

**MINUTES OF THE MEETING OF THE
OSWEGO COUNTY LEGISLATURE HELD ON
DECEMBER 11, 2003**

Chairman Sorbello stated that the previous meeting needs to be adjourned before this meeting can be called to order. Motion to adjourn the previous meeting was made by Leg. Waters, seconded by Leg. Brown, with Leg. Malone abstaining. Motion carried.

Chairman Sorbello called the meeting to order at 2:10 p.m. Roll call was taken with all legislators present. Invocation was given by Chairman Sorbello, followed by a salute to the flag. The minutes of the October 9th and November 13th meetings were approved under motion by Leg. Waters, seconded by Leg. Boynton and carried unanimously. Leg. Malone pointed out that the November 13th minutes should reflect that he was excused for that day, not absent.

PUBLIC SPEAKERS

Lyn Lawson came forward and spoke regarding RESOLUTION AUTHORIZING CHAIRMAN AND CLERK TO HANDLE ALL UNFINISHED BUSINESS THROUGH DECEMBER 31, 2003. Mr. Lawson stated that any decisions made concerning the taxpayers' money and how it is spent should be the decision of the appropriate committees.

Ed Delaney, Mayor of Pulaski, came forward regarding the resolution concerning Sandy Island Beach. He stated that this is a winning situation, the beach house will be built and the State will take over the beach, which will be good for the County.

Margaret Kastler, Supervisor of Sandy Creek, and Shirley Rice, Chairman of the Sandy Creek Planning Board, came forward in support of the resolution concerning Sandy Island Beach and thanked Senator Wright, Chairman Sorbello, County Administrator Steve Lyman.

REPORTS OF TOWN AND COUNTY OFFICIALS

Chairman Sorbello stated that the rumors regarding his run for Clerk of the Legislature are false.

Leg. Rush announced that there will be two new businesses that will be located in the Nestles facility making chocolate, which will create approximately 500 jobs. There will also be a labeling company that will be going into the former Sunoco plant, and will be employing approximately 60 people.

Leg. Boynton thanked Leg. Rush and Mike Treadwell, Executive Director of Operation Oswego County, for the economic lift for the City of Fulton.

Mr. Treadwell offered a few remarks and gave an overview of the manufacturing businesses that will be located at Nestles and Sunoco plants and advised that some of the workers that were laid off from Nestles and Sunoco will be hired back.

PROCLAMATIONS, PRESENTATIONS, RECOGNITIONS AND ANNOUNCEMENTS

Leg. Rush along with Undersheriff Robert Lighthall the Public Safety Committee members, and Roy Lortie, Patrol Officer Lt. came forward to present Lieutenant Lortie with an award for 29 years of service.

Chairman Sorbello recognized Leg. Floyd Boynton for 18 years of service as a legislator having served as Vice Chairman and Chairman of the Legislature, member of the Rural Resources, Planning, Veterans, Buildings and Grounds, Public Safety, Board of Elections, Health (Chairman), Ways and Means (Chairman), Human Resources and Social Services Committees. Leg. Boynton offered a few remarks.

Chairman Sorbello recognized Leg. Don Wahrendorf for 16 years of service as a legislator having served on Personnel, Real Property, Veterans, Data Processing, Tourism, Planning, Public Safety, Emergency Management, Records, Social Services, Human Resources and Public Works. Leg. Wahrendorf offered a few remarks.

Chairman Sorbello recognized Leg. James McMahon for 14 years of service as a legislator having served as Minority Leader, and as a committee member on the Elections, Human Resources, Public Justice, Veterans, Rural Resources, County Clerk, Ways and Means, Buildings & Grounds, Health, Personnel, General Government, Social Services, Emergency Management, Public Safety and Records Committees.

Chairman Sorbello recognized Leg. Robert Simmons for 8 years of service as a legislator having served as Vice Chairman of the Legislature, and a member of the Personnel (Chairman), Public Safety, Health, Emergency Management, Human Resources, Public Works, and General Government Committees. Leg. Simmons offered a few remarks.

Chairman Sorbello recognized Leg. Wayne Lindsey for 6 years of service as a legislator having served as a member of the Economic Development and Planning, General Government, Public Works, Emergency Management, Human Resources, Personnel and Public Safety.

