

## **LAST DAY ANNUAL SESSION**

**DECEMBER 10, 2013**

Chairwoman Fitzpatrick called the meeting to order at 3:00 p.m.

### **ROLL CALL OF MEMBERS**

All members present except Legislators Thomas and Astafan.

### **PRIVILEGE OF THE FLOOR**

The following employees observing 25, 30 and 35 years of employment with Jefferson County were presented with recognition gifts for their years of service:

#### 25 Years of Service

Melissa Buckley  
Richard Doolittle  
Scott Frezzo  
Steven Gertenschlager  
Renee Goodwin  
Ginger Hall  
Ione Hodge

Kimberly Leonard  
Barbara Lindsey  
Laura Merle  
David Nicol  
Starr Peters  
Gail Sovie  
Carol Stoughtenger

Ramona Swain  
Jody Thomas  
Ann Vincent

#### 30 Years of Service

John Burns  
Donald Canfield  
Maureen Carr  
Rebecca Davis  
Judy Gardner  
Michele Glover  
Cynthia Larkins

#### 35 Years of Service

Jennie Adsit  
Sandra Belden  
Darla Davis  
Victoria Farkas

### **MINUTES OF LAST SESSION**

The minutes of the November Session stand approved in the absence of objection or correction.

### **PRESENTATION OF PETITIONS, NOTICE AND COMMUNICATIONS**

None.

### **REPORTS OF STANDING COMMITTEES**

The Finance & Rules Committee reported favorably on resolutions referred from other

jurisdictional committees.

## **REPORTS OF COUNTY OFFICERS AND OTHERS**

The County Treasurer provided a report on Interest Allocation by Fund and Summary of Cash in Banks as of October 31, 2013.

The County Administrator provided a report on budget transfers for the month of November, 2013.

## **LOCAL LAWS, RESOLUTIONS AND MOTIONS**

### **Resolution No. 248**

#### **Levying 2014 Taxes and Assessments for Annual Town Budgets**

By Legislator: Allen T. Drake

Whereas, There has been presented to this Board of Legislators a duly certified copy of the Annual Budget for the several towns of the County of Jefferson for the fiscal year beginning January 1, 2014.

Now, Therefore, Be It Resolved, That, there shall be and is hereby levied and assessed upon and collected from the taxable real property situated in the following named towns outside any incorporated village wholly or partially located therein, the amount set forth after each town for such purposes as specified in the budgets of the respective towns as follows:

Antwerp            157,400

Further Resolved, That there shall be and hereby are assessed and levied upon and collected from the real property liable therefore within the respective fire, fire protection, water, sewer and electric light districts in the following towns as indicated below, the following amounts for the purposes of such districts as specified in the respective annual town budgets:

#### **Adams**

Adams Center Fire	173,023.00
Smithville Fire	37,906.21
Adams Fire Protection	34,000.00
Adams Center Light	8,560.00
North Adams Heights Light	450.00
Adams Sewer District #1	20,000.00
Adams Center Water	27,890.00
Adams Water Dist #2	21,843.57
Unpaid Water	4,741.59

#### Alexandria

Redwood Fire	43,210.00
Plessis Fire	17,024.00
Alexandria Fire Protection	189,069.00
Redwood Light	12,176.00
Plessis Light	4,380.00
Otter Street Light	2,998.00
Unpaid Sewer	17,827.15
Unpaid Water	18,179.08

#### Antwerp

Oxbow Light	4,800.00
Fire Protection	76,300.00

#### Brownville

Brownville Fire District	253,502.00
Brownville Water District 1	79,434.00

#### Cape Vincent

Fire Protection	35,000.00
Rosiere Light	1,000.00
Unpaid Water	12,615.79
Cape Vincent Water District	150,266.00

#### Champion

Great Bend Fire District	130,229.00
Champion Fire Protection	116,373.00
Great Bend Light	5,000.00
Champion Sewer District 1	57,637.50
Unpaid Sewer	938.68
Unpaid Water	3,766.14
Black River Regulating Dist. Levy	11,645.30
Omitted Taxes - County	83.29
Omitted Taxes - Town	183.85

#### Clayton

Clayton Ambulance	125,000.00
Clayton Fire District	373,915.00
Depauville Light	5,000.00
Heritage Heights Light	1,000.00
Heritage Heights Sewer	31,724.91
Reed PT Sewer	4,680.00
Unpaid Sewer	10,226.30

#### Ellisburg

Fire Protection	145,725.00
Belleville Light	5,570.00
Pierrepont Manor Light	3,600.00
Woodville Light	1,725.00
Ellisburg Water District 1	48,688.00
Ellisburg Water District 2	87,350.00

#### Henderson

Smithville Fire District	48,943.79
Henderson Fire	307,480.00
Henderson Light	7,000.00
Unpaid Water	20,593.74

#### Hounsfield

Hounsfield Fire Protection	73,000.00
Hounsfield Water Dist 2	101,724.00
Hounsfield Water Dist 3	53,088.00
Hounsfield Water Dist 4	28,800.00
Hounsfield Water Dist 5	71,500.00
Unpaid Water	29,848.35
Black River Regulating Dist Levy	6,566.01

#### LeRay

Leray Drainage District	1,000.00
Calcium Fire	234,667.00
Evans Mills Fire	242,500.00
Calcium FD Com Zone	92,101.00
Black River Fire Protection	63,275.00
Leray/Pamelia Fire Protection	8,326.00
Fire Protection	18,399.00
Light District No. 1	950.00
Light District No. 2	5,500.00
Light District No. 3	1,400.00
Leray Sewer Dist. 3	128,392.50
Leray Water 1	41,942.50
Leray Water 4	167,476.00
Unpaid Sewer	1,820.49
Unpaid Water	1,584.03

#### Lorraine

Fire Protection	45,500.00
Lorraine Light	2,200.00

Lyme

Fire Protection	157,000.00
Three Mile Bay Light	5,900.00
Unpaid Water	8,210.36

Orleans

Fire District	179,653.00
LaFargeville Light	11,777.00
Fishers Landing Light	4,878.00
Omar Light	1,939.00
Fineview Light No. 1	1,330.00
Fineview Light No. 2	1,020.00
Unpaid Sewer	69,848.03
Unpaid Water	13,984.69

Pamelia

Pamelia Sewer Dist. 2	32,528.75
Pamelia Sewer Dist. 3	48,664.00
Pamelia Sewer Dist. 4	7,025.00
Pamelia Sewer Dist. 5	281.00
Pamelia Sewer Dist 8	21,491.50
Unpaid Sewer	160.91
Unpaid Water	4,117.81
Service Charge	2,430.60
Pamelia Water Dist. 4	48,521.40
Pamelia Water Dist. 5	114,455.24
Pamelia Water Dist. 6	5,825.00
Pamelia Water Dist. 7	4,660.00
Pamelia Water Dist. 8	233.00
Black River Regulating Dist. Levy	14,492.49

Philadelphia

Philadelphia Joint Ambulance	17,900.00
Fire Protection	43,000.00
Unpaid Water	1,805.14

Rodman

Fire District	30,504.00
Rodman Light	3,550.00
Rodman Water	4,140.00
Unpaid Water	564.34

Rutland

Fire District	175,060.00
Felts Mills Light	6,000.00

Tylerville Light	1,500.00
Rutland Sewer 1	162,975.00
Unpaid Sewer	11,268.09
Unpaid Water	22,971.44
Black River Regulating Dist. Levy	17,466.94
Theresa	
Fire District	166,114.00
Watertown	
Watertown Fire No. 1	765,290.00
Watertown Sewer No. 1	12,618.00
Watertown Sewer No. 2	84,372.00
Watertown Sewer No. 3	97,065.00
Watertown Sewer No. 4	83,000.00
Unpaid Sewer	465.03
Unpaid Water	373.80
Watertown Water No. 1	96,907.00
Watertown Water No. 3	24,292.00
Watertown Water No. 4	79,468.00
Watertown Water No. 6	9,168.00
Omitted Taxes - Town	142.38
Omitted Taxes - County	631.45
Wilna	
Natural Bridge Fire Protection	42,300.00
Carthage/Wilna Fire Protection	541,000.00
Wilna Fire Protection 2	25,000.00
Natural Bridge Light	8,000.00
Unpaid Water	1,984.70
Unpaid Service	44,901.89
Black River Regulating Dist. Levy	20,749.44
Worth	
Fire Protection	7,000.00

Further Resolved, The amounts to be raised by tax for all other purposes as specified in the said several budgets as presented to this Board and which are on file in the Office of the Clerk thereof, shall be assessed and levied and collected from the taxable property in the towns as enumerated below except as otherwise provided by law, namely:

#### Schedule

Adams	488,786
Alexandria	444,226

Antwerp	376,236
Brownville	573,166
Cape Vincent	224,624
Champion	713,734
Clayton	859,884
Ellisburg	582,631
Henderson	46,494
Hounsfield	417,795
LeRay	719,288
Lorraine	417,789
Lyme	193,584
Orleans	0
Pamelia	0
Philadelphia	515,630
Rodman	144,806
Rutland	339,960
Theresa	296,394
Watertown	0
Wilna	831,386
Worth	154,000

Further Resolved, That such taxes and assessments when collected shall be paid to the Supervisors of the several towns in the amounts as shown by this Resolution for distribution by them in the manner as provided by law.

