

**MINUTES OF THE MEETING OF THE OSWEGO COUNTY
LEGISLATURE HELD MARCH 13, 2008.**

CALL TO ORDER:

Chairman Leemann called the meeting to order at 2:08 p.m. Roll call was taken with all legislators present, except Legs. Bryant and Seager. The invocation was given by Ted Jerrett, Clerk of the Legislature, followed by the salute to flag.

MINUTES:

Leg. Malone asked that the minutes of February 14, 2008 reflect that it was he, not Leg. Kunzwiler, commenting on the seating arrangement. There being no objections or further corrections, the minutes were approved as amended.

PRESENTATIONS OF PETITIONS, COMMUNICATIONS AND NOTICES: None.

INTRODUCTION OF VISITORS:

Chairman Leemann invited Leg. Beckwith and members of the Community and Consumer Affairs Committee forward and invited retiring Senior Index Clerk Kathleen Coon, and County Clerk George Williams to join them. County Clerk George Williams presented a framed certificate to Ms. Coon and offered glowing praise for her 33 years of dedicated service to the County.

Chairman Leemann invited Leg. Doyle, members of the Economic Development and Planning Committee and Oswego County Housing Coordinator Dona Lee Falciatano to come forward. A proclamation was read announcing March as Fair Housing Month. Housing Coordinator Falciatano offered a few comments and thanked the legislature for its continued support.

PUBLIC SPEAKERS ON RESOLUTIONS OF THE DAY:

There was no one wishing to speak.

REPORTS OF COUNTY OFFICIALS:

County Administrator Philip Church commented on a recent news release by the Environmental Protection Agency. Although a recent EPA tightening of air quality standards placed hundreds of counties nation-wide (including Oswego) outside the new recommendations, the article also notes that results were based on air quality tests as far back as 2004 and that the EPA expects that Oswego's air will meet the new standards in the near future. Administrator Church noted that Oswego County had not been contacted by the EPA prior to the news release but that he is now in touch with EPA/DEC to determine what, if any, impact the new standards may have on the residents of the county.

REPORTS OF STANDING COMMITTEES:

Leg. Brown gave a brief report on the Farmland Trust meeting she attended in Saratoga Springs. Oswego County Farm Bureau leaders Eric Behling and Nancy Weber also attended. Leg. Brown noted that in order for persons to put their farmlands into trusts, their local townships must have specific provisions in their land plans. NYS offers \$25,000 to each township to help implement this program.

REPORTS OF SPECIAL COMMITTEES: None.

RESOLUTIONS AND MOTIONS:

Chairman Leemann made a motion that any of the Resolutions which referenced Gov. Spitzer would be amended to Lt. Gov. Paterson's name. Leg. Brown seconded the motion and all agreed.

Leg. Ospelt offered Resolution No. 44, entitled, RESOLUTION IN SUPPORT OF A NEW POWER PLANT IN THE COUNTY OF OSWEGO. Leg. Gearsbeck moved to amend the resolution to commit the

Legislature to negotiating for low cost power for our taxpayers and small business people. Leg. Malone seconded the motion. Chairman Leemann ruled that although a request for low-cost power may be desirable, the amendment does not pertain to the resolution at hand. Legs. LeClair and Proud added their support for low-cost power but agreed that the point of the resolution is not related to negotiations. Leg. Ospelt called the question seconded by Leg. Doyle. Motion to call the question passed with a voice vote.

Motion to amend the resolution failed, with a roll call vote

YES: 4 NO: 19 ABSENT: 2

YES: GEARSBECK, KUNZWILER, MALONE, VASHO.

NO: KASTLER, POTTER, DOYLE, LEEMANN, PROUD, BROWN, BEARDSLEY, LOCKWOOD, OSPELT, GARDNER, OLDENBURG, WALKER, SANTORE, FLETT, CHALIFOUX, BECKWITH, SORBELLO, BREWER, LECLAIR.

ABSENT: BRYANT, SEAGER.