Chairman Sorbello recognized Leg. Carolyn Rush for 5 years of service as a legislator. Leg. Rush previously served as County Administrator and combined with her service as Legislator totals 25 years of service with the county. She has served as a member of General Government, Health, Personnel, Records, Human Resources, Public Safety (Chairwoman), Economic Development and Ways, Means and Budget Committees. Leg. Rush offered a few remarks.

Chairman Sorbello recognized Leg. David Rath for 2 years of service as a legislator. Leg. Rath served as a member of the Health, Public Safety, Economic Development and Planning, Social Services and Public Works Committees. Leg. Rath offered a few remarks.

Chairman Sorbello recognized Leg. Ron Darrow for 2 years of service as a legislator. Leg. Darrow served as a member of the Human Resources, Personnel, and Records (Chairman). Leg. Darrow offered a few remarks.

Leg. Proud came forward to recognize Chairman Morris Sorbello for 8 years of service as a legislator. Leg. Proud stated that Chairman Sorbello has worked 12 and 14-hour workdays as Chairman and his time as Chairman has been mostly involved in economic development. Leg. Proud spoke regarding Chairman Sorbello's accomplishments. Chairman Sorbello thanked everyone and offered a few remarks.

Leg. Simmons offered a report and recommendations on behalf of the Personnel Committee in regards to the Automobile Policy, which is attached to and made a part of these minutes.

RESOLUTIONS

Leg. Rush offered Resolution No. 153 entitled, RESOLUTION AUTHORIZING SUBMISSION OF APPLICATION TO THE NEW YORK STATE DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES FOR ALTERNATIVES TO INCARCERATION CLASSIFICATION FUNDING.

The Resolution Passed, by a Show of Hands
AYES: - 25 - NAYS: - 0 - ABSENT: - 0 -

Leg. Seager offered Resolution No. 154 entitled, RESOLUTION AUTHORIZING AWARD OF THE U.S. EPA BROWNFIELD ASSESSMENT PROJECT PROFESSIONAL SERVICES CONTRACT.

The Resolution Passed, by a Show of Hands
AYES: - 25 - NAYS: - 0 - ABSENT: - 0 -

Leg. Seager offered Resolution No. 155 entitled, RESOLUTION APPOINTING MEMBERS TO THE DISTRICT FOREST PRACTICE BOARD.

The Resolution Passed, by a Show of Hands,
with Leg. Waters abstaining
AYES: - 24 - NAYS: - 0 - ABSTAIN: -1- ABSENT: - 0 -

Leg. Seager offered Resolution No. 156 entitled, RESOLUTION PURSUANT TO SECTION 122 OF THE AGRICULTURE AND MARKETS LAW AUTHORIZING THE CHAIRMAN TO IMPOSE A DOG QUARANTINE IN THE COUNTY OF OSWEGO.

The Resolution Passed, by a Show of Hands
AYES: - 25 - NAYS: - 0 - ABSENT: - 0 -

Leg. Proud offered Resolution No. 157 entitled, RESOLUTION AUTHORIZING CHAIRMAN AND CLERK TO HANDLE ALL UNFINISHED BUSINESS THROUGH DECEMBER 31, 2003.

The Resolution Passed, by a Show of Hands
with Legs. Kunzwiler, Malone and Gearsbeck opposing
AYES: - 22 - NAYS: - 3 - ABSENT: - 0 -

Leg. Proud offered Resolution No. 158 entitled, RESOLUTION FIXING TIME AND PLACE FOR THE 2004 ORGANIZATION MEETING.

The Resolution Passed, by a Show of Hands
AYES: - 25 - NAYS: - 0 - ABSENT: - 0 -

Leg. Seager offered Resolution No. 159 entitled, RESOLUTION FIXING TIME AND PLACE FOR PUBLIC HEARING RELATIVE TO PROPOSED DESIGNATION OF AN ANNUAL 30-DAY PERIOD WITHIN WHICH A LAND OWNER MAY SUBMIT A REQUEST FOR INCLUSION OF VIABLE AGRICULTURAL LAND WITHIN AN EXISTING AGRICULTURAL DISTRICT.

