

**MINUTES OF THE MEETING OF THE PUBLIC HEARING OF THE
OSWEGO COUNTY LEGISLATURE HELD ON SEPTEMBER 15, 2005
REGARDING LOCAL LAW NUMBER 2 OF 2005, "A LOCAL LAW SUPERCEDING
COUNTY LAW § 215 REGARDING THE LEASING OF PROPERTY OWNED
BY THE COUNTY OF OSWEGO".**

Chairman Russ Johnson called the public hearing to order at 7:04 p.m. Richard Mitchell, County Attorney, read the public hearing notice. Chairman Johnson asked is there was anyone wishing to speak in regard to Local Law Number 2 of 2005. There being no speakers, Chairman Johnson declared the public hearing closed at 7:05 p.m.

**MINUTES OF THE MEETING OF THE OSWEGO COUNTY LEGISLATURE
HELD ON SEPTEMBER 15, 2005**

Chairman Johnson called the meeting to order at 7:05 p.m. Roll call was taken with all Legislators present, except Leg. Brown, who was excused because she was representing Oswego County at the NYSAC conference. The invocation was given by Clerk of the Legislature Ted Jerrett, followed by the salute to the flag. A moment of silence was observed in memory of 9/11/01, for our soldiers and their families and for the victims of Hurricane Katrina. Leg. Malone requested a moment of silence on behalf of Floyd Boynton and J.W. Pritchard, both of whom recently passed away.

Leg. Waters moved to accept the minutes of the meeting held on August 11, 2005, Leg. Ospelt seconded the motion. Hearing no objections, the minutes were approved.

PRESENTATIONS OF PETITIONS, COMMUNICATIONS AND NOTICES:

Ted Jerrett reminded the legislators about the meeting on September 21, 2005 and October 6, 2005 regarding the canal system. He stated that Leg. Seager could give additional information to anyone interested.

PROCLAMATIONS AND COMMENDATIONS:

Chairman Johnson invited Leg. Proud and Medical Records Clerk Diane Litchenson Kuzio to the front. Leg. Proud read a commendation for her 30 years of service to Oswego County. Commissioner Kathleen Smith offered a few comments.

Chairman Johnson invited Leg. Leemann, Leg. Beckwith, and SWCD Manager John DeHollander to the front to recognize District Forester Matt Polniaszek for his six years of service. Leg. Leemann read a statement of recognition. Leg. Beckwith offered a few comments. Mr. Polniaszek is leaving his position with the County to assume one with the Department of Homeland Security in the division of Customs and Borders Protection.

Chairman Johnson called Leg. Proud, members of the Health and Human Services Committee, Health Commissioner Kathleen Smith and Physical Therapy Aide Mary Trude to the front. Leg. Proud presented a plaque of recognition to Ms. Trude for 30 years of service. Commissioner Smith offered a few comments.

REPORTS OF THE TOWN AND COUNTY OFFICIALS: None

REPORTS FROM STANDING COMMITTEES: None

REPORTS FROM SPECIAL COMMITTEES:

Leg. Beardsley presented the Strategic Planning Task Force’s Final Report to the Legislature. He noted that this report is the result of many hours of research from many sources and is about change and looking to the future for Oswego County. He stressed the need to embrace the assets that this County has. Chairman Johnson thanked Legs. Proud, Gardner, Vasho, Osetek and Ospelt for the time they spent to make this report what it is. The membership of the Finance Sub-Committee is listed on a separate page on the second to the last page of the booklet. Chairman Johnson directed that this report be sent to Chairman Bryant of the Government Operations and Law Committee for review and preparation for discussion at the October session of the Legislature.

RESOLUTIONS:

Leg. Santore offered Resolution No. 115, entitled, RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF DEEDS FOR PROPERTY SOLD BY THE OSWEGO COUNTY LEGISLATURE, TITLES TO WHICH WERE ACQUIRED BY THE TAX FORECLOSURES OF 1999, 2000, 2001, 2002, and 2003. Leg. Santore stated that the owners of these parcels, or their designees, have paid the taxes on the properties and now the County should deed them back to those individuals.

