

**MINUTES OF THE PUBLIC HEARING HELD ON APRIL 14, 2005  
RELATIVE TO  
THE PROPOSED LOCAL LAW PERMITTING ALL TERRAIN VEHICLE  
OPERATION ON CERTAIN COUNTY ROADS WITHIN THE  
COUNTY OF OSWEGO**

Chairman Russ Johnson opened the public hearing at 7:08 p.m. County Attorney Mitchell read the Public Hearing notice. Chairman Johnson offered the floor to anyone wishing to speak on Proposed Local Law #1 of 2005.

Steve Cronk urged legislators to support the proposed Local Law. Currently all of the trail systems come to an end when riders come to one of these roads. For instance, the group would like to have access to Bridge Street to get across the Salmon River in Altmar and County Route 2 in Orwell and part of 22 in Altmar. He stated that he is the club president and would be glad to answer any questions anyone might have.

There being no others wishing to speak, the public hearing was declared closed at 7:10.

**MINUTES OF THE MEETING OF THE  
OSWEGO COUNTY LEGISLATURE HELD ON  
APRIL 14, 2005.**

Chairman Johnson called the meeting to order at 7:10 p.m. Roll call was taken with all legislators present. Invocation was given by Ted Jerrett, Clerk of the Legislature followed by the salute to the flag. Chairman Johnson asked if there any objections to the minutes of March 10, 2005. With no objections, the minutes were approved.

**PROCLAMATIONS, PRESENTATIONS, AND RECOGNITIONS**

Ted Jerrett read a Proclamation designating May, 2005 as Adolescent Pregnancy Prevention Month. Linda Eagan, from BOCES, came forward with members of the Community Council. Ms.Eagan stated that this program provides young people with accurate, age appropriate information that explains their options and the consequences. Council members introduced themselves and Ms. Eagan announced this year's poster contest winners.

Chairman Russ Johnson opened the floor to the Public Speakers on the Resolutions.

Tim Judson, Syracuse: Re: Nuclear Power resolution. As a member of the Citizen's Awareness Network, he stated that construction of a new nuclear power plant would not necessarily bring an increase in long-term jobs to our community. He cited current constrictions in power transmission lines and the reduced need for large numbers of employees at the newer, more efficient nuclear facilities.

Tom Deliro, Syracuse, spoke in opposition to the resolution promoting the nuclear power plant. He expressed his concern for becoming a dumping ground for nuclear waste and a higher priority target for terrorism.

John Whitely, Oswego, member of Boilermaker's Local 175 spoke in favor of the nuclear plant resolution. This proposal would be a shot in the arm that Oswego County needs. Regarding terrorism or site integrity: he stated that these places are built like fortresses.

Carl Patrickson, Mexico: Opposed the nuclear plant resolution. He stated that he had identified safety problems at FitzPatrick and the people in charge are not serious about safety. He strongly recommends the legislature to vote no.

Lyn Lawson, Oswego: Re: nuclear plant resolution. He stated that a nuclear power plant is not another Wal-Mart or Lowe's. He suggested that this should be put forth as a referendum to the entire county.

Edward Williamson; Granby: Opposes the home rule resolution. He feels the legislature should wait on making the final decision on this until a later date. He feels that if the County continues to see a raise in revenues, then it should consider a healthy reduction in property taxes..

Ginny Stamm: Minetto, Opposed to the nuclear resolution, simply stated that there should be no more "nukes". Long term jobs will be fewer because of the new design of the power plants. Nuclear waste remains a problem.

Linda Bond-Clark: New Haven, Opposed to the nuclear resolution, she stated that nuclear plants are inherently dangerous. She discussed early site permits, and NuStart, a consortium of nuclear companies. She offered statistics of illnesses near other power plants.

Robin Miller: Oswego; Opposed to the nuclear resolution. She stated she grew up in Minneapolis and stressed how much she liked this area. She suggested wind farms and solar panel farms instead of nuclear plants.

#### **REPORTS OF COUNTY OFFICIALS:**

Chairman Johnson introduced David Hertzler, Chairman of the Environmental Management Council, who presented an overview of the EMC. Provided Oswego County EMC 2005 Strategic Plan, and 2005 State of Oswego County Environment and the EMC Annual Report. EMC programs have been recognized by New York Association Environmental Management Counsel with 7 prestigious awards including the outstanding EMC member of the year, Tim Carroll, who continues as a member. He offered that the EMC can continue to be a great asset to the Legislature as it faces historic decisions regarding solid waste and other environmental issues.

#### **REPORTS OF STANDING COMMITTEES (None)**

#### **REPORTS OF SPECIAL COMMITTEES**

Leg. Brown said she attended the New York State Fish and Wildlife Management meeting in Albany March 31, April 1 and 2, 2005. It was reported that there was Chronic Wasting Disease in Oneida County. This is a great concern because of our common border and also because people may have purchased breeding stock there. She also saw a presentation of wind power under construction in the Tug Hill Plateau area. She reported plans for over 200 windmills producing 320 megawatts of power.