Seconded by Legislator: James A. Nabywaniec

Roll Call Vote

Ayes: Drake, Adsit, Nabywaniec, Behling, Gray, Ormsby, Montigelli, Ferris, Reed, Peck, Doldo, Docteur, Fitzpatrick

Absent: Astafan, Thomas

Resolution passed.

### **Resolution No. 249**

#### **Levying 2014 Consolidated Health District Taxes**

By Legislator: Jennie M. Adsit

Resolved, That, pursuant to Section 399 of the Public Health Law, there shall be and hereby is assessed and levied upon and collected from the taxable real property of the several consolidated health districts located in the below listed towns the amount set forth opposite each town as

follows:

Antwerp	\$ 1,000.00
Cape Vincent	1,000.00
Champion	9,324.50
Clayton	2,955.00
LeRay	600.00
Theresa	500.00
Wilna	17,135.50

Seconded by Legislator: James A. Nabywaniec

Roll Call Vote

Ayes: Drake, Gray, Behling, Nabywaniec, Reed, Peck, Montigelli, Docteur, Ormsby, Doldo, Ferris, Adsit, Fitzpatrick

Absent: Thomas, Astafan

Resolution passed.

#### **Resolution No. 250**

#### **Levying Returned Delinquent 2013 School Taxes**

By Legislator: Michael J. Docteur

Whereas, The Boards of Education of the several school districts in Jefferson County have transmitted to the Jefferson County Treasurer a duly verified and certified statement of the several amounts of returned delinquent 2013 School Taxes.

Now, Therefore, Be It Resolved, That, pursuant to Section 1330 of the Real Property Tax Law, there shall be and hereby is assessed and levied upon and collected from the Real Property of the several Towns as hereinafter listed, upon which the same were originally imposed, the amounts of said returned delinquent 2013 School Taxes, as certified, together with seven percentum thereon in addition, as follows:

Adams	\$189,348.48	Lorraine .....	\$64,388.41
Alexandria .....	594,248.71	Lyme .....	263,512.04
Antwerp .....	41,659.55	Orleans .....	215,551.62
Brownville .....	190,395.66	Pamelia .....	80,407.17
Cape Vincent ....	215,484.57	Philadelphia .....	23,843.15
Champion .....	176,798.63	Rodman .....	47,665.13
Clayton .....	423,636.73	Rutland .....	135,066.19
Ellisburg .....	159,730.90	Theresa .....	83,808.17



Henderson .....	173,155.56	Watertown .....	73,876.20
Hounsfield .....	239,138.04	Wilna .....	187,696.69
LeRay .....	104,332.68	Worth .....	28,585.58

Seconded by Legislator: Barry M. Ormsby

Roll Call Vote

Ayes: Drake, Ferris, Peck, Reed, Gray, Behling, Nabywaniec, Adsit, Docteur, Montigelli, Ormsby, Doldo, Fitzpatrick

Absent: Thomas, Astafan

Resolution passed.

### **Resolution No. 251**

#### **Levying Returned Delinquent 2013 Village Taxes**

By Legislator: Jennie M. Adsit

Whereas, The Boards of Trustees of the several villages of Jefferson County have transmitted to the Jefferson County Treasurer a duly verified and certified statement of the several amounts of returned delinquent 2013 Village Taxes.

Now, Therefore, Be It Resolved, That, pursuant to Jefferson County Local Law No. 1 of the Year 1978 and Section 1442 of the Real Property Tax Law, there shall be and hereby is assessed and levied upon and collected from the Real Property of the several villages located in the Towns as hereinafter listed, upon which the same were originally imposed, the amounts of said returned delinquent 2013 Village Taxes, as certified, together with seven percentum thereon in addition, as follows:

Adams .....	\$ 51,068.86	Lorraine .....	\$ 0.00
Alexandria .....	111,076.26	Lyme .....	11,521.06
Antwerp .....	42,407.55	Orleans .....	0.00
Brownville .....	14,843.64	Pamelia .....	1,489.87
Cape Vincent .....	25,912.89	Philadelphia .....	15,576.51
Champion .....	28,915.52	Rodman .....	0.00
Clayton .....	38,899.40	Rutland .....	17,455.05
Ellisburg .....	20,997.15	Theresa .....	54,546.60
Henderson .....	0.00	Watertown .....	0.00
Hounsfield .....	41,145.17	Wilna .....	82,130.42
Leray .....	26,000.46	Worth .....	0.00

Seconded by Legislator: Barry M. Ormsby

Roll Call Vote

Ayes: Nabywaniec, Peck, Montigelli, Behling, Docteur, Doldo, Drake, Ormsby, Adsit,  
Reed, Ferris, Gray, Fitzpatrick

Absent: Thomas, Astafan

Resolution passed.

**Resolution No. 252**

**Directing the Completion of the Tax Rolls and  
the Execution and Delivery of Warrants**

By Legislator: James A. Nabywaniec

Resolved, That, pursuant to Section 900 of the Real Property Tax Law, taxes for the County for fiscal year 2014 be and are hereby levied, and the amount of tax to be paid shall be entered on each assessment roll opposite the assessment of each parcel, and be it further

Resolved, That, pursuant to Section 904 of the Real Property Tax Law, a tax warrant bearing the seal of this Board and signed by the Chairman and Clerk of this Board shall be annexed to each assessment roll, and the completed tax roll shall be delivered to the respective collecting officers prior to December 31, 2013.

Seconded by Legislator: Michael J. Docteur

All members present voted aye.

**Resolution No. 253**

**Authorizing Accounts Payable Year End Adjustments to 2013 County Budget**

By Legislator: Jennie M. Adsit

Whereas, Provisions of the Federal Single Audit Act and regulations of the State Comptroller require Jefferson County to utilize modified accrual as the basis for governmental fund accounting, and

Whereas, Modified accrual accounting principles require that the County accrue accounts payable so that expenditures are generally reflected in the period for which the goods or services are received, and

Whereas, Application of this principle may result in the over expenditure of certain individual line item applications, particularly in areas where spending is mandated by State or Federal requirements.

Now, Therefore, Be It Resolved, That the Board of Legislators herewith authorizes the County Treasurer to make adjusting entries to provide sufficient appropriations to avoid individual line item deficits upon the accrual of year end accounts payable, provided that such entries do not result in an increase in total appropriations approved by the Board of Legislators for 2013, and be it further

Resolved, That said adjusting entries shall be subject to approval by the Chairman of the Board and the County Administrator, who shall, upon completion of the year end closing, report same to the Finance & Rules Committee and Board of Legislators.

Seconded by Legislator: Michael A. Montigelli

All members present voted aye.

#### **Resolution No. 254**

#### **Approving Management Compensation Plan for 2014**

By Legislator: Michael J. Docteur

Whereas, The adopted 2014 Budget provides funding for compensation increases for management and management confidential employees effective January 1, 2014, and

Whereas, The Board of Legislators has adopted a compensation plan which provides for compensation to be paid in accordance with a schedule of grades and steps, and

Whereas, The Board of Legislators wishes to amend the compensation plan to provide for an adjustment of 2% to the general management schedule; management/confidential schedule; part-time court security personnel rates; and to adjust increments in accordance with the attached schedule, except that the Election Commissioners will each receive a \$1,500 increase and the Deputy Election Commissioners will each receive a \$1,000 increase.

Now, Therefore Be It Resolved, That the attached schedules be and are hereby adopted as the Management and Management Confidential Compensation Plan for Jefferson County effective January 1, 2014.

Seconded by Legislator: Michael A. Montigelli

Legislator Ferris asked if the Board of Elections employees were receiving the 2% plus the referenced increases of \$1,500 and \$1,000. Mr. Hagemann advised they would not be receiving the 2% only the \$1,500 and \$1,000. There being no other discussion, all members present voted

aye.

**Resolution No. 255**

**Calling for Organizational Meeting of the 2014-2015 Jefferson County Board of Legislators**

By Legislator: Jennie M. Adsit

Resolved, Pursuant to Section 151, Subdivision 1 of County Law, the organizational meeting of the Board of Legislators for 2014-2015 shall be held at 7:00 p.m. on January 7, 2014 in the Board of Legislators' Chambers, 195 Arsenal Street, Watertown, NY.

