

Government, Courts & Consumer Affairs Committee



AGENDA - REGULAR MEETING

OSWEGO COUNTY, NEW YORK

Date/ Time: Monday, October 2, 2023 at 9:00 a.m.

Location: Conference Room E - Legislative Office Building 46 East Bridge Street Oswego, New York

COMMITTEE MEMBERS:

David Holst, Chair	Legislator, 4 th District
Edward Gilson, Vice Chair	Legislator, 3 rd District
Noelle Salmonsén	Legislator, 21 st District
Michael Solowy	Legislator, 23 rd District
James Scanlon	Legislator, 16 th District
Robert Wilmott	Legislator, 18 th District
Michael Yerdon	Legislator, 1 st District

CALL TO ORDER:

- Pledge of Allegiance

APPROVAL OF MINUTES:

- Approval of Minutes for the Government, Courts and Consumer Affairs Committee's regular meeting on September 7, 2023.

RESOLUTIONS:

- GC-1** A Resolution Fixing Time and Place for Public Hearing Relative to Proposed County Of Oswego Local Law No. 4 Of The Year 2023 Entitled A Local Law Amending Local Law Number 1 Of 2022 Regarding Income Qualifications For Partial Tax Exemptions On Certain Real Property Owned By Eligible Persons 65 Years Of Age Or Over
- GC-2** Resolution Authorizing Transfer to Additional Funds of \$412,277 from the Fund Balance A15900 to the Assigned Counsel Office Legal Fees A1170 Object 543300
- GC-3** Resolution Authorizing the Reclassification of One Position in the Public Defender's Office

COMMITTEE REVIEW & DECISIONS:

- None

REPORTING DEPARTMENTS:

- County Clerk Department Updates
- Strategic Initiative Department Updates
- Real Property Department Updates
- Board of Elections Department Updates
- Public Defender Department Updates

ADJOURNMENT:

Government, Courts & Consumer Affairs Committee DRAFT



MINUTES - REGULAR MEETING

OSWEGO COUNTY, NEW YORK

Date/ Time: September 7, 2023 at 9:02 a.m.

Location: Conference Room E - Legislative Office Building 46 East Bridge Street Oswego, New York 13126

COMMITTEE MEMBERS:

David Holst, Chair	Legislator, 4 th District	Present
Edward Gilson, Vice Chair	Legislator, 3 rd District	Excused
Noelle Salmonsen	Legislator, 21 st District	Present
Michael Solowy	Legislator, 23 rd District	Present
James Scanlon	Legislator, 16 th District	Present
Robert Wilmott	Legislator, 18 th District	Present
Michael Yerdon	Legislator, 1 st District	Present

STAFF AND GUESTS:

Jim Weatherup	Rich Mitchell	David Turner	Phil Church
Frank Castiglia	Terry Wilbur	Corey Metz	Savannah Wycoff
Peggy Beckford	Laura Brazak	Kevin Hill	

CALL TO ORDER:

The Regular meeting of the Government, Courts, and Consumer Affairs Committee was called to order at 9:02 a.m. by Chair David Holst with Deputy Clerk of the Legislature present. The meeting commenced with the Pledge of Allegiance.

APPROVAL OF MINUTES:

Motion to Amend the July 6, 2023 meeting minutes: Legislator Salmonson

Second: Legislator M. Yerdon

Vote: Unanimous, motion carried

Motion to Approve as Amended the July 6 & 31, 2023 meeting minutes: Legislator Salmonson

Second: Legislator M. Yerdon

Vote: Unanimous, motion carried

The minutes for the Government, Courts & Consumer Affairs Committee's Regular Meeting on July 6 & 31, 2023 are approved.

RESOLUTIONS:

GC-1 Resolution Appointing an Individual to Fill a Vacancy in the Office of County Legislator in and for the 15th Legislative District

Motion to approve: Legislator Solowy
Second: Legislator Scanlon Salmonsens
Vote: Unanimous, motion carried

GC-2 Resolution Re-appointing a Director to the Board of Directors of the of the Western Regional Off-Track Betting Corporation Pursuant to Racing, Pari-Mutuel Wagering and Breeding Law §502

Motion to approve: Legislator M. Yerdon
Second: Legislator Solowy
Vote: Unanimous, motion carried

GC-3 Resolution Urging Governor Hochul To Veto A.04282b/S.3505b As Concerns Moving Local Elections To Even Numbered Years

Motion to approve: Legislator Solowy
Second: Legislator M. Yerdon
Vote: Unanimous, motion carried

GC-4 Resolution Authorizing The Execution of A Retainer Agreement With Simmons Hanly Conroy, LLC Relative To Investigating The Feasibility of Commencing Litigation Against Insulin And Diabetes Medication Manufacturers ET AL.

