

REGULAR SESSION

TUESDAY, SEPTEMBER 7, 2010

Chairman Blankenbush called the meeting to order at 7:00 p.m.

ROLL CALL OF MEMBERS

All members present except Legislators Thomas, Reed and Behling.

PRIVILEGE OF THE FLOOR

Donald Metzger, Jefferson County resident, said he was not here to represent any entity or organization and understood that each town through Home Rule Law has the responsibility to make decisions on commercial/industrial wind power in their town. He wanted to make sure everyone was aware that the NYS Attorney General's Office, Bureau of Public Integrity is looking into the alleged misconduct of Town of Cape Vincent officials (Town Board, Planning Board and Zoning Board of Appeals) with regard to the proposed industrial wind power projects in the town. He stated that the Town of Lyme is also affected as the Town of Cape Vincent Planning Board acts as lead agency for the wind projects and transmission lines in both towns. He read a letter he had written to Cape Vincent Town Supervisor Urban Hirschey asking for a moratorium on all commercial/industrial wind power projects until after the Attorney General's report has been issued and reviewed by residents.

Cindy Grant, 12610 House Road, Clayton, suggested that the Attorney General should go back farther than five years for research as many of the people that created the wind power policies have/had wind power contracts with the developers. She spoke to the Board concerning declining property values and provided materials on wind power developer Iberdrola, and the negative affects of wind power on individuals and the community in which they are located. She urged legislators to do their own research and asked the Board not to approve any PILOT agreements for wind projects suggesting that no one will want to live in this area if wind tower projects are here and that it will destabilize the tax base.

MINUTES OF LAST SESSION

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

PETITIONS, NOTICES AND COMMUNICATIONS

The JCIDA forwarded a public hearing notice concerning the review and adoption of a new Uniform Tax Exemption Policy (UTEP). A copy of the communication along with the draft UTEP were distributed to legislators. The public hearing is scheduled for November 3, 2010 at 7:00 p.m. at the Jefferson Community College Amphitheater.

STANDING COMMITTEES

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

COUNTY OFFICERS AND OTHERS

The County Treasurer provided a report on investments and cash on hand as of August 31, 2010.

The County Administrator provided a report on budget transfers for the month of August, 2010.

LOCAL LAWS, RESOLUTIONS AND MOTIONS

Resolution No. 184

Authorizing Agreement for Actuarial Services

By Legislator: Scott A. Gray

Whereas, In 2004, the Governmental Accounting Standards Board (GASB) issued statements No. 43 and 45 which, together, profile the liability measurement and disclosure requirements of “other post-employment retirement benefits” (OPEB) for retirees, and

Whereas, OPEB refers to medical, dental, vision, and other healthcare-related benefits provided to retired employees, their dependents, and beneficiaries, and in the case of Jefferson County, this would be health benefits; and the obligation to pay retiree benefits is a major long-term liability that, until now, was not reportable in governmental financial statements, and

Whereas, In response to a request for proposals, eight proposals were received for calculating the County’s OPEB for 2011 and 2013, with certified update disclosures for 2012 and 2014, and reviewed in detail.

Whereas, Armory Associates meets the requirements of the RFP at a reasonable cost.

Now, Therefore, Be It Resolved, That Jefferson County enter into an agreement with the firm of Armory Associates, LLC for the performance of OPEB actuarial services for fiscal years 2011 through 2014, with an OPEB analysis performed for 2011 and 2013, and certified update disclosures performed for 2012 and 2014, and be it further

Resolved, That consideration to be paid to Armory Associates, LLC ., for OPEB actuarial services shall be \$9,500 for 2011, \$1,500 for 2012, \$9,500 for 2013, and \$1,500 for 2014, and be it further

Resolved, That the Chairman of the Board of Legislators is hereby authorized and directed to execute such agreement on behalf of Jefferson County.

Seconded by Legislator: James D. St.Croix

All members present voted aye.

