

**MINUTES OF THE MEETING OF THE OSWEGO COUNTY
LEGISLATURE HELD OCTOBER 11, 2007.**

Chairman Johnson called the meeting to order at 2:00 p.m. Roll call was taken with all legislators present, except Leg. Malone who was excused, Leg. Osetek, and a Vacancy in District #1. The invocation was given by Ted Jerrett, Clerk of the Legislature, followed by the salute to flag.

MINUTES:

Hearing no objections and/or corrections to the minutes of September 13, 2007, the minutes were approved.

PRESENTATIONS OF PETITIONS, COMMUNICATIONS AND NOTICES: None.

PROCLAMATIONS AND COMMENDATIONS:

Chairman Johnson invited Dr. Daniel Larson, newly selected President of Cayuga Community College, and Dr. Kathleen McColgin, Provost of CCC's Fulton Campus to come forward. Dr. Larson gave a brief overview of the college noting that enrollment continues to exceed optimistic projections and is up another 7% this year. The largest area of growth is in part-time students. With the satellite school in Fulton outgrowing its present facility, its three options have become, stay in place and expand, stay in place and find additional space elsewhere, or find an entirely new location. He explained his view that the college plays and continues to have an important role in the areas of work force development and economic development and is looking forward to helping the legislators and their constituents to achieve their goals.

With the arrival of Hon. Norman W. Seiter, Jr., S.C.J., Leg. Brown moved to waive the rules to allow the legislature to consider the first resolution to fill a vacancy in the seat of Legislator District 1, seconded by Leg. Vasho. The motion passed with a show of hands.

Leg. Leemann offered Resolution No. 162, entitled, RESOLUTION APPOINTING AN INDIVIDUAL TO FILL A VACANCY IN THE OFFICE OF COUNTY LEGISLATOR IN AND FOR THE FIRST LEGISLATIVE DISTRICT (MARGARET KASTLER). After comments by several legislators, Leg. Leemann moved to call the question, seconded by Leg. Santore. Motion passed with a voice vote. A roll call vote called with the following results:

Resolution passed, with a roll call vote

YES: 20 NO: 1 ABSENT: 2 ABSTAIN: 1 VACANT: 1

YES: POTTER, DOYLE, LEEMANN, GEARSBECK, PROUD, BROWN, BEARDSLEY, SEAGER, NATOLI, OSPELT, GARDNER, BULLARD, SANTORE, PONZI, CHALIFOUX, BECKWITH, VASHO, FRENCH, BREWER, JOHNSON.

NO: KUNZWILER.

ABSENT: OSETEK, MALONE.

ABSTAIN: BRYANT.

VACANT: DISTRICT ONE.

Margaret A. Kastler, accompanied by her granddaughter, Christine, was sworn in by Honorable Norman W. Seiter, Jr., J.S.C. Leg. Kastler thanked the Legislature and offered a few comments.

Chairman Johnson invited Leg. Bullard and the members of the Public Safety Committee, along with Sheriff Todd, to the front to recognize Sharon Whipple's thirty-five years of service to the County. Sheriff Todd and Ms. Whipple offered a few comments.

With the members of the Public Safety Committee remaining up front, Chairman Johnson invited E-911 Director Mike Allen to come forward to be recognized for his twenty-five years of service to the County. Leg. Bullard and Mike Allen offered a few remarks. Mr. Allen thanked the Legislature and offered a special thanks to Leg. Ospelt who, years ago as Highway Superintendent, showed faith in him by giving him his first job with the County.

Chairman Johnson invited Leg. Chalifoux and members of the Economic Development Committee, along with 4-H Program Director Mary Matteson, and 4-H member Gabrielle Glenister. A proclamation was read announcing October as Oswego County 4-H Month. Gabrielle offered a few comments on what she has gained from her experiences in 4-H.

Chairman Johnson invited Soil and Water Conservation District Forester Joe Chairvolotti, Environmental Management Council President Dave Hertzler and EMC member Richard Drosse to the front. They gave a presentation on the "Largest Tree" Contest recently held in Oswego County. They cited that there were several trees worthy of mention and could be state contest contenders. They also noted the amazing connection that trees have to humans, often serving as "senior citizens" of their families and communities. A proclamation was read by Clerk of the Legislature Ted Jerrett.

PUBLIC SPEAKERS ON RESOLUTIONS OF THE DAY: None.

REPORTS OF COUNTY OFFICIALS: None.

