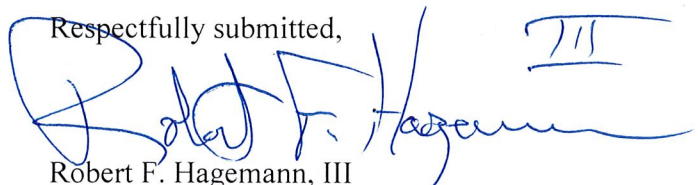
Legislator Fitzpatrick said there are many people downstate who think chocolate milk comes from brown cows, and they don't realize the work that goes into farming 24/7. She pointed out that many times the people who work on the farm also receive lodging and food from the farm as well. Downstate legislators can not appreciate the hard work it takes to preserve the family farm that has survived for generations, especially when they can just go to a corner store and buy whatever they need.

All members present voted aye.

Chairman Gray advised that a group of State and local officials met with the Governor today and toured the Lake Ontario shore in the County to assess issues going on with regard to the high water levels. He said it was a candid conversation about the water levels in the area, the potential dangers that we face if the water rises, and how a North wind can also contribute to the flooding. The Governor pledged assets available from the State in the form of sandbags, aqua dams (the National Guard will bring them, set them up, and take them down), pumps, etc. for now and for the future to help protect both public and private land; people just need to request it through the Emergency Management Office. The State is being proactive this time, instead of reactive like in 2017, and the Governor is set on not waiting until the crisis is here. Legislator Jareo requested that this information be disseminated down to the town and local levels as he was not certain they had received this word. Chairman Gray said he had been texting legislators who represent towns along the Lake throughout the tour, and counted on them getting the word out to local officials in their respective districts.

There being no further business of the Board, on a motion by Legislator Maxon seconded by Legislator Peck and unanimously carried, the meeting was adjourned at 7:02 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Robert F. Hagemann, III". To the right of the signature is a small rectangular stamp containing the number "111".

Robert F. Hagemann, III  
Clerk of the Board