

**RESOLUTIONS OF THE OSWEGO COUNTY LEGISLATURE FOR
FEBRUARY 13, 2020**

18	RESOLUTION APPOINTING MEMBER TO THE COUNTY BOARD OF ETHICS
19	RESOLUTION AWARDING PROFESSIONAL SERVICES CONTRACT – LANGUAGE AND INTERPRETATION SERVICES
20	RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE NEW YORK STATE ENVIRONMENTAL SPILL PROTECTION FUND REGARDING THE DISPOSITION OF PROCEEDS CONCERNING CERTAIN TAX FORECLOSED PROPERTY
21	RESOLUTION APPROVING AMENDMENTS TO THE OSWEGO COUNTY ASSIGNED COUNSEL PLAN
22	RESOLUTION APPOINTING MEMBERS TO THE OSWEGO COUNTY FIRE ADVISORY BOARD FOR 2020
23	RESOLUTION APPOINTING MEMBERS TO THE OSWEGO COUNTY EMS ADVISORY COUNCIL (EMSAC) FOR 2020
24	RESOLUTION AUTHORIZING BUDGET MODIFICATION EMERGENCY MANAGEMENT OFFICE/EMERGENCY SERVICES HAZARDOUS MATERIALS EMERGENCY PLANNING GRANT FY 2019
25	RESOLUTION APPOINTING TWO MEMBERS TO THE COMMUNITY SERVICES BOARD
26	RESOLUTION AWARDING PROFESSIONAL SERVICES CONTRACT – FORENSIC PSYCHOLOGICAL EVALUATIONS
27	RESOLUTION AWARDING PROFESSIONAL SERVICES CONTRACT – TRANSPORTATION DISPATCH SERVICES
28	RESOLUTION AUTHORIZING BUDGET MODIFICATION DEPARTMENT OF SOCIAL SERVICES TO ACCEPT NEW YORK STATE AID CODE BLUE FUNDS
29	RESOLUTION APPOINTING MEMBERS TO THE OSWEGO COUNTY SOIL AND WATER CONSERVATION DISTRICT BOARD OF DIRECTORS
30	RESOLUTION AMENDING BY-LAWS FOR THE OSWEGO COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL
31	RESOLUTION APPOINTING INDIVIDUALS TO THE OSWEGO COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL
32	RESOLUTION FIXING TIME AND PLACE FOR PUBLIC HEARING RELATIVE TO THE REQUESTS OF LANDOWNER INCLUSION WITHIN THE EXISTING CERTIFIED AGRICULTURAL DISTRICT PURSUANT TO THE NYS AGRICULTURAL AND MARKETS LAW (AML), SECTION 303-b, AS AMENDED

- 33 RESOLUTION AUTHORIZING BUDGETARY MODIFICATION DEPARTMENT OF COMMUNITY DEVELOPMENT, TOURISM AND PLANNING OSWEGO RIVER ACCESS PROJECT
- 34 RESOLUTION INCREASING AUTHORIZATION OF CAPITAL PROJECT NO. 94 – ASSET REPLACEMENT
- 35 RESOLUTION APPOINTING MEMBERS TO THE OSWEGO COUNTY TRAFFIC SAFETY BOARD
- 36 RESOLUTION APPOINTING MEMBERS TO THE OSWEGO COUNTY BOARD OF HEALTH
- 37 RESOLUTION TO ACCEPT OPIOID MENTORSHIP GRANT FROM THE NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS (NACCHO)
- 38 RESOLUTION REQUESTING THE STATE LEGISLATURE TO CHANGE THE TITLE OF CHAPTER 523 OF THE LAWS OF 1989 FROM THE “PRESCHOOL PROGRAM FOR CHILDREN WITH HANDICAPPING CONDITIONS” TO THE “PRESCHOOL PROGRAM FOR CHILDREN WITH DISABILITIES”
- 39 RESOLUTION APPOINTING MEMBERS TO THE OSWEGO COUNTY SOLID WASTE MANAGEMENT BOARD
- 40 RESOLUTION AUTHORIZING BUDGET MODIFICATION TO TRANSFER FUNDS FROM INSURANCE RECOVERY INTO HIGHWAY SUPPLIES AND EXPENSES
- 41 RESOLUTION ESTABLISHING CAPITAL PROJECT NO. 114 - COUNTY ROUTE 6 BRIDGE OVER CATFISH CREEK
- 42 RESOLUTION ESTABLISHING CAPITAL PROJECT NO. 116 - GRANNIS ROAD BRIDGE OVER SCRIBA CREEK
- 43 RESOLUTION AUTHORIZING EXPENDITURE FROM CAPITAL RESERVE NO. 21 – BUILDINGS RENOVATIONS FOR CAPITAL PROJECT NO. 73 – FLOOR COVERING REPLACEMENTS
- 44 RESOLUTION AUTHORIZING EXPENDITURE FROM CAPITAL RESERVE NO. 21 – BUILDINGS RENOVATIONS FOR CAPITAL PROJECT NO. 84 – WATER METER REPLACEMENTS
- 45 RESOLUTION AUTHORIZING EXPENDITURE FROM CAPITAL RESERVE NO. 146– HIGHWAY & EQUIPMENT FOR CAPITAL PROJECT NO. 113 - F&T EQUIPMENT
- 46 RESOLUTION AUTHORIZING CAPITAL PROJECT CLOSURES AND TRANSFER OF PROJECT BALANCES
- 47 RESOLUTION AWARDING PROFESSIONAL SERVICES CONTRACT HUMAN RESOURCES DEPARTMENT – SELF-INSURED HEALTH PROGRAM
- 48 RESOLUTION AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH GENERAL CODE FOR COUNTY TREASURER’S OFFICE

- 49 RESOLUTION OPPOSING THE GOVERNOR'S PROPOSED MEDICAID COST-SHIFT
AND CALLING ON THE GOVERNOR AND NEW YORK STATE LEGISLATURE TO
PRESERVE THE ZERO PERCENT MEDICAID GROWTH CAP
- 50 A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH
THE OSWEGO COUNTY DEPUTIES ASSOCIATION, INC.

RESOLUTION NO. 018

RESOLUTION APPOINTING MEMBER TO THE COUNTY BOARD OF ETHICS

By Legislator David Holst:

WHEREAS, on December 13, 1990, the Oswego County Legislature adopted Local Law #4 of 1990 entitled "Oswego County Ethics and Disclosure Law", and

WHEREAS, Local Law #4 of 1990 created the Oswego County Board of Ethics, and

WHEREAS, the term of office has expired for a member of the Board, and

WHEREAS, it is necessary to fill said vacancy so that the Board may function,

NOW, on recommendation of the Government, Courts and Consumer Affairs Committee of this body, be it

RESOLVED, that the following individual be re-appointed to the Oswego County Board of Ethics for a three-year term running from the expiration of the former term and ending as follows:

John G. Fitzgibbons - Term to Expire (2/1/23)

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 21 NO: 0 ABSENT: 4 ABSTAIN: 0

LEGISLATURE
COUNTY
OSWEGO

RESOLUTION NO. 019

**RESOLUTION AWARDING PROFESSIONAL SERVICES CONTRACT –
LANGUAGE AND INTERPRETATION SERVICES**

By Legislator David Holst:

WHEREAS, in accordance with Oswego County Purchasing Policy, the Onondaga County Division of Purchase solicited Requests for Proposals (RFP 19-7500-0001) from multiple qualified vendors for Language and Interpretation Services; and

WHEREAS, Onondaga County Division of Purchase and Oswego County have reviewed the proposals received and determined the proposal from Voiance LLC meets the County's needs;

NOW, THEREFORE, BE IT RESOLVED, that upon the recommendation of the Government , Courts, and Consumer Affairs Committee that Oswego County awards the professional services contract for providing Language and Interpretation Services to Voiance LLC, 5780 N. Swan Rd. Tuscon, AZ 5718 for a cost of \$0.75 a minute per use.

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 21 NO: 0 ABSENT: 4 ABSTAIN: 0

OSWEGO COUNTY LEGISLATURE

RESOLUTION NO. 020

**RESOLUTION AUTHORIZING THE EXECUTION OF AN
AGREEMENT WITH THE NEW YORK STATE ENVIRONMENTAL SPILL
PROTECTION FUND REGARDING THE DISPOSITION OF
PROCEEDS CONCERNING CERTAIN TAX FORECLOSED PROPERTY**

By Legislator David Holst:

WHEREAS, the County of Oswego has heretofore foreclosed against certain blighted property in the Town of Scriba located at 5617 State Route 104 (Tax Map No.: 129.00-02-03.01); and

WHEREAS, the county has incurred \$20,951.01 in highway costs to raze burnt-out structures and dispose of same and there are presently \$9,978.03 in delinquent taxes, interest and penalties owed on this tax-foreclosed property; and

WHEREAS, this property has remained stagnant for many years due to petroleum contamination and significant liens placed or to be placed against the property for the state-funded cleanup and monitoring of the premises; and

WHEREAS, the NYS Environmental Spill Fund is desirous to enter into an agreement to release its lien on certain terms and conditions which would permit the property to be placed on the tax rolls again and hopefully into productive use; and

WHEREAS, this model works and can be used for other, foreclosed delinquent tax properties in the future,

NOW, THEREFORE, upon the recommendation of the Government, Courts and Consumer Affairs Committee and the County Attorney, it is hereby

RESOLVED, that the Chairman of the Legislature be and is hereby authorized to execute the annexed agreement with the NYS Environmental Spill Fund; and, it is further

RESOLVED, that this agreement, when executed, shall be the County Treasurer's authority to disburse certain sale proceeds to the NYS Comptroller consistent with the terms of the agreement.

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 21 NO: 0 ABSENT: 4 ABSTAIN: 0

OSWEGO COUNTY LEGISLATURE

1.

In the Matter of the Investigation and Remediation of Real Property Pursuant to Article 12 of the Navigation Law, by the	AGREEMENT FOR DISTRIBUTION OF PROCEEDS FROM TAX FORECLOSURE SALES
COUNTY OF OSWEGO	

WHEREAS:

1. The New York Environmental Protection and Spill Compensation Fund (the "Fund") was created by Navigation Law § 179. The Administrator of the Fund is authorized to settle claims on behalf of the Fund. (Navigation Law §180).

2. The County of Oswego ("County") is a county, as defined in County Law § 3, with its principal place of business located at 46 East Bridge Street, Oswego, New York 13126.

3. Pursuant to Navigation Law Article 12, the Fund has expended cleanup and removal costs at the following property located in the County of Oswego:

"Former Mays Gas Station Site"

- Address: 5617 State Route 104, Oswego, New York 13126
- Tax Map #: 129.00-02-03.01

4. Navigation Law § 173 prohibits the discharge of petroleum, and Navigation Law § 181 provides that any person who discharges petroleum shall be strictly liable, without regard to fault, for all cleanup and removal costs.

5. The County is owed real property and school taxes, together with, as applicable, accrued interest and penalties, as of XX, 2019, with respect to the Former Mays Gas Station Site in the amount of \$XX.

6. The Fund plans to incur cleanup and removal costs by conducting, in its direction, any necessary cleanup of the petroleum contamination at and migrating from the Site.

7. The County has commenced and completed an In Rem Tax Foreclosure proceeding ("Foreclosure Proceeding") pursuant to Real Property Tax Law ("RPTL") Article 11 with respect to the Former Mays Gas Station Site.

8. The County is desirous of completing the Foreclosure Proceeding in order to return the Former Mays Gas Station Site to the active tax rolls and obtain payment of some or all of the amounts owed for back taxes, fees, interest and penalties, but is concerned that, should the County hold title to the Former Mays Gas Station Site, it may be deemed a responsible party under the strict liability provisions of Navigation Law Article 12.