REPORTS OF STANDING COMMITTEES:

Leg. Brown spoke regarding the Fall NYSAC Conference she recently attended along with Legs. Doyle and Potter. This year, the number one resolution addresses the need to remove the cost of education for handicapped pre-school children from county budgets.

REPORTS OF SPECIAL COMMITTEES: None.

RESOLUTIONS AND MOTIONS:

Leg. Bryant offered Resolution No. 163, entitled, RESOLUTION IN OPPOSITION OF REQUIREMENT THAT TOWN AND VILLAGE JUSTICES BE ATTORNEYS.

Resolution passed, with a voice vote
YES: 23 NO: 0 ABSENT: 2

Leg. Bryant offered Resolution No. 164, entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION - DISTRICT ATTORNEY'S OFFICE - NYS DIVISION OF CRIMINAL JUSTICE SERVICES GRANT. District Attorney Donald Dodd explained the grant received in the amount of \$11,025 will be used for personnel in his office.

Resolution passed, with a voice vote
YES: 23 NO: 0 ABSENT: 2

Leg. Ospelt offered Resolution No. 165, entitled, RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF DEEDS FOR PROPERTY SOLD BE THE OSWEGO COUNTY LEGISLATURE, TITLES TO WHICH WERE ACQUIRED BY THE TAX FORECLOSURES OF 2001, 2002, 2003, 2004, 2005.

Resolution passed, with a voice vote
YES: 23 NO: 0 ABSENT: 2

Leg. Ospelt offered Resolution No. 166, entitled, RESOLUTION ESTABLISHING THE 2007 COUNTY EQUALIZATION RATES FOR TOWNS AND CITIES WITHIN OSWEGO COUNTY.

Resolution passed, with a voice vote
YES: 23 NO: 0 ABSENT: 2

Leg. Ospelt offered Resolution No. 167, entitled, RESOLUTION AUTHORIZING EXPENDITURE FROM CAPITAL RESERVE NO. 145. This resolution transferred \$63,000 from Capital Reserve #145 - Technology to Capital Project #113 - Wireless Communication in order to implement Phase II of the Wireless Communication Project. (Fulton Area Wireless Project)

Resolution passed, with a voice vote
YES: 23 NO: 0 ABSENT: 2

Leg. Ospelt offered Resolution No. 168, entitled, RESOLUTION AWARDED PROFESSIONAL SERVICES CONTRACT - FULTON AREA WIRELESS PROJECT. This resolution awarded the professional contract to replace the wired T1 data circuits at the Fulton Branch Office Building and the Energy Recovery Facility to Big Wireless at a cost not to exceed \$63,000.

Resolution passed, with a voice vote
YES: 23 NO: 0 ABSENT: 2

Leg. French offered Resolution No. 169, entitled, RESOLUTION AWARDED PROFESSIONAL SERVICE CONTRACT "ARCHITECTURAL & ENGINEERING SERVICES" - DEPARTMENT OF SOLID WASTE. This resolution awards a professional service contract for architectural/engineering services in the sum of \$18,000 to Tom Arctander Architects A.I.A.P.C. of Fulton, NY.

Resolution passed, with a voice vote
Legs. French and Natoli abstaining
YES: 21 NO: 0 ABSENT: 2 ABSTAIN: 2

Leg. French offered Resolution No. 170, entitled, RESOLUTION FIXING TIME AND PLACE FOR PUBLIC HEARING RELATIVE TO PROPOSED COUNTY OF OSWEGO LOCAL LAW NO. 1 OF THE YEAR 2007, ENTITLED, "A LOCAL LAW AMENDING COUNTY OF OSWEGO LOCAL LAW NUMBER 3 OF THE YEAR 1990".

Resolution passed, with a voice vote
YES: 23 NO: 0 ABSENT: 2

Leg. Proud offered Resolution No. 171, entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION DEPARTMENT OF SOCIAL SERVICE HOME ENERGY ASSISTANCE PROGRAM (HEAP). This resolution authorized the department to accept an additional \$43,530 in federal HEAP dollars to support the HEAP early processing effort. These are 100% federal funds.

Resolution passed, with a voice vote
YES: 23 NO: 0 ABSENT: 2

Leg. Proud offered Resolution No. 172, entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION DEPARTMENT OF SOCIAL SERVICES - WHEELS FOR WORK PROGRAM. This resolution authorized the Department of Social Services to accept the addition allocation of \$38,937 in state funding to provide work support services to Temporary Assistance to Needy Family (TANF) eligible participants.