Seconded by Legislator: James A. Nabywaniec

All members present voted aye.

**Resolution No. 256**

**Authorizing Agreement in Relation to the Ignition Interlock  
Device Monitoring Program Funding**

By Legislator: Michael J. Docteur

Whereas, New York State Division of Criminal Justice Services (DCJS) Governor's Traffic Safety Committee (GTSC) has awarded Jefferson County \$26,891 through its Ignition Interlock Device Monitoring project to support probation supervision and monitoring services during the period October 1, 2013 through September 30, 2014, and

Whereas, The County must enter into an agreement with the New York State Division of Criminal Justice Services to receive these grant funds, and

Whereas, Said funds are already contained within the 2013 County Budget.

Now, Therefore, Be It Resolved, That the County of Jefferson agrees to accept the \$26,891, and the Chairman of the Board of Legislators be and is hereby authorized and directed to execute said grant agreements on behalf of Jefferson County, subject to the review of the County Attorney as to form and content.

Seconded by Legislators: Allen T. Drake

All members present voted aye.

**Resolution No. 257**

**Approving Appointment to the Thousand Islands Bridge Authority**

By Legislator: Jennie M. Adsit

Resolved, That, pursuant to Section 577 of the Public Authorities Law, the following appointment by the Chairwoman of this Board to the Thousand Islands Bridge Authority for the term indicated, be and is hereby approved:

<u>Name</u>	<u>Term Expiration</u>
Natalie Kinloch	12/31/2018

Seconded by Legislator: Barry M. Ormsby

All members present voted aye.

**Resolution No. 258**

**Amending the 2014 County Budget in Relation  
to the Fire and Emergency Management Department**

By Legislator: Barry M. Ormsby

Whereas, The Director of Fire and Emergency Management has requested additional dispatcher positions in January of 2014, and

Whereas, This Board of Legislators has determined that there is a demonstrated need for one additional full-year position, and

Whereas, The 2014 County Budget must be amended to extend a half-year position to full-year, and to fund it.

Now, Therefore, Be It Resolved that the 2014 County Budget is amended as follows:

**Increase:**

(Expenditures)		
01-3410-3112.1100	Personal Services	\$18,291
01-3410-3112.8010	State Retirement	3,503
01-3410-3112.8020	Health Benefits	3,389
01-3410-3112.8030	Social Security	1,399
01-3410-3112.8040	Workers Compensation	543

**Decrease:**

(Expenditures)		
01-1010-1010.4313	Travel	\$ 2,000

01-1165-1165.4414	Supporting Services	1,000
01-1170-1170.4414	Supporting Services	1,000
01-1355-1356.4110	Office Expense	1,000
01-1410-1410.4116	Postage	1,000
01-1430-1430.4416	Professional Services	1,685
01-1620-1620.4110	Office Expense	500
01-1620-1620.4211.003	Landscaping	500
01-1620-1621.4613	Training	1,000
01-1680-1680.4110	Office Expense	3,000
01-1680.1680.4613	Training	2,500
01-3140-3140.4420	Non-secure Juvenile Detention	\$ 11,940
01-3410-3112.1300	Overtime	2,400
(Revenues)		
01-3140-999.93313	State Aid Juvenile Detention	2,400

Seconded by Legislator: Michael J. Docteur

Roll Call Vote

Ayes: Drake, Reed, Adsit, Ferris, Ormsby, Montigelli, Nabywaniec, Docteur, Gray, Doldo, Behling, Fitzpatrick

Nays: Peck

Absent: Thomas, Astafan

Resolution passed.

### **Resolution No. 259**

#### **Amending the 2013 County Budget to Recognize Restitution Money and Allocating Same in Buildings & Grounds Department Budget**

By Legislator: Michael F. Astafan

Whereas, Jefferson County is in receipt of a court-ordered restitution check in the amount of \$14.29 for damages done at the County Court Complex, and the 2013 County Budget must be amended to recognize and allocate said funds to the Buildings & Grounds Department budget.

Now, Therefore, Be It Resolved, That the 2013 County Budget is hereby amended as follows:

#### **Increase:**

Revenue

01-1620-999.92680	Insurance Recoveries	\$ 14.29
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Expenditures

01-1620.1622.4211.001	Building Repairs and Maintenance	\$ 14.29
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Seconded by Legislator: Anthony J. Doldo

Roll Call Vote

Ayes: Gray, Behling, Adsit, Ferris, Peck, Docteur, Reed, Doldo, Nabywaniec, Ormsby, Drake, Montigelli, Fitzpatrick

Absent: Thomas Astafan

Resolution passed.

**LOCAL LAW INTRO. NO. II OF 2013  
COUNTY OF JEFFERSON, STATE OF NEW YORK**

**LOCAL LAW OF THE COUNTY OF JEFFERSON TO PROVIDE A UNIFORM  
SYSTEM FOR MANAGING THE COLLECTION, TRANSPORTATION AND  
DISPOSAL OF SOLID WASTE AND RECYCLABLES**

Be It Enacted, by the Board of Legislators of the County of Jefferson, State of New York as follows:

**LEGISLATIVE FINDINGS**

The Board of Legislators of the County of Jefferson, upon consideration and in support of the adoption of Local Law No. 1 of 2014, hereby finds and declares:

1. The safe and proper disposal of the solid wastes generated by the people of the County has been and remains a matter of serious public concern. Having a solid waste management system that is environmentally sound and financially self-sufficient benefits all of the residents of the County in that it provides a safe, sanitary and efficient means for the collecting, transporting and disposing of solid wastes.
2. To that end, the County entered into an inter-municipal agreement on or about 1986 with the Development Authority of the North Country ("Authority"), to develop, construct and install a sanitary landfill located in the Town of Rodman (the "Authority landfill") for the purpose of disposing of solid waste materials that are produced or collected within the participating communities.
3. The Authority landfill has therefore become an integral component of the County's solid waste management system. Additionally, the professional resources of the

Authority in the field of solid waste management are a valuable component of the County solid waste management system.

4. Following the adoption of the inter-municipal agreement with the Authority, the County adopted local laws and regulations governing the management of solid waste, including provisions governing collection, source separation of recyclables pursuant to General Municipal Law 120-aa.
5. The goal of the Regional Solid Waste Management Plan is to create a system of solid waste collection, transportation and disposal that is financially self-supporting, without the use of tax money to subsidize the waste management and recycling program costs. The County finds that designing an integrated solid waste management system that is financially supported by a user fee system is more equitable than one funded by taxes. Revenues needed to pay for the County's solid waste system are derived from user fees that are based on the amount of non-recyclable waste delivered to the County's facilities, as well as from revenues from the sale of recyclable materials, rather than from tax revenues that are based on the assessed value of properties in the County.
6. The County provides a strong economic incentive to maximize recycling and waste reduction, by only charging a reduced or no fee on non-recyclable waste deliveries. The County does not currently charge for the use of its recycling programs and recycling services. Thus, both those who generate waste and those having a commercial waste hauling permit have an incentive to reduce their disposal costs by increasing their recyclables. This user fee system encourages recycling and other waste reduction activities and therefore maximizes environmental benefits. All classes of waste generators are equitably served when all classes deliver their wastes to the County's system. However, fiscal inequity results when some classes of generators or a significant number of waste generators or haulers do not participate in the system. In addition, waste reduction and recycling benefits are lost when recyclable materials are commingled with non-recyclable waste for disposal at out-of-system facilities.
7. Furthermore, establishing a regulatory scheme, including the granting of permits to collect and transport recyclables and waste delivered to the County's solid waste system is both a sound governmental function and provides a safe and effective means of controlling the collection, transportation and disposal of solid waste and recyclables.
8. The County finds and declares that establishing an integrated system of solid waste collection, transportation and disposal is the most effective means of achieving the goals of its Solid Waste Management Plan.

## **SECTION I. DEFINITIONS**



1. **Authority Landfill** shall mean the Landfill owned and operated by the Authority and located at 23400 State Route 177, Town of Rodman, State of New York.
2. **Board of Legislators** or Board shall mean the duly elected County Board of Legislators.
3. **Commercial Waste Permit** shall mean the permit issued pursuant to Section III.1 of this local law.
4. **Commercial Waste** shall mean Solid Waste generated from commercial, business, institutional, educational, or other non-residential sources in the County.
5. **Construction and Demolition Debris** shall have the meaning set forth in 6 NYCRR 360-1.2 as amended from time to time.
6. **County** shall mean Jefferson County, New York, a municipal corporation of the State of New York, with offices at 195 Arsenal St. Watertown, New York and all of its political subdivisions.
7. **County Facility** shall mean any Solid Waste management facility or facilities owned and/or operated, or caused to be operated by the County, a municipality, or more than one municipality jointly, or public authority, or privately owned facility designated by the County, located within or out of the County that accepts or disposes of Solid Waste and/or Recyclables pursuant to agreement with the County, including but not limited to landfills, transfer stations, materials recovery facilities, drop off centers, and resource recovery facilities. For the purposes of this local law, the Authority Landfill shall be considered a County Facility.
8. **Department** shall mean the County Recycling and Waste Management Department or its successor. The designated head of that Department is authorized to act on behalf of the Department and the County as authorized herein.
9. **Designated Recyclables** shall mean the materials, as established and described by the Department which shall be separated from the Solid Waste stream for collection and/or delivery to a materials recovery facility or other recycling facility or market. The list of Designated Recyclables may be modified from time to time by regulation promulgated by the Department.
10. **Farm** shall have the meaning specified in 6 NYCRR Part 360 - 1.2 as the same may be amended, suspended or replaced.
11. **Hazardous Waste** shall mean those materials, substances, or wastes including, but not limited to, pesticides and containers used for pesticides, other waste which appears on the list or satisfies characteristics of hazardous waste promulgated by the New York State Commissioner of the Department of Environmental Conservation,

and any other material, determined now or in the future, to be hazardous by State or Federal rule, regulation and/or statute.

12. **Household Hazardous Waste** shall mean household hazardous waste as defined in 6 NYCRR Part 360 of the State of New York as the may be amended from time to time.
13. **Industrial Waste** shall mean industrial waste as defined in 6 NYCRR 360-1.2(b)(88) of the State of New York as the same and may be amended from time to time. Industrial waste may have characteristics requiring special handling or treatment in order to qualify for acceptance at a County Facility.
14. **Infectious Waste** shall have the meaning specified in 6 NYCRR 360-1.2 as the same may be amended from time to time.
15. **Market** shall mean a primary user of a particular Designated Recyclable, including but not limited to glass factories, de-tinners, plastic recovery facilities, paper mills or consolidators of such materials not including the County.
16. **Open Dump** shall mean a Solid Waste disposal area which is not authorized to be operated under applicable Federal and State laws and regulations.
17. **Person or Persons** shall mean any individual, company, partnership, association, firm, corporation, municipality, or any other entity.
18. **Prohibited Materials** shall mean materials which are not authorized to be accepted at a County Facility or the Authority Landfill under the permit for such Facility, together with such other materials posing a hazard or which the Facility is unable to accommodate as may be determined from time to time by the Department.
19. **Recyclables** shall mean such material from Commercial Waste, Industrial Waste, Construction and Demolition Debris, and Residential Waste sources, including but not limited to “Designated Recyclables”, which under any applicable law or regulation, is not Hazardous Waste and which can be reasonably separated from the Solid Waste stream and held for its material recycling or reuse value.
20. **Refuse** shall mean putrescible and incidental non-putrescible Solid Waste including, but not limited to, animal, vegetable and paper waste. Refuse originates primarily in homes, businesses and restaurants, and has characteristics similar to that of Solid Waste collected and disposed of as part of normal residential and commercial collections in the County.
21. **Regulations** shall mean Regulations promulgated by the Board pursuant to the authority contained in this local law.

22. **Resident** shall mean any individual who is a legal resident of the County or any individual who is a temporary resident of the County.
23. **Residential Waste** shall mean Solid Waste generated from all houses, apartments and other residential dwellings, including, but not limited to, all single family dwellings and multi-family dwellings in the County.
24. **Solid Waste** shall have the meaning specified in 6 NYCRR Part 360-1.2 as the same may be amended, superseded or replaced.
25. **Waste Collector** shall mean any individual, association, partnership, firm, corporation, not-for-profit organization, municipality, educational institution or any other Person so deemed by the Department engaged in the business of collection, pickup, transfer, removal and/or disposal of Solid Waste and/or Recyclables.

## **SECTION II. ESTABLISHMENT OF THE DEPARTMENT OF RECYCLING AND WASTE MANAGEMENT, AND ADMINISTRATION OF LOCAL LAW**

1. There is hereby established the Jefferson County Department of Recycling and Waste Management which shall operate as the department in County government responsible for oversight, coordination, operation and regulation of all recycling and waste management matters and other such matters as the Board shall direct.
2. The Director shall be appointed by the Board and shall serve at the pleasure of the Board. The Director shall be the administrative head of the Department and shall be responsible for the supervision of the Department's budget, personnel and mission. The Director may appoint such staff as may be authorized by the Board and subject to appropriations being made therefor.
3. The Department may encourage and conduct studies, investigations and research, develop and implement educational programs, and assist municipalities in the studying, implementation and planning of their various actions in effecting Solid Waste management in the County within the confines of appropriations provided therefor by the Board.
4. The Department shall be primarily responsible for the administration and enforcement of the terms of this local law, and for the promulgation of such rules and regulations as may be reasonably required in connection with the administration of this local law or the operation of any County Facility.
5. The Department shall administer the program of registering and permitting all Waste Collectors and other Persons collecting and/or transporting and disposing of Solid Waste and/or Recyclables at a County Facility. This includes the issuance, renewal, and revocation of all permits described in this local law.
6. The Authority shall be responsible for the administration of the Authority Landfill and for

promulgating such rules and regulations as the Authority, in its sole discretion, may deem to be reasonably necessary.

7. In addition to authorized representatives of the County, the administrators and personnel of the Development Authority of the North Country (Authority) shall be authorized, upon personal knowledge and/or information and belief, to issue notices of violation on behalf of the Department and pursuant to Section IV (2)a. of this local law, to any person acting in violation of any provision of this local law. All such notices issued pursuant to this authorization shall be in a form approved by the Department and shall be returnable to the Department for prosecution pursuant to Section IV hereof.

### **SECTION III. STANDARDS AND REGULATIONS**

#### **1. Commercial Waste Permit Requirements**

- a. No Waste Collector shall collect and/or transport and then dispose of Solid Waste and/or Recyclables at a County facility without obtaining a Commercial Waste Permit issued by the Department.
- b. All applications for Commercial Waste Permits shall be in writing and shall contain such information as requested by the Department, but at a minimum, as set forth in this local law. Such applications shall include a list of all vehicles (including registration and vehicle license numbers) the applicant intends to utilize for the collection of Solid Waste and/or Recyclables in the County. The list shall also describe the cubic yard capacity for each vehicle. All Commercial Waste Permit information shall be verified by the applicant as required by this local law and the Department.
- c. Upon receipt of a complete application, together with an application fee of \$100 and proof of insurance as required by subsection (k), below, the Department shall thereupon issue the applicant a Commercial Waste Permit so long as the applicant is otherwise deemed by the Department to be in compliance with this local law and related requirements of the Department. A Commercial Waste Permit shall, unless revoked or suspended pursuant to this local law, remain in effect for one year after it is issued.
- d. Renewal of Commercial Waste Permits shall be in the same manner and subject to the same conditions as original Commercial Waste Permits, and also shall be subject to any additional requirements in effect at the time of application for renewal as specified by the Department.
- e. The Department shall issue to a Permit Holder a decal or other identifying mark, to be displayed on each collection vehicle registered with the Department and used by the Permit Holder for collection of Solid Waste within the County. Use of any

vehicle for the collection and subsequent disposal of Solid Waste at a County Facility that is not registered with the Department and identified as such shall be a violation of this Local Law.

- f. No Commercial Waste Permit issued pursuant to the provisions of this local law shall be transferable.
- g. The Commercial Waste Permit holder hereunder shall, when requested by the Department, furnish the Department with a list identifying the municipalities within which collection services are provided with as much detail as the Department may require to comply with the reporting requirements of the NYS Department of Environmental Conservation's Annual Transfer Station and/or Planning Unit Reports.
- h. The Department, pursuant to Section IV of this local law, shall have the power to impose a civil penalty or suspend, revoke or condition a Commercial Waste Permit granted or renewed pursuant to this local law for any violation of any provision of this local law or any applicable rule, regulation, code or ordinance relating to the collection, handling, hauling or disposal of Solid Waste and/or Recyclables including, but not limited to, those promulgated by the Department.
- i. All collection, transportation and/or disposal of Solid Waste and/or Recyclables shall be in strict conformance with the rules and regulations prescribed in this local law and as such rules and regulations may hereafter be amended or supplemented by the Department.
- j. All vehicles used in the collection, transportation and/or disposal of Solid Waste and/or Recyclables shall be maintained in a sanitary condition and shall be constructed as to prevent leakage in transit. The body of the vehicle shall be wholly enclosed or shall at all times be kept covered with an adequate cover. The name of the Commercial Waste Permit holder shall be readily visible on all vehicles, and on all containers utilized for the collection of Solid Waste and/or Recyclables generated within the County.
- k. All Commercial Waste Permit holders shall carry insurance with coverages and terms established by regulations of the Board, naming Jefferson County, its officers, agents and employees, as additional insureds on a primary and non contributory basis.
- l. Any Commercial Waste Permit issued pursuant to this local law shall be in the nature of a privilege subject to the terms and conditions set forth in this local law and as amended or supplemented by the Department, and shall not be deemed to create a property interest with respect to the Commercial Waste Permit in the holder.
- m. All Commercial Waste Permit requirements, including but not limited to fees, insurance coverage amounts, and length of permit validity, may be amended

from time to time by resolution of the Board of Legislators.

2. Disposal of Solid Waste

- a. No Waste Collector shall dispose of Solid Waste at any County Facility without a Commercial Waste Permit. Residents may transport, deliver and dispose of Residential Waste at the County Facilities without the necessity of obtaining a permit, provided that the applicable tipping fees are paid.
- b. Anyone entering a County Facility to dispose of Solid Waste must adhere to the rules and regulations as posted and must follow the instructions of the attendant on duty.
- c. Nothing within this local law shall be construed at any time to restrict the ability of the Department to refuse to accept Hazardous Waste or other Prohibited Materials at any County Facility.
- d. The Department may, from time to time, provide alternative disposal means at the Authority Landfill or other County Facilities for selected Prohibited Materials.
- e. No Waste Collector or other Person shall dispose of Solid Waste at a County Facility unless such Person or entity shall pay the applicable tipping fee.

3. Disposal of Recyclables

- a. Nothing in this local law shall be construed to prohibit any Person generating Recyclables within the County from separating such recyclables from other wastes and making arrangements for the separate collection or delivery and sale of such materials under such terms as such Person may choose.
- b. No Person shall commingle Designated Recyclables with other Solid Waste and set such commingled Designated Recyclables and Solid Waste at curbside for collection by a Waste Collector.
- c. Owners of facilities open to the public and all organizers of public events are required to provide for the separate recovery, collection, and disposal of Recyclable Materials at the sites and/or events under their sponsorship.
- d. All landlords shall:
  - 1. Deliver information about tenants' source separation obligations to all tenants; and
    - a. Incorporate in tenants' lease arrangements a condition that tenants must source separate Recyclable Materials in accordance with the provisions contained in this Law.

- b. For rental properties at which landlords maintain the responsibility for waste disposal, all landlords shall also provide, and pay for the costs of, adequate access to on-site recycling facilities and systems.
- c. No Waste Collector shall collect Designated Recyclables commingled with other Solid Wastes from any customer in the County.
- d. All Waste Collectors shall provide customers that place separated Designated Recyclables at curbside a separate collection for such Designated Recyclables, and shall not commingle such Designated Recyclables with other solid wastes.
- e. Designated Recyclables collected at curbside by a Waste Collector may be delivered to a County Facility or to another facility capable of sorting and marketing said material, provided that such facility is permitted or registered with the State, or approved by the Department.

#### 4. Promulgation of Regulations

- a. The Board is hereby authorized and directed to adopt and promulgate, amend and repeal such rules and Regulations by resolution as recommended by the Director which in his discretion are necessary or desirable to carry out, interpret and enforce the intent and purposes of this local law. Notwithstanding this power, any failure to adopt and promulgate such rules and Regulations shall not impair the enforceability of this local law in a court of competent jurisdiction.

### **SECTION IV. ENFORCEMENT**

#### 1. Administrative Sanctions

- a. Penalties and License Suspension/Revocation. The Department shall have the right to impose a civil penalty and/or suspend, condition or revoke any Commercial Waste Permit if the holder of such permit violates any of the provisions of this local law or any rules, regulations or requirements of the Department that may be adopted and modified from time to time in accordance with this local law.
- b. Civil penalties shall be assessed in an amount not to exceed \$500.00 for a first offense; up to \$1500.00 for a second offense against the same provision of this law within twelve (12) months of the first offense; and up to \$2500 and/or suspension or revocation of any permit issued pursuant to the local law for a third offense against the same provision of law within eighteen (18) months of the first offense. Civil penalties, or suspension or revocation of a Commercial Waste Permit may be imposed only after service of a written notice of violation upon the permit holder and,

if demanded, a hearing as provided for in this local law.

2. Notice and Hearing

- a. Upon any violation of the provisions of this local law or any applicable rules, regulations or requirements of the Department, the Department may serve notice in person or by ordinary mail sent to the residence of the offender, or in the case of a holder of any permit issued pursuant to this local law, to the address set forth in the permit application on file with the Department. Such notice shall state the Department's intent to revoke or suspend any permit, and/or impose a civil penalty upon the person charged. Any Person so notified may demand a hearing as allowed by this Section, by serving upon the Department a written request for a hearing; such request must be received by the Department within ten days of the date of service of notice. Upon receipt of such demand, a hearing shall be scheduled and held at the offices of the Department.
  - i) If the holder of a Commercial Waste Permit served with Notice pursuant to subsection (a) above fails to demand a hearing within the ten-day notice period provided for in Section IV.2.a, the revocation, suspension and/or surcharge provided for in the notice, shall be effective.
  - ii) Hearings. Hearings shall be held by a Hearing Officer designated by the Board. In any hearing conducted pursuant to this Section, the following shall apply:
    - (1) A stenographic record shall be kept.
    - (2) The permit holder may be represented by counsel.
    - (3) Witnesses shall be sworn and subject to cross-examination.
    - (4) Evidence submitted shall be relevant and may include evidence as to the past performance of the permit holder. Hearsay evidence shall be admissible, but shall be accorded such weight as the Hearing Officer deems appropriate, consistent with its reliability.
    - (5) Findings of fact shall be made by a majority of the Hearing Officer, in writing, upon a preponderance of the evidence.
    - (6) Upon a finding that a violation is proved, the Hearing Officer shall impose such civil penalty, or order such suspension or revocation of the Commercial Waste Permit, as it deems appropriate. The determination of the Hearing Officer shall be final, and shall be subject to judicial review.



- iii) Any person who shall set Designated Recyclables commingled with other solid waste out for collection shall be liable for a civil penalty of up to \$50 for the first violation, \$100 for a the 2<sup>nd</sup> violation committed within 12 months of a prior violation, and \$200 for a 3<sup>rd</sup> or subsequent committed within 12 months of a prior violation.
- iv) Any Person who is ordered to pay a civil penalty for a violation of the provisions of this local law shall pay such penalty in full before any permit issued pursuant to this local law can be renewed or reinstated, unless otherwise ordered by the Hearing Officer.
- v) Civil Enforcement. The County may enforce the orders and decisions of the Hearing Officer in a civil court of competent jurisdiction of the State of New York, including, but not limited to actions for declaratory and injunctive relief.

### 3. Presumptions

There shall be rebuttable presumptions in the enforcement of this local law that:

- a. The placement of any Container which is marked or identified with the name of any Waste Collector, at any location within the County, shall be presumptive evidence that said Waste Collector is providing solid waste collection services at said location within the County as of the date of said placement.
- b. Evidence of Solid Waste in a Container located in the County as described in Section IV(2)(a) above, and subsequent observation of the same Container empty, shall be presumptive evidence that Solid Waste was collected from the Container by the Waste Collector whose name is marked on the Container.

### 4. Enforcement Guidelines

- a. The Department shall notify in writing each Waste Collector presently collecting, transporting and/or delivering Solid Waste generated or collected in the County of the adoption of the within local law and the effective date thereof. Such notice shall be delivered by first class mail at the last known address or business address or in person. Any such Waste Collector or Contractor so notified shall have sixty (60) days from the date of such notice to comply with the rules, regulations and requirements set forth herein. Thereafter, the Department shall implement the enforcement provisions of this local law as set forth herein.

## **SECTION V. EFFECTIVE DATE**

This law shall take effect on March 1, 2014.

## **SECTION VI. REPLACEMENT OF LOCAL LAW NO. 3 of 1991**

This local law will, upon its effective date, repeal and replace Local Law No. 3 of 1991, “Providing for Separation at the Source of Solid Waste Generation into Reusable, Recyclable and Waste Components, and to Provide Regulatory Authority to Assure that said Components are Handled, Transported and Disposed of Properly by Various Permitting and Enforcement Measures”, as amended. All Board resolutions pertaining to solid waste adopted under the authority of that local law will remain in effect until superceded by future resolutions. All regulations promulgated by the Department under the authority of that local law will remain in effect until superceded by new regulations promulgated under the authority of this local law.

## **SECTION VII. SEVERABILITY**

If any part of this local law, as originally enacted or as amended from time to time, is found to be illegal, or its application to any Person or circumstance is held invalid, the remainder and the application of its provisions to Persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall remain in full force and effect.