#### **RESOLUTION AND MOTIONS:**

Legislator Leemann offered Resolution No. 1, entitled RESOLUTION ADOPTING LOCAL LAW NUMBER 1 OF 2005 "A LOCAL LAW PERMITTING ALL TERRAIN VEHICLE OPERATION ON CERTAIN COUNTY ROADS WITHIN THE COUNTY OF OSWEGO.

Leg. Waters moved to amend the wording of the Local Law Section 5, Rules, Conditions and Restrictions, No. 8 second sentence. Change the number 16 to 18. Leg. Osetek seconded the motion.

Leg. Thomas stated that the club had done a lot of work with the land owners. At first he had concerns, but is satisfied that the people in the clubs are not going to be a problem. "Outlaw riders" could be a problem whether you have open roads or not. He would like to see the legislative body present a resolution urging our State Representatives to open some state lands to the four wheelers.

Leg. Bryant concurred with the amendment that the age be changed to 18. He also agreed with Leg. Thomas.

Leg. Brown suggested attending the public hearings going on regarding the Adirondack Parkway for additional information..

Resolution, as amended, passed by a voice vote  
AYES: 25      NAYS: 0      ABSENT: 0

Leg. Seager, thanked the ATV Club and stated that she was glad that the resolution is finally here. She urged that there be some commitment by the State to help fund trail development and maintenance in Oswego County.

Leg. Waters moved for a 10 minute recess. Seconded by Leg. Brewer. Carried. Chairman Johnson recessed the meeting at 8:20 pm. Chairman Johnson called the session back to order at 8:30 pm.

Leg. Leemann offered Resolution 2, entitled RESOLUTION AUTHORIZING EXPENDITURE FROM CAPITAL RESERVE NO. 146 - HIGHWAY & AUTOMOTIVE EQUIPMENT. This is a transfer to a capital project for much needed highway equipment.

Resolution passed, by a voice vote  
AYES: 25      NAYS: 0      ABSENT: 0

Leg. Leemann offered Resolution 3, entitled RESOLUTION AUTHORIZING EXPENDITURE FROM CAPITAL RESERVE NO. 18 - ROAD CONSTRUCTION. This is needed to pave roads.

Resolution passed, by a voice vote  
AYES: 25      NAYS: 0      ABSENT: 0

Leg. Ospelt offered Resolution No. 4, entitled, RESOLUTION AUTHORIZING PAYMENT FROM ECONOMIC DEVELOPMENT INITIATE FUNDS.

Resolution passed, by a Show of Hands, with Leg. Hoefler and Leg. Waters opposing.  
AYES: 23      NAYS: 2      ABSENT: 0

Leg. Bullard offered Resolution No. 5, entitled RESOLUTION AUTHORIZING BUDGETARY MODIFICATION. Leg. Bullard stated that this particular resolution is accepting grant funds to help the Sheriff's Dept. to acquire bullet proof vests.

Resolution passed, by a voice vote  
AYES: 25      NAYS: 0      ABSENT: 0

Leg. Osetek offered Resolution No. 6, entitled RESOLUTION RELATIVE TO A HOME RULE REQUEST. This resolution would authorize the Chairman to direct the appropriate home rule request to the State Legislative Officials to enable this county to move forward with the continuation of the 4% sales tax for another 2 years.

Leg. Waters stated that he could not support this resolution and requested a roll call vote. Leg. Gearsbeck also expressed opposition to the resolution as he expects a "windfall" of revenue due to high oil prices.

Leg. Kunzwiler stated that he could see both arguments. But, rising Medicaid and pension costs that the county faces are not going to go away. This is a tough choice we have to make. This is

the fairest choice out of the options that we have and urged the legislators to vote for it.

Leg. Malone stated that we are stable right now and feels that the legislature should take a chance and see what happens in the next two years.

Leg. Anson stated that last year we had projected a 1.6 million dollar hole in the budget that needed this increase of 1% to fill it. He offered that the County ended up with a 16.8 million dollar surplus and suggests the Legislature hold off on this resolution.

Leg. Brown stated the Social Service Committee took a gamble in 2002, and went 4.5 million over budget on Medicaid in 2 ½ months. She noted that the union contracts and Medicaid costs are still uncertain and to maintain any sense of tax stability, this resolution is necessary.

Leg. Ospelt agrees with Leg. Kunzwiler regarding stability. He is not for taxes either, but at least with a sales tax, people who come into this area from other localities help us to support services.

Leg. Hoefler stated that the sales tax is a problem for young struggling families.

