

**REGULAR SESSION**

**TUESDAY, OCTOBER 1, 2019**

Chairman Gray called the meeting to order at 6:30 p.m.

**ROLL CALL OF MEMBERS**

All members present except Legislator Adsit.

**PRIVILEGE OF THE FLOOR**

No one present wished to address the Board.

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

The minutes of the September 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 August 31, 2019.

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

**LOCAL LAWS, RESOLUTIONS AND MOTIONS**

**Resolution No. 176**

**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 \$ 4,185.20 we have allowed:

Legislator Expense:                 \$ 4,185.20

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: Allen T. Drake

All members present voted aye.

**Resolution No. 177**

**Setting Time and Place for Public Hearing on Tentative Budget for Fiscal Year 2020**

By Legislator: Robert W. Cantwell, III

Resolved, That, Pursuant to Section 359 of County Law, a public hearing on the Tentative Budget for County fiscal year 2020 be held before this Board of Legislators at 6:00 p.m. on the 12<sup>th</sup> day of November, 2019 in the Chambers of the Board of Legislators, Historic Courthouse, 195 Arsenal Street, Watertown, NY, and be it further

Resolved, That notice of said public hearing be given in accordance with law.

Seconded by Legislator: William W. Johnson

All members present voted aye.

**Resolution No. 178**

**Authorizing the Acceptance of Offers to Purchase Real Property  
Acquired by Tax Foreclosure but Not Sold at Auction.**

By Legislator: Daniel R. McBride

Whereas, By Resolution No. 115 of 2001, this Board authorized the County Attorney and Tax Enforcement Officer to dispose of certain real property acquired by tax foreclosure when special conditions restrict the marketability of such parcels at auction, and

Whereas, The County Attorney has offered the following parcels for sale to the adjoining land owners by sealed bid, and

Whereas, the highest bidder has been determined by the County Attorney as follows:

<u>Town</u>	<u>Parcel</u>	<u>Buyer</u>	<u>Bid Price</u>
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Adams	100.17-1-36.21	Stephen R. Backus	\$1.00
Alexandria	8.18-1-25.2	Gene M. Brown	\$1.00
Alexandria	13.00-3-50	Michael Hazlewood	\$351.00
Antwerp	36.32-1-14	Edward and Susan Montgomery	\$400.00
Antwerp	36.33-2-7	George and Dianna Anderson	\$2,100.00
Clayton	20.38-1-22.1	H Enterprises, LLC	\$2,500.00

Now, Therefore Be It Resolved, That the offers to purchase real property at the sales price set forth herein above, plus the cost of recording the said conveyances, be and hereby are approved by the Board of Legislators, and the County Attorney is directed to prepare and execute a quit claim deed in favor of the above buyers to be executed by the Chairman of the Board on behalf of the Board of Legislators; 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.

**Resolution No. 179**

**Increasing District Attorney Petty Cash Fund and Amending the 2019 County Budget**

By Legislator: William W. Johnson

Whereas, Pursuant to Section 371 of County Law, and by Resolution No. 61 of 1969 and Resolution No. 168 of 1970 a petty cash fund was established in the District Attorney's Office in the amount of \$1,000 and increased to \$1,500, and

Whereas, General Municipal Law now requires that asset forfeiture funds be included in all County processes and budgetary accounts, necessitating recognition of them and establishing initial funding.

Now, Therefore, Be It Resolved, Pursuant to Section 371 of the County Law, the funding level of the District Attorney petty cash fund is hereby increased to \$10,000, and be it further

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

**Increase:**

Revenue		
01116500 92627	State Asset Forfeiture Funds	\$10,000

Expenditure  
01116900 04621      Evidence and Information      \$10,000

Seconded by Legislator: Daniel R. McBride

Roll Call Vote

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

Absent: Adsit

Resolution passed.