Chairwoman Fitzpatrick entertained a motion to table the resolution pending a public hearing. Such motion was made by Legislator Ferris seconded by Legislator Ormsby and unanimously carried by the Board. Local Law is tabled.

### **Resolution No. 260**

#### **Setting Time and Place for Public Hearing on Local Law Intro. II of 2013**

By Legislator: Robert D. Ferris

Resolved, That this Board of Legislators shall hold a public hearing on a proposed local law entitled “A Local Law of the County of Jefferson to Provide a Uniform System for Managing the Collection, Transportation and Disposal of Solid Waste and Recyclables” on Tuesday, February 4, 2014 at 7:00 P.M. in the Chambers of the Board of Legislators, County Office Building, 195 Arsenal Street, Watertown, NY, and be it further

Resolved, That the Clerk of the Board of Legislators shall give notice of said public hearing as required by law.

Seconded by Legislator: Scott A. Gray

All members present voted aye.

### **Resolution No. 261**

#### **Authorizing Agreement with NYS Division of Criminal Justice Services in Relation to Aid to Prosecution Program**

By Legislator: Robert D. Ferris

Whereas, The Jefferson County District Attorney's Office has been awarded an Aid to Prosecution grant from the NYS Division of Criminal Justice Services Bureau of Justice Funding (BJF) in the amount of \$39,900, for the period April 1, 2013 through March 31, 2014, and

Whereas, BJF now processes grants through an electronic format.

Now, Therefore, Be It Resolved, That Jefferson County hereby accepts said grant award, and be it further

Resolved, That the Chairman of the Board of Legislators be and is hereby authorized and directed to execute any and all documents as may be required to fulfill the requirements of this grant award on behalf of Jefferson County.

Seconded by Legislator: Michael F. Astafan

All members present voted aye.

#### **Resolution No. 262**

#### **Amending the 2013 County Budget in Relation to Road Machinery Fund**

By Legislator: Anthony J. Doldo

Whereas, The Superintendent of Highways has requested a transfer among and between accounts in the Road Machinery fund to provide adequate funding through the calendar year, and

Whereas The 2013 Budget must be amended to do so.

Now, Therefore, Be It Resolved, That the 2013 Budget is amended as follows:

#### **Increase:**

Expenditures		
10-9004-5130.2476	Wood Chipper	10,000

#### **Decrease:**

Expenditures		
10-9004-5130.2403	Pickup Truck	5,000
10-9004-5130.2600	Shop Equipment	5,000

Seconded by Legislator: Robert D. Ferris

All members present voted aye.

**Resolution No. 263**

**Authorizing Agreement with NYS Division of Criminal Justice Services  
in Relation to Aid to Defense Program**

By Legislator: Scott A. Gray

Whereas, The Jefferson County Public Defender's Office has been awarded an Aid to Defense grant from the NYS Division of Criminal Justice Services Bureau of Justice Funding (BJF) in the amount of \$13,100 for the period April 1, 2013 through March 31, 2014, and

Whereas, BJF now processes grants through an electronic format.

Now, Therefore, Be It Resolved, That Jefferson County hereby accept said grant award, and be it further

Resolved, That the Chairman of the Board of Legislators be and is hereby authorized and directed to execute any and all documents as may be required to fulfill the requirements of this grant award on behalf of Jefferson County.

Seconded by Legislator: Robert D. Ferris

All members present voted aye.

**Resolution No. 264**

**Authorizing Agreement with the NYS Unified Court System  
for Cleaning and Maintenance of Court Facilities**

By Legislator: Anthony J. Doldo

Whereas, Counties are required by law to furnish and maintain adequate court facilities for use by State Courts, and

Whereas, Pursuant to Chapter 686 of the Laws of 1996, New York State was designated with fiscal responsibility for managing interior cleaning and minor repairs within court facilities, and required to contract with counties for such maintenance.

Now, Therefore, Be It Resolved, That Jefferson County enter into an agreement with the NYS Unified Court System for the provision of cleaning and maintenance services to the local courts for the period April 1, 2013 through March 31, 2018 in consideration of reimbursement by the NYS Unified Court System to the County for actual costs for cleaning and maintenance, and be it further

Resolved, That the Chairman of the Board of Legislators be and is hereby authorized and directed to execute such agreement on behalf of Jefferson County, subject to approval by the County Attorney as to form and content.

Seconded by Legislator: Robert D. Ferris

All members present voted aye.

#### **Resolution No. 265**

##### **Authorizing Renewal Agreement with NYS Unified Court System for Provision of Court Security Services by Jefferson County**

By Legislator: Michael F. Astafan

Whereas, Resolution 39 of 2010 authorized a five year Agreement with the NYS Unified Court System for the provision of court security services by the Jefferson County Sheriff for the period of April 1, 2009 through March 31, 2014, said agreement to be divided into annual periods commencing April 1<sup>st</sup> and terminating on March 31<sup>st</sup>, each of which will contain provisions for staffing and maximum amounts of monetary reimbursement, and

Whereas, The Unified Court System has notified the County of the establishment of a new period in the five year term of the Agreement to commence on April 1, 2013 and terminate on March 31, 2014 and maximum compensation for the period shall be \$199,583, which reflects the Unified Court System's assumption of the costs of peace officer security personnel in August of 2010.

Now, Therefore, Be It Resolved, That Jefferson County enter into a renewal agreement with the NYS Unified Court System for the provision of court security services for the period of April 1, 2013 through March 31, 2014, for a maximum compensation of \$199,583, and be it further

Resolved, That the Chairman of the Board of Legislators be and is hereby authorized and directed to execute such agreement on behalf of Jefferson County, subject to approved by the County Attorney as to form and content.

Seconded by Legislator: Robert D. Ferris

All members present voted aye.

#### **Resolution No. 266**

##### **Amending the 2013 County Budget in Relation to Airport Department**

By Legislator: Robert D. Ferris

Whereas, The Superintendent of Highways has identified additional revenues at the airport and has requested recognizing said revenues both in order to purchase small equipment this calendar year and to ensure sufficient funding in the fuel sales account, and

Whereas The 2013 Budget must be amended to do so.

Now, Therefore, Be It Resolved, That the 2013 Budget is amended as follows:

**Increase:**

Revenues:

01-5610-999.91770	Airport Fees & Rentals	\$ 2,500
01-5610-999.91776	FBO Airport Sale of Fuel & Oil	100,000
01-5610-999.91789	Other Transportation	1,100
01-5610-999.92651	Sale of Refuse	3,100

Expenditures:

01-5610-5610.2460	Snow Removal Equipment	\$ 4,500
01-5610-5610.2500	Buildings/Grounds Equipment	2,200
01-5610-5611.4575	Cost of Fuel & Oil Sales	100,000

Seconded by Legislator: Anthony J. Doldo

Roll Call Vote

Ayes: Ferris, Docteur, Nabywaniec, Adsit, Drake, Behling, Doldo, Reed, Montigelli, Ormsby, Peck, Gray, Fitzpatrick

Absent: Astafan, Thomas

Resolution passed.

**Resolution No. 267**

**Approving the 2014 Stop DWI Plan**

By Legislator: Michael F. Astafan

Whereas, This Board is in receipt of the Stop DWI Budget for County Fiscal Year 2014.

Now, Therefore, Be It Resolved, That the plan for the coordination of County, Town, City and Village efforts to reduce alcohol related traffic injuries and fatalities during 2014 be and is hereby adopted as the Jefferson County Stop DWI Plan for 2014, and be it further

Resolved, That the Chairman of the Board of Legislators is hereby authorized to sign the

Certification Page of the 2014 Stop-DWI Plan on behalf of Jefferson County, and be it further

Resolved, That, upon approval of said Stop DWI Plan by the Commissioner of the New York State Department of Motor Vehicles, expenditure of Stop DWI funds in accordance with said Plan, and the 2014 Jefferson County Budget is hereby authorized.

Seconded by Legislator: Robert D. Ferris

All members present voted aye.

### **Resolution No. 268**

#### **Authorizing Agreements for Provision of Services to Elderly of Jefferson County**

By Legislator: Michael J. Docteur

Whereas, The Jefferson County Office for the Aging works for the establishment and expansion of programs and services which assist older persons in the areas of their most urgent needs, and

Whereas, The Office for the Aging is eligible to receive State and Federal funds for the purpose of providing needed programs and services to elderly residents of Jefferson County, and

Whereas, The Office for the Aging and this Board of Legislators desire to contract for the provision of certain programs and services to the elderly during 2014.

Now, Therefore, Be It Resolved, That pursuant to Section 95-a of the General Municipal Law, Jefferson County enter into agreements for the period of January 1, 2014 through December 31, 2015 with the below listed parties for provision of such programs and services to elderly residents of Jefferson County and for such consideration as follows:

#### **Transportation Services**

**The Volunteer Center of Jefferson County**, Watertown, New York for the provision of transportation services for persons 60 years of age or older; consideration for services of approximately \$20,000 annually,

**Town of Champion**, Carthage, New York for the provision of transportation services for persons 60 years of age or older; consideration for services of approximately \$10,000 annually,

**Paynter Senior Center, Inc.**, Clayton, New York for the provision of transportation services for persons 60 years of age or older; consideration for services of approximately \$5,000 annually.

#### **Personal Care Services**

**Homemakers of Western, NY, Inc.** aka Caregivers, Watertown, New York for the provision of

housekeeper/chore, personal care and respite services for persons 60 years of age or older; consideration for services at a rate of \$18.65 per hour,

**Sibley Nursing Personnel Service, Inc.**, Rome, New York for the provision of housekeeper/chore, personal care and respite services for persons 60 years of age or older; consideration for services at a rate of \$18.55 per hour.

**Family Home Care, Inc.**, Rome, New York for the provision of housekeeper/chore, personal care and respite services for persons 60 years of age or older; consideration for services at a rate of \$17.50 per hour.

### **Personal Emergency Response System (PERS) Services**

**S.T.A.T. Communications, Inc.**, Watertown, New York for the provision of personal emergency response system (PERS) services for persons 60 years of age or older; consideration for services at a rate of \$25.00 per month per unit.

**Henry Keep Home**, Watertown, New York for the contribution of \$500/monthly to pay for 20 PERS units to be provided to persons 60 years of age and older.

### **Legal Services**

**Legal Aid Society of Mid-New York, Inc.**, Watertown, New York for the provision of legal services for persons 60 years of age or older; consideration for services at a rate of approximately \$10,000 annually.

### **Evidence Based Program**

**Y.M.C.A.**, Watertown, New York for the provision of evidence based Diabetes Prevention Program to persons 60 years of age and older; consideration for services is \$50.00 for YMCA members and \$150.00 for non-members.

### **Social Adult Day Services (SADS)**

**Samaritan Keep Home**, Watertown New York for the provision of Social Adult Day Services (SADS) for persons 60 years of age and older; consideration for such services is up to \$5,000 annually,

and be it further

Resolved, That the Chairman of the Board be and is hereby authorized and directed to execute said agreements on behalf of Jefferson County, subject to the approval of the County Attorney as to form and content.

Seconded by Legislator: Anthony J. Doldo



All members present voted aye.

**Resolution No. 269**

**Amending the 2013 County Budget Relative to Mental Hygiene/Community Services  
and Authorizing Amended Agreements in Relation Thereto**

By Legislator: Michael A. Montigelli

Whereas, Various programs are projecting a balance remaining at the end of 2013 to be redistributed based on recommendations of the Program Review Committee of the Community Services Board, and

Whereas, The programs that will be receiving the funds have all made requests to the Community Services Board for 2013 and understand that these funds are one-time only allocations and may not reflect permanent shifts in agency support.

Now, Therefore, Be It Resolved, That the 2013 County Budget be and is hereby amended as follows:

**Increase:**

01-4310-4320.4708	NRCIL Family Support Services	\$17,000
01-4310-4320.4721	Mental Health Association	62,790
01-4310-4320.4737	Family Counseling Service	32,624

**Decrease:**

01-4310-4320.4701	NNY Cerebral Palsy	\$ 9,400
01-4310-4320.4707	Childrens Home Community Clinic	13,350
01-4310-4320.4718	Jefferson Rehabilitation Center	89,664

and be it further

Resolved, That the Board of Legislators does hereby grant its approval for the Community Services Board to enter into any necessary agreements/amended agreements with the agencies for these changes.

Seconded by Legislator: Robert J. Thomas

All members present voted aye.

**Resolution No. 270**

**Authorizing Amended Agreement for Home Health Care Services to Public Health**

**in Relation to NYS Department of Health (NYSDOH) Workforce Development Funding**

By Legislator: Michael J. Docteur

Whereas, Pursuant to Workforce Recruitment and Retention legislation passed in the 2002-2003 to 2013 State Budgets, Public Health has received \$1,959,989 through September 2013 in additional Medicaid funding for the purpose of recruiting and training non-supervisory home health care service workers with direct patient care responsibility, and

Whereas, Public Health identified a need for the four Licensed Home Care Service Agencies it contracted with to develop enhanced paraprofessional recruitment and retention programming, and previously recommended utilizing a portion of the funds for that purpose, and

Whereas, It is again necessary to modify agreements to award estimated amounts for such NYSDOH Workforce Development funding for the period January 1, 2013 through September 30, 2013.

Now, Therefore, Be It Resolved, That Jefferson County enter into amended supplemental home health care service reimbursement agreements to reflect the award of NYSDOH Workforce Development funding, with \$42,510 to be paid out of 2013 Budget, 4050-4050.4422 as follows:

CareGivers, AKA Homemakers	\$31,180
Family Home Care	\$ 4,640
Sibley Personnel	\$ 6,690

Seconded by Legislator: Michael a. Montigelli

All members present voted aye.

**Resolution No. 271**

**Authorizing Agreement in Relation to New York State's  
Highway Safety Program Grant**

By Legislator: Michael J. Docteur

Whereas, The Public Health Service has been notified by the State of New York Governor's Traffic Safety Committee of a re-award in the amount of \$15,594 for the period of October 1, 2013 through September 30, 2014, and

Whereas, The purpose of the grant is to address motorist education related to the increase in Amish buggies and wagons on the County's roadways, and

Whereas, Said grant funds are already budgeted with 2013 Adopted appropriations and revenue.

Now, Therefore, Be It Resolved, That the Chairman of the Board of Legislators be and is hereby authorized and directed to execute any necessary documents in relation to this agreement with the New York State Governor's Traffic Safety Committee, subject to approval by the County Attorney as to form and content.

Seconded by Legislator: John D. Peck

All members present voted aye.

#### **Resolution No. 272**

##### **Amending the 2013 Budget Relative to Medical Supplies Expenses**

By Legislator: Michael J. Docteur

Whereas, The Jefferson County Public Health Service provides home health services, and

Whereas Usage and cost of related medical supplies has exceeded expectation.

Now, Therefore, Be It Resolved, That the 2013 County Budget is amended as follows:

**Increase:**

01-4050-4050.4510	Medical Supplies	\$10,000
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**Decrease:**

01-4050-4050.1100	Personal Services	\$10,000
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Seconded by Legislator: Anthony J. Doldo

All members present voted aye.

#### **Resolution No. 273**

##### **Authorizing an Agreement with ACC Technical Services Relative to Developing and Maintaining a Local Health Department Billing System**

By Legislator: John D. Peck

Whereas, The Jefferson County Public Health Service (JCPHS) has been involved in the administration of essential vaccinations for our community for many years, collecting fees directly from clients at the time of service, and not billing insurance companies, and

Whereas, JCPHS recognizes the need to implement systems to bill insurances in order to save local, State and Federal resources and raise revenue to cover the cost of operations, and

Whereas, The New York State Department of Health expects Local Health Departments to collect insurance information on all patients, determine payer mix, collect out of pocket fees and submit claims to public insurance programs, and

Whereas, ACC Technical Service, Inc. will develop a billing system that is a special professional product and is 100% within NYSDOH Immunization Billing funding for \$12,000, and

Whereas, ACC will continue to provide ongoing maintenance and enhancement services at \$5,000 per year and train Public Health Service staff in the optimal use of said application.

Now, Therefore, Be It Resolved, That Jefferson County enter into an agreement with ACC Technical Services, Inc. for the purposes stated above and for use during the period of December 10, 2013 through December 31, 2014, and be it further

Resolved, That the Chairman of the Board of Legislators be and is hereby authorized and directed to execute said agreement on behalf of the County, subject to the review of the County Attorney as to form and content.

Seconded by Legislator: Robert J. Thomas

All members present voted aye.

#### **Resolution No. 274**

#### **Accepting Donations on Behalf of the Department of Social Services and Amending the 2013 County Budget**

By Legislator: Michael A. Montigelli

Whereas, Various businesses and individuals have donated funds to the Jefferson County Department of Social Services to be used for the Foster Care Program, and

Whereas, The 2013 County Budget must be amended to recognize said donations.