Leg. Osetek stated that the State Comptroller's Office suggests that a healthy budget carries an unappropriated fund balance of approximately 10%. That is where we are currently. Our county treasurer provided us with information, year to date. We are tracking only \$90,000 above projections. We don't have enough information right now to begin to speculate on what this 1% increase is really going to mean to our budget.

Leg. Beardsley stated that he dislikes taxes as much as anyone, but is concerned about how far behind we are in replacing worn out equipment and providing for the future of our solid waste program. We have a \$150 million business to run and it takes capital to run it. Large increases in the property tax hurts both business and the people. Sales tax is a fairer tax. "Tax stabilization" is what is needed. If the county sees a windfall from the sales tax, then property taxes should be reduced.

Leg. French stated that there is no good tax. If we continue the current course, we are going to stabilize taxes in two years. He will support the resolution with the stipulation that any surplus revenue beyond stabilization be committed to property tax reduction.

Leg. Leemann stated that towns have gained a great deal from sales tax and should be able to lower town taxes as a result. By continuing what we have in place now, the County should be able to provide tax stabilization. Highway equipment needs to be replaced, Medicaid costs continue to grow and employee contracts are coming up. We need to continue on with the additional 1% for at least another year.

Leg. Gardner stated that he would continue the fight for financial stability. Therefore, he will support this resolution.

Leg. Malone said that the towns need to control their spending. He cannot support any more increase, either land or sales.

Leg. Ponzi moved the question and asked for a roll call vote. Leg. Bullard seconded.

The Motion was carried by a Show of Hands:  
Opposed: Malone, Hoefler, Waters, Gearsbeck Anson.  
AYES: 20    NAYS: 5    ABSENT: 0

Roll Call Vote was taken on the resolution.

AYES: THOMAS, LEEMANN, BRYANT, PROUD, BROWN, BEARDSLEY, OSPELT, GARDNER, BULLARD. OSETEK. SANTORE, PONZI, KUNZWILER, VASHO, FRENCH, BREWER, JOHNSON.

NAYS: ANSON, WATERS, GEARSBECK, SEAGER, RUSAW,HOEFER, MALONE, BECKWITH,

Resolution passed.

AYES: 17 NAYS: 8 ABSENT 0

Leg. Ospelt offered Resolution No. 7, entitled RESOLUTION AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE TO SUBMIT AN APPLICATION FOR THE HUD NYS ADMINISTERED SMALL CITIES COMMUNITY DEVELOPMENT BLACK GRANT PROGRAM 2005.

Resolution passed, by a voice vote

AYES: 25 NAYS: 0 ABSENT: 0

Leg. Leemann offered Resolution No. 8, entitled RESOLUTION APPOINTING MEMBERS TO THE OSWEGO COUNTY SOLID WASTE MANAGEMENT BOARD.

Leg. Malone moved to add two names to the list: Al Garish from West Monroe and Joe Blanchard from Hannibal. Motion seconded by Leg. Gearsbeck.

Chairman Johnson deferred to County Attorney Mitchell, who stated that the board is a creature of Local Law of this Legislature and the representation of the board is fixed by the Local Law, therefore, additional persons cannot be appointed without amending the Local Law as it currently exists. There can be substitutions, but those persons substituted would have to fall into criteria set by the Local Law.

Leg. Malone withdrew his motion and Leg. Gearsbeck withdrew his second.

Leg. Malone then requested to replace the name of Mr. Carl Salvagin with Joe Blanchard. Leg. Bryant seconded the motion.

A discussion followed. Leg. Beckwith recommended Mr. Salvagin and stated that Mr. Salvagin is a technology professor from SUNY Oswego, and has a good background for this position.

Leg. Bryant withdrew his second. The motion was put back on the floor with a second from Leg. Kunzwiler.

Leg. Thomas and Leg. Ospelt stated they would follow the recommendation of Leg. Beckwith

Leg. Hoefer made a motion to refer it back to the committee, seconded by Leg. Anson.

Discussion on the motion to refer it back to the Committee followed. Leg. Ospelt said legislators had plenty of time to review the resolution and get answers to any questions. Leg. Seager stated that this board is important, especially to those living in Volney. There are many things going on with solid waste that this board needs to be ready to advise the Legislature on.

Leg. Waters moved to suspend the rules to get us back to the original resolution. This was passed with a how of hands, with Leg. Ponzi in opposition.

There was a brief discussion.

Resolution was passed by voice vote.  
AYES: 25 NAYS: 0 ABSENT: 0

Before Leg. Ospelt presented the next resolution, he moved add Leg. Bryant's name to the resolution. Leg. Kunzwiler seconded.

The motion to amend the resolution was carried by a voice vote.  
AYES: 25 NAYS: 0 ABSENT: 0

Leg. Ospelt and Leg. Bryant offered Resolution No. 9, entitled, RESOLUTION IN SUPPORT OF THE NUCLEAR POWER 2010 PROGRAM. Leg. Bryant said that he was glad to have his name on this and that government committee passed it earlier today.