### **Resolution No. 180**

#### **Authorizing The Chief Elected Official Local Agreement Under the Workforce Innovation and Opportunity Act of 2014**

By Legislator: James A. Nabwyaniec

Whereas, The Workforce Innovation and Opportunity Act of 2014, Public Law 113-128 requires that Chief Elected Officials of Jefferson and Lewis County to enter into an agreement outlining the sharing of funds and the responsibilities of each County and said agreement be signed by the Chief Elected Officer of each County and approved by the County Boards.

Now, Therefore, Be it Resolved, That the Jefferson County enter into a Chief Elected Official Local Agreement with Lewis County for a term of July 1, 2019 through June 30, 2020 and be it further

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

Seconded by Legislator: Robert W. Cantwell, III

All members present voted aye.

### **Resolution No. 181**

#### **Commitment of Jefferson County to Issue Debt for a \$2,000,000 Bond for Jefferson Community College Turf Field**

By Legislator: James A. Nabywaniec

Whereas, Jefferson Community College desires to pursue funding for an Athletics Turf Field through a bond, which will be matched by the State of New York, and

Whereas, The College's Faculty/Student Association and the College Foundation have both committed to covering the costs of the debt service for the term of said bond, and

Whereas, The College proposes that the County issue a \$2,000,000 bond for a 15 year term, and

Whereas, Said bond would be matched by the State, resulting in a total of \$4,000,000 made available to the College for this project.

Now, Therefore, Be It Resolved, That the Jefferson County Board of Legislators hereby commits to issuing a 15 year bond for the purpose stated above for Jefferson Community College.

Seconded by Legislator: Robert W. Cantwell, III

All members present voted aye.

### **Resolution No. 182**

#### **Amending the 2019 County Budget to Recognize Insurance Recovery within the Road Machinery Fund**

By Legislator: Daniel R. McBride

Whereas, A fire at the Highway Facility damaged two dump trucks, and

Whereas, Insurance recovery has been received to make the repairs.

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

#### **Increase:**

Revenue		
10900400 92680	Insurance Recoveries	\$36,286.76

Expenditure		
10513000 043102	External Fleet Expense	\$36,286.76

Seconded by Legislator: Robert W. Cantwell, III

Roll Call Vote

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

Absent: Adsit

Resolution passed.

**Resolution No. 183**

**Authorizing Agreement and Amending the 2019 County Budget in Relation to the  
FY19 State Homeland Security Program (SHSP) Grant**

By Legislator: Robert D. Ferris

Whereas, The New York State Division of Homeland Security and Emergency Services has awarded Jefferson County \$97,471 from the FY19 State Homeland Security Program (SHSP)(CFDA 97.067) through funding from the Division of Homeland Security and Emergency Services (DHSES), and

Whereas, The County must enter into an agreement with the New York State Division of Homeland Security and Emergency Services to receive these grant funds which will be used to hire a consultant to develop a Continuity of Operations Plan, purchase interoperable communications equipment, cell phones and data service.

Now, Therefore Be It Resolved, That the County of Jefferson agrees to accept the \$97,471, and the Chairman of the Board of Legislators is hereby authorized and directed to execute said grant agreements on behalf of Jefferson County, subject to the review of the County Attorney as to form and content, and be it further

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

**Increase:**

Revenue		
01341000 943204	Federal Homeland Security - Fire/EMO	\$97,471
Expenditure		
01341400 02101	Computer Equipment	\$ 9,000
01341400 04111	Trackable Durable Expendables (Radios)	36,471
01341400 04115	Telephone	3,000
01341400 04119	Computer Software	9,000
01341400 04416	Professional Fees	40,000

Seconded by Legislator: Jeremiah J. Maxon

Roll Call Vote

Ayes: Reed, Johnson, Maxon, Fitzpatrick, Nabywaniec, Drake, Ferris, Montigelli,

Doldo, Peck, Jareo, Cantwell, McBride, Gray

Absent: Adsit

Resolution passed.

**Resolution No. 184**

**Amending the 2019 County Budget to Recognize Insurance Recovery within the Road Machinery Fund**

By Legislator: Robert W Cantwell, III

Whereas, A recent fire at the Highway Facility destroyed two dump trucks, and

Whereas, By Resolution 131 of 2019, this Board estimated insurance recovery and appropriated funds for the purchase of one replacement, and

Whereas, Insurance recovery has now been received and the remaining funds are needed for a second replacement, and

Whereas, The 2019 County Budget must be amended to allow for purchase.

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

**Increase:**

Revenue		
10900400 92680	Insurance Recoveries	\$211,900
Expenditure		
10513000 02404	Dump Truck Replacement	\$211,900

Seconded by Legislator: Anthony J. Doldo

Roll Call Vote

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

Absent: Adsit

Resolution passed.

**Resolution No. 185**

**Authorizing an Undertaking on File with the New York State  
Department of Transportation**

By Legislator: Patrick R. Jareo

Whereas, The County of Jefferson from time to time receives permits from the New York State Department of Transportation (DOT) to temporarily obstruct, install, construct, maintain, operate or replace any facilities within the bounds of a State right-of-way pursuant to the Highway Law, and

Whereas, DOT requires the County to file an undertaking to secure the faithful performance within the terms of any such permit and also to indemnify the State of New York and others with respect to all operations under such permits, and

Whereas, Pursuant to Resolution 144 of 2009, Jefferson County executed such undertaking for a twenty-year term.

Now, Therefore, Be It Resolved, That the Chairman of this Board of Legislators be and is hereby authorized and directed to execute said undertaking on behalf of the County, subject to the review of the County Attorney as to form and content..

Seconded by Legislator: Anthony J. Doldo

All members present voted aye.

**Resolution No. 186**

**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 \$143,610 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 \$10,000, for the period October 1, 2019 through September 30, 2020, for the provision of STSJP services.

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, subject to the review of the County Attorney as to form and content.

Seconded by Legislator: Jeremiah J. Maxon

All members present voted aye.

**Resolution No. 187**

**Recognizing NYS Governor's Traffic Safety Committee Police Traffic Services Program Grant and Amending the 2019 County Budget in Relation Thereto**

By Legislator: Robert W. Cantwell, III

Whereas, The Jefferson County Sheriff's Department has been awarded a NYS Governor's Traffic Safety Committee Police Traffic Services Program grant in the amount of \$5,000, and

Whereas, The goal of the grant is to increase seat belt usage and reduce dangerous driving behaviors in an effort to reduce serious injury and death from traffic accidents.

Now, Therefore, Be It Resolved, That the Jefferson County Board of Legislators hereby accepts said grant award for the project period October 1, 2019 through September 30, 2020, 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, subject to approval by the County Attorney as to form and content, and be it further

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

**Increase:**

Revenue:

01311000 94389	Federal Aid Other Public Safety	\$ 5,000
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Expenditure:

01311000 01300	Overtime	\$ 5,000
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Seconded by Legislator: Anthony J. Doldo

Legislator Jareo expressed his opposition to this resolution as he said the seat belt law, and enforcing it is the epitome of nanny state, it is a silly, overprotective, unconstitutional law and we don't need encouragement from Albany to enforce it.

Legislator Maxon said a law is just when it doesn't violate your natural rights and is equitably applied to all; as such the seatbelt law does not apply to certain groups of individuals (emergency vehicles), just like the cell phone law and speed limit law are not equitably applied to all. He is okay with police officers being exempt from these laws as he feels everyone should be exempt. Just because it is better for us to wear a seatbelt, doesn't mean there should be a law compelling us to do so, or that we should be ticketed if we do not; for these reasons he is not in favor of the resolution.

Roll Call Vote

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

Nays: Maxon, Jareo

Absent: Adsit

Resolution passed.

**Resolution No. 188**

**Appointing Member to the Office for the Aging Advisory Council**

By Legislator: James A. Nabywaniec

Resolved, That, pursuant to Title III of the Older Americans Act, as amended, the below listed individuals be and are hereby appointed as members of the Advisory Council of the Jefferson County Office for the Aging for three (3) year term to expire as follows:

<u>Member</u>	<u>Term Expires</u>
Pete Fazio	12/31/2022

Seconded by Legislator: Jeremiah J. Maxon

All members present voted aye.

**Resolution No. 189**

**Amending the 2019 County Budget Relative to Public Health Department Accounts**

By Legislator: Robert D. Ferris

Whereas, The following Public Health - Preventive Services operating account is projected to be overspent due to disease outbreaks and associated cost to purchase additional vaccines, and

Whereas, It is necessary to amend the 2019 County Budget to fund this account through year end.

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

**Increase:**

01405100 04430	Vaccines	\$30,000
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**Decrease:**

01405100 01100	Personal Services	\$30,000
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Seconded by Legislator: Allen T. Drake

All members present voted aye.

**Resolution No. 190**

**Amending the 2019 County Budget Relative to Public Health Department Accounts**

By Legislator: James A. Nabywaniec

Whereas, The following Public Health - Emergency Medical Services operating account is projected to be overspent due to an increase in EMS training classes and updated training materials and their cost, and to cover required costs for trainers for the additional classes, and

Whereas, It is necessary to amend the 2019 County Budget to fund this account through year end.

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

**Increase:**

01405700 04651	EMS Training	\$20,000
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**Decrease:**

01405700 01100	Personal Services	\$20,000
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Seconded by Legislator: Allen T. Drake

All members present voted aye.

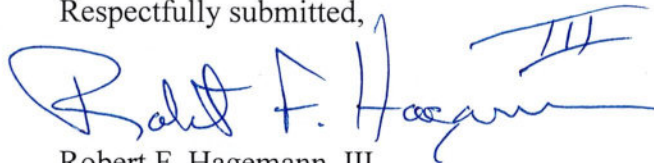
Legislator Maxon asked for an update on the status of the legal bill Elections Commissioner Jude Seymour submitted to the County Attorney for payment as he understands that neither Mr. Seymour nor his attorney has heard any communication back yet. County Attorney Paulsen said since Mr. Seymour has made threats of litigation, he will not be addressing the matter publically at this time. Legislator Maxon understood from a conversation with Chairman Gray that the Chairman instructed the County Attorney to pay the bill, and he felt paying the bill now versus paying the bill when it is larger because of a court proceeding would be advantageous. He said

the St. Lawrence County Election Commissioners sued each other in a similar disagreement about certifying people on the ballot, the case went to the Appellate Division and the County paid for both attorneys. He understood that it is up to the County Attorney under the defense and indemnification law to choose the attorney and set limits for the cost, and suggested negotiating with the attorney if it was felt that the bill was too high. Chairman Gray clarified that he said "it was a hill he would not die on", and it is up to the County Attorney to choose an attorney to defend an employee and in this case that did not happen, Mr. Seymour chose his own attorney disregarding the fact that the County intended to go into Supreme Court and ask for a declaratory judgement as there were two employees at an impasse. Legislator Maxon understood that when the County Attorney declared there was a conflict of interest for him to represent both Election Commissioners and decided to only defend one, Mr. Seymour tried to act according to the law, but was told by the County Attorney that he needed to find his own attorney. He again suggested that if the fee charged by the attorney was not palatable an attempt should be made to negotiate it down.

Legislator Peck reminded legislators of an Open House on Thursday, October 3, 2019 beginning at 12:30 for Soil & Water Conservation District's new offices on Route 12 in Burrville.

There being no further business of the Board, on a motion by Legislator Doldo seconded by Legislator Nabywaniec and unanimously carried, the meeting was adjourned at 6:50 p.m.

Respectfully submitted,



Robert F. Hagemann, III  
Clerk of the Board