

**MINUTES OF THE PUBLIC HEARING HELD ON MARCH 10, 2005
RELATIVE TO
1. THE PROPOSED LOCAL LAW NUMBER 1 OF 2005 REGARDING THE
LEASING OF PROPERTY OWNED BY THE COUNTY OF OSWEGO
AND
2. PROPOSED AMENDMENTS TO THE AGRICULTURAL DISTRICT
BOUNDARY**

Chairman Russ Johnson opened the public hearing at 7:00 p.m. County Attorney Mitchell read the Public Hearing notice on Proposed Local law Number One of 2005. Chairman Johnson offered the floor to anyone wishing to speak on Proposed Local Law #1 of 2005.

Ed Williamson, of Granby, questioned whether holding a public hearing on the same night that an issue is being voted on is fair. Mr. Williamson also expressed his concern that the County should not get locked into anything for a 20-year period.

Less Holmes, of Granby, stated that if the County wants to enter into a 20-year lease, then the people of Oswego County should vote on it.

Cheryl Holmes of Granby agreed with the previous speakers and does not feel that a 20 year lease is appropriate, especially if trash from the outside the county is allowed to be brought in. She reminded that the legislature had done a fine job of bringing the county back, but now it seemed to her that the legislature was finding ways to spend the taxpayers money and lose money.

There being no others wishing to speak, the public hearing was declared closed at 7:08 p.m.

County Attorney Mitchell read the second Public Hearing Notice on Proposed Amendments to the Oswego County Agriculture District. Chairman Johnson offered the floor to anyone wishing to speak. There being no speakers, the public hearing was declared closed at 7:10 p.m.

**MINUTES OF THE MEETING OF THE
OSWEGO COUNTY LEGISLATURE HELD ON
MARCH 10, 2005**

Chairman Johnson called the meeting to order at 7:12 p.m. Roll call was taken with all legislators present except Leg. Seager. Invocation was given by Ted Jarrett, Clerk of the Legislature, followed by the salute to the flag. Chairman Johnson asked if there were any objections to the February 10th and February 17th minutes. Leg. Bryant requested that the February 17th minutes reflect his comment that extensive discussion of the February 17th issue had taken place at the February 10th meeting. Hearing no other objections, the minutes were approved..

PROCLAMATIONS, PRESENTATIONS, RECOGNITIONS AND

ANNOUNCEMENTS:

Leg. Bullard, along with members of the E-911 committee, came forward to recognize Robert Hayes, Director of E-911, for his dedicated service for the benefit of Oswego County and the welfare of its citizens. Bob has been the director of 911 for 9 years and left that position on March 1, 2004.

Leg. Leemann, along with the members of the Infrastructure and Facilities committee and the Public Works Superintendent Don Morey came forward to recognize Katie Legates for 25 years of service to Oswego County.

Leg. Leemann and the members of the Infrastructure and Facilities committee and Public Works Superintendent Don Morey also recognized Randall Shaw, who could not be present, for 25 years of service with the County.

Chairman Johnson asked if anyone of the Public wished to speak on the resolutions of the day, especially since we had speakers on the public hearings. No one came forward.

There were no reports of the County Officials, the Standing Committees, and/or Special Committees.

Ted Jerrett, Clerk of the Legislature, read a letter from Senator Wright, thanking the legislature for sharing with him the Resolution 13 in support of an Amendment to Article 18 of the General Municipal Law, which concerns the local industrial development agencies and civic facilities. Sen. Wright stated that he supported such an amendment last year because it would help universities, hospitals, and private citizens, He promised that if State legislation described in the resolution comes before him during the 2005 legislative session, he would vote in favor of it.

Leg. Malone read a letter from Diane Manwaring, expressing her concerns as a small business owner over the negative impact of too many government regulations.

RESOLUTIONS:

Leg. Bryant offered Resolution No. 1, entitled RESOLUTION ADOPTING LOCAL LAW NUMBER 1 OF 2005 A LOCAL LAW SUPERCEDING COUNTY LAW SECTION 215 REGARDING THE LEASING OF PROPERTY OWNED BY THE COUNTY OF OSWEGO.

Leg. Waters stated that under "scope" on page one of the local law it should be amended by changing it to local law number 2 of 2001 and on the third page of the local law, section 3 he said that the parentheses should be deleted. Leg. Osetek seconded that amendment and the motion to amend passed.

Leg. Waters also moved to amend the first page of the local law under "scope" by adding "and Oswego County waste facilities", which would mean that they would be exempted

from this local law. Legislature Malone seconded. A roll call was taken resulting in the following:

AYES: ANSON, WATERS, GEARSBECK, BROWN, RUSAW, OSPELT, HOEFER, FRENCH.

NAYS: THOMAS, LEEMANN, BRYANT, PROUD, BEARDSLEY, GARDNER, BULLARD, OSETEK, SANTORE, PONZI, KUNZWILER, MALONE, BECKWITH, WASHO, BREWER, JOHNSON.

ABSENT: SEAGER.

The Motion to Amend Failed.
AYES: 8 NAYS: 16 ABSENT 1

Leg. Kunzwiler offered an amendment, seconded by Leg. Malone, to put a 10 year “reviewable” option in any 20 year leases. County Attorney Mitchell stated that, assuming this law passes, if the legislature were to adopt a 20-year lease and if the legislature were to review the lease that is fine and the lease could always be renegotiated if both parties were agreeable. However, there may be a contractual obligation that may have to be addressed if the law is changed. The motion and second were withdrawn.

Leg. Waters offered a motion, seconded by Leg. Gearsbeck, to amend the Local Law #1, section 2b on page 2. Changing “majority” to “2/3 majority” the measure by which the Legislature must approve long term leases. After a brief discussion a roll call was taken resulting in the following:

AYES: ANSON, WATERS, GEARSBECK, BROWN, RUSAW, OSPELT, GARDNER, PONZI, KUNZWILER, HOEFER, MALONE, BECKWITH, VASHO, FRENCH.

NAYS: THOMAS, LEEMANN, BRYANT, PROUD, BEARDSLEY, BULLARD, OSETEK, SANTORE, BREWER, JOHNSON.

ABSENT: SEAGER

The Amendment Passes
AYES: 14 NAYS: 10 ABSENT: 1

Chairman Johnson then called for a vote on the resolution as amended. During the voting, objections were raised. Subsequently, Leg. Waters motioned to rescind the vote on the resolution as amended, seconded by Leg. Hoefer and carried.

After a lengthy discussion and two recesses, Leg. Bryant made a motion to send this resolution back to committee. Leg. Waters seconded the motion. The motion passed by a show of hands.

The Motion Passed, by a Show of Hands
AYES: 17 NAYS: 7 ABSENT: 1

Leg. Ospelt offered Resolution No. 29: RESOLUTION TO AMEND THE AGRICULTURAL DISTRICT PLAN BOUNDARIES BY PERMITTING ADDITIONAL AREA OF INCLUSION, PURSUANT TO AGRICULTURE AND MARKET LAW (AML) SECTION 303-b, AS AMENDED.

The Resolution Passed, by a Show of Hands
AYES: 24 NAYS: 0 ABSENT: 1

Leg. Leemann offered Resolution No. 30: RESOLUTION FIXING TIME AND PLACE FOR PUBLIC HEARING RELATIVE TO PROPOSED LOCAL LAW NO. 2 OF 2005, ENTITLED "A LOCAL LAW PERMITTING ALL TERRAIN VEHICLE OPERATION ON CERTAIN COUNTY ROADS WITHIN THE COUNTY OF OSWEGO.

Leg. Waters made a motion to amend this resolution by changing Local Law Number 2 of 2005 to Local Law Number 1 of 2005, both in the heading and the resolved paragraph, in light of Resolution number 1 being sent back to committee. Leg. Kunzwiler seconded.

The Resolution is Amended and Passed, by a Show of Hands
AYES: 24 NAYS: 0 ABSENT: 1

Leg. Santore offered Resolution No. 31: RESOLUTION CORRECTING A CLERICAL ERROR ON THE TAX ROLLS FOR THE TOWN OF WILLIAMSTOWN. Leg. Santore explained that the assessor made a transposition error in filing the taxes for this individual, causing him to pay an additional \$2,700.24. This amount exceeds the limit the town treasurer can refund and needs the legislature to approve it.