9. Remediation of the Former Mays Gas Station Site by the New York State Department of Environmental Conservation ("NYSDEC") has been deemed and continues to be deemed to be a necessary element of the County's and the Fund's desire to reduce blight in the towns and villages in Oswego County and, upon sale at the foreclosure auction, to enhance the future reuse of the Former Mays Gas Station.

10. To date, the Fund has no knowledge of any fact which indicates that the County is a responsible party under the strict liability provisions of Navigation Law Article 12 with respect to the Former Mays Gas Station Site.

11. The Fund and the County, therefore, agree that this Agreement is warranted in order to achieve the following goals:

- a. Pursuant to Section III of this Agreement, Release of the County and its eligible successors and assigns, as defined in Section III from any and all liability relating to the Former Mays Gas Station Site;
- b. Facilitate any necessary cleanup by the NYSDEC of the petroleum contamination at and, as necessary, migrating from the Former Mays Gas

Station Site;

- c.. Distribution of auction sale proceeds obtained pursuant to the Foreclosure Proceeding conducted pursuant to RPTL Article 11 to partially offset the cleanup and removal costs expended by the Fund at the Former Mays Gas Station; and
- d. Enhance efforts to remove blight in Oswego County by cleaning up the Former Mays Gas Station Site and returning it to the tax roll for future productive use.

NOW THEREFORE, the Fund and the County agree as follows:

I. Initial Payment

In consideration of this Agreement, the County shall pay to the Fund, with respect to the Former Mays Gas Station Site, a non-refundable payment of fifty percent (50%) of the auction sale price, at the time of the tax auction sale for the Former Mays Gas Station Site. Said payment will be made by the County within sixty (60) days following the tax auction and sale of the Former Mays Gas Station Site at the County's tax auction sale. Such payment shall be made payable to "Comptroller, State of New York" and the check memo line shall reference associated with the Former Mays Gas Station Site. Said payment shall be delivered to the Fund in accordance with Section VI of this Agreement.

II. Foreclosure Proceedings

- A. If the County does not complete an arm's length Foreclosure Proceeding pursuant to RPTL Article 11 and take title to the Former Mays Gas Station Site, this agreement shall terminate and there shall be no further obligation or liability to either party by

reason of this Agreement with respect to the Former Mays Gas Station.

- B. The County will hold a Public Auction by public outcry to the highest bidder on or about XX, 2020, or at a subsequent date or by private sale with respect to the Former Mays Gas Station Site. There will be no minimum bid required and the County may auction other properties, if any, at the same time, the proceeds of which will not be subject to this Agreement. Unless sold by private sale, the County agrees that it will include the Former Mays Gas Station Site in each of its Public Auctions until the Site is sold.
- C. The Oswego County Legislature has declared by resolution that upon the final sale of any property at the Public Auction or by private sale, no further approval by the County is required.
- D. The purchaser of the Former Mays Gas Station Site shall, respectively, be required to execute a sworn affidavit attesting to the fact that said purchaser has no relationship, whether a business, contractual, familial or agency, with any of the parties deemed responsible according to applicable principles of statutory or common law for the discharge of petroleum on or at that site.
- E. The County shall not deliver the tax deed to the purchaser of the Former Mays Gas Station Site until the proceeds of the sale have been paid to the Fund pursuant to the terms of this Agreement.

III. Release of Liability

- A. Upon completion of the Foreclosure Proceeding and after compliance by the County with Section I and II.D of this Agreement, the Fund hereby acquits, and forever discharges the County, its officers, employees, or agents from any legal or equitable

rights, claims, actions, proceedings, suits, causes of action, liabilities or demands which the State asserted or could have asserted against the County, for the cleanup and removal costs incurred by the State through the date of this Agreement, including interest thereon and applicable penalties, which specifically relate to the existing discharge of petroleum product at the site..

- B. The releases set forth in Paragraphs 1 and 4 of this Section III of this Agreement shall extend to the successors or assigns of the County (hereinafter, "eligible successors and assigns"); provided, however, that it shall not extend, nor can it be transferred to any successors or assigns of the County who are persons deemed responsible according to applicable principles of statutory or common law or to a person with interest by either a business, contractual, familial or agency, relationship for the existing discharge of petroleum at the site.
- C. The Fund makes no agreements, promises, covenants, representations, or warranties regarding the past, present or future condition of the Former Mays Gas Station Site, including but not limited to any contamination, or other effects, resulting either directly or indirectly from discharges at the Former Mays Gas Station Site.
- D. By this Agreement, the Fund releases the County and any eligible successors and assigns from any and all claims, losses, costs and expenses, and liabilities, direct or indirect, that can be made by the State now or in the future under Article 12 of the Navigation Law or under any other State law, rule or regulation for clean-up costs associated with, arising out of, and/or relating to the condition of the Former Mays Gas Station, including but not limited to any and all discharges occurring at or on or which existed at the Former Mays Gas Station, prior to the date the County became

the owner of the Former Mays Gas Station by reason of the Foreclosure Proceeding.

IV. Reservation of Rights

- A. Except as provided in Section III of this Agreement, nothing contained in this Agreement shall be construed as barring, diminishing, adjudicating, or in any way affecting the rights of the Fund with respect to any party other than the County and its eligible successors and assigns with respect to the Former Mays Gas Station Site.
- B. The Fund explicitly reserves all rights with respect to any person, including the County and its successors or assigns, who is responsible according to applicable principles of statutory or common law for any discharge of petroleum occurring at the Former Mays Gas Station Site after the date upon which the County takes title to the Site.

V. Miscellaneous

- A. By entering into this Agreement, the County certifies that, to the best of its knowledge and belief, it has not caused or contributed to a discharge of petroleum at the Former Mays Gas Station Site.
- B. If the Fund determines that the information provided by the County is not materially accurate or complete or if the County otherwise fails to carry out its obligations under this Agreement, then this Agreement may be declared null and void and all rights that the Fund may have against the County shall thereby be reinstated.
- C. The County, for itself and its employees, agents, lessees, successors and assigns, affirmatively waives any right to make a claim against the Fund pursuant to Navigation Law Article 12 with respect to the Former Mays Gas Station Site and hereby releases the State of New York from any and all present or future claims.

- D. The provisions of this Agreement do not constitute and shall not be deemed a waiver of any right the County otherwise may have to seek and obtain contribution and/or indemnification from other potentially responsible parties or their insurers, or the County's insurers, for payments made previously or in the future for cleanup and removal costs.
- E. If any party to this Agreement desires that any provision of the Agreement be changed, that party shall make timely written application to all other parties to the Agreement, which application shall set forth the grounds for the relief sought.
- F. No term, condition, understanding or agreement purporting to modify or vary any term of this Agreement shall be binding unless made in writing and subscribed by all parties to the Agreement. No informal advice, guidance, suggestion or comment by the Fund regarding any report, proposal, plan, specification, schedule or any other submittal shall be construed as relieving the County of the County's obligation to obtain such formal approvals as may be required by this Agreement.
- G. The effective date of this Agreement shall be the date that the signature of the duly designated representative of the last of the parties thereto is affixed.

VI. Communications

All written communications required by this Agreement shall be transmitted by United States Postal Service, by private courier service, or hand delivered to the following and may, in addition, be made by electronic means:

To the Fund:

Patrick J. Holloway, Manager
New York Environmental Protection and
Spill Compensation Fund

Office of the State Comptroller
110 State Street
Albany, New York 12236

To the County:

Richard C. Mitchell, Esq.
Oswego County Attorney
46 East Bridge Street
Oswego, New York 13126

NEW YORK ENVIRONMENTAL
PROTECTION AND SPILL
COMPENSATION FUND
Office of the New York State Comptroller
110 State Street, 9th Floor
Albany, New York 12236

By:

Debbie Hilson
Director

Dated: December , 2019
Albany, New York

CONSENT BY COUNTY

The County of Oswego hereby consents to the entering of this Agreement and agrees to be bound by the terms and conditions of this Agreement.

By: _____

Title: Hon.
Oswego County Legislature

Dated: December ____, 2019

STATE OF NEW YORK
COUNTY OF OSWEGO

On this ____ day of December, 2019, before me the undersigned, a Notary Public in and for said State, personally appeared Hon _____ as Chair of the County Legislature of the County of Oswego, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person or entity upon behalf of which the individual acted, executed this instrument.

NOTARY PUBLIC

RESOLUTION NO. 021

**RESOLUTION APPROVING AMENDMENTS TO THE OSWEGO COUNTY
ASSIGNED COUNSEL PLAN**

By Legislator David Holst:

WHEREAS, the County of Oswego has a bar association rotational plan to provide legal representation for indigent persons in various courts within the county and for purposes of appeals; and

WHEREAS, in light of the *Hurrell-Harring v. State of New York* decision and various other efforts to improve the quality of indigent representation, the Oswego County Bar Association, Inc. has approved amendments to the existing plan on behalf of its members; and

WHEREAS, this body, from time to time, has heretofore approved the assigned counsel plan and amendments as required by County Law §722, *et seq.*,

WHEREAS, a resolution is both necessary and desirable,

NOW, THEREFORE, upon the recommendation of the Government, Courts and Consumer Affairs Committee of this body and the Administrator of the Assigned Counsel Plan, it is hereby,

RESOLVED, that the annexed amendments to the Assigned Counsel Plan be and are hereby approved by this body, and, it is further,

RESOLVED, that the annexed amended Assigned Counsel Plan shall take effect for all assignments occurring on March 1, 2020 or thereafter.

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 21 NO: 0 ABSENT: 4 ABSTAIN: 0

OSWEGO
COUNTY
LEGISLATURE

OVERVIEW

The Oswego County Assigned Counsel Plan (hereinafter referred to as the ACP or the Plan) is dedicated to providing high quality legal representation to individuals in Oswego County who are unable to afford counsel in various Oswego County court matters. The Plan ensures legal representation to indigent persons by private attorneys, who are admitted to the New York State Bar, currently registered with the Office of Court Administration and who agree to accept Assigned Counsel case assignments, which case assignments are to be made on a rotational basis directly to the Plan attorneys by the Courts. The Plan is committed to supporting participating attorneys in advocating on behalf of their clients and meeting the quality standards of the program.

The Assigned Counsel Plan is responsible for developing and executing its operational policies and procedures. The Plan develops and issues guidelines and rules to meet the Plan goals. The Plan's activities include, but are not limited to, the following:

- *Recruitment, screening and approval of Attorneys for Plan Membership
- *Monitoring Plan Attorneys' compliance with the Plan's Guidelines, Rules and Policies
- *Maintaining a Plan Membership List for appointments by the Courts
- *Developing and maintaining a cooperative relationship with the Judiciary and Bar
- *Review of Client Financial Affidavits and Approval of Attorneys' submitted Vouchers for payment
- *Budget Development and Monitoring
- *Grant applications, oversight, compliance and claims
- *Prepare Statistical Reports
- *Conduct Plan review and improvement

INTRODUCTION AND LEADERSHIP

The overall administration of the Plan is vested in the County of Oswego.

A. Plan Administrator

The Plan Administrator (hereinafter the “Administrator”) is responsible for managing all aspects of the Plan office. The Administrator is hired by the County of Oswego and reports to the County Administrator. The Administrator has the ultimate responsibility of ensuring that the Plan Attorneys are in compliance with this Plan.