Resolution No. 185

Authorizing Agreement for Performance of a Single Audit of Jefferson County

By Legislator: Scott A. Gray

Whereas, The Federal Single Audit Act of 1984 requires that Jefferson County retain an independent accountant to perform a Single Audit of the County in accordance with Federal Office of Management and Budget Circular A-128, and

Whereas, In response to a request for proposals, nine proposals were received and reviewed in detail.

Now, Therefore, Be It Resolved, That Jefferson County enter into an agreement with the firm of Drescher & Malecki, LLP for the performance of a Single Audit of Jefferson County in accordance with Federal Office of Management and Budget Circular A-133 or such other regulations and requirements as may be made applicable by the Federal government. Said agreement shall be for performance of a Single Audit of Jefferson County for County fiscal years 2010, 2011 and 2012, with an option for 2013 unless prior notice is given by either party thirty days prior to the close of the fiscal year to be audited. Consideration to be paid to Drescher & Malecki, LLP shall be \$59,000 for 2010, \$59,000 for 2011 and \$59,000 for 2012, as well as \$59,000 for the option of 2013, and be it further

Resolved, That the Chairman of the Board of Legislators is hereby authorized and directed to execute such agreement on behalf of Jefferson County.

Seconded by Legislator: James D. St.Croix

All members present voted aye.

Resolution No. 186

Approving the Purchase of a Voice Over Internet Protocol (VOIP) Telephone System

By Legislator: Carolyn D. Fitzpatrick

Whereas, Jefferson County spends approximately \$242,245 annually for the operation of its older technology telephone system and the cost of local, regional and long distance calls and maintenance charges, and

Whereas, The County has conducted a Request for Proposals for the purchase of a complete, County-wide voice over internet protocol (VOIP) telephone system and has received a low quote

of \$926,131, including all new handsets, and

Whereas, Said VOIP system, along with a change in telephone service vendors would eliminate much of the \$242,245 annual costs of the current traditional telephone system and would only require an average annual expenditure of approximately \$95,288, and

Whereas, The VOIP system and telephone service change would pay for itself in six years and thereafter save the County an average of approximately \$146,957 per year, and

Whereas, In addition, the new VOIP system would provide new, greener equipment, modern technology, a network upgrade, an integrated County-wide communications system including voice mail, and "soft phone" (laptop operated) capability for law enforcement and other employees, eliminating the use of many personal cell phones for County business, and

Whereas, The Government Efficiency Ad hoc Committee reviewed the VOIP concept and included a recommendation to pursue the technology in its report to this Board of Legislators, and

Whereas, The Director of Information Technology recommends the VOIP system purchase, and

Whereas, The funds for this purchase are available in the 2010 County Budget.

Now, Therefore, This Board of Legislators supports the purchase of the VOIP system in the amount of \$926,131.

Seconded by Legislator: James D. St.Croix

Legislator Gray stated that he was still opposed to the resolution as economically it is not the right time to be making this purchase because sales tax has been down for the past two years, businesses are facing declining revenues, and unemployment is high. When discussions on VOIP began it was portrayed as a cost savings, however he said the County can save money without making a substantial investment in equipment. He felt a better price for a more basic system was possible as St. Lawrence County had purchased such a system for much less, and if replacing the phone system is a necessity the current bids should be rejected and the County look for the best possible price for tax payers; he was not in favor of spending money just because we have it. He said it took a committee of legislators and staff in St. Lawrence County almost two years to develop and implement their system, and asked for legislators' support in rejecting the bid.

Legislator Ferris advised that through research he found no better pricing could be obtained with regard to the Cisco VOIP system, and the system in St. Lawrence County was not comparable as it did not include the IT upgrades and the security issues, which is a large part of the cost, as they already had certain components in place that they used. He said their system was also not as close to end-of-life as ours is. He stated that replacement of the phone system is at the forefront of the Information Technology Department issues as the system will need to be replaced in the next 1 or 2 years. He understood if legislators do not want to spend the money

and he was sure Creg Systems can keep the current system going, however sometimes you have to make an unpopular decision for the right reason. He said the money was set aside for a specific purpose such as this and asked legislators to vote for what they think is correct, not for a person or just for spending money.

Legislator Drake expressed support for the resolution and was not sure how people could not be in favor of it as it will save taxpayers \$146,000 a year and will pay for itself in six years.

Legislator Burto stated the savings are in changing services, not equipment and felt the matter should be slowed down to re-evaluate the system, to make sure we are taking advantage of every opportunity for savings, and to give everyone the opportunity to bid. He said people he talked with in his District felt now is not the right time to be spending this money.

Legislator Ormsby advised that St. Lawrence County personnel cautioned that the two systems were different and Legislator Ferris made it specifically clear that they put something in place that was much different than what is being proposed for us. He said he never takes a purchase in excess of \$900,000 lightly no matter what it is, and wanted to make sure the system was done right so that we are not back here in a couple years having to redo it.

Legislator Docteur was not in favor of the resolution and advocated for achieving savings through using voice over internet protocol without purchasing new equipment. He felt the current system could be kept working for a couple more years and we will have a better idea of where the economy is headed and can make decisions to move forward then. He said we should also keep in mind all of the capital purchases we will need to make over the next 5-6 years noting that he has always taken a conservative approach and does not want to spend the money at this time. He expressed appreciation for all of the efforts of Ad Hoc Committee Members Ferris, Gray and Reed as he learned a lot about the phone system throughout the process.

Legislator Ferris understood if people do not want to approve the phone system now, but stated that it is a lengthy process that has been undertaken and if we want it operational in a couple years the process needs to be revisited immediately in order to achieve that timeline. He said the current system is good in that it has lasted so long and he would never suggest that something good be thrown away, but he felt it was the weakest link in the I.T. Department right now. He said if it is not approved tonight he would be fighting for it to be revisited by the Board in the next couple months.

Legislator Fitzpatrick stated the vote tonight is not about one individual or company, but is about what is best for the County. She said she respected each legislator and is able to agree to disagree on issues, but reiterated that her vote is for the County.

Legislator Ormsby said he does not reach out to department heads on a daily basis and is not a micromanager but he did survey a few to ask their impression of the current phone system and they indicated it was far from flawless. In the seven years he has been on the Board the County has never been in a hurry to spend money and he did not believe that is the case today.

Legislator St.Croix noted that the integrity of the bidding process may come into question

as he did not believe it had not been legally followed because the Board postponed awarding the bid last month, and we were lucky the bidder stayed with us. He said this was not a good process and suggested in the future it might lead to vendors not wanting to place bids with Jefferson County.

Roll Call Vote

Ayes: Fitzpatrick, Adsit, Ferris, Drake, Zando, Nabywaniec, St.Croix, Ormsby

Nays: Gray, Docteur, Burto, Blankenbush

Absent: Behling, Reed, Thomas

Resolution passed.

Resolution No. 187

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

By Legislator: Philip N. Reed, Sr.

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 \$43,500, for the period April 1, 2010 through March 31, 2011, 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 J. Docteur

All members present voted aye.

Resolution No. 188

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

By Legislator: Philip N. Reed, Sr.

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 \$14,300 for the period April 1, 2010 through March 31, 2011, 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: Michael J. Docteur

All members present voted aye.

Resolution No. 189

Accepting Donation and Authorizing Equipment Purchases from the Clayton Volunteer Fire Department

By Legislator: Philip N. Reed, Sr.

Whereas, The Clayton Volunteer Fire Department has received a grant, from which it wishes to purchase and donate \$17,700 in equipment to the Jefferson County Star Team, and

Whereas, The grant requires a match and the County would provide it by reimbursing the Fire Department \$6,750 for additional Star Team Equipment, and

Whereas, With the donation, the County will receive \$24,450 worth of equipment for a local cost of \$6,750, including an installed mobile breathing air system (to recharge air tanks on-scene), and

Whereas, The County's share of the equipment costs are included in the 2010 County Budget, and

Whereas, The County must accept the donation and authorize the payment to the Fire Department for the remaining equipment.