The Resolution Passed, by a Show of Hands
AYES: - 25 - NAYS: - 0 - ABSENT: - 0 -

Leg. Darrow offered Resolution No. 160 entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION BOARD OF ELECTIONS' OFFICE.

The Resolution Passed, by a Show of Hands
Leg. McMahon was absent
AYES: - 24 - NAYS: - 0 - ABSENT: - 1 -

Leg. Boynton offered Resolution No. 161 entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION HEALTH DEPARTMENT

The Resolution Passed, by a Show of Hands
Leg. McMahon was absent
AYES: - 24 - NAYS: - 0 - ABSENT: - 1 -

Leg. Brewer offered Resolution No. 162 entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION DEPARTMENT OF PUBLIC WORKS

The Resolution Passed, by a Show of Hands
AYES: - 25 - NAYS: - 0 - ABSENT: - 0 -

Leg. Brewer offered Resolution No. 163 entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION DEPARTMENT OF PUBLIC WORKS

The Resolution Passed, by a Show of Hands
AYES: - 25 - NAYS: - 0 - ABSENT: - 0 -

Leg. Brewer offered Resolution No. 164 entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION DEPARTMENT OF PUBLIC WORKS

The Resolution Passed, by a Show of Hands
AYES: - 25 - NAYS: - 0 - ABSENT: - 0 -

Leg. Rush offered Resolution No. 165 entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION SHERIFF'S DEPARTMENT

The Resolution Passed, by a Show of Hands
AYES: - 25 - NAYS: - 0 - ABSENT: - 0 -

Leg. Rush offered Resolution No. 166 entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION SHERIFF'S DEPARTMENT. Leg. Rush explained that this resolution authorizes the transfer of \$53,000 from the Contingent Account into the Medical Supplies & Expenses Account. Leg. Rush explained that this will cover medical expenses related to inmates. State mandates have forced them to go to a different system of buying the medicine and also there are prisoners in the Correctional Facility that have costly medical prescriptions, which the county is obligated by law to handle. Leg. Ospelt inquired if there was any money in the Sheriff's Department budget. Leg. Rush responded negatively.

The Resolution Passed by a Show of Hands
with Legs. Waters, Ospelt, Leemann and Wahrendorf opposed
AYES: - 21 - NAYS: - 4 - ABSENT: - 0 -

Leg. Brown offered Resolution No. 167 entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION DEPARTMENT OF SOCIAL SERVICES.

The Resolution Passed, by a Show of Hands
with Leg. Waters abstaining
AYES: - 24 - NAYS: - 0 - ABSTAIN: -1- ABSENT: - 0 -

Leg. Brown offered Resolution No. 168 entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION DEPARTMENT OF SOCIAL SERVICES.

The Resolution Passed, by a Show of Hands
Leg. Malone was absent
AYES: - 24 - NAYS: - 0 - ABSENT: - 1 -

Leg. Brown offered Resolution No. 169 entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION DEPARTMENT OF SOCIAL SERVICES.

The Resolution Passed, by a Show of Hands
Leg. Malone was absent
AYES: - 24 - NAYS: - 0 - ABSENT: - 1 -

Leg. Johnson offered Resolution No. 170 entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION COUNTY TREASURER'S OFFICE. Leg. Johnson explained that this resolution authorizes the transfer of \$60,000 from Contingency for Community College tuition. He stated that they are projecting a \$60,000 shortfall by the end of the year. Leg. Johnson stated that he feels strongly that they need to lobby Albany in the future to try to have the one-third rule eliminated from the local governments. Leg. McMahon stated that this is not an unfunded mandate, this is an opportunity for a child to get an education by the State paying a third of the cost, the local government paying a third and the student paying one-third.

The Resolution Passed, by a Show of Hands
with Leg. Waters abstaining
AYES: - 24 - NAYS: - 0 - ABSTAIN: -1- ABSENT: - 0 -

Leg. Brewer offered Resolution No. 171 entitled, RESOLUTION FIXING TIME AND PLACE FOR PUBLIC HEARING RELATIVE TO PROPOSED LOCAL LAW NO. 7 OF 2003, ENTITLED "A LOCAL LAW AMENDING OSWEGO COUNTY SOLID WASTE LOCAL LAW". Leg. Brewer offered an amendment to the resolution to set the date of the public hearing for the 18th of December at 2:00 p.m. Leg. Boynton seconded the motion and carried unanimously.