Leg. Brown stated that she has a problem with building a nuclear plant due to emissions.

Leg. Kunzwiler pointed out that this resolution simply encourages a consortium to look at our community as a potential future site. Even if selected, it wouldn't be any sooner than 2015 that any plant could be placed in operation.

Leg. Vasho moved to amend the resolution on the fifth "Whereas", after the word dependable to add the words "union building trades". Leg. Osetek seconded.

A long discussion followed. Leg. Waters suggested a roll call on this amendment.

Leg. Hoefler moved to amend the amendment by adding the word non- union after union. Leg. Gearsbeck seconded.

Discussion on the amendment to the amendment.

A Point of Order was offered by County Attorney Mitchell. He stated the wording of the paragraph as follows: Whereas, the County of Oswego is home to a skilled and dependable union and non-union building trades and services workforce.

Leg. Vasho explained that non union people are not members of the building trades, and a brief discussion followed.

Chairman Johnson stated that the motion to amend the amendment and its second were withdrawn. The original amendment was "union building trades". Chairman Johnson asked if there was any more discussion on the amendment.

Leg. Waters moved to call the question which was seconded by Leg. Vasho. The call of the question was passed by voice vote.

A roll call vote on the amendment to the resolution was taken resulting in the following:

AYES: ANSON, WATERS, LEEMANN, BRYANT, PROUD, BEARDSLEY,  
SEAGER, RUSAW, OSPELT, GARDNER, BULLARD, OSETEK, SANTORE,  
PONZI, KUNZWILER, HOEFER, MALONE, BECKWITH, VASHO,  
FRENCH, BREWER, JOHNSON.

NAYS: THOMAS, GEARSBECK, BROWN.

The Amendment to the Resolution passed .  
AYES: 22 NAYS: 3 ABSENT: 0

Chairman Johnson opened the floor for discussion on the amended resolution.

Leg. Kunzwiler suggested that by copy of this resolution, our state and federal representatives be requested to support its intent and to pursue the funding and/or methods necessary to relieve current restrictions of electrical power transmission effecting Oswego County producers.

Leg. Gardner requested that any future correspondence regarding this be shared with the Town of Scriba.

Leg. Anson offered that the Legislature should not take a position on this issue until after a county-wide referendum and/or public hearings were held.

Chairman Johnson referred to County Attorney Mitchell: There is a prohibition on advisory referendums. So whether or not the County would support or not support something would be an advisory referendum and it is not proper to submit to the electorate in November. Secondly, whether or not additional public comment is warranted is certainly proper and up to the legislature.

Chairman Johnson said that there was a motion by Leg. Anson and seconded by Leg. Gearsbeck, on the floor to refer the resolution back to the Government Operations and Law committee. Chairman Johnson said that there was a motion to call the question but that it failed for lack of a second.

Leg. Beckwith expressed his support for renewable energy and felt this resolution would further that cause by encouraging a resolution to the current grid constrictions.

Discussion followed:

Leg. Ospelt moved to suspend the rules and go back to the amended resolution, seconded by Leg. Waters. Motion to suspend the Rules passed by a show of hands, no one opposed.

Leg. Waters called the question. Seconded by Leg. Ospelt. Motion passed by a show of hands, and a request for a roll call vote on the amended resolution resulted in the following:

AYES: THOMAS, WATERS, LEEMANN, BRYANT, PROUD, BEARDSLEY, SEAGER, OSPELT, GARDNER, BULLARD, OSETEK, SANTORE, PONZI, KUNZWILER, HOEFER, BECKWITH, VASHO, FRENCH, BREWER, JOHNSON.

NAYS: ANSON, GEARSBECK, BROWN, RUSAW, MALONE.

ABSENT: NONE

The Resolution as Amended Passes  
AYES: 20      NAYS: 5      ABSENT: 0

#### **UNFINISHED BUSINESS**

Leg. Bryant said that Leg. Gearsbeck asked the Chair how many votes were needed to pass the sales tax resolution earlier tonight. Chairman Johnson stated 13. County Attorney Mitchell agreed, that under the Rules of the Assembly and Senate, in Article 9 of the Constitution, a simple majority was required.

Leg. Brewer thanked the legislature for the flowers they sent Mrs. Brewer while she was recently hospitalized.

## **MISCELLANEOUS BUSINESS**

Leg. Seager requested the Legislature consider a resolution in opposition to Senate bill 2081 and a companion bill in the Assembly changing the designation of wetlands because it could have a significant negative impact on growth in Oswego County.

Leg. Ospelt added that they were looking at this.

Leg. Brown said that is another proposal that would require winter burial that is a great concern to rural cemeteries.

Leg. Waters moved to adjourn. All seconded. Motion to adjourn was passed by voice vote at 10:00 pm