The Resolution Passed, by a Show of Hands
AYES: 24 NAYS: 0 ABSENT: 1

Leg. Santore offered Resolution No. 32: RESOLUTION AUTHORIZING SALE OF CERTAIN COUNTY TAX PROPERTY IN THE TOWN OF ORWELL TO THE STATE OF NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION. Leg. Santore explained that this property had approximately \$1,800.00 in delinquent taxes, and had been assessed at \$11,000.00. The State has offered \$16,000.00 for the property. Leg. Anson questioned the tax payments to the Town of Orwell and the appropriate school districts, and the fact that Oswego County would receive nothing from the sale. He said he was going to support this resolution because it is one of his towns that he represents, but expressed concern about continuing to do pilot programs in lieu of taxes.

The Resolution Passed, by a Show of Hands
AYES: 24 NAYS: 0 ABSENT: 1

Leg. Bullard offered Resolution No. 33: RESOLUTION TO APPOINT MEMBERS TO THE OSWEGO COUNTY FIRE ADVISORY BOARD FOR 2005.

The Resolution Passed, by a Show of Hands
AYES: 24 NAYS: 0 ABSENT: 1

Leg. Proud offered Resolution No. 34: RESOLUTION CALLING ON THE GOVERNOR AND STATE LEGISLATURE TO REACH AGREEMENT ON A LOCAL MEDICAID CAP.

The Resolution Passed, by a Show of Hands
AYES: 24 NAYS: 0 ABSENT: 1

Leg. Bryant offered Resolution No. 35: RESOLUTION AUTHORIZING BUDGETARY MODIFICATION, DISTRICT ATTORNEY'S OFFICE. Mr. Todd, Chief Asst. District Attorney came forward to report on the status of this request. He said that the demand for the money flowed from an audit that was done in June 2004, regarding the grant monies that were applied for by then DA Hawthorne, in 1999, for the year 2000, 2001, 2002, for violence against women fund. He continued that they have provided information and documentation to the state demonstrating that their office did what they were supposed to do. Leg. Gearsbeck questioned the time frame of when the DA's office knew something might be coming up. He stated that if additional money was needed it should come out of their budget not the contingency budget. Leg. Malone wanted to know if the DA budget had the money in it. Mr. Todd applied in the affirmative. He went on to say that from what he understands, the lines that the money is being moved from are operational lines; and that if the state says that the money must be paid, then it will have to come from somewhere, although he is hoping that the state will withdraw the demand. Leg. Proud expressed his concern that regardless of what happened in the past, that this did not happen in the future, and asked what types of safeguards were being put in place so that this did not happen again. Mr. Todd said the immediate safeguard is that there is no more grant money. He stated that if, in the future, he would ask for grant money from a different source and that the paper trail would be in place to satisfy any request should the DA's office receive grant monies in the future. Leg. Bryant said that he offered this resolution as is and will support it as is, but he wanted to know if the legislature were not to give the DA's office the money to pay this bill, that would be a problem for the DA's office. Mr. Todd said yes. Leg. Waters stated that he wanted to add the following words to the second sentence of the second line of the first resolved to include the words "if necessary to refund the grant funds to New York State" Motion was seconded by Leg. Anson.

The Amendment Passed, by Voice Vote

Leg. Brewer again asked when the DA's office found out about the audit. Leg. Beardsley noted that the letter attached to the resolution is dated January 2005. The resolution as amended passed, with Legs. Ospelt and Gearsbeck opposing.

The Resolution Passed, by a Show of Hands
AYES: 22 NAYS 2 ABSENT 1

Leg. Leemann offered Resolution No. 36: RESOLUTION RECLASSIFYING POSITIONS IN THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF SOLID WASTE.

The Resolution Passed, by a Show of Hands
AYES: 24 NAYS 0 ABSENT 1

Leg. Osetek offered Resolution No. 37: RESOLUTION AUTHORIZING PROFESSIONAL SERVICES CONTRACT - COST ALLOCATION PLAN

The Resolution Passed, by a Show of Hands
AYES: 24 NAYS: 0 ABSENT: 1

Leg. Bullard offered Resolution No. 38: RESOLUTION APPOINTING INTERIM DIRECTOR OF 911 COMMUNICATION SYSTEM. Leg. Bullard offered the appointment of Mike Allen for this position and spoke very highly of Mr. Allen, as did several other Legislators.