Resolution passed, with a voice vote
YES: 24 NO: 0 ABSENT: 1

Leg. Bullard offered Resolution No. 116, entitled RESOLUTION AUTHORIZING BUDGETARY MODIFICATION – SHERIFF’S DEPARTMENT. This resolution adds \$50,000 to the overtime account for the Sheriff’s Department, Corrections, from the temporary and part-time account.

Resolution passed, with a voice vote
YES: 24 NO: 0 ABSENT: 1

Leg. Leemann offered Resolution No. 117, entitled RESOLUTION AUTHORIZING BUDGETARY MODIFICATION - PUBLIC WORKS. This resolution adjusts proper accounts for overtime wages and vacation buy back. Two positions were moved from Highway Division to the Airport Division at the beginning of the year, but the overtime and vacation buy back amounts were not done at that time.

Resolution passed, with a voice vote
YES: 24 NO: 0 ABSENT: 1

Leg. Leemann offered Resolution No. 118, entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION – PUBLIC WORKS. This resolution will transfer funds for the purchase of salt and sand for snow removal and ice control on the State roads through the end of 2005. The cost of salt has increased this year and the State will reimburse Oswego County for all increased costs when the material is used.

Resolution passed, with a voice vote
YES: 24 NO: 0 ABSENT: 1

Leg. Bryant offered Resolution No. 119, entitled, RESOLUTION ADOPTING LOCAL LAW NUMBER 2 OF 2005: A LOCAL LAW SUPERCEDING COUNTY LAW §215 REGARDING THE LEASING OF PROPERTY OWNED BY THE COUNTY OF OSWEGO. Leg. Waters

moved to amend the language in section 2B to include a two-thirds majority vote, seconded by Leg. Hoefler. The motion to amend failed, by a show of hands.

Leg. Anson moved to amend the resolution to require that the short-term/temporary leases be required to go before the full Legislature, rather than just the committee(s). Referring to Section 4, Leg. Anson moved to replace the word "county" with "Oswego County Legislature" to make it clear that the approval is coming from the legislature not just the county, seconded by Leg. Hoefler. Leg. Bryant asked whether the vote would be on the amendments separately or together. Leg. Anson requested that the amendments be voted on together.

Leg. Seager pointed out that the Youth Bureau uses this provision a lot for such organizations as the Boy Scouts and the Girl Scouts. If it became necessary to come before the full legislature for short-term use, (i.e. for the weekend), then we could be preventing some traditional useful opportunities. Leg. Anson concurred with Seager. He suggested a \$5,000 limit. Leg. Bullard requested to vote on the amendments separately. County Attorney Richard Mitchell presented a point of order citing an inconsistency in the policy if the amendments were approved. Leg. Anson rescinded the motion for the amendment and Leg. Hoefler rescinded his second.

Leg. Anson moved to amend the resolution, subdivision 1(A) as follows: short term, temporary leases can be done by a committee up to a contract of up to \$5,000, anything above \$5,000 comes before the full legislature. Leg. Bullard seconded the amendment. Leg. Ospelt asked if another public hearing would be necessary. County Attorney Richard Mitchell stated that minor changes can be made as long as the changes are not substantive and do not affect the overall intent of the law.

Leg. Malone moved to table the resolution, seconded by Leg. Hoefler. The motion to table failed.

Discussion resumed. Leg. Beardsley expressed concern with the dollar limit, since the short-term leases already have a 6-month window. Leg. Bryant concurred with Leg. Ospelt and suggested that there should be another public hearing. Leg. Proud expressed concern over making short-term leases too cumbersome. Leg. Anson offered that leases should be decided by the full legislature. Leg. Santore expressed his support for the resolution because it improves control over leases through a standardized process. Leg. Hoefler stated that he did not want to be a micromanager; but this will give the legislature some control over leasing. Leg. Brewer expressed confidence that any future lease of major significance would come before the full legislature. Leg. Leemann moved the question, seconded by Leg. Bullard. The motion passed by a show of hands with Leg. Proud in opposition. A roll call vote was taken on the amendment.

YES: ANSON, WATERS, GEARSBECK, SEAGER, RUSAW, GARDNER, BULLARD, PONZI, KUNZWILER, HOEFER, MALONE, BECKWITH.

NO: THOMAS, LEEMANN, BRYANT, PROUD, BEARDSLEY, OSPELT, OSETEK, SANTORE, VASHO, FRENCH, BREWER, JOHNSON.