B. Plan Committees

There shall be two standing committees to assist in implementing and enforcing quality control measures:

1. Screening Committee

- a. This Committee will be comprised of the Plan Administrator and three (3) to four (4) experienced and respected attorneys from the community identified by the Administrator to review attorney applications for admittance to the Plan and recertification of the panel attorneys. No one from a District Attorney’s office, a County Attorney’s office, the court system or law enforcement shall be permitted on this Committee.

2. Voucher Review and Complaint Advisory Committee

- a. This Committee will be comprised of the Plan Administrator and three (3) to four (4) experienced and respected attorneys from the community identified by the Administrator. This Committee will review non-conforming vouchers and address serious complaints regarding panel attorneys.

ATTORNEY QUALIFICATIONS FOR MEMBERSHIP

Service on an Assigned Counsel Plan is a privilege, not a right. Panel attorneys are not employed by the County of Oswego but are independent contractors of the Plan. Continuing membership in good standing requires compliance with the rules and expectations set forth herein.

1. It is expected that all attorneys on the ACP panel will conduct themselves with the utmost professionalism. This means that every assigned case should be handled as though it were a privately retained case. This expectation includes the requirement that an attorney handling any matters under this plan will, when appropriate, file discovery demands, requests for bills of particular, motions, legal memoranda, conduct hearings, try cases and exercise other legal options.
2. The ACP is committed to supporting panel attorneys in delivering high quality representation and seeks to address panel attorney concerns promptly and professionally. Panel attorneys and ACP staff will conduct themselves professionally.
3. To promote professional behavior the ACP may require training including but not limited to diversity, implicit bias, harassment and sexual harassment. This training may be required for an individual attorney or for the entire panel as deemed necessary by the Screening Committee.
4. The ACP will hold two mandatory Continuing Legal Education programs, one for criminal law and one for family law, that panel attorneys must attend to remain on the respective panels. The Administrator will provide written notice of the date, time and location of the program a minimum of six (6) months ahead. If an attorney is excused by the Administrator from attending for good cause shown, the recording of the training must be viewed by the attorney at the ACP office within sixty (60) days of the program. CLE credit may or may not be available for viewing the recording.
5. Participation in the Oswego County Centralized Arraignment Plan will be mandatory for any attorney seeking to be on the misdemeanor or felony panels.
6. Panel attorneys must be admitted to the practice of law in New York State and submit Certificates of Good Standing from the Fourth Department by January 15 of each year.

7. Panel attorneys must maintain legal malpractice insurance coverage of no less than \$100,000.00 and provide annual verification to the Assigned Counsel Program by providing a copy of the cover sheet/binder for the policy, specifying: a) the name of the insurance company; b) the policy number; c) the coverage limits; d) the period of coverage; and e) the name of the covered attorney.
8. Panel attorneys must reside in Oswego County or a contiguous County and must have an appropriate office setting where they will meet with clients in Oswego County.
9. Attorneys must complete the application for placement on the ACP and submit it to the ACP.
10. Attorneys new to the ACP must complete an initial orientation program presented by the ACP.
11. After initial admission to the panel, attorneys will annually submit a recertification application with updated contact information, CLE requirements, and any other information requested by the ACP. Attorneys will make selections as to which courts they wish to appear before as part of this annual recertification. Attorneys are also to promptly notify the ACP of any change in address, contact information or attorney registration status.
12. Upon acceptance to the ACP, an attorney's conduct and performance must be in accord with the Rules of the Appellate Division, Fourth Department, the New York State Rules of Professional Conduct (22 NYCRR Part 1200), the New York State Office of Court Administration (OCA) guidelines and rules, and the ACP policies, rules and procedures as adopted by the ACP Screening Committee. ACP panel attorneys must also be guided by the New York State Bar Association's Revised Standards for Providing Mandated Representation, the ABA Criminal Justice Standards for the Defense Function, and any applicable standards of practice issued by the NYS Office of Indigent Legal Services (ILS).

RULES

1. Members may only accept assigned cases on panels for which they have been approved.
2. At no time is an ACP panel attorney to inform a client that he or she does not financially qualify for assigned counsel unless the Plan has made the determination that the client does not qualify and the Court is in agreement with the determination made by the Plan. Violation of this rule will result in immediate removal from the Plan.
3. To promote continuity in representation, it is ACP's policy that each assigned client be represented by one assigned attorney in all matters pending before courts of this County where possible. If an assigned attorney discovers that the client is currently being represented by another assigned attorney in another pending matter, the attorney shall promptly notice the ACP and the ACP will reach out to the respective courts.
4. Panel members shall communicate regularly with assigned client by office visits, jail visits, letter, telephone, email and/or text. Attorneys shall attempt to communicate with clients promptly after each court appearance.
5. The services of experts, investigators, interpreters and other non-attorney professional supports may be requested through the ACP. In every assigned case, attorneys are expected to assess the need for non-attorney professional services, including but not limited to, investigative, expert, interpreting, social work, mitigation/sentencing advocate, etc. If the non-attorney services are found necessary, attorneys are expected to request such services.
6. Panel members must set up and maintain a separate file for each case assigned to them.
7. Once assigned to a case, a panel member remains the attorney of record unless specifically relieved by the court or this office.
8. Panel attorneys are expected to maintain an email account, to notify the ACP of their email address, and to promptly read and, where necessary, reply to email communications from the ACP.
9. Panel members shall notify the ACP of any change in address, phone, fax, email address or attorney registration status within 48 hours of said change.
10. As a condition of ongoing funding, the ACP is required to comply with County and State reporting requirements. Compliance with these reporting requirements necessitates the collection of information from ACP panel attorneys, including requests that certain forms

be completed and/or that information be entered electronically into the ACP electronic voucher and case management system. Panel attorneys shall consistently and promptly comply with ACP requests for information.

ATTORNEY QUALIFICATIONS FOR PANELS

A. Types of Panels

The ACP is divided into three panels: Felony, Misdemeanor and Family Court. To be considered for placement on an Assigned Counsel Panel, every attorney shall first meet all qualifications for membership as outlined above. For placement on a particular panel, attorney's shall apply for and satisfy certain enumerated criteria for said panel. The Panel Lists will be circulated to the judiciary and updated as needed.

1. Family Court List

- a. This panel is maintained for assignment to matters brought in Family Court in all areas in which assignment of counsel is mandated by law. The following criteria shall be satisfied by attorneys to be considered for placement on this Panel List:
 - i. Completion of the threshold criteria for panel list membership; and
 - ii. Have substantial experience in handling Family Court matters as determined by the Screening Committee; or
 - iii. Completion within three months of application to the panel a comprehensive Family Court training or CLE program approved by the ACP, with at least 4 credit hours focused specifically on the handling of Abuse, Neglect or Termination of Parental Rights matters; and
 - iv. Be mentored through the handling of at least four such matters, two of which involve Abuse, Neglect or Termination of Parental Rights matters, through a second chair program established or approved by the ACP; and
- b. Comply with any additional qualifications that the ACP sets, including but not limited to, attendance at specific continuing legal education programs, and participation in mentoring and second chairing programs.

2. Misdemeanor List

- a. This panel is maintained for assignment to criminal misdemeanor and violation cases. The following criteria shall be satisfied by attorneys to be considered for placement on this Panel List:
 - i. Completion of the threshold criteria for panel list membership; and
 - ii. Have substantial experience in handling criminal matters as determined by the Screening Committee; or
 - iii. Completion within three months of application to the panel a comprehensive Criminal Court training or CLE program approved by the ACP; and

- iv. Be mentored through the handling of at least four such matters through a second chair program established or approved by the ACP; and
 - b. Comply with any additional qualifications that the ACP sets, including but not limited to, attendance at specific continuing legal education programs, and participation in mentoring and second chairing programs.
- 3. Felony List
 - a. This panel is maintained for assignment to felony criminal matters. The following criteria must be satisfied by attorneys to be considered for placement on this Panel List:
 - i. Completion of the threshold criteria for panel list membership; and
 - ii. Have been admitted to practice law before the courts of the State of New York for a minimum of two (2) years; and
 - iii. Have substantial experience in the handling of criminal matters as determined by the Screening Committee; OR
 - iv. Have been a member of the Misdemeanor Panel for at least one year and during the period of membership on the Misdemeanor Panel have: (i) handled thirty cases on that panel to conclusion; (ii) have tried as lead counsel at least one misdemeanor jury trial or two misdemeanor bench trials to verdict and have conducted at least three suppression hearings in a criminal case in which oral testimony was taken and a ruling on the hearing was rendered; (iii) used the services of an investigator on at least two cases; (iv) filed motions on at least ten (10) cases; and (v) have substantially assisted an experienced, felony trial panel attorney under the Second Chair Program of the ACP in at least two felony trials to verdict.

RECERTIFICATION AND REVIEWS

Annually, each panel attorney will complete and submit recertification paperwork as required by the ACP. The recertification paperwork will be available to attorneys by November 1st of each year and shall be properly completed and submitted to the ACP office by December 20th of each year.

Panel reviews will be conducted by the Screening Committee. Each panel attorney will be reviewed every three years or as deemed necessary by the Committee. Panel reviews are to be viewed functionally as reapplications for participation in the ACP. Consequently, the Screening Committee may make decisions about appropriate placements on panels regardless of previous placements, and may decide upon necessary supports for an attorney, including but not limited to training, participation in the Mentor Program, and participation in the Second Chair Program. The decisions of the Screening Committee with respect to such reviews shall be final.

Aspects of a panel attorney's practice that may be considered in a review include any of the following areas:

1. Prompt, frequent, effective and adequate communication with clients;
2. Effective and adequate communication and coordination with other counsel involved in the case or in a related matter;
3. Investigation of facts including the use of investigators;
4. Current and relevant knowledge of the law;
5. Effectively preserving clients' options at all stages of the proceedings;
6. Filing appropriate pretrial motions and effectively conducting pretrial hearings;
7. Adequate and effective preparation for trial;
8. Effective use of experts, investigators, mitigation/sentencing advocates, interpreters, and other non-attorney professionals;
9. Preparation for and effective advocacy at sentencing; and
10. Preservation of clients' rights with respect to appeal including, but not limited to, preserving issues for appeal, notifying clients of the right to appeal, and assisting clients in applying for assigned appellate counsel.

In conducting this review, the Screening Committee shall receive from the ACP information about the average amount of time, with breakdowns, the attorney is spending on cases and shall review this information with the attorney in conjunction with the more subjective factors set forth above.

COMPLAINT REVIEW

It is the goal of the ACP to ensure that clients receive high quality representation. The ACP also seeks to provide support, training and opportunities for improvement of the plan attorneys. To meet these goals, the ACP will use the following procedures in addressing complaints made against plan attorneys.

- A. Where necessary to protect the rights of clients and the integrity of the ACP, an attorney may be suspended from, denied placement on, or removed from membership on any panel list for substantial and/or continuous violation of ACP rules.
- B. The Administrator or his/her designee will review any complaints received regarding a panel attorney and make an initial assessment to determine if the complaint, if true, could require suspension or removal from a panel for the reason outlined in (A) above. If the complaint does not meet this threshold, the Administrator or his/her designee will resolve the matter internally.
- C. If the complaint, if true, could require suspension or removal from the panel for the reason outlined in (A) above, it will be referred to the Voucher Review and Complaint Advisory Committee (hereinafter for purposes of this section the "Complaint Advisory Committee"). The Complaint Advisory Committee will then notify the panel attorney of the complaint and provide the panel attorney an opportunity to respond in writing, in person, or both. The Complaint Advisory Committee may also communicate with the person making the complaint and other individuals with relevant knowledge.
- D. If the Complaint Advisory Committee determines that the conduct complained of was either inaccurately reported or, if accurately reported, was consistent with the ACP rules, the matter may be dismissed or resolved through consultation with the panel attorney.
- E. If the Complaint Advisory Committee determines that the conduct complained of was not consistent with the ACP rules, the Complaint Advisory Committee may take any appropriate action, including, but not limited to, counseling, remediation (such as training and/or mentoring), suspension, removal from a specific panel, or removal from all panels. To the extent possible, the Complaint Advisory Committee will seek to impose a consequence that provides the opportunity for counseling or remediation. During the course of remediation, the Complaint Advisory Committee may suspend a panel attorney for one or all panels.
- F. If the Complaint Advisory Committee decides that remediation is the appropriate consequence, but the panel attorney refuses or fails to comply with the recommended course of remediation, the Complaint Advisory Committee may take other action, including suspension or removal from the ACP.
- G. If a panel attorney who is the subject of a complaint refuses to respond to communications from the ACP, the Administrator and/or the Complaint Advisory

Committee may suspend or remove the attorney from the ACP and take any further action deemed appropriate.

- H. The panel attorney who is the subject of a complaint may choose to have representation, at his or her own expense, to assist with the Complaint Advisory Committee.

MENTORING AND SECOND CHAIR PROGRAMS

A. Mentor Program

The Mentor Program was created to ensure that attorneys in need of support have an identified resource to whom they can go for guidance.

1. Mentors will be identified and asked to participate by the Administrator. Mentors will not be required to satisfy subdivisions (4) (7) (9) and (10) of the Attorney Qualifications for Membership section of this plan.
2. Any attorney applying for the family court panel who lacks substantial experience in handling Family Court matters as determined by the Screening Committee shall be assigned a mentor and will be expected to meet with and utilize the mentor on a regular basis.
3. Any attorney applying for the Misdemeanor panel who lacks substantial experience in handling Criminal Court matters as determined by the Screening Committee shall be assigned a mentor and will be expected to meet with and utilize the mentor on a regular basis.
4. Any panel attorney may request a mentor and will be assigned a mentor as soon as one is available.
5. Upon recommendation of the Screening Committee and/or the Complaint Advisory Committed, an attorney may be required to be paired with a mentor.
6. The Mentor Program allows for one on one training, shadowing, teaching, support and assistance with individual cases.
7. Mentors and Mentees shall be paid at the statutory hourly rate for the time spent together.
8. Once a Mentee has obtained one (1) year of experience, they will be removed from the Mentor Program. If the Mentee wishes to continue with the Program the Mentee can so request.

B. Second Chair Program

The Second Chair Program allows for less experienced attorneys to work closely with more experienced attorneys to obtain skills, knowledge and experience that cannot be obtained through training programs.

1. Any attorney applying for the family court panel who lacks substantial experience in handling Family Court matters as determined by the Screening Committee shall be assigned to second seat at least four family court matters, two of which involve Abuse, Neglect or Termination of Parent Rights matters.
2. Any attorney applying for the Misdemeanor panel who lacks substantial experience in handling Criminal Court matters as determined by the Screening Committee shall be assigned to second seat at least four criminal court matters.
3. Upon recommendation of the Screening Committee an attorney may be required to participate in the Second Chair Program.
4. Panel Attorneys participating in the Second Chair Program shall be paid at the statutory hourly rate for the time spent together.
5. Once an attorney has Second Chaired four matters, they will be removed from the Second Chair Program. If the attorney wishes to continue with the Program the attorney can so request.

NON-ATTORNEY PROFESSIONAL SERVICES

The ACP encourages the use of experts, investigators, mitigation/sentencing advocates, interpreters, and other non-attorney professionals necessary to properly represent a client. These services must be pre-approved by the ACP office via an application available from the ACP office. Upon completion of services, the non-attorney professional must submit an itemized bill to the attorney. The attorney shall review the itemized bill and any attachments and, if accurate, submit same to the ACP office.

The ACP office will endeavor to keep a list of non-attorney professionals willing to work with ACP attorneys. This list will be available upon request from the ACP office.

VOUCHER BILLING

Attorneys on the Assigned Counsel Panels who perform legal services shall be paid in accordance with statutory provisions. Under the Plan adopted by the County of Oswego pursuant to Article 18-B of the County Law, vouchers for payment must be submitted to the ACP for review. The ACP office will determine the best method by which to process vouchers and attorneys participating in the plan must submit vouchers in accord with the chosen method.

A. The following rules are applicable to all cases for which an attorney submits a voucher for payment by the ACP for services rendered and expenses incurred

1. ACP Panel attorneys shall be compensated for reasonable and necessary services and expenses incurred in providing such representation to assigned clients.
2. Attorneys shall timely submit forms and vouchers. Vouchers must be submitted within one hundred and twenty (120) days of disposition. Late submission will result in non-payment of the voucher absent extenuating circumstances as determined by the ACP Administrator. Office failure does not constitute extenuating circumstances. Disposition is defined as follows:
 - a. For Criminal cases:
 - i. date of sentencing
 - ii. date of dismissal
 - iii. date of granting of an ACD
 - iv. date of issuance of a bench warrant
 - b. For Family Court cases:
 - i. date of entry of a final order
3. Financial Affidavits shall be submitted to the ACP office within thirty (30) days after the first appointment or court appearance with the client. A copy of the assignment shall be submitted with the financial affidavit. Failure to timely submit the financial affidavit could result in non-payment of the voucher in the event the client is deemed ineligible for ACP services.
4. Financial Affidavits are only required on vouchers exceeding \$150.00.
5. Attorneys cannot voucher for time spent obtaining an Order to Compensate absent extenuating circumstances as determined by the ACP Administrator.

B. Time Charges

1. The attorney must keep detailed contemporaneous time and expense records for:
 - a. each ACP client; and
 - b. each pending ACP case for a single client who has more than one case; and
2. Billing shall be made in tenths of an hour (.1 = 6 minutes) increments in chronological order, to be based upon the actual time expended by the attorney in providing the services billed.
3. Time spent at court while representing more than one ACP client must be apportioned among the several cases.
4. Mileage for travel will be based upon the federal mileage amount established each year.
5. The ACP office will determine by January 1 of each year if transportation time will be paid or not for that year. The determination will be based upon whether grant money is available or not.
6. While not an exhaustive list, the following activities will be paid when detailed in the voucher submitted for payment to the ACP:
 - a. In person meetings and telephone calls with client and their family members and loved ones; witnesses; non-attorney professions involved in the case; counsel on related matters;
 - b. Phone calls to and from the court;
 - c. Correspondence, review and preparation;
 - d. Legal research;
 - e. Drafting of pleadings, motions, memoranda of law, and other necessary documents;
 - f. Court appearances;
 - g. Preparation for pretrial conferences, hearings, trial and other court proceedings;
 - h. Post disposition duties, including but not limited to: applications for assignment of appellate counsel; filing of Notices of Appeal and assisting clients in completing Motions to Appeal as a Poor Person;
 - i. Investigation of the case, including but not limited to preparation of subpoenas, conversations with potential witnesses and those who have knowledge of the case and/or parties, review of internet materials relating to the case, and such other investigation as deemed appropriate by the attorney;
 - j. Case related consultation with mentors.

C. Expense Charges

- a. Expenses incurred by attorneys as were necessary to discharge their obligation upon being assigned shall be reimbursed to the assigned attorney so long as the date, purpose and exact amounts of each expense item are set forth in the voucher. Receipts for expenses must be submitted to the ACP office.

- b. While not an exhaustive list, the following expense items will be reimbursed to the assigned attorney when detailed in the voucher submitted for payment to the ACP:
 - i. Long distance telephone charges;
 - ii. Collect call telephone charges from clients;
 - iii. Postage;
 - iv. Photocopying in which case the attorney will be reimbursed at the rate established by the County of Oswego for its agencies and officers;
 - v. Charges for obtaining medical, mental health, substance abuse, educational, employment, and other life history records, whether from a private or governmental facility;
 - vi. Fees associated with service of process and witness subpoenas;
 - vii. Charges for records obtained from a County Clerk or a court reporter not otherwise directly remunerated by the ACP;
 - viii. Parking and tolls associated with travel outside the County of Oswego; and
 - ix. Charges for DMV reports.
- c. Ordinary law office overhead expenses are NOT reimbursable through the ACP office.

D. Voucher Review and Payment

- a. The ACP will make every effort to assure the expeditious payment of vouchers.
- b. A submitted voucher will be reviewed by the ACP Administrator or his/her designee. If the voucher is non-conforming or some other question arises with respect to the voucher, the ACP office will notify the submitting attorney in writing. If the issue cannot be resolved, the voucher will be referred to the Voucher Review Committee.
- c. After a voucher is referred to the ACP Voucher Review Committee, the Voucher Review Committee shall, with all due diligence, consider the voucher and shall make its determination regarding payment as expeditiously as possible.
- d. In accordance with County Law 722-B, the following vouchers will require a court order:
 - i. For vouchers relating to misdemeanor cases and Family Court matters, those that exceed \$2,400 for legal services provided;
 - ii. For vouchers relating to felony cases, those that exceed \$4,400 for legal services provided

Attorneys shall use the Court Order format provided by the ACP office for these matters.

AMENDMENTS TO THE RULES

These Rules are effective as of March 1, 2020, and may be amended from time to time by the ACP. Members of the Assigned Counsel Panels shall be notified in writing of any such amendments.

RESOLUTION NO. 022

**RESOLUTION APPOINTING MEMBERS TO THE OSWEGO COUNTY FIRE
ADVISORY BOARD FOR 2020**

By Legislator Terry Wilbur:

WHEREAS, the Members' terms on the Fire Advisory Board have expired.

NOW, on recommendation of the Public Safety Committee of this body; be it

RESOLVED, that the following named individuals be, and they hereby are appointed to the Fire Advisory Board for a term to expire January 31, 2021.

OSWEGO COUNTY LEGISLATURE

	Shane Laws	Cause & Origin Team Chairman
	Justin Herrington	Chief's Assoc., President
	Izzy Vosseler	Firefighter's Assoc., President
	Robert Lighthall	Fire Police Assoc., President
District I	Shane Laws	Fulton
	Randy Griffin	Oswego
District II	David Okoniewski	Granby
	Barry Pritchard	Oswego Town
District III	OPEN	
	Russ Boughton	West Monroe
District IV	Peter Solinsky	Williamstown
	OPEN	Parish
District V	OPEN	Sandy Creek
	Theresa Lieb	Orwell
District VI	Robert Loomis	Palermo
	Curtis Fischer	New Haven

And be it further;

RESOLVED, that the Oswego County Fire Coordinator shall serve as an ex-officio member to the Fire Advisory Board.

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 21 NO: 0 ABSENT: 4 ABSTAIN: 0

RESOLUTION NO. 023

**RESOLUTION APPOINTING MEMBERS TO THE OSWEGO COUNTY EMS
ADVISORY COUNCIL (EMSAC) FOR 2020**

By Legislator Terry Wilbur:

WHEREAS, The Members' Terms on the Oswego County EMSAC have expired.

NOW, upon recommendation of the Public Safety and Emergency Services Committee of this body; be it

RESOLVED, that the following named individuals be, and they hereby are appointed to the Oswego County EMSAC for a term to expire January 31, 2021.

OSWEGO COUNTY LEGISLATURE

Chairperson	Scott Clark, EMT-P/CCTP	
Vice Chairperson	Lyle Robins, EMT-P	
Secretary	Michael Russo, EMT	
Treasurer	Margaret Beers	
Medical Director	Dr. Joseph Markham, MD	
Fulton Fire Department	TBD, Rep	TBD, Alt
McFee Ambulance	Kenny Dolan, Rep	Mike Solazzo, Alt
Menter Ambulance	Margaret Beers, Rep	Michele Newcomb, Alt
NOCA Ambulance	Scott Clark, Rep	Norman Wallace, Alt
North Shore Ambulance	Lyle Robbins, Rep	Kathy LaVigne, Alt
Oswego City Fire Dept.	DC Chris Stupp, Rep	TBD, Alt
SAVAC Ambulance	Mike Russo, Rep	TBD, Alt
Fire Advisory Board	Bob Loomis	
Oswego Health	TBD	

And be it further,

RESOLVED, that the Oswego County EMS Coordinator shall serve as an ex-officio member to the Oswego County EMSAC.

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 21 NO: 0 ABSENT: 4 ABSTAIN: 0

RESOLUTION NO. 024

**RESOLUTION AUTHORIZING BUDGET MODIFICATION
EMERGENCY MANAGEMENT OFFICE/EMERGENCY SERVICES
HAZARDOUS MATERIALS EMERGENCY PLANNING GRANT FY 2019**

By Legislator Terry Wilbur:

Upon recommendation of the Public Safety Committee of this body, and with the approval of the Finance and Personnel Committee; be it

RESOLVED, that the County Treasurer be, and hereby is authorized to transfer the funds from and to the accounts shown on the attached budget modification request, and be it further

RESOLVED, that a certified copy of this resolution delivered to the County Treasurer and Budget Officer shall be his authority to affect such transfer and make such adjustments.

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 21 NO: 0 ABSENT: 4 ABSTAIN: 0

OSWEGO COUNTY LEGISLATURE

Authorized Budget Modification

Res. 024 of 2020

A3640.4430.HMEP9

(\$5,172)

A3640.543800

\$3,057

A3640.544500

\$2,115

RESOLUTION NO. 025

**RESOLUTION APPOINTING TWO MEMBERS TO THE COMMUNITY
SERVICES BOARD**

By Legislator Roy Reehil:

WHEREAS, The Community Services Board is a statutory body created in accordance with provisions of the New York State Mental Hygiene law,

WHEREAS, the Board is responsible for overseeing all Mental Health, Developmental Disability and Addictions programs,

WHEREAS, the membership is appointed by the Oswego County Legislature,

NOW, on recommendation of the Human Services Committee of this body, be it

RESOLVED, that the following individuals be, and hereby are appointed to the Oswego County Community Services Board for terms to expire as outlined below:

Ms. Samantha Cleveland, term expiration 3/31/2024

Ms. Amy Davis, term expiration 3/31/2024

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 21 NO: 0 ABSENT: 4 ABSTAIN: 0

OSWEGO COUNTY LEGISLATURE

RESOLUTION NO. 026

**RESOLUTION AWARDING PROFESSIONAL SERVICES CONTRACT –
FORENSIC PSYCHOLOGICAL EVALUATIONS**

By Legislator Roy Reehil:

WHEREAS, the County issued a request for proposal for a vendor to provide Forensic Psychological Evaluations; and

WHEREAS, in accordance with Oswego County Purchasing Policy, the Onondaga County Division of Purchase solicited Requests for Proposals (RFP 19-DSS-009) from multiple qualified vendors for Forensic Psychological Evaluations; and

WHEREAS, the Department of Social Services and Onondaga County Division of Purchase have reviewed the proposals received and determined the proposal from Katherine Daskalakis, PhD meets the County's needs;

NOW, THEREFORE, BE IT RESOLVED, that upon the recommendation of the Human Services Committee that the County of Oswego awards the professional services contract for providing Forensic Psychological Evaluations to Katherine Daskalakis, PhD, 317 W 1st St., Suite 112 Oswego, NY, at a cost per fee schedule, and be it further

RESOLVED that a certified copy of this resolution delivered to the Treasurer and Purchasing Director shall be their authority to affect the procurement of services.

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 20 NO: 1 ABSENT: 4 ABSTAIN: 0

RESOLUTION NO. 027

**RESOLUTION AWARDING PROFESSIONAL SERVICES CONTRACT –
TRANSPORTATION DISPATCH SERVICES**

By Legislator Roy Reehil:

WHEREAS, the County issued a request for proposal for a vendor to provide Transportation Dispatch Services; and

WHEREAS, in accordance with Oswego County Purchasing Policy, the Onondaga County Division of Purchase solicited Requests for Proposals (RFP 19-DSS-0011) from multiple qualified vendors for Transportation Dispatch Services; and

WHEREAS, the Department of Social Services and Onondaga County Division of Purchase have reviewed the proposals received and determined the proposal from Volunteer Transportation Center, Inc. meets the County's needs;

NOW, THEREFORE, BE IT RESOLVED, that upon the recommendation of the Human Services Committee that the County of Oswego awards the professional services contract for providing Transportation Dispatch Services to Volunteer Transportation Center, Inc., 24685 Route 37, Watertown, NY, at a cost not to exceed \$249,741 annually; and be it further

RESOLVED that a certified copy of this resolution delivered to the Treasurer and Purchasing Director shall be their authority to affect the procurement of services.

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 21 NO: 0 ABSENT: 4 ABSTAIN: 0

OSWEGO COUNTY LEGISLATURE

RESOLUTION NO. 028

**RESOLUTION AUTHORIZING BUDGET MODIFICATION DEPARTMENT OF
SOCIAL SERVICES TO ACCEPT NEW YORK STATE AID CODE BLUE FUNDS**

By Legislator Roy Reehil:

Upon recommendation of the Human Services Committee of this body, with the approval of the Finance and Personnel Committee, be it

RESOLVED, that the County Treasurer be, and he hereby is, authorized to transfer the funds from and to the accounts as shown on the attached budget modification request, and be it further

RESOLVED, that a certified copy of this resolution delivered to the County Treasurer shall be his authority to affect such transfer and make such adjustments.

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 21 NO: 0 ABSENT: 4 ABSTAIN: 0

OSWEGO COUNTY LEGISLATURE

Authorized Budget Modification

Res. 028 of 2020

A6010.545500CODBL

\$48,165

A6010.436890CODBL

(\$48,165)

RESOLUTION NO. 029

**RESOLUTION APPOINTING MEMBERS TO THE OSWEGO COUNTY
SOIL AND WATER CONSERVATION DISTRICT BOARD OF DIRECTORS**

By Legislator Tim Stahl:

WHEREAS, Pursuant to Article 2 of the Soil and Water Conservation District Law and upon recommendation of the Economic Development and Planning Committee of this body, be it.

RESOLVED, that the following named persons be, and hereby are, re-appointed as members of the Board of Directors of the Oswego County Soil and Water Conservation District for a term to expire as follows:

Legislator Mary Ellen Chesbro – Term to expire February 28, 2021
Legislator Linda Lockwood – Term to expire February 28, 2021
Jeffrey Richards, Grange – Term to expire February 28, 2023

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 19 NO: 0 ABSENT: 4 ABSTAIN: 2

RESOLUTION NO. 030

**RESOLUTION AMENDING BY-LAWS FOR THE OSWEGO COUNTY
ENVIRONMENTAL MANAGEMENT COUNCIL**

By Legislator Tim Stahl:

WHEREAS, the Oswego County Environmental Management Council has, heretofore, operated under by-laws which have been unworkable due to the number of meetings required and other factors such as allowing proxy voting; and

WHEREAS, the Environmental Management Council serves at the pleasure of the county legislature and is appointed by this body; and

WHEREAS, the council's by-laws need to be amended to comport with a subsequent resolution of this legislature; and

WHEREAS, said revisions will promote compliance with NYS Open Meetings Law and NYS General Construction Law concerning quorum and voting,

NOW, therefore, upon recommendation of the Economic & Planning Committee of this body, it is hereby

RESOLVED, that the by-laws of the Environmental Management Council be and are hereby amended to conform with the annexed by-laws.

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 21 NO: 0 ABSENT: 4 ABSTAIN: 0

OSWEGO COUNTY LEGISLATURE

OSWEGO COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL BY-LAWS

(Effective November 2019)

ARTICLE 1. NAME AND PURPOSE

Section 1. The name of this organization shall be the Oswego county Environmental Management Council, established by Oswego County Legislature, in accordance with Article 47 of the Environmental Conservation Law.

Section 2. The purpose of the Oswego County Environmental Management Council shall be as established in Article 47 of the Conservation Law and such other powers as shall be given it by the Oswego County Legislature (County Legislature).

ARTICLE II. MEMBERSHIP

Section 1. Voting members of the Council shall include one representative of each City, town or village conservation advisory council in the County, in accordance with Article 47 of the Environmental Conservation Law, other members shall be appointed by the Chairperson of the Oswego County Legislature. There are presently no local environmental councils.

Section 2. Nominations for membership on the Council shall be submitted to the Chair of the Economic Development and Planning Committee of the County Legislature for consideration, whereupon recommendations are made to County Legislature.

Section 3. Terms of office for appointed members shall be at the pleasure of the County Legislature. Members shall be appointed at least every two years. Members may be re-appointed at the discretion of the County Legislature. Members must be residents of the County of Oswego at the time of appointment and during their term of office.

Section 4. Ex-officio members shall be the Chair of the Economic Development Committee of the County Legislature or his/her designee and the Director of Community Development, Tourism and Planning for the county or his/her designee. Other county representatives may serve in an ex-officio capacity if so designated by the county legislature.

Section 5. Ex Officio members may attend meetings, but do not have voting rights or other rights given members and shall not count towards a quorum.

ARTICLE III. OFFICERS

Section 1. The officers of the Council shall be a Chair, Vice-Chair, and Secretary-Treasurer.

Section 2. The Vice-Chair and Secretary-Treasurer shall be elected annually by the Council. The Chair shall be appointed by the County Legislature.

ARTICLE IV. STAFF

Reserved for future use.

ARTICLE V. DUTIES OF OFFICERS AND STAFF

Section 1. The duties of the Chair shall be to preside at the meetings of the Council, to prepare or direct staff to prepare the meeting agendas, to issue and execute such instruments as are authorized by the Council for and on behalf of the Council, and to carry out such other and further duties as shall be given him or her by the Council, Economic Development and Planning Committee, or the Chair of the County Legislature.

Section 2. The Vice-Chair shall assume the duties of the Chair in the absence of the Chair, a vacancy or in the event of his/her inability to serve.

Section 3. The Secretary-Treasurer shall be responsible for the keeping of the minutes of the meeting, and shall be responsible for delivering the minutes of the meetings to the members of the Council approximately one week prior to the next meeting; shall carry on correspondence for the Council; shall keep records of the Council meetings and make them available to members of the Council and general public upon demand, and to serve other such duties as shall be designated by the Council, The Secretary-Treasurer will also maintain a record of all of the financial transactions and disbursements of the Council. All funds of the Council, if any shall be held in accounts established by the County Treasurer for that purpose.

Section 5. Staff of the Council, if any, shall attend EMC meetings and and carry out duties and assignments consistent with Article 47 of the Environmental

Conservation Law, pertinent resolutions of the County Legislature, and Council resolutions.

ARTICLE VI. COMMITTEES

Section 1. The standing committees of the Council shall be the Executive Committee and the Public Relations and Liaison Committee. The Chairperson shall be authorized to appoint special committees as deemed necessary, or as shall be designated by the Council upon passing an appropriate motion or resolution.

Section 2. Special Committees, with the approval of the Chairman of the Legislature, may undertake studies of environmental issues; report to the Council on the results of the studies undertaken; be responsible for research and preparation of resource material for the purpose of carrying out the policies of the Council; institute and supervise such programs as the Council shall determine are required to carry out the work of the Council; and shall perform such other duties as are designated by the Council.

Section 3. The Council Chairperson shall appoint the chairperson of the Public Relations and Liaison Committee and any special committees.

Section 4. The Executive Committee shall consist of the elected officers of the Council, Chairs of any committees and the Chairperson, who shall serve as the Chairperson of the Committee. The Executive Committee shall be responsible for assisting in the preparation of the annual County budget request and work program for Council approval as appropriate. The Executive Committee shall also be responsible for liaison between the Council and various governmental agencies with which the Council shall be dealing; shall undertake liaison and dialogue with County and State government units; and shall perform such other duties as are designated by the Council. Policy decisions made by this Committee are subject to review by the Council and may be amended by a two-thirds vote of the full membership of the Council.

Section 5. The Public Relations and Liaison Committee shall consist of at least two other members of the Council. This Committee shall be responsible for preparing material for a regular newsletter and preparing and issuing to the news media announcements of regular

Council meetings and periodic news releases on Council activities; and shall perform other such duties as are designated by the Council.

ARTICLE VII. MEETINGS

Section 1. There shall be not less than three meetings in any year, and the annual meeting shall be held in March of each year for the purpose of electing officers. All meetings shall be held in the County of Oswego at a public building which is ADA accessible and open to the public and media. The date and time of the meeting shall be set by the members of the Council, and the Chair shall have the authority to call such special meetings as deemed necessary for carrying out the business of the Council. The Clerk of the Legislature shall be provided notice of all meetings, agendas and minutes.

Section 2. A special meeting may be called by the Chair upon two days written notice of the time and place of the meeting and the purpose of the meeting. The Chair shall notify all of the members of the Council of the date, place and time of the said special meeting.

Section 3. After three consecutive unexcused absences of a member of the Council, the Chairperson shall inquire as to the reason for the absences. The Chairperson shall then report findings and recommendations to the Clerk of the County Legislature including recommended dismissal or retention of the member.

Section IV. Unless otherwise specified in these By Laws, meetings will be conducted in accordance with Robert's Rules of Order except as modified herein.

ARTICLE VIII. QUORUM

Section 1. At any meeting of the Council a quorum shall consist of at least 50% of the members of the Council as constituted excluding Ex-Officio members. A motion or resolution shall be passed upon the approval of a majority of the Council members as constituted and appointed by the county legislature. No official business of the Council shall take place unless a quorum is present. Those members present at a meeting where a quorum is not present shall be entitled to adjourn the meeting at a subsequent date.

Section 2. Proxy voting or voting by phone or video is not allowed.

ARTICLE IX. ORDER OF BUSINESS

Section 1. At any regular meeting, the following shall be the regular order of business:

- I. Call to Order and Introductions
- II. Approval of Agenda
- III. Approval of Minutes of Last Meeting
- IV. Election of Officers (annual)/Guest Speakers
- V. Correspondence
- VI. Reports
 - a. Secretary-Treasurer's Report
 1. Bills
 2. Balances
 - b. Reports of Committees and conservation advisory councils
- VII. Motions and Resolutions
- VIII. Old Business
- IX. New Business
- X. Wrap-up, Review of Minutes for Meeting, and Setting of Date and Time for the Next Meeting
- XI. Adjournment

Section 2. The agenda may be amended at the time of the meeting by a majority vote of the members present.

ARTICLE X. ANNUAL REPORTS

Section 1. The Council shall prepare an annual report prior to the first day of March for the year preceding, and additional reports on studies as they are completed. The annual report, additional reports and studies shall be forwarded to the Oswego County Legislature and the New York State Department of Environmental Conservation, the annual report shall include a

description of activities conducted by the Council and a summary of the State of the Environment for the County. If the Secretary-Treasurer handled any county, state or private funds for the Council in given year, a full reconciliation shall be provided to the Council and the County Treasurer by January 15th of the subsequent year.

ARTICLE XI. AMENDMENT OF THE BY-LAWS

Section 1. These By-Laws may be amended by majority vote of the county legislature only.

ARTICLE XII. EFFECTIVE DATE

Section 1. These By-Laws shall take effect immediately.

RESOLUTION NO. 031

**RESOLUTION APPOINTING INDIVIDUALS TO THE OSWEGO COUNTY
ENVIRONMENTAL MANAGEMENT COUNCIL**

By Legislator Tim Stahl:

WHEREAS, the County of Oswego has heretofore created an Environmental Management Council under §47-0105 et seq. of the Environmental Conservation Law by Resolution 86 of 1971 as amended by Resolution 152 of 1982; and

WHEREAS, under the applicable provisions of the Environmental Conservation Law, members are to be appointed to serve at the pleasure of the County Legislature, and a Chair selected, by vote of the County Legislature; and

WHEREAS, a resolution is both necessary and desirable,

NOW, THEREFORE, upon recommendation of the Economic Development & Planning Committee of this body; it is hereby

RESOLVED, that members of the Environmental Management Council shall be selected by the Oswego County Legislature as appointing authority pursuant to the provisions of the Environmental Conservation Law; and be it further

RESOLVED, that the Environmental Management Council as constituted shall consist of seven (7) voting members, unless subsequently modified by this legislature; and be it further

RESOLVED, that following individuals be and are hereby appointed to the Oswego County Environmental Management Council to serve at the pleasure of the county legislature:

Legislator Patrick Twiss
Peter Rosenbaum
Legislator Laurie Mangano
Sandy Precourt
Hal T. Smith
Jesse McMakon
Holly Carpenter

BE IT FURTHER RESOLVED, that the following individuals be and are hereby designated as ex officio members of the Environmental Management Council:

Joseph Chairvolotti, Oswego County Soil & Water Conservation District
Karen Noyes, Senior Planner, Oswego County

OSWEGO COUNTY LEGISLATURE

Fran Verdoliva, NYSDEC, Salmon River Hatchery

BE IT FURTHER RESOLVED, that Patrick Twiss be and is hereby selected to serve as Chair of the Environmental Management Council.

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 21 NO: 0 ABSENT: 4 ABSTAIN: 0

OSWEGO COUNTY LEGISLATURE

RESOLUTION NO. 032

**RESOLUTION FIXING TIME AND PLACE FOR PUBLIC HEARING
RELATIVE TO THE REQUESTS OF LANDOWNER INCLUSION
WITHIN THE EXISTING CERTIFIED AGRICULTURAL DISTRICT
PURSUANT TO THE NYS AGRICULTURAL AND MARKETS LAW (AML),
SECTION 303-b, AS AMENDED**

By Legislator Tim Stahl:

WHEREAS, this Legislature previously established an annual opportunity for qualified landowners to apply for inclusion in the Oswego County Agricultural District; and

WHEREAS, applications have been received during the established January 1st to January 31st "window of opportunity" and will be reviewed by the Oswego County Farmland Protection Board for recommendation to this Legislature.

NOW, upon recommendation of the Economic Development and Planning Committee of this body; be it

RESOLVED, that the Oswego County Legislature will hold a Public Hearing on the requests of landowner inclusion within the existing certified agricultural district, pursuant to the NYS Agriculture and Markets Law (AML), Section 303-b, as amended, on the 12th day of March 2020 at 2:00 p.m. at the Oswego County Office Building, 46 East Bridge Street, Oswego, NY 13126; and be it further

RESOLVED, that the Clerk of the County Legislature shall cause notice of such Public Hearing to be published in the Official Newspapers of the County and post same as required by law.

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 21 NO: 0 ABSENT: 4 ABSTAIN: 0

OSWEGO COUNTY LEGISLATURE

RESOLUTION NO. 033

**RESOLUTION AUTHORIZING BUDGETARY MODIFICATION
DEPARTMENT OF COMMUNITY DEVELOPMENT, TOURISM AND PLANNING
OSWEGO RIVER ACCESS PROJECT**

By Legislator Tim Stahl:

Upon recommendation of the Economic Development and Planning Committee of this body, with the approval of Finance and Personnel Committee, be it

RESOLVED, that the Chairman of the Legislature be and is hereby authorized to execute any and all documents that may be necessary to access and disburse these funds, and be it also

RESOLVED, that the County Treasurer be, and he hereby is authorized to transfer the funds from and to the accounts as shown on the attached budget modification request, and be it further

RESOLVED, that a certified copy of this resolution delivered to the County Treasurer and Budget Officer shall be his authority to affect such transfer and make such adjustments.

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 21 NO: 0 ABSENT: 4 ABSTAIN: 0

OSWEGO COUNTY LEGISLATURE

Authorized Budget Modification

Res. 033 of 2020

**A8020.420900WFACC
A8020.545500WFACC**

**(\$12,000)
\$12,000**

RESOLUTION NO. 034

**RESOLUTION INCREASING AUTHORIZATION OF CAPITAL PROJECT NO. 94
– ASSET REPLACEMENT**

By Legislator Tim Stahl:

WHEREAS, this body has heretofore established Capital Project No. 94 – Asset Replacement with a maximum authorization of \$413,387, and

WHEREAS, the NYSDOT has notified the County that we are eligible for an additional \$23,745 in pass-through Accelerated Transit Capital funds to be used by Oswego County Opportunities for the replacement of a bus.

NOW, on the recommendation of the Economic Development and Planning Committee of this Legislature with the approval of the Finance and Personnel Committee, be it

RESOLVED, that the County Treasurer is hereby authorized to execute the budgetary adjustments shown on the attached budget modification form and that the following project is hereby authorized for the maximum expenditure as indicated.

<u>Capital Project</u>	<u>Total Authorization</u>
CP#94 – Asset Replacement	\$437,132

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 18 NO: 3 ABSENT: 4 ABSTAIN: 0

Authorized Budget Modification

H435940.94
H529000.94

Res. 034 of 2020

(\$23,745)
\$23,745

LEGISLATURE
COUNTY
OSWEGO

RESOLUTION NO. 035**RESOLUTION APPOINTING MEMBERS TO THE OSWEGO COUNTY TRAFFIC SAFETY BOARD**

By Legislator James Karasek:

WHEREAS, Local Law No. 2 of 1969 established the Oswego County Traffic Safety Board with members serving 3-year, staggered terms; and

WHEREAS, the terms of certain members of the Oswego County Traffic Safety Board have expired and volunteers have come forth to fill the unexpired terms of others.

NOW, on recommendation of the Health Committee of this body; be it

RESOLVED, that the following individuals be, and they hereby are, re-appointed and/or appointed to the Oswego County Traffic Safety Board for a term to expire as hereinafter set forth:

Charles Burlingham	City of Fulton Police Dept	2/28/2023
Damian Waters	City of Oswego Police Dept	2/28/2023
Brent Fosco	NY State Police	2/28/2023
Robert Ramsey	Oswego County Sheriffs Office	2/28/2023

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 21 NO: 0 ABSENT: 4 ABSTAIN: 0

RESOLUTION NO. 036

**RESOLUTION APPOINTING MEMBERS TO THE OSWEGO COUNTY BOARD
OF HEALTH**

By Legislator James Karasek:

WHEREAS, vacancies have occurred as a result a term expiration and a resignation
of a certain member of the Oswego County Board of Health.

NOW, on recommendation of the Health Committee of this body; be it

RESOLVED, that the following individuals be, and hereby is, appointed to the
Oswego County Board of Health for a six-year term to expire as follows:

Dr. Renante Igancio January 1, 2020 – December 31, 2026

Michael J. Egan January 1, 2020 – December 31, 2026

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 21 NO: 0 ABSENT: 4 ABSTAIN: 0

RESOLUTION NO. 037

**RESOLUTION TO ACCEPT OPIOID MENTORSHIP GRANT FROM THE
NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS
(NACCHO)**

By Legislator James Karasek:

WHEREAS, the NACCHO's Mentorship program is part of an ongoing effort to support local health departments' efforts in addressing their community's challenges related to drug overdose response; and

WHEREAS, participants supported under the program will receive peer-to-peer assistance and intensive technical support to improve our capacity to respond to the drug overdose epidemic; and

WHEREAS, the \$35,000 award will support the Health Department interest in addressing our jurisdictional drug overdose situation in four key strategy areas; surveillance, establish linkages to care, provider and health system support and public safety partnership; and

NOW, on the recommendation of the Health Committee, with the approval of the Finance and Personnel Committee; be it

RESOLVED, that the Treasurer of Oswego County be, and hereby is, authorized to receive funds stated herein; and be it further

RESOLVED, that a certified copy of this resolution, delivered to the County Treasurer, be his authority to transfer from and to the accounts, as shown on the attached budget modification request.

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 21 NO: 0 ABSENT: 4 ABSTAIN: 0

Authorized Budget Modification

Res. 037 of 2020

**A4010.416011
A4010.545500**

**(\$35,000)
\$35,000**

LEGISLATURE
COUNTY
OSWEGO

RESOLUTION NO. 038

**RESOLUTION REQUESTING THE STATE LEGISLATURE TO CHANGE THE
TITLE OF CHAPTER 523 OF THE LAWS OF 1989 FROM THE "PRESCHOOL
PROGRAM FOR CHILDREN WITH HANDICAPPING CONDITIONS" TO THE
"PRESCHOOL PROGRAM FOR CHILDREN WITH DISABILITIES"**

By Legislator James Karasek:

WHEREAS, Chapter 23 of the Laws of 1989, titled "Preschool Program for Children with Handicapping Conditions" does not appropriately address this population within New York State; and

WHEREAS, a more suitable name for this program should remove the word handicapping and replace it with "disabilities."

NOW, THEREFORE, BE IT RESOLVED, that the Oswego County Legislature calls on the Governor and the State of New York to amend the title of this statute from "the Preschool Program for Children with Handicapping Conditions" to "the Preschool Program for Children with Disabilities;" and

BE IT FURTHER RESOLVED that the Clerk of the Legislature shall forward copies of this Resolution to Governor Andrew M. Cuomo, Senator Patty Ritchie, Assembly Minority Leader Will Barclay, and Assemblyman Brian Manktelow.

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 21 NO: 0 ABSENT: 4 ABSTAIN: 0

OSWEGO COUNTY LEGISLATURE

RESOLUTION NO. 039

**RESOLUTION APPOINTING MEMBERS TO THE OSWEGO COUNTY SOLID
WASTE MANAGEMENT BOARD**

By Legislator Patrick Twiss:

WHEREAS, Local Law #3 of 2008 establishes that the membership of the Oswego County Solid Waste Management Board shall be appointed annually by the Legislature.

NOW, THEREFORE, upon recommendation of the Infrastructure and Facilities Committee of this body, be it

RESOLVED, that the following named persons be, and hereby are, appointed members of the Oswego County Solid Waste Management Board for terms to expire December 31, 2020

OSWEGO COUNTY LEGISLATURE

Mr. Lee McMillen Hannibal

Mr. Robert Marino, Richland

Hon. James Weatherup, as Chairman of Legislature

Hon. Linda Lockwood, Volney

Ms. Sandra Green, Volney

Mr. David Neuner, Novelis

Ms. Jennifer Jordan, Attis Ethanol Plant

Mr. Herman Jordal, Felix Schoeller

Mr. Todd Butler, Butler Disposal Systems

Hon. Stephen Walpole, as Chairman of the Infrastructure Committee

Mr. Kurt Ospelt, County Superintendent of Highways

Mr. Thomas Kells, Oswego City DPW Commissioner

Mr. Mark Powell, Director of Solid Waste Programs

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 20 NO: 0 ABSENT: 4 ABSTAIN: 1

RESOLUTION NO. 040

**RESOLUTION AUTHORIZING BUDGET MODIFICATION TO TRANSFER
FUNDS FROM INSURANCE RECOVERY INTO HIGHWAY SUPPLIES AND
EXPENSES**

By Legislator Patrick Twiss:

WHEREAS, on November 26, 2019 the Highway Department received a check for \$1079.47 from Geico Indemnity Co. for the repairs to a guide rail. The check was deposited in account A1325.426900 (Insurance Recovery Fund).

NOW, on recommendation of the Infrastructure, Facilities and Technology Committee of this Legislature, with the approval of the Finance and Personnel Committee; be it

RESOLVED, that the Treasurer is hereby authorized to transfer \$1,079.47 from Insurance Recovery Fund into Highway Supplies and Expenses-Highway.

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 21 NO: 0 ABSENT: 4 ABSTAIN: 0

OSWEGO COUNTY LEGISLATURE

Authorized Budget Modification

Res. 040 of 2020

D5110.545400
A1325.426800.0

\$1,079.47
(\$1,079.47)

RESOLUTION NO. 041

**RESOLUTION ESTABLISHING CAPITAL PROJECT NO. 114 - COUNTY ROUTE
6 BRIDGE OVER CATFISH CREEK**

By Legislator Patrick Twiss:

WHEREAS, the CR 6 Bridge over Catfish Creek in the Town of New Haven, BIN 3208730, in Oswego County, New York needs to be replaced; and

WHEREAS, this project is necessary to begin work on replacing the existing Structural Multi Plate Pipe Arch bridge. Due to the heavy rust scale deterioration near the waterline, and the bridge and approach railing being substandard.

NOW, on recommendation of the Infrastructure, Facilities and Technology Committee of this Legislature, with the approval of the Finance and Personnel Committee; be it

RESOLVED, that the Treasurer is hereby authorized to transfer \$350,000 from Capital Reserve No. 16 - Bridges to Capital Project No. 114 – CR 6 Bridge over the Catfish Creek and that the following project is hereby authorized for the maximum expenditure as indicated.

Capital Project # 114

Total Authorization

CR 6 Bridge
over Scriba Creek

\$350,000

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 21 NO: 0 ABSENT: 4 ABSTAIN: 0

Authorized Budget Modification

Res. 041 of 2020

H450310.114
H529000.114
A599014.16
A159900

(\$350,000)
\$350,000
\$350,000
(\$350,000)

RESOLUTION NO. 042

**RESOLUTION ESTABLISHING CAPITAL PROJECT NO. 116 - GRANNIS ROAD
BRIDGE OVER SCRIBA CREEK**

By Legislator Patrick Twiss:

WHEREAS, the Grannis Road Bridge over Scriba Creek in the Town of Constantia, BIN 3208730, in Oswego County, New York needs to be replaced; and

WHEREAS, this project is necessary to begin work on replacing the superstructure and substructures of the bridge due to the condition of the steel components.

NOW, on recommendation of the Infrastructure, Facilities and Technology Committee of this Legislature, with the approval of the Finance and Personnel Committee; be it

RESOLVED, that the Treasurer is hereby authorized to transfer \$350,000 from Capital Reserve No. 16 - Bridges to Capital Project No. 116 – Grannis Road Bridge over the Scriba Creek and that the following project is hereby authorized for the maximum expenditure as indicated.

LEGISLATURE
COUNTY
OSWEGO

Capital Project # 116

Total Authorization

Grannis Road Bridge
over Scriba Creek

\$350,000

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 21 NO: 0 ABSENT: 4 ABSTAIN: 0

Authorized Budget Modification

Res. 042 of 2020

H450310.116
H529000.116
A599014.16
A159900

(\$350,000)
\$350,000
\$350,000
(\$350,000)

RESOLUTION NO. 043

**RESOLUTION AUTHORIZING EXPENDITURE FROM CAPITAL
RESERVE NO. 21 – BUILDINGS RENOVATIONS FOR CAPITAL PROJECT
NO. 73 – FLOOR COVERING REPLACEMENTS**

By Legislator Patrick Twiss:

Upon recommendation of the Infrastructure, Facilities and Technology Committee of this body, with the approval of the Finance and Personnel Committee, be it

RESOLVED, that the County Treasurer is hereby authorized to transfer \$ 100, 000 from Capital Reserve No. 21 – Buildings Renovations to Capital Project No. 73 – Floor Covering Replacements and that the following project is hereby authorized for the maximum expenditure as indicated.

RESOLVED, that a certified copy of this resolution delivered to the County Treasurer shall be his authority to affect such transfer and make such adjustments.

Capital Project # 73

Total Authorization

Floor Covering Replacements

\$ 100,000

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 21 NO: 0 ABSENT: 4 ABSTAIN: 0

OSWEGO COUNTY LEGISLATURE

Authorized Budget Modification

Res. 043 of 2020

73.529000

\$100,000

21.450300

(\$100,000)

21.595000

\$100,000

21.159900

(\$100,000)

RESOLUTION NO. 044

**RESOLUTION AUTHORIZING EXPENDITURE FROM
CAPITAL RESERVE NO. 21 – BUILDINGS RENOVATIONS FOR CAPITAL
PROJECT NO. 84 – WATER METER REPLACEMENTS**

By Legislator Patrick Twiss:

Upon recommendation of the Infrastructure, Facilities and Technology Committee of this body, with the approval of the Finance and Personnel Committee, be it

RESOLVED, that the County Treasurer is hereby authorized to transfer \$ 85,000 from Capital Reserve No. 21 – Buildings Renovations to Capital Project No. 84 – Water Meter Replacements and that the following project is hereby authorized for the maximum expenditure as indicated.

RESOLVED, that a certified copy of this resolution delivered to the County Treasurer shall be his authority to affect such transfer and make such adjustments.

<u>Capital Project # 84</u>	<u>Total Authorization</u>
Water Meter Replacements	\$ 85,000

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 21 NO: 0 ABSENT: 4 ABSTAIN: 0

Authorized Budget Modification

Res. 044 of 2020

84.529000	\$85,000
21.450300	(\$85,000)
21.595000	\$85,000
21.159900	(\$85,000)

RESOLUTION NO. 045

**RESOLUTION AUTHORIZING EXPENDITURE FROM CAPITAL RESERVE
NO. 146- HIGHWAY & EQUIPMENT FOR CAPITAL PROJECT NO. 113 - F&T
EQUIPMENT**

By Legislator Patrick Twiss:

Upon recommendation of the Infrastructure, Facilities and Committee of this body, with the approval of the Finance and Personnel Committee, be it

RESOLVED, that the County Treasurer is hereby authorized to transfer \$ 80,000 from Capital Reserve No. 146 – Highway and Equipment to Capital Project No. 113 – F&T Equipment - 2020 and that the following project is hereby authorized for the maximum expenditure as indicated.

RESOLVED, that a certified copy of this resolution delivered to the County Treasurer shall be his authority to affect such transfer and make such adjustments.

<u>Capital Project # 113</u>	<u>Total Authorization</u>
F & T Equipment- 2020	\$ 80,000

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 21 NO: 0 ABSENT: 4 ABSTAIN: 0

Authorized Budget Modification

Res. 045 of 2020

113.529000
146.450300
146.595000
346.159900

\$80,000
(\$80,000)
\$80,000
(\$80,000)

OSWEGO COUNTY LEGISLATURE

RESOLUTION NO. 046

**RESOLUTION AUTHORIZING CAPITAL PROJECT CLOSURES AND
TRANSFER OF PROJECT BALANCES**

By Legislator John Martino:

WHEREAS, this body has heretofore established the following Capital Projects which are complete and contain the balances shown:

CP 24 County Office Buildings Roof & Window Replacement - \$7,171
CP 39 CR20 Bridge over Rice Creek - \$12,933
CP 81 CR20 Concrete Tee Beam Bridge over Tributary to Rice Creek - \$ -0-
CP 96 Mill St Bridge - \$ -0-
CP 102 Waterbury Road Bridge over Prince Brook - \$ -0-

NOW, upon recommendation of the Finance and Personnel Committee, be it

RESOLVED, that the Treasurer is hereby authorized to appropriate and close Capital Project No. 39, 81, 96 and 102 and transfer remaining balances totaling \$12,933 to Capital Reserve No. 06 Bridges (OCTASC) as shown on the attached budget modification request, and be it further

RESOLVED, that the Treasurer is hereby authorized to appropriate and close Capital Project No. 24 and transfer remaining balance totaling \$7,171 to Capital Reserve No. 07 Facilities (OCTASC) as shown on the attached budget modification request, and be it further

RESOLVED, that a certified copy of this resolution delivered to the County Treasurer shall be his authority to affect such transfers and make such adjustments.