Resolution passed, with a roll call vote

YES: 21 NO: 2 ABSENT: 2

YES: KASTLER, POTTER, DOYLE, LEEMANN, PROUD, BEARDSLEY, LOCKWOOD, OSPELT, GARDNER, OLDENBURG, WALKER, SANTORE, FLETT, KUNZWILER, CHALIFOUX, MALONE, BECKWITH, VASHO, SORBELLO, BREWER, LECLAIR.

NO: GEARSBECK, BROWN.

ABSENT: BRYANT, SEAGER.

Leg. Ospelt offered Resolution No. 45, entitled, RESOLUTION TRANSFERRING CERTAIN PROPERTY LOCATED ADJACENT TO 33 EAST CAYUGA STREET TO THE CITY OF OSWEGO.

Resolution passed, with a voice vote

YES: 23 NO: 0 ABSENT: 2

Leg. Ospelt offered Resolution No. 46, entitled, RESOLUTION APPOINTING A MEMBER TO THE COUNTY BOARD OF ETHICS. This resolution reappointed John G. Fitzgibbons of Oswego to the Board of Ethics for a three year term ending on February 1, 2011.

Resolution passed, with a voice vote

YES: 23 NO: 0 ABSENT: 2

Leg. Ospelt offered Resolution No. 47, entitled, RESOLUTION FIXING TIME AND PLACE FOR PUBLIC HEARING RELATIVE TO PROPOSED COUNTY OF OSWEGO LOCAL LAW NO. 1 OF THE YEAR 2008, ENTITLED, "A LOCAL LAW PROHIBITING THE POSSESSION OF WEAPONS IN BUILDING OWNED OR OPERATED BY THE COUNTY OF OSWEGO". This resolution set the date of April 10, 2008 at 7:00 pm for a public hearing on the proposed local law number 1 of 2008.

Resolution passed, with a voice vote

YES: 23 NO: 0 ABSENT: 2

Leg. Beckwith offered Resolution No. 48, entitled, RESOLUTION RECLASSIFYING TWO POSITIONS IN THE REAL PROPERTY TAX SERVICE DEPARTMENT. This resolution reclassified the position of Tax Map Technical (Co-Op pay grade 6) position number 13555007 to Senior Tax Map

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Technician (Co-Op pay grade 8) and the position of Senior Typist Co-Op pay grade 5) position number 13555002 to Real Property Data Coordinator (Co-Op pay grade 9).

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

Leg. Doyle offered Resolution No. 49, entitled, RESOLUTION SUPPORTING APPOINTMENT TO THE REGION 7 FISH AND WILDLIFE MANAGEMENT BOARD. This resolution reappointed Leg. Barbara Brown and Mr. James Petreszyn to the Region 7 Fish and Wildlife Management Board.

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

Leg. Doyle offered Resolution No. 50, entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION FOR SECTION 5311 PUBLIC TRANSPORTATION CAPITAL ASSISTANCE GRANT. This resolution established capital project 158 "Public Transit Bus Replacement" with a maximum authorization of \$265,000, acquired as a result of a joint grant application authorized by Resolution #224 of 2006.

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

Leg. Doyle offered Resolution No. 51, entitled, RESOLUTION AUTHORIZING OSWEGO COUNTY LEAD AGENCY STATUS FOR SEQRA PROCESS FOR UPDATES TO OSWEGO COUNTY COMPREHENSIVE PLAN.

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

Leg. Doyle offered Resolution No. 52, entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION DEPARTMENT OF COMMUNITY DEVELOPMENT, TOURISM AND PLANNING GRANT AWARD FOR LiDAR PROJECT. This resolution authorized the receipt and subsequent disbursement of \$5,000 for data and mapping of lands within the county.

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

Leg. Doyle offered Resolution No. 53, entitled, RESOLUTION FIXING TIME AND PACE FOR PUBLIC HEARING RELATIVE TO THE REQUESTS OF LANDOWNER INCLUSION WITHIN THE EXISTING CERTIFIED AGRICULTURAL DISTRICT PURSUANT TO THE NYS AGRICULTURAL AND MARKETS LAW (AML) SECTION 303-b, AS AMENDED. This resolution sets a Public Hearing date of April 10, 2008 at 7:00 pm.