Motion to approve: Legislator Scanlon
Second: Legislator Solowy
Vote: Unanimous, motion carried

GC-5 Resolution Amending Resolution Number 207 of 2020 Concerning the Retention and Disposition Schedule for Local Government Records (LGS-1), As Amended

Motion to approve: Legislator Scanlon
Second: Legislator M. Solowy
Vote: Unanimous, motion carried

GC-6 Resolution Authorizing Entering Into A Stipulation In A Tax Certiorari Proceeding With The Town of Volney And Highscore Capital Concerning The Former Attis Ethanol Fulton Facility Parcels

Motion to approve: Legislator Salmonsens
Second: Legislator M. Yerdon
Vote: Unanimous, motion carried

GC-7 Resolution Authorizing Acceptance of Additional TIER Grant Funding of \$97,921.64 from State Board of Elections to Oswego County

Motion to approve: Legislator Solowy
Second: Legislator M. Yerdon
Vote: Unanimous, motion carried

GC-8 Resolution Authorizing Acceptance of Additional ABPP Grant Funding of \$30,083.98 from State Board of Elections to Oswego County

Motion to approve: Legislator M. Yerdon

Second: Legislator M. Yerdon

Vote: Unanimous, motion carried

GC-9 Resolution Authorizing Budgetary Modification County Clerk Purchase of Records Management System for Records Center

Motion to approve: Legislator M. Yerdon

Second: Legislator Solowy

Vote: Unanimous, motion carried

GC-10* Resolution Setting Standard Workdays and Reporting for Elected and Appointed Officials

Motion to approve: Legislator Salmonsens

Second: Legislator M. Yerdon

Vote: Unanimous, motion carried

*Please note that GC-10 was walked into Committee

COMMITTEE REVIEW AND DECISIONS:

- None

REPORTING DEPARTMENTS:

- Terry Wilbur, County Clerk, provided a department update.
- Dave Turner provided a Strategic Initiative Department update.
- Corey Metz provided a Real Property Department update.
- Peggy Beckford and Laura Brazak provided a Board of Elections Department update. Phil Church also spoke on the Board of election Creation of Capital Project for new voting machines.

ADJOURNMENT:

Motion to adjourn at 9:40 a.m.: Legislator M. Yerdon

Second: Legislator Solowy

Vote: Unanimous, motion carried

DRAFT

Raven Ahart
Deputy Clerk of the Legislature

RESOLUTION NO.

October 12, 2023

**A RESOLUTION FIXING TIME AND PLACE FOR PUBLIC HEARING
RELATIVE TO PROPOSED COUNTY OF OSWEGO LOCAL LAW NO. 4 OF THE
YEAR 2023 ENTITLED A LOCAL LAW AMENDING LOCAL LAW NUMBER 1
OF 2022 REGARDING INCOME QUALIFICATIONS FOR PARTIAL TAX
EXEMPTIONS ON CERTAIN REAL PROPERTY OWNED BY ELIGIBLE
PERSONS 65 YEARS OF AGE OR OVER**

By Legislator David Holst:

UPON the recommendation of the Government, Courts & Consumer Affairs
Committee of this body; be it

RESOLVED, that the Oswego County Legislature shall hold a Public Hearing on the
proposed County of Oswego Local Law Number 4 of 2023, entitled "A LOCAL LAW
AMENDING LOCAL LAW NUMBER 1 OF 2022 REGARDING INCOME
QUALIFICATIONS FOR PARTIAL TAX EXEMPTIONS ON CERTAIN REAL
PROPERTY OWNED BY ELIGIBLE PERSONS 65 YEARS OF AGE OR OVER" on the
9th day of November, 2023, at 2:00 o'clock, in the afternoon of said day at the Oswego
County Legislative Chambers, County Office Building, 46 E. Bridge Street, Oswego, New
York 13126; and be it further

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

RESOLUTION PASSED/FAILED, WITH A VOICE/ROLL CALL VOTE

YES:

NO:

ABSENT:

ABSTAIN:



OSWEGO COUNTY DEPARTMENT OF REAL PROPERTY TAX SERVICES

Corey Metz
Director

September 19, 2023

Informational Memorandum

Subject: Amending Local Law 1 of 2022 Regarding Income Calculations for the Senior Exemption

Background: Oswego County currently offers through Local Law 1 of 2022 a 50% exemption from real property taxes for primary residences owned by persons 65 and older who have a gross household income below an income scale that ranges from \$29,000 - \$37,400. The 2023-24 NYS Executive Budget changed the definition of "income" for this exemption to no longer use total gross income, but instead use FAGI (Federal Adjusted Gross Income) as the base income subject to other modifications.