The Resolution Passed, by a Show of Hands
AYES: - 25 - NAYS: - 0 - ABSENT: - 0 -

Leg. Seager offered Resolution No. 172 entitled, RESOLUTION ALLOCATING HOTEL OR MOTEL OCCUPANCY TAX REVENUES AND PROVIDING DISTRIBUTION OF OCCUPANCY TAX REVENUES FOR 2004. Leg. Seager explained that this resolution will apportion all of the bed tax money to the county. She stated that this amounts to approximately \$105,000. Leg. Ospelt stated that he supports the resolution but he is disappointed that the tax was not raised, which has been discussed in the past.

Leg. Malone inquired about the process. Chairman Sorbello explained that all of the money will be going back into the budget.

A roll call vote was taken on the resolution resulting in the following:

AYES: LEEMANN, DARROW, PROUD, BROWN, MCMAHON, SEAGER, RATH, OSPELT, RUSH, BULLARD, OSETEK, PONZI, WAHRENDORF, SIMMONS, BOYNTON, SORBELLO, BREWER, JOHNSON

NAYS: LINDSEY, ANSON, WATERS, GEARSBECK, SANTORE, KUNZWILER, MALONE

The Resolution Passed
AYES: - 18 - NAYS: - 7 - ABSENT: - 0 -

Leg. Seager offered Resolution No. 173 entitled RESOLUTION AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE TO ENTER INTO AGREEMENT IN RELATION TO THE SNOWMOBILE TRAIL DEVELOPMENT AND MAINTENANCE PROGRAM. Leg. Seager offered an amendment to the third WHEREAS paragraph, toward the end of the paragraph, after the first "and" to state "it is anticipated that Oswego County will be allocated money for such program." Leg. Seager stated that budget modification also needs to be amended to reflect \$59,000 acceptance and appropriation. This was seconded by Leg. Waters and carried unanimously.

The Resolution Passed, by a Show of Hands
AYES: - 25 - NAYS: - 0 - ABSENT: - 0 -

Leg. Anson offered Resolution No. 174 entitled RESOLUTION CONCERNING SANDY ISLAND BEACH. Leg. Malone inquired regarding the grant money. County Administrator Lyman explained that there is \$250,000 that was allocated, the rest of the money is State grants. Leg. Malone inquired if they can amend the resolution so that the utilities' money is spent, to not accept the grant money from the State and if there is enough room to build the bathhouse. Mr. Lyman explained that they expect some changes to the septic system plan, but basically the bathhouse is consistent with State Parks' guidelines.

The Resolution Passed, by a Show of Hands
with Legs. Waters, McMahon and Malone opposing
AYES: - 22 - NAYS: - 3 - ABSENT: - 0 -

Leg. Johnson offered Resolution No. 175 entitled, A RESOLUTION AUTHORIZING THE FINANCING OF CERTAIN COSTS OF THE "AMOUNT ELIGIBLE FOR AMORTIZATION" OF THE 2004-2005 FISCAL YEAR OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM FOR THE COUNTY OF OSWEGO, NEW YORK, AT AN AGGREGATE MAXIMUM ESTIMATED COST OF \$2,500,000.00, AND AUTHORIZING THE ISSUANCE OF \$2,500,000.00 BONDS OF SAID COUNTY TO PAY THE COST THEREOF. Leg. Malone inquired what happens in 2005. Mr. Lyman responded that it depends on the estimate from the NYS Retirement system, which will depend on the performance of retirement system funds. The second issue is if there are any changes in statutory regulation of the NYS Retirement system.

A roll call vote was taken on the resolution resulting in the following:

AYES: LINDSEY, ANSON, LEEMANN, DARROW, PROUD, BROWN, SEAGER, RATH, OSPILT, RUSH, BULLARD, OSETEK, SANTORE, PONZI, KUNZWILER, WAHRENDORF, SIMMONS, BOYNTON, SORBELLO, BREWER, JOHNSON

NAYS: WATERS, GEARSBECK, MCMAHON, MALONE

The Resolution Passed
AYES: - 21 - NAYS: - 4 - ABSENT: - 0 -

Leg. Johnson offered Resolution No. 176 entitled, RESOLUTION INCREASING EXISTING APPROPRIATIONS FOR VARIOUS FUNDS IN SEVERAL OFFICES AND DEPARTMENTS. Leg. Ospelt remarked that he would like to see the list of budget adjustments.

The Resolution Passed, by a Show of Hands
with Leg. Waters opposing
AYES: - 24 - NAYS: - 1 - ABSENT: - 0 -

Leg. Johnson offered Resolution No. 177 entitled, RESOLUTION APPROPRIATING FUNDS IN THE 2003 BUDGET IN REGARD TO FULL FUNDED GRANT PROJECTS.

The Resolution Passed, by a Show of Hands
AYES: - 25 - NAYS: - 0 - ABSENT: - 0 -

Leg. Johnson offered Resolution No. 178 entitled, RESOLUTION CONCERNING DELINEATION OF OSWEGO COUNTY MEDICAID LOCAL SHARE OF REAL PROPERTY TAX BILLS. Leg. Johnson explained that this resolution authorizes the inclusion of a line on the tax bills that will indicate how much money is going towards Medicaid.

The Resolution Passed, by a Show of Hands
with Legs. Waters, McMahon and Gearsbeck opposing
AYES: - 22 - NAYS: - 3 - ABSENT: - 0 -

Leg. Boynton offered Resolution No. 179 entitled, RESOLUTION REQUESTING THE STATE LEGISLATURE AMEND THE CLEAN INDOOR AIR ACT. Leg. Wahrendorf offered an amendment to include that this resolution be sent to the New York State Health Department. This was seconded by Leg. Osetek, with Leg. Brown opposing. Motion carried.

Leg. Rath expressed his concern over the repeal of this. Leg. McMahon concurred and stated that perhaps they should undo all the laws.

A roll call vote was taken resulting in the following:

AYES: LINDSEY, ANSON, WATERS, LEEMANN, DARROW, GEARSBECK, PROUD, SEAGER, OSPELT, RUSH, BULLARD, OSETEK, PONZI, KUNZWILER, WAHRENDORF, MALONE, BOYNTON, SORBELLO, BREWER, JOHNSON.

NAYS: BROWN, MCMAHON, RATH, OSETEK, SIMMONS

The Resolution Passed

AYES: - 20 - NAYS: - 5 - ABSENT: - 0 -

Leg. Darrow offered Resolution No. 180 entitled, RESOLUTION AUTHORIZING THE IMPLEMENTATION OF THE PROVISIONS OF SECTION 556 OF THE REAL PROPERTY TAX LAW, SUBDIVISIONS 8 & 9 RELATIVE TO THE REFUNDS OF FUNDS DUE TO TAX CORRECTIONS.

The Resolution Passed, by a Show of Hands

AYES: - 25 - NAYS: - 0 - ABSENT: - 0 -

Leg. Darrow offered Resolution No. 181 entitled, RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF DEEDS OF PROPERTY SOLD BY THE OSWEGO COUNTY LEGISLATURE, TITLES TO WHICH WERE ACQUIRED BY THE TAX FORECLOSURE OF 2001.

The Resolution Passed, by a Show of Hands

AYES: - 25 - NAYS: - 0 - ABSENT: - 0 -

Leg. Seager offered Resolution No. 182 entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION CLERK OF THE LEGISLATURE OFFICE.

The Resolution Passed, by a Show of Hands

AYES: - 25 - NAYS: - 0 - ABSENT: - 0 -

Leg. Proud offered a motion to waive the rules to consider additional legislation, which was seconded by Leg. Malone and carried unanimously.

Leg. Brewer offered Resolution No. 183 entitled, RESOLUTION CONCERNING ENCROACHMENT COUNTY ROUTE 89.

The Resolution Passed, by a Show of Hands

AYES: - 25 - NAYS: - 0 - ABSENT: - 0 -

There being no further business Leg. Proud offered a motion to recess the meeting and to reconvene at 6:30 p.m. at the County Courthouse. This was seconded by Leg. Waters and carried unanimously.

The meeting recessed at 4:00 p.m.