ABSENT: BROWN

The amendment failed for lack of a majority.

Leg. Anson asked the County Attorney to explain section 4 again. Richard Mitchell explained that, in short, whichever body considering the lease would have the waiver provision and could only be waived if the lease was with a federal, state, city or other municipal entity or is enumerated in that paragraph. Leg. Anson moved for an amendment under section four as

follows: replace the word "County" with "Oswego County Legislature". Leg. Proud seconded the amendment. A roll call vote on the amendment was taken with the following results:

YES: ANSON, WATERS, BRYANT, GEARSBECK, PROUD, OSPELT, GARNDER, OSETEK, SANTORE, PONZI, KUNZWILER, HOEFER, MALONE, BECKWITH, VASHO, FRENCH, BREWER.

NO: THOMAS, LEEMANN, BEARDSLEY, SEAGER, RUSAW, BULLARD, JOHNSON

ABSENT: BROWN

The second amendment on the Resolution passed, with a roll call vote
YES: 17 NO: 7 ABSENT: 1

Chairman Johnson asked if there was any further discussion on this resolution; hearing none, a roll call vote on the resolution, as amended, was taken with the following results:

YES: THOMAS, LEEMANN, BRYANT, PROUD, BEARDSLEY, SEAGER, OSPELT, GARDNER, BULLARD, OSETEK, SANTORE, PONZI, KUNZWILER, HOEFER, MALONE, BECKWITH, VASHO, FRENCH, BREWER, JOHNSON.

NO: ANSON, WATERS, GEARSBECK, RUSAW.

ABSENT: BROWN

The Resolution passed, as amended, with a roll call vote
YES: 20 NO: 4 ABSENT: 1

Leg. Leemann offered Resolution No. 120, entitled, RESOLUTION INCREASING AUTHORIZATION LEVEL FOR CAPITAL PROJECT 107 Highway Equipment. The Capital Project 107, with an authorization level of \$400,000, was established for the purpose of the acquisition of a fuel truck and two trucks with plow sets. This is approximately \$10,000 short of what is needed to equip both trucks with plow sets. This amount comes from the balance of funding in Capital Project 50, which was created in the 1980's and is no longer active. Leg. Seager moved to have the words added after "...is increased..." in the first Resolved to include the words "...and Capital Project 50 is decreased...", to make it clear where the money is coming from. Leg. Waters seconded. The amendment passed with a voice vote, Leg. Gearsbeck opposing.

Leg. Anson questioned whether it was appropriate to transfer the \$10,000 from an initiative fund to the highway fund. Steve Lyman explained that the Capital Project 50 was established in the 1980's. A few months ago, approval was granted to move monies from that account in order to use it to recapitalize a revolving loan fund and this was the balance. Leg. Seager concurred with Leg. Anson's concern.

Resolution passed, as amended, with a voice vote
YES: 24 NO: 0 ABSENT: 1

Leg. Ospelt offered Resolution No. 121, entitled, RESOLUTION AUTHORIZING PAYMENT FROM ECONOMIC DEVELOPMENT INITIATIVE FUNDS.

The request is for \$30,000 for Administrative matching funds for the Fulton and Oswego EDZ's.

Resolution passed, with a voice vote

Leg. Waters opposing

YES: 23 NO: 1 ABSENT: 1

Leg. Leemann offered Resolution No. 122, entitled, RESOLUTION ACCEPTING A GRANT FOR SAFETY AND HEALTH TRAINING AT THE ERF. The Energy Recovery Facility has received a grant offer in the amount of \$15,070 for the purpose of safety and health training.

Resolution passed, with a voice vote

YES: 24 NO: 0 ABSENT: 1

Leg. Leemann offered Resolution No. 123, entitled, RESOLUTION AMENDING EXISTING 2004/2005 SNOW AND ICE MUNICIPAL CONTRACT. Leg. Leemann moved to amend the resolution as follows: on the third whereas, a comma is needed in the number \$2,135,141.52 and a number "3" needs to be deleted in the amount \$1,835,065.00 in the same paragraph. Leg. Waters seconded the motion. The amendment passed by a voice vote.

Resolution passed as amended, with a voice vote

YES: 24 NO: 0 ABSENT: 1

Leg. Bullard offered Resolution No. 124, entitled, RESOLUTION APPOINTING DIRECTOR OF 911 COMMUNICATION SYSTEM. This resolution recommends that Michael Allen be appointed to the position of Director of E-911 on a permanent basis. Leg. Seager stated that she would be abstaining from this vote due to a possible conflict.

Resolution passed, with a voice vote

Leg. Seager abstaining

YES: 23 NO: 0 ABSENT: 1 ABSTAIN: 1

Leg. Santore offered Resolution No. 125, entitled, RESOLUTION AUTHORIZING SALE OF SEVERAL PARCELS OF SURPLUS PROPERTY OF THE COUNTY OF OSWEGO PURSUANT TO COUNTY LAW § 215. This resolution will allow nine parcels, identified by an ad-hoc committee, to be sold and placed back on the tax rolls. Chairman Johnson thanked Director Hastings and Legislators Anson, Ponzi, Rusaw and Thomas for putting this together. County Attorney Richard Mitchell stated that the Superintendent of Building and Grounds requested that the legislature reserve a certain portion of the listed Mexico property for future access to the parking lot, not to exceed 25 or 30 feet, with the approval of this body. Leg. Beckwith moved to reserve a 30-foot right-of-way, seconded by Leg. Santore. Leg. Rusaw asked about the location of the proposed ROW. Mr. Mitchell responded that it has not yet been surveyed, and that it would be 30 feet off of the approximate 133 feet length. Leg. Rusaw asked if the proposal would violate minimum lot size regulations. Mr. Mitchell stated that he did not believe it would. Leg. Proud stated that his one reservation was that the 30 feet included a drainage ditch, which is already there. Leg. Bryant requested clarification of what footage the legislature would be retaining. After a brief discussion, Leg. Waters moved to delete the Mexico property from the annexed list of properties and bring it back after it was surveyed. Motion failed for lack of a second. Leg. Beckwith withdrew his motion to amend this resolution and Leg.

Santore withdrew his second. Mr. Mitchell stated that the intent of the amendment and bringing this to the attention to this body is the fact that the dimensions listed may not be the same when he approves title to the property. There being no further discussion, the original resolution was voted on.

Resolution passed, with a voice vote

YES: 24 NO: 0 ABSENT: 1

Leg. Osetek offered Resolution No. 126, entitled, RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT WITH THE SHERIFF'S SILVER STAR ASSOCIATION. This is a five-year tentative agreement. Leg. Seager asked Maureen Sullivan, Director of Personnel, to clarify Number 9 of the agreement. Ms. Sullivan stated that currently pay in lieu of vacation time had to be in a 5 day block. The modification referred to in number 9 will no longer make it necessary for the pay in lieu of vacation to be in a 5 day block. Leg. Hoefler opined that the net result of this agreement will be a 12% increase in this bargaining unit's compensation across the board, with the highest paid receiving the highest increase and the lowest paid employees at a greater risk of a lay off..

Resolution passed, with a voice vote,
Legs. Hoefler and Gearsbeck opposing.

YES: 22 NO: 2 ABSENT: 1

In recognition of the appointment of Mike Allen as the new Director of E-911, Chairman Johnson asked Mike Allen and his family members present to come forward. Mr. Allen introduced his mother and youngest son and thanked the Legislature for its support.

UNFINISHED BUSINESS:

Leg. Waters moved to suspend the rules to consider an additional item. This was seconded by Leg. Leemann. Leg. Leemann asked the Chairman, as a representative of this legislature, to write a letter to Interface Solutions in hopes of getting management and labor back to the negotiation table. Leg. Kunzwiler stressed the importance of the current situation being resolved. Leg. Seager cautioned that the letter should be directed to both parties, not interfering in their negotiations but simply encouraging a resolution of differences. Chairman Johnson said that he would gladly draft a letter to those involved. However, Chairman Johnson did not feel that a resolution was required to do this.

NEW BUSINESS/MISCELLANEOUS BUSINESS:

There being no further business the meeting adjourned at 8:26 p.m. under a motion by Leg. Anson; seconded by Leg. Kunzwiler. All in favor.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE LEGISLATURE:

There were no others wishing to speak.