Oswego County's existing Local Law 1 of 2022 uses the old definition of "income" and should be amended to remain consistent with Real Property Tax Law and avoid confusion for seniors applying for this exemption next year.

At the August meeting of the Oswego County Assessor's Association this change was discussed and the consensus on how to calculate the income is what is contained in the amended Section 3 paragraph (b).

Proposal: Pass a local law to update Local Law 1 of 2022 Section 3 entitled "Income Qualifications" to match the new State language for income calculations.

This local law amendment requires a public hearing, which should be set for the November Legislative Meeting.

Fiscal Impact: None.

Recommendation: Approve.

**COUNTY OF OSWEGO
LOCAL LAW No.: 4 OF 2023
ENTITLED A LOCAL LAW
AMENDING LOCAL LAW NUMBER 1 OF 2022 REGARDING
INCOME QUALIFICATIONS FOR PARTIAL TAX EXEMPTIONS
ON CERTAIN REAL PROPERTY OWNED BY ELIGIBLE
PERSONS 65 YEARS OF AGE OR OVER**

BE IT ENACTED by the County Legislature of the County of Oswego as follows:

Section 1. Title and Legislative Findings.

(a) The Oswego County Legislature has, heretofore, passed County of Oswego Local Law Number 1 of 2022 concerning granting a partial real property tax exemption for eligible persons sixty-five (65) years of age or older, based upon certain income qualifications, pursuant to Real Property Tax Law §467, as amended. This Local Law shall be titled as follows: “A Local Law Amending Local Law Number 1 of 2022 Regarding Income Qualifications for Partial Tax Exemptions on Certain Real Property Owned By Eligible Persons 65 Years of Age or Over.”

(b) This body finds it both necessary and convenient to amend section 3 of Local Law Number 1 of 2022, as concerns income qualifications only, in light of changes to Real Property Tax Law §467 while continuing the rest and remainder of Local Law Number 1 of 2022 in full force and effect.

Section 2. Amendment to Section 3 of Local Law Number 1 of 2022.

Section 3 of Local Law Number 1 of 2022 be, and is hereby, **AMENDED** in its entirety to read as follows:

Section 3. Income Qualifications.

(a) The “applicable income tax year” as used herein shall mean the second most recent calendar year.

(b) The term “income” as defined herein shall mean “adjusted gross income” for federal income tax purposes as reported on an applicant’s federal or state income tax return for the applicable income tax year, as defined in and as is subject to any subsequent amendments to Real Property Tax Law § 467(3)(iv), *et seq.*; provided, however, if no such tax return was filed for the applicable income tax year, the applicant’s income shall be determined based on the amounts that would have so been reported if such a return had been filed; and provided further, that when determining income for purposes of this section, the following conditions shall be applicable:

(1) any Social Security benefits not included in such federal adjusted gross income shall be considered income;

(2) distributions received from an individual retirement account or individual retirement annuity that were included in the applicant's federal adjusted gross income shall be considered income and shall not be excluded;

(3) any tax-exempt interest or dividends that were excluded from the applicant's federal adjusted gross income shall be considered income;

(4) any losses that were applied to reduce the applicant's federal adjusted gross income (AGI) shall be subject to the following limitations:

(A) the net amount of loss reported on federal schedules C, D, E, or F shall not exceed three thousand dollars (\$3,000) per any given schedule,

(B) the net amount of any other separate category of loss shall not exceed three thousand dollars (\$3,000), and

(C) the aggregate amount of all losses shall not exceed fifteen thousand dollars (\$15,000).

(c) Where title is vested in a married person, the combined income of such person and such person's spouse may not exceed such sum, except where one spouse or ex-spouse is absent from the property as provided in subparagraph (c)(2) of Section 4 of this local law, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum.

(d) No exemption shall be granted hereunder if the income of the owner or the combined income of the owners of the property for the applicable income tax year exceeds the sum provided in Section 2 of this local law.

Section 3. Severability.

If the provisions of any section, subsection, paragraph, sentence, subdivision, clause, phrase or provision of this local law shall be, for any reason, held or adjudged invalid or unconstitutional by a court of competent jurisdiction, such order or judgment shall not affect or invalidate the validity and enforceability of the remainder of any section, subsection, paragraph, sentence, subdivision, clause, phrase or provision of this local law.