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 21 NO: 0 ABSENT: 4 ABSTAIN: 0

Authorized Budget Modification

Res. 046 of 2020

H599014.39
A450310
H599014.24
A450310

\$12,933
(\$12,933)
\$7,171
(\$7,171)

OSWEGO COUNTY LEGISLATURE

RESOLUTION NO. 047

**RESOLUTION AWARDING PROFESSIONAL SERVICES CONTRACT
HUMAN RESOURCES DEPARTMENT – SELF-INSURED HEALTH PROGRAM**

By Legislator John Martino:

WHEREAS, the Human Resources Department entered into an agreement with BPAS Actuarial and Pension Services, LLC, an independent consulting firm, to assist in the solicitation and evaluation of proposals (RFP #19-HR-003) for third-party administration services related to Oswego County's Self-Insured Health Program; and

WHEREAS, three (3) proposals were received and evaluated based upon their ability to meet critical areas of concern such as ability to provide basic service requirements, pricing and administrative fees, network adequacy, performance guarantees, and contract terms and conditions; and

WHEREAS, BPAS presented their results of their evaluation to an advisory committee of County representatives; and

NOW, on recommendation of the Finance and Personnel Committee of this body; be it

RESOLVED, that the Oswego County Legislature award the professional service contract to: UMR for professional services to Oswego County, for three (3) years, with the option of two (2) one (1) year renewals, at a cost of \$27.74 per employee per month, with an implementation date of April 1, 2020; and be it further

RESOLVED, that a certified copy of this resolution delivered to the County Treasurer, Budget Officer, Human Resources Director, and Purchasing shall be their authority to effect the procurement of services.

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 21 NO: 0 ABSENT: 4 ABSTAIN: 0

RESOLUTION NO. 048

**RESOLUTION AUTHORIZING PROFESSIONAL SERVICES CONTRACT
WITH GENERAL CODE FOR COUNTY TREASURER'S OFFICE**

By Legislator Jay Martino:

WHEREAS, Oswego County has been continuing to improve their online services and, after researching what other counties are utilizing with minimal results, and

WHEREAS, Oswego County contacted General Code to replace their current paper-based Community College Certificate of Residence Form and Occupancy Tax Form with online Laserfiche Based Forms. Online Forms will result in a subsequent workflow process that will route an applicant's form through an Approval/Denial Process and,

WHEREAS, annually there are between 2,500 -3,000 Proof of Residence Applications each year as well as over 100 Hotel/Motel businesses that pay into the occupancy tax quarterly. Both processes require excessive amounts of staff time to receive, process, and create Certificates of Residence for constituents or to update data and confirm payments for Occupancy tax, and,

WHEREAS, an online process will be consistent, expedite the process, ensure efficiencies and aid in policing of the respective information. Currently there is no "off the shelf" software that meets the requirements for either process and,

WHEREAS, General Code is a vendor that offers Laserfiche under NYS OGS Contract #PM67301 and has experience in assisting municipalities in creating online forms, training staff and managing applicable databases. The initial one-time payment fee of \$31,722 is to purchase the software and to provide implementation and training. Annually, beginning with 2021, there will be a service charge of approximately \$3,508/year for support and maintenance.

NOW, THEREFORE, BE IT RESOLVED, that the Oswego County Treasurer is hereby authorized and directed to execute a contract, on behalf of Oswego County, with General Code for the provision of the above-described services effective upon adoption of this resolution.

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 21 NO: 0 ABSENT: 4 ABSTAIN: 0

RESOLUTION NO. 049

RESOLUTION OPPOSING THE GOVERNOR'S PROPOSED MEDICAID COST-SHIFT AND CALLING ON THE GOVERNOR AND NEW YORK STATE LEGISLATURE TO PRESERVE THE ZERO PERCENT MEDICAID GROWTH CAP

By Legislator John Martino:

WHEREAS, Medicaid is the single largest cost-center in the Oswego County budget, at \$23.4 million per year, an amount equivalent to 51.5% of the county's 2020 property tax levy; and

WHEREAS, when created by the federal government in 1966, this health insurance program for the poor and disabled was intended to be funded by the federal and state governments, but New York State opted to force counties to pay half the State's share; and

WHEREAS, the required county and New York City payment is now \$7.6 billion annually; and

WHEREAS, the local share of Medicaid funding paid in New York is the highest of any state in the country, and is more than what 43 individual states pay in state share for their Medicaid programs; and

WHEREAS, this large local funding share for Medicaid and other state programs is a major contributor to New York's high local tax burden compared to other states; and

WHEREAS, in 2005 the Governor and legislative leaders recognized the fiscal burden the financing of Medicaid is for local taxpayers and initiated steps to relieve part of that burden by capping the growth in local costs in this program; and

WHEREAS, one of the most prominent property tax reduction and mandate relief initiatives in state history was Governor Cuomo's establishment of the zero percent Medicaid growth cap in 2015; and

WHEREAS, due to rising costs of health services and pharmaceuticals, and due to New York State's expansion of Medicaid services and mandatory raises for health care workers, the Medicaid budget is facing billions of dollars in annual deficits over the next several years; and

WHEREAS, the Governor's Executive Budget Recommendation is proposing a variety of ways to address this fiscal shortfall, including cost-shifting the State's financial responsibilities onto county property tax payers by; and

- Taking county governments' federal enhanced Medicaid match savings;

- Forcing counties to pay for Medicaid growth if counties breach the state property tax cap;
- Shifting the local share of Medicaid growth above 3% to counties, if counties cannot contain costs under 3%; and

WHEREAS, counties do not have the tools nor authority to control the Medicaid program growth; some of these limitations include:

- The ability to audit the Medicaid program;
- The ability to control the cost of prescription drugs;
- The ability to set provider reimbursement rates;
- The ability to modify eligibility and benefit levels for Medicaid recipients;
- The ability to control changing demographics across the state;
- The ability to control provider contracts; and

WHEREAS, if state experts in the Medicaid program are unable to develop solutions to control growth in the Medicaid program, it will be impossible for counties to do so, since they do not have this authority to control costs; and

WHEREAS, if enacted, the Governor's proposals will, in effect, nullify the property tax cap.

NOW, THEREFORE, BE IT RESOLVED, that the Oswego County Legislature opposes the cost-shifts and the taking of eFMAP federal funds for counties proposed by the Governor, and urges the Governor and legislative leaders to maintain the zero percent Medicaid growth cap for counties and New York City as they address state budget shortfalls in order to keep downward pressure on the local tax burden; and

BE IT FURTHER RESOLVED that the Clerk of the Oswego County Legislature shall forward copies of this resolution to Governor Andrew M. Cuomo, Senator Patty Ritchie, Assembly Minority Leader Will Barclay, and Assemblyman Brian Manktelow.

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 21 NO: 0 ABSENT: 4 ABSTAIN: 0

RESOLUTION NO. 050

**A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH
THE OSWEGO COUNTY DEPUTIES ASSOCIATION, INC.**

By Legislator John Martino:

WHEREAS, the County of Oswego and Oswego County Deputies Association, Inc. have entered into a Collective Bargaining Agreement (CBA) governing terms and conditions of employment for personnel in the Oswego County Sheriff's Office; and

WHEREAS, the parties to the CBA believe it would be mutually beneficial to enter into a Memorandum of Understanding (MOU) regarding reinstatements of former employees; and

WHEREAS, this will assist the Oswego County Sheriff with filling vacant positions when applicable,

WHEREAS, a resolution is both necessary and desirable,

NOW, THEREFORE, upon recommendation of the Finance and Personnel Committee and the Oswego County Sheriff, it is hereby,

RESOLVED, that the execution of the annexed MOU by and between the County of Oswego and the Oswego County Deputies Association, Inc. be and hereby is approved.

ADOPTED BY A VOICE VOTE ON FEBRUARY 13, 2020:

YES: 21 NO: 0 ABSENT: 4 ABSTAIN: 0

OSWEGO COUNTY LEGISLATURE

**MEMORANDUM OF UNDERSTANDING
BY AND BETWEEN THE COUNTY OF OSWEGO AND
THE OSWEGO COUNTY DEPUTIES ASSOCIATION (OCDA).**

WHEREAS, both the County of Oswego ("County") and the Oswego County Deputies Association, (OCDA) voluntarily consent to modify the Collective Bargaining Agreement as follows:

WHEREAS, it is the intent of the parties to create an understanding regarding the reinstatement of former OCDA members who have voluntarily left county employment; and

WHEREAS, the parties mutually agree that a written memorandum of understanding is both necessary and desirable to memorialize same,

NOW, THEREFORE, it is mutually agreed between the parties as follows:

1. Beginning February 24th, 2020, former OCDA members reinstated within five (5) years of resigning from the Oswego County Sheriff's Office will retain all prior service time credit that was earned at the Oswego County Sheriff's Office at the time of separation from service, subject to any adjustment(s) to their initial start date apparent at the time of their initial separation. Service time will be credited as of the last fully completed year of service with the Oswego County Sheriff's Office. Former members reinstated from other police agencies, who have also voluntarily left the Oswego County Sheriff's Office within the past five (5) years, will receive the greater service time credit earned at one (1) agency. Service time credit received at multiple agencies will not be combined.
2. Credit for prior service with the Oswego County Sheriff's Office or another police agency, as set forth in Paragraph 1, shall apply solely for purposes of determining placement on the salary schedule and shall not apply for any other purposes (i.e. shift selection, vacation selection, overtime assignments, eligibility for promotional opportunities, etc.).
3. All former OCDA members who are reinstated will be placed at the appropriate Step within Grade 5, Appendix C, of the current salary schedule within the Collective Bargaining Agreement.
4. All former OCDA members who are reinstated, are appointed to the Oswego County Sheriff's Office as a Patrol Officer and will receive the benefits of a new hire pursuant to those provided in the Collective Bargaining Unit at the time hire.
5. All former OCDA members who are reinstated, are subject to a probationary term pursuant to Rule XIV of the "Rules for the Classified Civil Service of Oswego County".
6. All former OCDA members who are reinstated will be appointed to the Oswego County Sheriff's Office and will be placed at the end of any appropriate seniority list used by the Office.
7. In the event of a layoff, the procedures for layoff will be followed pursuant to Section 80 of the NYS Civil Service Law.

8. All terms and provisions of the existing Collective Bargaining Agreement not modified by this agreement will remain in full force and effect.
9. The County and the Oswego County Deputies Association acknowledge that this Memorandum of Understanding will remain in effect upon authorization unless both parties agree to end the agreement. The county reserves the right to nullify this agreement if necessary.

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Understanding to be signed by their respective representatives on February____, 2020.

COUNTY OF OSWEGO
STATE OF NEW YORK

OSWEGO COUNTY DEPUTIES'
ASSOCIATION, INC.