Now, Therefore, Be It Resolved, That Jefferson County does accept and gratefully acknowledge the Star Team equipment donation valued at or about \$17,700, and be it further

Resolved, That the County Auditor and Treasurer are hereby authorized to pay the Clayton Volunteer Fire Department \$6,750 for Star Team equipment upon receipt of the appropriate documentation.

Seconded by Legislator: Michael J. Docteur

All members present voted aye.

Resolution No. 190

Appointing Member to the Community Services Board

By Legislator: James A. Nabywaniec

Resolved, That pursuant to Section 41.11 of the Mental Hygiene Law the following individual is hereby appointed as a member of the Jefferson County Community Services Board and the designated sub-committee thereof as indicated below:

<u>Member</u>	<u>Sub-Committee</u>	<u>Term to Expire</u>
Elizabeth Stevens	Mental Retardation/Developmental Disabilities	12/31/2010

Seconded by Legislator: Allen T. Drake

All members present voted aye.

Resolution No. 191

Authorizing Agreement with CKS Productions, Inc. Relative to an OASIS Auditing Software Purchase

By Legislator: James A. Nabywaniec

Whereas, With the change of home health care from a Fee for Service to a Prospective Payment System (PPS) for Medicare, with Medicaid and other health insurances to follow, and

Whereas, Outcome and Assessment Data Set (OASIS) questions are a required component of evaluations and are linked to patient acuity and reimbursement, and

Whereas, The Public Health Service supervisors and other staff have been completing needed reviews, problem identification and corrections manually; all at a cost in time, money and possible accuracy, and

Whereas, Purchase of PPS software will identify clinical and financial inconsistencies, reduce non-identified problems, prevent outcome measure declines, produce savings and enhance revenue, and

Whereas, After review of three (3) software packages well known in the home health care

industry, the Director of Public Health recommends the purchase of CKS Productions, Inc., PPS Plus Software which is the preferred product and least costly, and

Whereas, Said application is a special professional product and is 100% allowable within home health cost reports and reimbursement rates, and

Whereas, CKS will provide project implementation services, including software set-up and training of County Public Health staff in the use of said product, and

Whereas, The cost of the software and services is \$398/month, or \$4,776 annually for a 3 year period and shall require a separate contract with the County.

Now, Therefore, Be It Resolved, That Jefferson County enter into an agreement with CKS Productions, Inc. d/b/a PPS Plus Software for the purposes stated above during the period of September 1, 2010 through August 31, 2013, and be it further

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

Resolved, That the 2010 County Budget is hereby amended as follows:

Decrease:

01-4050-4050.4422	Contracted Home Care	\$1,592
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Increase:

01-4050-4050.4119	Computer Software	\$1,592
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Seconded by Legislator: Allen T. Drake

Roll Call Vote

Ayes: Zando, Adsit, Burto, Nabywaniec, Ormsby, Ferris, Gray, Fitzpatrick, Drake, St.Croix, Docteur, Blankenbush

Absent: Behling, Thomas, Reed

Resolution passed.

Resolution No. 192

**Amending the 2010 County Budget in Relation to
the HOME Investment Partnership Grant Program**

By Legislator: Barry M. Ormsby

Whereas, By Resolution No. 72 of 2009, Jefferson County, acting as lead County on behalf of the North Country HOME Consortium, was authorized to submit applications to the U.S. Department of Housing and Urban Development (HUD) for HOME Investment Partnership Program Grants for Fiscal Years 2009, 2010, and 2011 to assist in providing affordable housing resources within the Consortium area, and

Whereas, Jefferson County, as lead County of the Consortium, has been awarded a 2010 HOME Grant in the amount of \$1,280,176 for the purpose outlined above.