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

Leg. Beardsley offered Resolution No. 54, entitled, RESOLUTION APPOINTING MEMBERS TO THE OSWEGO COUNTY SOLID WASTE MANAGEMENT BOARD.

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

Leg. Beardsley offered Resolution No. 55, entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION BUILDINGS AND GROUNDS - INSURANCE RECOVERY. Due to an electrical

emergency last August, the Building and Grounds Department spent nearly \$20,000 out of the 2007 budget causing delays in planned repairs at the Public Safety Building and the Bunner Street complex. The B&G Department requests permission to re-coup the money from insurance payments and use it to make the postponed repairs at the Public Safety Center and Bunner Street.

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

Leg. Beardsley offered Resolution No. 56, entitled, RESOLUTION FIXING TIME AND PLACE FOR PUBLIC HEARING RELATIVE TO PROPOSED COUNTY OF OSWEGO LOCAL LAW NO. 2 OF THE YEAR 2008, ENTITLED, "A LOCAL LAW REPEALING LOCAL LAW NUMBER 1 OF THE YEAR 1961". This resolution set the public hearing for the proposed local law number 2 of 2008 for April 10, 2008 at 7:00 pm.

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

Legs. Beardsley and Kunzwiler offered Resolution No. 57, entitled, RESOLUTION APPROVING THE APPOINTMENT OF A DEPUTY COUNTY HIGHWAY SUPERINTENDENT UNDER HIGHWAY LAW §102-a. This resolution supported the appointment of Howard D. Nolan of the Town of Schroepel to the position of Deputy County Highway Superintendent.

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

Leg. Beardsley offered Resolution No. 58, entitled RESOLUTION CREATING A NEW POSITION - HIGHWAY DEPARTMENT. This resolution created the position of Assistant Engineer, Position Number 50120-006, Salary Grade 40, Oswego County Professional Association. This person will also serve as Safety Coordinator for the Highway Department. Leg. Gearsbeck moved to reduce the highway workforce by two (2) positions, seconded by Leg. Malone. Chairman Leemann ruled that the motion was not pertinent to this resolution.

Resolution passed, with a voice vote
Leg. Gearsbeck in opposition.
YES: 22 NO: 1 ABSENT: 2

Leg. Beardsley offered Resolution No. 59, entitled, RESOLUTION AUTHORIZING EXPENDITURE FROM CAPITAL RESERVE NO. 16 - BRIDGES. This resolution transferred an additional \$29,433 from the Capital Reserve #16 - Bridges into the Minetto Bridge Capital Project #110.

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

Leg. Proud offered Resolution No. 60, entitled, RESOLUTION APPOINTING MEMBERS TO THE OSWEGO COUNTY TRAFFIC SAFETY BOARD. Leg. Kunzwiler advised the Legislature that Raymond Haynes is not a county resident as required by the By-Laws and so moved to amend the resolution to replace the name of Mr. Haynes with that of Leg. Lee Walker, Jr., seconded by Leg. Malone.

Amendment to the resolution passed, with a voice vote
Leg. Oldenburg abstained noting his wife is a Board Member
YES: 22 NO: 0 ABSENT: 2 ABSTAIN: 1

Resolution, as amended, passed, with a voice vote

Leg. Oldenburg abstained noting his wife is a Board Member
YES: 22 NO: 0 ABSENT: 2 ABSTAIN: 1

Leg. Santore offered Resolution No. 61, entitled, RESOLUTION TO APPOINT MEMBERS TO THE OSWEGO COUNTY FIRE ADVISORY BOARD FOR 2008.

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

Leg. Santore offered Resolution No. 62, entitled, RESOLUTION AUTHORIZING BUDGETARY MODIFICATION EMERGENCY MANAGEMENT OFFICE STATE HOMELAND SECURITY PROGRAM GRANT. This resolution accepted a grant in the amount of \$158,000.

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

Leg. Kunzwiler offered Resolution No. 63, entitled, RESOLUTION CALLING ON THE GOVERNOR AND STATE LEGISLATURE TO END THE PRACTICE OF PASSING COSTS AND UNFUNDED MANDATES FOR STATE PROGRAMS TO COUNTY GOVERNMENT AND OUR PROPERTY TAXPAYERS.