The Resolution Passed, by a Show of Hands
AYES: 24 NAYS: 0 ABSENT: 1

Leg. Bullard offered Resolution No. 39: RESOLUTION AUTHORIZING BUDGETARY MODIFICATION SHERIFF'S DEPARTMENT. Leg. Bullard explained that this pertained to the "Buckle-Up-Grant" and the seat belt campaign conducted by the Sheriff's Dept.

The Resolution Passed, by a Show of Hands
AYES: 24 NAYS: 0 ABSENT: 1

Leg. Bullard offered Resolution No. 40: RESOLUTION AUTHORIZING BUDGETARY MODIFICATION SHERIFF'S DEPARTMENT. Leg. Bullard explained that this pertained to the traffic enforcement for unsafe driving behaviors. Leg. Waters questioned the signatures, and Leg. Bullard assured everyone that all the necessary signatures had been received.

The Resolution Passed, by a Show of Hands
AYES: 24 NAYS: 0 ABSENT: 1

Leg. Leemann offered Resolution No. 41: RESOLUTION AUTHORIZING BUDGET MODIFICATION DEPARTMENT OF PUBLIC WORKS. There was a brief discussion. Leg. Anson stated that there was a \$300,000.00 authorization level set on repairing the Co. Rte. 2A bridge. When they put it out to bid the bids came in over \$300,000.00, so in order to get the work done they are transferring \$150,000.00 to complete the job. Leg. Gearsbeck commented that the \$383,000.00 should have come out of the CHIPS fund. Leg. Ospelt

stated that if the committee at that time would have ok'd it the first time, the legislature would have saved of money. They did not accept it that time and now the amount is higher than before.

The Resolution Passed, by a Show of Hands
AYES: 24 NAYS: 0 ABSENT: 1

Leg. Proud offered Resolution No. 42: RESOLUTION AUTHORIZING BUDGETARY MODIFICATION DEPARTMENT OF SOCIAL SERVICES. Leg. Proud stated that the state has generously provided us with \$95,200.00 for the day care registration program at no cost to county tax payers.

The Resolution Passed, by a Show of Hands
AYES: 24 NAYS: 0 ABSENT: 1

Leg. Leemann offered Resolution No.: 43: RESOLUTION AUTHORIZING EXPENDITURE FROM CAPTIAL RESERVE NO. 146 - HIGHWAY & AUTOMOTIVE EQUIPMENT. Leg. Leemann stated that \$250,000.00 was transferred into the Highway and Automotive Equipment, which allows Solid Waste to purchase one more tractor and 4 transfer trailers. Leg. Anson stated that he supports this as no money has been put into the solid waste system in years. Leg. Waters questioned if the necessary signature were obtained. Legislature Clerk, Ted Jerrett, affirmed that they had been.

The Resolution Passed, by a Show of Hands
AYES: 24 NAYS: 0 ABSENT: 1

UNFINISHED BUSINESS:

Leg. Waters, referring back to the resolution which was sent back to committee, that it might be wise to set the Public Hearing for the Local Law for a June meeting, which is another evening meeting. Leg. Bryant stated the when this resolution goes back to committee; he thought that the committee would decide when it would be brought back to the floor.

MISCELLANEOUS BUSINESS:

Leg. Malone and several other legislators shared their intense concerns over a recent newspaper article attributed to Legislator Rusaw. Leg. Rusaw left the meeting at 8:57.

Leg. Hoefler expressed deep admiration for the honorable character of most legislators and his pride in having the opportunity to serve with them.

ADJOURNMENT:

Leg. Proud moved to adjourn the meeting. Seconded by Leg. Ponzi. Motion failed.

Legislator Ponzi left the meeting at 9:14 p.m.

Chairman Johnson spoke on respectfully settling differences amount the members. A lengthy discussion followed by several legislators regarding proper conduct.

Leg. Waters moved to adjourn the meeting. It was seconded by Leg. Osetek.

The meeting was adjourned at 9:25 p.m.