Now, Therefore, Be It Resolved, That Pursuant to County Law Section 215 (3), this Board of Legislators gratefully accepts said donations and be it further

Resolved, That the 2013 County Budget is amended as follows:

#### **Increase:**

#### **Revenue:**

01-6010-999.92705	Donations	\$330.00
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#### **Expenditure:**

01-6010-6010.4624

Client Incidentals

\$330.00

Seconded by Legislator: Michael J. Docteur

Roll Call Vote

Ayes: Drake, Montigelli, Reed, Docteur, Ormsby, Peck, Doldo, Adsit, Nabywaniec,  
Ferris, Gray, Behling, Fitzpatrick

Absent: Thomas, Astafan

Resolution passed.

### **Resolution No. 275**

#### **Authorizing St. Lawrence County to Administer the North Country Direct Homeownership Assistance Program**

By Legislator: Philip N. Reed, Sr.

Whereas, The New York State Office of Community Renewal (OCR) awarded the North Country Regional Economic Development Council with an \$850,000 Community Development Block Grant (CDBG) to administer the North Country Direct Homeownership Assistance Program (DHAP), and

Whereas, The North Country DHAP is designed to provide mortgage buy down, closing cost, and housing rehabilitation assistance to approximately 28 eligible, income-qualified households who are interested in purchasing existing, single-family residences in Clinton, Essex, Franklin, Hamilton, Jefferson, Lewis and St. Lawrence Counties, and

Whereas, The St. Lawrence County Board of Legislators passed a Resolution authorizing the St. Lawrence County Planning Office to implement the North Country DHAP on behalf of the Regional Council, and

Whereas, St. Lawrence County will enter into a sub-recipient agreement with Neighbors of Watertown, Inc. to provide first time homebuyer and housing rehabilitation assistance for low to moderate income households in Jefferson County, and

Whereas, The grant agreement issued by New York State OCR stipulates the execution of an agreement between St. Lawrence County and Jefferson County that authorizes St. Lawrence County and its sub-recipient to provide Direct Homeownership Assistance to Jefferson County residents.

Now, Therefore, Be It Resolved, That the Chair of the Board of Legislators, is hereby authorized to execute a Memorandum of Understanding with St. Lawrence County on behalf of Jefferson

County, subject to the review of the County Attorney as to form and content.

Seconded by Legislator: Robert D. Ferris

All members present voted aye.

Chairwoman Fitzpatrick entertained a motion to waive the Standing Rules to permit the introduction of an additional resolution for consideration. Such motion was made by Legislator Peck seconded by Legislator Docteur and unanimously carried by the Board.

### **Resolution No. 276**

#### **Authorizing Agreement with New York State Department of Health In Relation to Vital Access Program and Safety Net Provider Grant**

By Legislator: Michael J. Docteur

Whereas, The Public Health Department has been notified that it has received a three-year Vital Access Program and Safety Net Provider grant from the New York State Department of Health, and

Whereas, Said grant will provide \$382,862 for the state fiscal year 2013-14, \$393,408 for 2014-15, and \$404,475 for 2015-16, and

Whereas, Said grant is intended to be used to better meet community health care needs by establishing and implementing a telehealth program; provide an interface between the County's Allscripts program and the region's health information exchange and regional health information organization; deploy specialty home health nurse teams with a focus on specific illnesses; and strengthening agency quality improvement and control, and

Whereas, The 2014 County Budget will be amended to reflect expenditures and revenues early next year.

Now, Therefore, Be It Resolved, That the Chairman of the Board of Legislators be and is hereby authorized to execute said agreement with the NYS Department of Health covering the period April 1, 2013 through March 31, 2016, subject to approval by the County Attorney as to form and content.

Seconded by Legislator: Philip N. Reed, Sr.

Mr. Hagemann advised that this grant will total \$1 million dollars over three years and was before the Board tonight because it needed to be executed by the end of the year.

All members present voted aye.

## **OLD BUSINESS:**

Chairwoman Fitzpatrick entertained a motion to take Resolution No. 222 off the table for Board action. Such motion was made by Legislator Peck seconded by Legislator Montigelli and unanimously carried by the Board.

### **Resolution No. 222**

#### **Levying Hudson River-Black River Regulating District Assessments**

By Legislator: Michael A. Montigelli

Whereas, The Board of the Hudson River-Black River Regulating District, pursuant to provisions of the Environmental Conservation Law, has filed a certified statement with the Clerk of the County of Jefferson showing the name of each public corporation or a brief description of each parcel of real estate and the name of the owner, or owners, so far as can be ascertained, and the proportionate amount of the cost of storage reservoirs and the expense of maintenance and operation of such reservoirs to be borne by each parcel of real estate during the year ending June 30, 2014, and

Whereas, Pursuant to Subdivision Six of Section 15-2123 of the Environmental Conservation Law, signed into law on August 8, 1983 "...All moneys required to be collected and not paid directly to the River Regulating District by the thirty-first day of October of the year in which the assessment is levied shall be payable to the County Treasurer as provided under subdivision four of this Section and shall be subject to a service fee of one percent of the total amount assessed which shall be added to the amount to be collected and which shall be in addition to any penalties which may be imposed in the case of failure to pay general taxes within the time prescribed by law, and when collected, such penalties shall be deemed part of the assessment...".

Now, Therefore, Be It Resolved, That, in accordance with the certified statement of annual assessment received from the Regulating District dated October 31, 2013, the sum set after the description of each parcel of real estate in the following list is hereby levied and assessed against said parcel of real estate to wit:

Parcel No. 3	Town of Hounsfield	
Tax Map Parcel #	Brownville Real Estate, LLC	\$6,501.00
73.18-1-2.2	1% Fee	65.01
	Total	\$6,566.01
 Parcel No. 6A	 Town of Pamelaia	
Tax Map Parcel #	Niagara Mohawk- National Grid	\$14,349.00
73.76-1-16.1	1% Fee	143.49
	Total	\$14,492.49
 Parcel No. 26	 Town of Rutland	

Tax Map Parcel #	Niagara Mohawk - National Grid	\$ 8,647.00
75.12-2-1	1% Fee	86.47
	Total	\$ 8,733.47

Parcel No. 26                      Town of Rutland

Tax Map Parcel #	Niagara Mohawk - National Grid	\$ 8,647.00
75.12-2-4	1% Fee	86.47
	Total	\$ 8,733.47

Parcel No. 26                      Town of Champion

Tax Map Parcel #	Niagara Mohawk - National Grid	\$11,530.00
76.06-2-1.1	1% Fee	115.30
	Total	\$11,645.30

Parcel No. 28&33                  Town of Wilna

Tax Map Parcel #	Northbrook Carthage, LLC	\$20,544.00
86.32-1-78.1-601	1% Fee	205.44
	Total	\$20,749.44

Parcel No. 7A                      City of Watertown

Tax Map Parcel #	Watertown River Properties	\$ 3,734.00
1-14-121	1% Fee	37.34
	Total	\$ 3,771.34

and be it further

Resolved, That the collector of taxes and assessments in each Town or City in which any such parcel of real estate is situated be and is hereby directed and commanded to collect said sum set forth after the description of each such parcel of real estate in the forgoing list, or in case the property is situated in more than one Town, to collect the sum set forth after the name of each Town following said description, in the same manner and by the same procedure as general taxes are collected and to pay the same to the County Treasurer of Jefferson County, and be it further

Resolved, That the Clerk of the Board of Legislators be and is hereby directed to furnish a certified copy of this resolution to the Council of the City of Watertown.

Seconded by Legislator:    Michael J. Docteur

Mr. Hagemann advised that the necessary paperwork had been received from the Hudson River-Black River Regulating District and the resolution as been updated accordingly.

Roll Call Vote on Resolution No. 222 with updates

Ayes:                      Nabywaniec, Peck, Adsit, Montigelli, Gray, Ormsby, Drake, Behling, Docteur,  
Doldo, Reed, Ferris, Fitzpatrick



Absent: Astafan, Thomas

Resolution passed.

Chairwoman Fitzpatrick presented the three outgoing legislators with plaques in appreciation of their service on the Board:

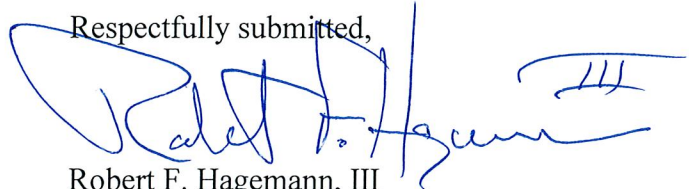
District 9 Legislator Barry M. Ormsby 2003 - 2013.

District 10 Legislator, member of first Board of Legislators, and 2000-2001 Chairman of the Board Michael W. Behling 1996-2013.

In absentia District 6 Legislator Michael F. Astafan 2012-2013.

There being no further business of the Board, on a motion by Legislator Behling seconded by Legislator Ormsby and unanimously carried, the meeting was adjourned at 3:55 p.m.

Respectfully submitted,



Robert F. Hagemann, III  
Clerk of the Board