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

Leg. Proud offered Resolution No. 64, entitled, RESOLUTION URGING THE GOVERNOR AND STATE LEGISLATURE TO REMOVE COUNTIES FROM THE FISCAL AND PROGRAMMATIC RESPONSIBILITY OF THE PRESCHOOL SPECIAL EDUCATION PROGRAM.

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

Leg. Proud offered Resolution No. 65, entitled, RESOLUTION URGING THE STATE LEGISLATURE TO OPPOSE THE PROPOSED SHIFT ON THE STATE'S HISTORIC SHARE OF PUBLIC ASSISTANCE TO COUNTIES.

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

Legs. Santore and Proud offered Resolution No. 66, entitled, RESOLUTION URGING THE STATE LEGISLATURE TO OPPOSE THE PROPOSED SHIFT OF 100 PERCENT OF THE COST OF JUVENILE DETENTION FACILITIES TO COUNTIES.

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

Leg. Kunzwiler offered Resolution No. 67, entitled, A RESOLUTION AUTHORIZING THE CHAIRMAN TO EXECUTE SETTLEMENT DOCUMENTS WITH BRISTOL-MYERS SQUIBB ON CERTAIN TERMS RELATIVE TO THE MATTER OF *COUNTY OF OSWEGO v. ABBOTT LABS, ET AL*. This resolution authorized the Chairman of the Legislature, County of Oswego or its attorneys, to accept the gross settlement offer of \$44,239.00 and to execute and file any necessary documents relative to Bristol-Myers Squibb upon the receipt of said funds.

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

Leg. Santore moved to waive the rules to consider two additional resolutions, seconded by Leg. Walker, all in favor.

Leg. Beardsley offered Resolution No. 68, entitled, RESOLUTION AWARDING PROFESSIONAL SERVICES CONTRACT "FERROUS RECOVERY SYSTEM ENGINEERING SERVICES" OSWEGO COUNTY DEPARTMENT OF SOLID WASTE. This resolution awarded the professional service contract for Ferrous Recovery System Engineering Services to Barton and Loguidice P.C. in the sum not to exceed \$50,000.

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

Leg. Proud offered Resolution No. 69, entitled, RESOLUTION URGING SUPPORT FOR THE CONTINUANCE OF THE LIFETIME HEALTH CENTER IN CENTRAL SQUARE, NEW YORK. This resolution urged Federal and State representatives to provide any assistance they can to facilitate a successful continuance of the critically needed health care services now provided by the Lifetime Health Center in Central Square, New York. Leg. Gearsbeck noted a typographical error in the second "WHEREAS", citing that the Health Center serves nearly 20,000 people, not 2,000 as printed on the proposed resolution. With no objections, the Clerk agreed to correct the figure to 20,000. Legs. Beardsley, Brown, Gearsbeck, Proud and Santore offered additional comments in support.

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

UNFINISHED BUSINESS/NEW BUSINESS/MISCELLANEOUS BUSINESS:

Minority Leader Kunzwiler submitted a written complaint alleging Official Misconduct of Leg. Doyle on or about February 9, 2008 and requested that the Chairman of the Legislature implement Rule #14 of the Oswego County Legislative Rules of Order. Legs. Beardsley and Santore objected to the allegation. Chairman Leemann stated that he would review the complaint and report back to the entire Legislature.

Chairman Leemann provided Leg. Gearsbeck with a written response to his February Meeting inquiry into the cost of legislators attending the recent NYSAC Conference.

Clerk of the Legislature Ted Jerrett, announced that the 2008 County Directories had arrived and commended the tremendous work done by the Division of Promotion and Tourism in gathering, compiling and editing the directory again, this year.

It was noted that there will be a meeting on the proposed power lines next week.

ADJOURNMENT:

Leg. Ospelt moved to adjourn the meeting, and Leg. Brown seconded the motion. All approved and the meeting was adjourned at 3:06 p.m.

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

There were no others wishing to speak.