Resolution passed, with a voice vote
YES: 23 NO: 0 ABSENT: 2

Leg. Proud offered Resolution No. 173, entitled, RESOLUTION AWARDED PROFESSIONAL SERVICES CONTRACT "OSWEGO COUNTY HEALTH DEPARTMENT D & T COST REPORT". This resolution approved the contract with Jack Venesky CPA for professional accounting and auditing services for the Diagnostic and Treatment Center in the amount of \$7,500.

Resolution passed, with a voice vote
YES: 23 NO: 0 ABSENT: 2

Leg. Chalifoux offered Resolution No. 174, entitled, RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH THE CENTRAL NEW YORK REGIONAL PLANNING & DEVELOPMENT BOARD. This resolution authorized the County to enter into an agreement with the Central New York Regional Planning & Development Board (CNYRPDB) to gather and report data for the US Census Local Update of Census Addresses (LUCA) program to begin for 2010 census.

Resolution passed, with a voice vote
YES: 23 NO: 0 ABSENT: 2

Leg. Chalifoux offered Resolution No. 175, entitled, RESOLUTION AUTHORIZING THE DEPARTMENT OF COMMUNITY DEVELOPMENT, TOURISM AND PLANNING TO ENTER INTO A CONTRACT WITH THE OSWEGO HOUSING DEVELOPMENT COUNCIL, INC. This resolution authorizes the Oswego Housing Development Council to oversee specific Oswego County RESTORE projects. Leg. Brown noted that it has helped many people in need of emergency repairs.

Resolution passed, with a voice vote
YES: 23 NO: 0 ABSENT: 2

Leg. Chalifoux offered Resolution No. 176, entitled, RESOLUTION ACKNOWLEDGING CERTIFIED TRAINING ENTITIES FOR PLANNING PURPOSES UNDER NEW YORK STATE LAW. New York State now requires that planning and zoning board member complete four (4) hours of training each year. This resolution authorizes the Director of Community Development, Tourism and Planning to create and maintain a system of tracking the training of individuals and to provide such records to the appointing authorities prior to considering a member for reappointment.

Resolution passed, with a voice vote
YES: 23 NO: 0 ABSENT: 2

Leg. Chalifoux offered Resolution No. 177, entitled, RESOLUTION PROVIDING FOR TOURISM PROMOTION FOR THE COUNTY OF OSWEGO (MATCHING FUNDS). This resolution designated the Oswego County Department of Community Development, Tourism and Planning as the sole and only Tourism Promotion Agency for the County of Oswego and further authorized said agency to make application for participation in the State Tourism Matching Funds Program.

Resolution passed, with a voice vote
YES: 23 NO: 0 ABSENT: 2

Leg. Chalifoux offered Resolution No. 178, entitled, RESOLUTION AUTHORIZING PAYMENTS FROM ECONOMIC DEVELOPMENT INITIATIVE FUND. Leg. Brown asked if there was a time limit to apply for the rest of the funds. Administrator Church stated there will be two more opportunities.

Resolution passed, with a voice vote
Leg. Natoli abstained
YES: 22 NO: 0 ABSENT: 2 ABSTAIN: 1

Leg. Bullard offered Resolution No. 179, Entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION - SHERIFF'S DEPARTMENT OVERTIME PAYMENTS. Leg. Bullard noted that some people have left for other employment, leaving the department short staffed. Leg. Bryant added that there are others out on sick leave and vacation.

Resolution passed, with a voice vote
YES: 23 NO: 0 ABSENT: 2

Leg. Bullard offered Resolution No. 180, entitled, RESOLUTION AUTHORIZING EXPENDITURE FROM CAPITAL RESERVE NO. 146 - HIGHWAY & AUTOMOTIVE EQUIPMENT. This resolution authorized the Sheriff's Department to replace 12 cars at a cost of \$264,000. A roll call vote was requested.

Resolution passed, with a roll call vote
YES: 21 NO: 2 ABSENT: 2

YES: KASTLER, DOYLE, LEEMANN, BRYANT, PROUD, BROWN, BEARDSLEY, SEAGER, NATOLI, OSPELT, GARDNER, BULLARD, SANTORE, PONZI, KUNZWILER, CHALIFOUX, BECKWITH, VASHO, FRENCH, BREWER, JOHNSON.

NO: POTTER, GEARSBECK.

ABSENT: OSETEK, MALONE

Leg. Bullard offered Resolution No. 181, entitled, RESOLUTION AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE TO EXECUTE A PRELIMINARY PLANNING AGREEMENT IN CONNECTION WITH THE STATEWIDE WIRELESS NETWORK. This resolution approved the Preliminary Planning Agreement with the New York State Office for Technology and authorized the Chairman of the Legislature to execute same.

Resolution passed with a voice vote
YES: 23 NO: 0 ABSENT: 2

Leg. Bullard offered Resolution No. 182, entitled, RESOLUTION AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE TO EXECUTE A MEMORANDUM OF UNDERSTANDING FOR THE CREATION OF THE CENTRAL NEW YORK INTEROPERABLE COMMUNICATIONS CONSORTIUM. This resolution authorized the Chairman of the Legislature to execute the Memorandum of Understanding with the Central New York Interoperable Communications Consortium. This would enable the county to apply for state and federal funding to improve the communications between the counties of Onondaga, Madison, Cortland and Cayuga.

Resolution passed with a voice vote
YES: 23 NO: 0 ABSENT: 2

Leg. Leemann moved to waive the rules to consider two additional resolutions. First, a RESOLUTION AWARDED PROFESSIONAL SERVICES CONTRACT "INSURANCE BROKER OF RECORD" for Oswego County. Second, a RESOLUTION OPPOSING GOVERNOR'S PROPOSAL TO ALLOW ISSUANCE OF NEW YORK STATE DRIVERS' LICENSES TO ILLEGAL ALIENS; seconded by Leg. Doyle. A roll call vote was requested. Leg. Bryant asked for clarification on the motion. It was stated that the vote would be on waiving the rules to consider the two resolutions identified by Leg.

Leemann.

Motion to waive the rules failed, by a roll call vote, to gain the required 2/3 vote

YES: 16 NO: 7 ABSENT: 2

YES: KASTLER, POTTER, DOYLE, LEEMANN, GEARSBECK, PROUD, BROWN, BEARDSLEY, SEAGER, OSPELT, GARDNER, BULLARD, SANTORE, PONZI, BECKWITH, BREWER.

NO: BRYANT, NATOLI, KUNZWILER, CHALIFOUX, VASHO, FRENCH, JOHNSON.

ABSENT: OSETEK, MALONE.

Chairman Johnson stated that a special meeting would be necessary to consider the resolution awarding the professional services contract for the insurance broker of record. Leg. Bryant stated that the resolution was supported by committee. County Attorney Richard Mitchell stated that there would not be enough time to have the insurance in place if the legislature waited until the November meeting to consider this resolution. He recommended that the body consider holding a Special Meeting to award broker of record so that all coverage and policy lines can be renewed as soon as possible.

Leg. Leemann moved for a five minute recess, seconded by Leg. Santore. The motion was passed by a show of hands.

The legislature reconvened at 3:20 pm. Discussion returned to the consideration of waiving the rules and the proposed resolutions. After a lengthy discussion, a motion was made to adjourn the meeting by Leg. Kunzwiler, seconded by Leg. Gearsbeck. A roll call vote was requested.

Motion to adjourn the meeting failed, with a roll call vote

YES: 7 NO: 16 ABSENT: 2

YES: KASTLER, BRYANT, GEARSBECK, PONZI, KUNZWILER, VASHO, FRENCH.

NO: POTTER, DOYLE, LEEMANN, PROUD, BROWN, BEARDSLEY, SEAGER, NATOLI, OSPELT, GARDNER, BULLARD, SANTORE, CHALIFOUX, BECKWITH, BREWER, JOHNSON.

ABSENT: OSETEK, MALONE.

UNFINISHED BUSINESS/NEW BUSINESS/MISCELLANEOUS BUSINESS: None.

Leg. Bullard moved to adjourn the meeting, Leg. Kunzwiler seconded the motion. The motion passed with a show of hands. Leg. Bryant opposed. The meeting was adjourned at 3:25 p.m.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE LEGISLATURE REGARDING COUNTY ISSUES:

Elroy O. Edwards, Hannibal, NY, and his wife, expressed frustration over the lack of resolution in the investigation of their son's injuries at a day-care center.

Lyn Lawson of Martville, Cayuga County, spoke in support of more jobs in Oswego County.

Charles Parker, Mexico, speaking on behalf of Oswego County Federation of Sportsmen's Clubs in opposition to proposed DEC regulations banning the use of body gripping traps within 100 feet of recreation trails. He asked for the legislature's support in opposing this element of the new rule making. Leg. Brown suggested that Chairman Johnson draft a letter of support. Chm. Johnson referred the issue to the EDP Committee. There were no others wishing to speak.