Section 4. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this local law constitutes a Type II action pursuant to Section 617.5(c) (26), and (33) of Title 6 of the New York Code of Rules and Regulation (6 NYCRR) and within the meaning of Section 8-0109(2) of the New York State Environmental Conservation Law as a promulgation of regulations, rules, policies,

procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Clerk of the County Legislature be, and is hereby, directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 5. Effective Date.

This local law shall take effect immediately upon its adoption.

RESOLUTION NO.

October 12, 2023

**RESOLUTION AUTHORIZING TRANSFER OF ADDITIONAL FUNDS OF
\$412,277 FROM THE FUND BALANCE A159900 TO THE ASSIGNED COUNSEL
OFFICE LEGAL FEES A1170 OBJECT 543300**

By Legislator David Holst:

WHEREAS, the Assigned Counsel budget has \$398,376 left in the 2023 budget for legal fees (A1170 Object 543300) as of September 19, 2023. There are ten (10) pay periods left until the 2024 funds get released the first week of February. The average cost for each pay period to date is \$81,065, which would require \$810,653 for the balance of the fiscal year. This leaves the ACP with an anticipated \$412,277 shortfall. As projected, there are only funds available for five (5) pay periods (until November 16, 2023) when additional funds will be required. The Assigned Counsel Office budget does not have other funds available to move to the 543300 line, so the additional funds are being requested from the fund balance a159900; and

WHEREAS, this shortfall is due in part to New York State having passed legislation increasing the legal fee for attorneys effective April 1, 2023, and in part to the budget having been created anticipating a decrease in legal fees for the Assigned Counsel plan when the Public Defender office opened. The Public Defender is beginning to take cases in the courts but there has not yet been an effect on the Assigned Counsel Plan budget; and

WHEREAS, The State is responsible for \$41.50 per hour for the increased rate after April 1, 2023. The estimated amount the State will reimburse the County from the requested additional funds is \$50,000. Many of the vouchers expected to be paid through the end of the year have service hours that pre-date the increased rate so the State would not be reimbursing any portion of those vouchers; and

NOW, upon recommendation of the Government, Courts & Consumer Affairs Committee and the Finance & Personnel Committee of this body; be it

RESOLVED, that \$412,277 be transferred from the Fund Balance a159900 to the Assigned Counsel Office Legal Fees line (A1170 Object 543300); and be it further

RESOLVED, that certified copies of this resolution delivered to the County Treasurer, and Budget Officer shall be their authority to make such changes.

RESOLUTION PASSED/FAILED, WITH A VOICE/ROLL CALL VOTE

YES:**NO:****ABSENT:****ABSTAIN:**

TO: David M. Holst, Chair, Government, Courts and Consumer Affairs

FROM: Sara E. Davis, Esq., Administrator, Assigned Counsel Plan

DATE: September 19, 2023

RE: Transfer additional funds

INFORMATIONAL MEMORANDUM

SUBJECT: Transfer Additional Funds of \$412,277 from the fund balance A159900 to the Assigned Counsel Office Legal Fees A1170 Object 543300.

BACKGROUND: The Assigned Counsel budget has \$398,376 left in the 2023 budget for legal fees (A1170 Object 543300) as of September 19, 2023. There are ten (10) pay periods left until the 2024 funds get released the first week of February. The average cost for each pay period to date is \$81,065, which would require \$810,653 for the balance of the fiscal year. This leaves the ACP with an anticipated \$412,277 shortfall. As projected, there are only funds available for five (5) pay periods (until November 16, 2023) when additional funds will be required. The Assigned Counsel Office budget does not have other funds available to move to the 543300 line so the additional funds are being requested from the fund balance A159900.

FISCAL IMPACT: This is an additional \$412,277 expense to the Assigned Counsel Plan with an anticipated offset of \$50,000 from the State, leaving a projected net fiscal impact of \$362,277. This is for 2023 only and it is anticipated that the Public Defender Office will be covering the majority of the criminal cases in 2024 so there is no expected fiscal impact in 2024.

RECOMMENDATION: Transfer \$412,277 from the Fund Balance A159900 to the Assigned Counsel Office Legal Fees line (A1170 Object 543300).

RESOLUTION NO.

October 12, 2023

**RESOLUTION AUTHORIZING THE RECLASSIFICATION OF ONE POSITION
IN PUBLIC DEFENDER'S OFFICE**

By Legislator David Holst:

WHEREAS, in order to better reflect the duties and responsibilities required of the personnel who assist the Public Defender in leading staff and operations within the Public Defender's Office; and

WHEREAS, Position # A117111307 is currently classified as an Assistant Public Defender to defend clients accused of crimes in court; and

WHEREAS, the proposed restructuring within the office to provide for another Senior Assistant Public Defender to aid in the mission of representing clients in court has been reviewed by the Director of Human Resources with a recommendation to reclassify the position to the title of Senior Assistant Public Defender; and

NOW, upon recommendation of the Government and Courts Committee with approval of the Finance and Personnel Committee of this body; be it

RESOLVED, that position # A117111307, Assistant Public Defender, Grade 70, in the Management Personnel Compensation Plan be reclassified to Senior Assistant Public Defender, Grade 80, in the Management Personnel Compensation Plan; and be it further

RESOLVED, that certified copies of this resolution delivered to the County Treasurer, Budget Officer, and Director of Human Resources shall be their authority to make such changes.