Now, Therefore, Be It Resolved, That the 2010 County Budget be amended as follows:

Increase:

Revenue:		
30-8668-999.94995	HOME Program	\$ 1,280,176

Expenditure:		
30-8668-8989.4001	HOME Program	\$ 1,280,176

Seconded by Legislator: Michael W. Behling

Roll Call Vote

Ayes: Adsit, St.Croix, Gray, Drake, Docteur, Fitzpatrick, burto, Nabywaniec, Ormsby, Ferris, Zando, Blankenbush

Absent: Behling, Thomas, Reed

Resolution passed.

Resolution No. 193

**Authorizing an Agreement with the Community Action
Planning Council (CAPC) to Promote Fair and Equal Housing**

By Legislator: Barry M. Ormsby

Whereas, The County is the grant recipient of U.S. Department of Housing and Urban Development Funding from the Community Development Block Grant and HOME Programs, and said funds are committed to housing assistance programs for income eligible County residents, and

Whereas, To ensure compliance with funding requirements the County is obligated to promote and further fair and equal housing opportunities for residents of Jefferson County consistent with federal legislation and regulations, and

Whereas, To accomplish this objective the County has annually entered into a contract for the provision of fair housing services including acting as the County's fair housing office for public education, information and referral, and complaint assistance, and

Whereas, Funds for a fair housing contract are appropriated in the 2010 County Budget.

Now, Therefore, Be It Resolved, That the Chairman of the Board of Legislators is hereby authorized to enter into an agreement, subject to the approval of the County Attorney, with the Community Action Planning Council (CAPC) in an amount not to exceed \$6,900 for promoting and furthering fair and equal housing opportunities in the County for the period October 1, 2010 through September 30, 2011.

Seconded by Legislator: Michael W. Behling

All members present voted aye.

Legislator Docteur inquired where we are with the shared services agreements with towns. Chairman Blankenbush advised that he is in the process of setting up a meeting that would include County Administration, Highway Superintendent Lawrence, General Services Committee Chairman Reed, and town representatives for the first part of next week.

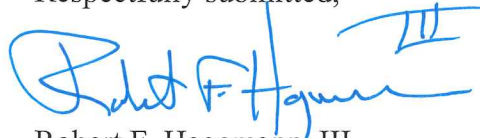
Chairman Blankenbush advised that in response to recent discussions on fund balance he is planning to immediately choose members to serve on a five member Fund Balance Ad Hoc Committee that would set up parameters/guidelines for Administration to follow in developing future budgets. He said he has not chosen members as yet but thought it was important to take a look at it before the 2011 budget process. Legislator Ferris expressed interest in being on that Ad Hoc Committee. Chairman Blankenbush said he did not want to follow anything as strict as a certain percentage of the budget for fund balance as JCC does, but thought looking at the total fund balance and major expenditures/projects for the near future and then identifying parameters that the Budget Officer has to live by would be beneficial.

Legislator Gray said he has had brief discussions with the County Attorney relative to making the Audit Ad Hoc Committee a permanent sub-committee of Finance & Rules and felt the Board should go through a Standing Rules change to that affect. He felt the NYS Comptrollers Office would endorse it and it would make issues such as the last contract glitch we had more beneficial to us. In consideration of that fact he also felt that the internal auditor should report directly to the Audit Committee or the Board instead of to Administration.

Legislator Fitzpatrick acknowledged citizen Wayne Zimmer who was in attendance and thanked him for being her leveler on issues over the years. She said she appreciated his participation at meetings and phone calls, and wished him Godspeed as he moved to Tennessee. On behalf of the Board Chairman Blankenbush also wished Mr. Zimmer well.

There being no further business, on a motion by Legislator Burto seconded by Legislator Docteur and unanimously carried, the meeting was adjourned at 7:50 p.m.

Respectfully submitted,

A handwritten signature in blue ink, reading "Robert F. Hagemann, III". The signature is stylized with a large initial "R" and a prominent "III" at the end.

Robert F. Hagemann, III
Clerk of the Board