

**MINUTES OF THE MEETING OF THE  
OSWEGO COUNTY LEGISLATURE HELD ON  
OCTOBER 13, 2005**

Chairman Russ Johnson called the meeting to order at 2:05 p.m. Roll call was taken with all legislators present. Invocation was given by Ted Jerrett, Clerk of the Legislature, followed by the salute to the flag. The minutes of September 15, 2005 were accepted without change.

**PUBLIC SPEAKERS:**

Lyn Lawson spoke on the sales tax resolution, urging that property taxes not be increased, too.

**PRESENTATIONS OF PETITIONS, COMMUNICATIONS, AND NOTICES:** None

**PROCLAMATIONS AND COMMENDATIONS:**

Chairman Johnson invited Leg. Proud and members of the Health and Human Services Committee, along with DSS Commissioner Frances Lanigan, to come forward to recognize Caseworker Marilyn Nye for 25 years of service. Commissioner Lanigan offered a few comments.

Chairman Johnson invited Leg. Tom Bullard and members of the Public Safety and Emergency Services Committee forward, along with Probation Director Barbara Schuler, to recognize Probation Assistant Susan Potter for 27 years of service. Director Schuler offered a few comments.

Chairman Johnson invited the County Fire Coordinator John Hinds and several volunteer firemen from Mexico and Volney to come forward to recognize the Mexico and Volney Volunteer Fire Departments for their courage in two deadly fires late in 2004. Mr. Hinds offered a few comments.

Chairman Johnson invited Leg. Ospelt and members of the Economic Development and Planning Committee forward, as well as Cooperative Extension Executive Director Paul Forestiere and 4-H Team Coordinator Linda Roll. A proclamation declaring October as 4-H Month was read. Linda Roll offered a few comments regarding 4-H in Oswego County. "Rabbit King and Queen" Jason and Jennifer Burr offered a few comments regarding their involvement in 4-H. Mr. Forestiere gave a brief overview of the Cooperative Extension's Annual Report.

**REPORTS OF TOWN AND COUNTY OFFICIALS:**

Leg. Brown reported on her attendance at the September 14-16<sup>th</sup> NYSAC conference held in Rochester, New York. She noted that she was one of the few people who had all their credentials in order due to the preparation by the Clerk of the Legislature. She attended the meetings on Medicaid cap, wind power and other various business meetings. She brought home some packages and was asked to speak on the MILC bill that is expiring. Dairy farmers are finding it increasingly difficult to continue in the face of dramatically increasing costs of production and the low, government-controlled prices they receive for milk.

**REPORTS FROM STANDING COMMITTEES/SPECIAL COMMITTEES:** None

**RESOLUTIONS:**

Leg. Santore offered Resolution No. 127, 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 1998, 2000, 2001, 2002, 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. Leg. Beckwith asked to abstain because one of his relatives was redeeming one of the parcels of property.

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

Leg. Santore offered Resolution No. 128, entitled, RESOLUTION ESTABLISHING THE 2005 COUNTY EQUALIZATION RATES FOR TOWNS AND CITIES WITHIN OSWEGO COUNTY. The equalization rates were established and certified by the NYS Office Of Real Property Services. Leg. Malone wanted to publicly thank his town assessor Rich Hogan for a job well done.

Resolution passed, by a voice vote  
YES: 25 NO: 0 ABSENT: 0

Leg. Osetek offered Resolution No. 129, entitled RESOLUTION ESTABLISHING CONTINGENCY AND TAX STABILIZATION RESERVE FUND AND MAKING APPROPRIATION THERETO. This fund would be established with a one- time benefit Oswego County derived from the change in State Medicaid cost accounting practices. The tax stabilization reserve fund is consistent with the goal of continued stabilization of county finances and with the recommendations of the Legislature’s Strategic Planning Task Force. Leg. Proud stressed the importance of passing this resolution. Leg. Malone moved for a ten-minute recess. Leg. Hoefler seconded the motion. The motion was defeated by a show of hands. Leg. Brown stated the need to have a reserve fund such as this one in place. Leg. Hoefler said that he would like to see the money put toward property taxes.

Resolution passed, by a voice vote  
Legs. Malone and Hoefler opposing  
YES: 23 NO: 2 ABSENT: 0

Leg. Osetek offered Resolution NO. 130, entitled RESOLUTION OF THE LEGISLATURE OF THE COUNTY OF OSWEGO INCREASING TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, ON OCCUPANCY OF HOTEL ROOMS AND ON AMUSEMENT CHARGES PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK.

This resolution is necessary to continue the current 4% county sales tax rate. A lengthy discussion followed. Leg. Proud said the continuance of the 4% county rate is a necessary part of the County’s recovery and its efforts to stabilize property taxes. Leg. Waters called for a roll call vote. Leg. French stated that many people are concerned about the possibility of an increase in property taxes in addition to the sales tax. He said he would support this resolution to help make a property tax reduction possible. Leg. Gearsbeck said he cannot support this, that there’s room to reduce the budget and not have to raise the sales tax. Leg. Malone stated that the people need help now with taxes, and he cannot support this. Leg. Seager stated that sales tax is the fairest tax; but with the two cities held harmless, she feels that it is not being collected fairly. She referred to page 5, number 4 of the Strategic Task Force Report. Leg. Anson said that energies would be better spent reducing the need for more taxes rather finding the best way to get more taxes. Leg. Kunzwiler disagreed with Leg. Malone and felt that the legislature had been doing its job. He also stated that in response to Leg. Seager’s concerns, that there has been effort put forth in talking with the mayors of both Fulton and Oswego, and the concerns are being addressed. Leg. Beardsley cautioned against some legislators’ perception of “surplus monies” and reminded everyone of the need to address: the Silk Road Landfill, Medicaid, spiraling fuel costs, the filled-to-capacity jail requiring overtime, and increases in special education costs for children to name a few. He stated that an increase in property taxes would crush businesses and homeowners. He stressed the need to keep property tax stabilization as a priority and that voting for the sales tax is the fiscally responsible thing to do. Leg. Ospelt said he would like to have the latest one percent go just to the county. Leg. Beckwith stated he will support the continued 4% sales tax as long as the legislature continues to reduce the size of

the government. Leg. Leemann said that the sales tax is the fairest tax. Leg. Hoefer said that taxes are the problem not the solution. Leg. Gearsbeck expressed doubt that reductions in the budget will occur if the sales tax passes. Leg. Thomas expressed his support for the resolution because he is convinced that it is critical to property tax stabilization. Leg. Kunzwiler said that people expect services when they pay their taxes. Leg. Seager said that at this point there is no incentive for the city leadership to change the sales tax distribution. Leg. Hoefer stated that government shouldn't be run on the back of private industry. Leg. Anson moved the question and Leg. Ospelt seconded. At the request of Leg. Bryant, Administrator Lyman read the second paragraph of the resolution's attached memorandum into the record. A roll call vote on the motion to move the question resulted in the following:

YES: THOMAS, ANSON, WATERS, LEEMANN, BRYANT, GEARSBECK, PROUD, BROWN, BEARDSLEY, SEAGER, RUSAW, OSPELT, GARDNER, BULLARD OSETEK, SANTORE, PONZI, KUNZWILER, HOEFER, BECKWITH, VASHO, FRENCH, BREWER, JOHNSON.

NO: MALONE

ABSENT: NONE

The motion to move the question passed with a roll call vote  
YES: 24 NO: 1 ABSENT: 0

A roll call vote on the resolution was taken with the following results:

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

NO: ANSON, WATERS, GEARSBECK, SEAGER, RUSAW, HOEFER, MALONE

ABSENT: NONE

The Resolution passed, with a roll call vote  
YES: 18 NO: 7 ABSENT: 0

Leg. Waters moved for a ten-minute recess, seconded by Leg. Ospelt. The motion passed by a show of hands. Chairman Johnson called the meeting back to order at 3:40 p.m. Leg. Anson returned at 3:41

Leg. Osetek offered Resolution No. 131, entitled, RESOLUTION TO INCREASE CAPITAL RESERVE 21-BUILDING RENOVATIONS. This resolution will replenish the capital reserve fund to the Building Renovations Reserve and the Automotive and Highway Equipment Reserve. Leg. Hoefer requested this money (\$500,000) be applied to the property tax levy. Leg. Brown stated that there are repairs needed.

Resolution passed, by a voice vote  
with Leg. Malone and Hoefer opposing  
YES: 23 NO: 2 ABSENT: 0

Leg. Osetek offered Resolution No. 132, entitled, RESOLUTION TO INCREASE CAPITAL RESERVE 146 - HIGHWAY AND AUTOMOTIVE EQUIPMENT. This resolution will replenish the capital reserve fund for highway and automotive purchases. Leg. Hoefer requested that the \$2,000,000 be applied to the property tax levy.

Resolution passed, by a voice vote  
with Leg. Malone and Hoefler opposing  
YES: 23 NO: 2 ABSENT: 0

Leg. Bryant offered Resolution No. 133, entitled, RESOLUTION ACCEPTING AND SUPPORTING THE REPORT OF THE STRATEGIC PLANNING TASK FORCE. This resolution is the first step in the implementation of the strategic task force recommendations. Leg. Brewer requested that Legs. Osetek, Gardner, Ospelt, Vasho, Beardsley and Proud, the chairmen of the subcommittees stand up to be recognized for their efforts: Leg. Anson moved to amend the resolution by replacing the words “become an integral component of” with “shall be considered in”. Leg. Gearsbeck seconded the motion. The amendment passed with a voice vote, Legs. Bryant, Leemann, Santore, Beardsley, Vasho, and Brewer in opposition. A brief discussion followed.

Resolution, as amended, passed, with a voice vote  
YES: 25 NO: 0 ABSENT: 0

Leg. Leemann offered Resolution No. 134, entitled, RESOLUTION AMENDING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF OSWEGO AND THE COUNTY OF OSWEGO RELATIVE TO THE LEGENDS SOFTBALL COMPLEX. This resolution permits the City of Oswego to sublet the Legends Softball Complex to a private entity.

Resolution passed, with a voice vote  
Legs. Anson, Gearsbeck, Waters, and Gardner opposing  
YES: 21 NO: 4 ABSENT: 0

Leg. Leemann offered Resolution No. 135, entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION DEPARTMENT OF PUBLIC WORKS (DSW ELECTRIC TO GAS AND OIL ACCOUNTS). This resolution allows the transfer of funds from the Solid Waste Electricity account to the Solid Waste Gasoline and Oil account.

Resolution passed, with a voice vote  
YES: 25 NO: 0 ABSENT: 0

Leg. Leemann offered Resolution No. 136, entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION DEPARTMENT OF PUBLIC WORKS - AVIATION FUEL. This resolution will increase the expenditures and revenues in the airport division.

Resolution passed with a voice vote  
YES: 25 NO: 0 ABSENT: 0

Leg. Bullard offered Resolution No. 137, entitled, RESOLUTION IMPOSING A TEMPORARY FUEL SURCHARGE FOR THE OSWEGO COUNTY SHERIFF’S OFFICE CIVIL DIVISION. This resolution increases the mileage fees charged by the Civil Division of the Sheriff’s Office.

Resolution passed, with a voice vote  
YES: 25 NO: 0 ABSENT: 0

Leg. Bullard offered Resolution No. 138, entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION SHERIFF’S DEPARTMENT - S.T.O.P.P.E.D. PROGRAM. This resolution allows that Sheriff’s Department to accept a \$1,000 grant.

Resolution passed, with a voice vote  
YES: 25 NO: 0 ABSENT: 0

Leg. Bullard offered Resolution No. 139, entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION SHERIFF'S DEPARTMENT - NYS ABUCKLE-UP GRANT. This resolution allows the Sheriff's Department to accept a \$3,000 grant from the Governor's Traffic Safety Committee to reimburse services allocated to the seatbelt campaign. Leg. Hoefler stated that he was not in favor of the money being transferred to an overtime account for this purpose. Leg. Malone questioned why the money went into the overtime account. Chairman Johnson explained that the program is scheduled so that it does not disrupt or interfere with the regular duties of deputies.

Resolution passed, with a voice vote  
with Leg. Hoefler opposing  
YES: 24 NO: 1 ABSENT: 0

Leg. Bullard offered Resolution No. 140, entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION SHERIFF'S DEPARTMENT - HOMELAND SECURITY GRANT A BUFFER ZONE PROTECTION PLAN. This resolution allows the Sheriff's Department to accept a Homeland Security Grant, entitled, A Buffer Zone Protection Plan in the amount of \$99,983.94. This money will purchase equipment that can be used in the emergency response plans for the nuclear plants located at Nine Mile Point.

Resolution passed on voice vote with Leg. Kunzwiler abstaining  
YES: 24 NO: 0 ABSENT: 0 ABSTAIN: 1

Leg. Bullard offered Resolution No. 141, entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION EMERGENCY MANAGEMENT - \$100,000 HOMELAND SECURITY GRANT. This resolution allows the Emergency Management Office to accept a \$100,000 grant for the Homeland Security Program.

Resolution passed, with a voice vote  
YES: 25 NO: 0 ABSENT: 0

Leg. Proud offered Resolution No. 142, entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION DEPARTMENT OF SOCIAL SERVICES - PINS. This resolution will allow the Department of Social Services to accept \$60,000 state funded dollars to be used exclusively to support activities to implement the mandated PINS (Persons In Need of Supervision) reform legislation.

Resolution passed, with a voice vote  
YES: 25 NO: 0 ABSENT: 0

Chairman Johnson changed the order of the next two resolutions, so that the Resolution appointing historian for the County of Oswego is heard before the Resolution appointing members to the Records Advisory Board.

Leg. Santore offered Resolution No. 143, entitled, RESOLUTION APPOINTING A HISTORIAN FOR THE COUNTY OF OSWEGO. This resolution appoints Justin White to the position of County Historian, to serve without compensation for an indefinite term and to serve at the pleasure of the Legislature. Leg. Seager read a letter from Barbara Dix, a constituent and former County Historian. Ted Jerrett read a letter received from Carol McKenna, President of the NYS Association of Public Historians opposing the appointment of an Historian without compensation. Leg. Hoefler stated that he applauded Mr. White for doing something for this County without compensation.

Resolution passed with a voice vote  
with Legs. Seager Thomas, and Brown opposing  
YES: 22 NO: 3 ABSENT: 0

Leg. Santore offered Resolution No. 144, entitled, RESOLUTION APPOINTING MEMBERS TO THE RECORDS ADVISORY BOARD. This resolution appoints Justin White, County Historian, Barbara Schuler, Department Head, and Barbara Dix, County Administrator's Designee to fill the vacancies on the board. Leg. Seager thanked County Clerk George Williams for bringing this to committee and bringing up the names of these individuals.

Resolution passed, with a voice vote  
YES: 25 NO: 0 ABSENT: 0

Leg. Bullard offered Resolution No. 145, entitled, RESOLUTION AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE TO EXECUTE CONTRACT WITH PICTOMETRY INTERNATIONAL CORPORATION FOR ENHANCEMENT OF E-911 SYSTEM. This resolution allows E-911 to upgrade its equipment in an effort to accept location information from wireless callers. This technology will allow the E-911 Center to view high quality aerial images of the County and can be shared with all government agencies.

Resolution passed, with a voice vote  
YES: 25 NO: 0 ABSENT: 0

Leg Leemann moved to suspend the rules to propose an additional resolution. Leg. Kunzwiler seconded the motion. The motion was passed by a show of hands.

Leg. Beardsley offered Resolution No. 146, entitled, RESOLUTION IN SUPPORT OF INCREASED FUNDING FOR THE HOME ENERGY ASSISTANCE PROGRAM (HEAP). This resolution supports an increase in funding and expanded eligibility for assistance with fuel bills this winter. Leg. Malone moved to amend this resolution for the Federal Government to look into price gouging. Leg. Hoefler seconded the motion to amend the resolution. Leg. Leemann stated that in order to get this resolution in to help those needing the assistance, it would be better to focus on just the increase appropriations and look into the price gouging aspect in another resolution. Leg. Anson questioned who was going to oversee the monies, the County or the federal government. Steve Lyman clarified the resolution saying the County will do what is necessary to process the applications so that the people can get the benefits as soon as possible. Leg. Brown holding this up with the amendment is not going to carry out the original intent, and the price gouging issue is already being addressed. By a show of hands the motion to amend the resolution was defeated (3-22-0). Leg. Waters moved to call the question and Leg. French seconded the motion. The motion was passed by a show of hands, with Leg. Malone in opposition.

Resolution passed, with a voice vote  
YES: 25 NO: 0 ABSENT: 0

**UNFINISHED BUSINESS:** None

**NEW BUSINESS/MISCELLANEOUS BUSINESS:**

Leg. French stated the Wal-Mart Supercenter in Granby is expected to open in the Spring of 2007.

There being no further business the meeting adjourned at 4:17 p.m. under a motion by Leg. Waters, seconded by Leg. Gearsbeck. All in favor.

**OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE LEGISLATURE:**

Margaret Weigel of the Library Council urged the legislators to help fund the libraries.

Selma Roland also spoke on behalf of the libraries, urging the legislature to restore a line in the budget to help fund the libraries.

There were no others wishing to speak.