RESOLUTION PASSED/FAILED, WITH A VOICE/ROLL CALL VOTE

YES:

NO:

ABSENT:

ABSTAIN:

INFORMATIONAL MEMORANDUM

- Subject:** Request for authorization to modify the Public Defender's Department budget to include reclassification of one Assistant Public Defender position (Grade 70), Management Personnel Compensation Plan, to one Senior Assistant Public Defender position (Salary Grade 80), Management Compensation Plan.
- Purpose:** Public Defender's Office is a newly established office. In order for it to fulfill its mission, it is critical that an extra attorney with supervisory capability and experience to match be hired to assist this department in its goal of providing adequate representation before the courts.
- Summary:** The opportunity exists to better serve clients that are represented by the Public Defender's office in that additional supervision of already hired staff will increase this office's ability to serve those arrested in this county who are unable to afford their own legal representation.
- Recommendation:** To authorize the proposed modification of the Public Defender's budget to include the reclassification of one Assistant Public Defender to that of one Senior Assistant Public Defender.
- Fiscal Impact:** There will be no fiscal impact as the proposed pay for the Senior Assistant Public Defender position will be absorbed by this office's current budget.

POSITION REQUEST/DELETE BUDGET FORM

DEPARTMENT:

DIVISION/UNIT (NUMBER):

A. NEW POSITION REQUEST

1. Position Title Requested:

2. Bargaining Unit: CO-OP Highway Silver Star Deputies OCPA Mgmt.

3. a. Bargaining Unit – Hourly Rate from Grade plan: _____ Grade: _____

b. Management or OCPA – Salary Requested: _____ Grade: _____

4. Percent of Federal and or State Reimbursement: _____ Fringe Reimbursed: Yes No

5. Justification of Need (Use additional sheets as necessary):

6. Complete New Position Duties Statement (p. 3 & 4).

B. RECLASSIFICATION REQUEST

1. Present Title: Assistant Public Defender 2. Position #: 5

3. Present Salary/Hourly Rate: 72,969 Grade: 70

4. Requested Title: Senior Assistant Public Defender

5. Requested Salary: 126358

a. Bargaining Unit: _____ Hourly Rate: _____ Grade: _____

b. Management or OCPA – Salary Requested: 126358 Grade: 80

6. Percent of Federal and/or State Reimbursement: 100 Fringe Reimbursed: Yes No

7. Justification of Need (use additional sheets as necessary): Public Defenders Office is in need of additional attorneys with supervisory capabilities to help guide other personnel in this office in their mission of providing legal representation to the indigent persons arrested within this county. As this office grows, it needs the flexibility of having experienced attorneys to assist with supervision of cases and handling of cases to the highest standard of care.

8. Complete New Position Duties Statement (p. 3 & 4).

C. POSITION DELETION

1. Title to be Deleted: Assistant PD

2. Position # 5

3. Salary Savings: 0

4. Reason for Deletion:

Office requires additionally attorney with capabiltiy to provide supervisory guidance to hired attorneys working within this office

3. Names and titles of person supervising (general, direct, administrative, etc.).

NAME	TITLE	TYPE OF SUPERVISION
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4. Names and titles of persons supervised by employee in this position.

NAME	TITLE	TYPE OF SUPERVISION
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5. Names and titles of persons doing substantially the same kind and level of work as will be done by the incumbent of this new position.

NAME	TITLE	LOCATION OF POSITION
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6. What minimum qualifications do you think should be required for this position?

- Education: High School _____ years
 College _____ years, with specialization in _____
 Other _____ years, with specialization in _____

Experience (list amount and type):

Essential knowledge, skills and abilities:

Type of license or certificate required:

7. The above statements are accurate and complete.

Date: Title: Signature:

CERTIFICATE OF OSWEGO COUNTY PERSONNEL OFFICER

8. In accordance with the provisions of Civil Service Law (Section 22), the Oswego County Personnel Officer certifies that the appropriate civil service title for the position described is:

POSITION CLASS TITLE:

JURISDICTIONAL CLASS:

Date: Signature: