

Chair Sheridan called the meeting to order at 6:00 p.m.

ROLL CALL: All Legislators were present. Mr. Arquiatt, Ms. Curran, Ms. Fiacco, Mr. Forsythe, and Ms. Terminelli attended remotely.

Mr. Denesha said a prayer, followed by the Pledge of Allegiance.

SUSPENSION OF THE RULES: Mr. Denesha moved to suspend the Rule of Procedure to allow the attendance of Legislators telephonically, seconded by Mr. Smithers, and carried unanimously by a voice vote with fifteen (15) yes votes.

APPROVAL OF THE AGENDA: Mr. Smithers moved to amend the agenda to remove Item XIII Budget Presentation from the agenda, and replace it with Executive Session, seconded by Mr. Lightfoot, and carried unanimously by a voice vote with fifteen (15) yes votes. Mr. Perkins moved to approve the amended agenda, seconded by Mr. Fay, and carried unanimously by a voice vote with fifteen (15) yes votes.

APPROVAL OF MINUTES: Ms. Haggard moved to approve the September 13th meeting minutes, seconded by Mr. Perkins, and carried unanimously by a voice vote with fifteen (15) yes votes.

COVID-19 UPDATE: Jolene Munger and Dr. Williams

COMMUNICATIONS: The following correspondence was read by the Deputy Clerk:

1. A resolution was received from Oswego County Legislature submitting comments to the National Oceanic and Atmospheric Administration regarding its draft management plan and draft environmental impact study for the proposed Lake Ontario National Marine Sanctuary.
2. A card was received from the family of Sergeant Ryan P. Shelly thanking the Board of Legislators for their generous support and encouraging words.

CITIZEN PARTICIPATION:

William Roome, Madrid; Mary Skelly, Ogdensburg; Francine Griffin, Madrid; Rachel Raven of Gouverneur; Mindy Woodruff, Canton; Erica Porter, Watertown; Courtney Fantone, Norwood; Dalton Morehouse, Morristown; and Cayleigh Meyer, Massena each expressed their concerns with the Department of Social Services Children's Protective Services (CPS) Unit.

Tricia Snyder read a poem regarding her job as an employees of Social Services CPS, and Carolee Stearn was in attendance with her.

A video was submitted by Dottie Spears regarding the Department of Social Services Children's Protective Services (CPS) Unit.

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PRESENTATION OF RESOLUTIONS:

Operations Committee: 9-20-2021

RESOLUTION NO. 268-2021

AUTHORIZING THE CHAIR TO SIGN A CONTRACT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR A FY22 ALTERNATIVE TO INCARCERATION, PRE-TRIAL, ELECTRONIC HOME MONITORING GRANT

By Ms. Curran, Chair, Operations Committee

WHEREAS, the New York State Division of Criminal Justice Services has renewed the Alternatives to Incarceration (ATI) Programs and Services, Pre-Trial, Electronic Home Monitoring Program Grant for a fifth year, with a contract period of January 1, 2022 through December 31, 2022, and

WHEREAS, the Grant will be used to employ a probation officer, pay the cost of two (2) mobile devices, vendor equipment, and rental fees for jail inmates that are considered moderate to high risk who would otherwise not be eligible for pretrial release and would remain in jail while their case remains pending, and

WHEREAS, offenders could be released under supervision on either electronic home monitoring or alcohol monitoring during any given month, and it is anticipated this could alleviate a portion of the burden placed on the County Correctional Facility, and

WHEREAS, inmates in need of community-based services, as referred by Probation or the Courts, could utilize the walk-in clinics for immediate evaluations and engagement in outpatient services, thus providing significant savings to the County and alleviating addiction services from completing evaluations at the County Correctional Facility,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Chair to sign a contract with the New York State Division of Criminal Justice Services for a FY22 Alternative to Incarceration, Pre-Trial, Electronic Home Monitoring Grant (Q1033105 56000 EM), upon approval of the County Attorney, and

BE IT FURTHER RESOLVED that if the funding source for this position ends, the position will be abolished.

Ms. Curran moved to adopt Resolution No. 268-2021, seconded by Mr. Perkins, and carried unanimously by a voice vote with fifteen (15) yes votes.

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Operations Committee: 9-20-2021

RESOLUTION NO. 269-2021

AUTHORIZING THE CHAIR TO SIGN A CONTRACT WITH CASELLA WASTE SERVICES FOR REFUSE SERVICES AT MASSENA HARROWGATE COMMONS BUILDING FOR THE DISTRICT OFFICES OF PROBATION, DEPARTMENT OF MOTOR VEHICLES AND COMMUNITY SERVICES

By Ms. Curran, Chair, Operations Committee

WHEREAS, St. Lawrence County leases space at Massena Harrowgate Commons in Massena for offices of Probation, Department of Motor Vehicles and the Chemical Dependency Clinic, and

WHEREAS, to date, Casella Waste Services has routinely provided excellent service to the Massena Harrowgate Commons, and this service agreement will maintain the same rate for 24 months following the date of the signed contract (A1342504 43007; K1314104 43007; Q1M31404 43007),

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Chair to sign a contract with Casella Waste Services for refuse services at Massena Harrowgate Commons Building for the satellite offices of Probation, Department of Motor Vehicles, and Community Services, upon approval of the County Attorney.

Ms. Curran moved to adopt Resolution No. 269-2021, seconded by Mr. Perkins, and carried unanimously by a voice vote with fifteen (15) yes votes.

Operations Committee: 9-20-2021

RESOLUTION NO. 270-2021

DECLARING OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH

By Ms. Curran, Chair, Operations Committee

WHEREAS, October has been designated as Domestic Violence Awareness Month, and

WHEREAS, the St. Lawrence County Domestic Violence Task Force has been working to bring about changes in community norms which support the development of healthy relationships and families in our communities, and

WHEREAS, the Task Force is working to create a continuum of services which range from prevention, crisis intervention and counseling through shelter, advocacy and legal

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intervention, and

WHEREAS, as the lead agency of the task force, Renewal House has planned activities throughout the County to highlight Domestic Violence Awareness Month with the theme for this year being #WeAreResilient, and

WHEREAS, COVID-19 has had a unique impact on victims of domestic violence, but community collaboration and support gives victims the strength to navigate these additional challenges,

NOW, THEREFORE, BE IT RESOLVED that the St. Lawrence County Board of Legislators declares October as Domestic Violence Awareness Month, and

BE IT FURTHER RESOLVED that the Board of Legislators encourages all citizens of the County to support the development of healthy non-violent relationships.

Ms. Curran moved to adopt Resolution No. 270-2021, seconded by Mr. Acres, and carried unanimously by a voice vote with fifteen (15) yes votes.

Operations Committee: 9-20-2021

RESOLUTION NO. 271-2021

MODIFYING THE 2021 BUDGET FOR THE ST. LAWRENCE COUNTY CLERK’S OFFICE FOR OVERTIME COSTS AT THE DEPARTMENT OF MOTOR VEHICLES

By Ms. Curran, Chair, Operations Committee

WHEREAS, a budgetary measure during the 2021 budget process identified a percentage of appropriations for departments with overtime expenses and located those funds in the contingency account, and

WHEREAS, the County Clerk’s Office will exceed the identified percentage of appropriations that were included for the 2021 budget for overtime costs, and

WHEREAS, the County Clerk’s Office finds it necessary to transfer the balance from targeted contingency,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Treasurer to modify the 2021 Budget for the St. Lawrence County Clerk’s Office for overtime expenses for the Department of Motor Vehicles, as follows:

INCREASE APPROPRIATIONS:

K1614101 18000	K NYDS DMV CC Overtime	\$56,161
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DECREASE APPROPRIATIONS:

B1019904 49700 B SPEC Contingency Account \$56,161

Ms. Curran moved to adopt Resolution No. 271-2021, seconded by Mr. Perkins, and carried unanimously by a roll call vote with fifteen (15) yes votes.

Operations Committee: 9-20-2021

RESOLUTION NO. 272-2021

MODIFYING THE 2021 BUDGET FOR THE SHERIFF’S OFFICE FOR COUNCIL 82, AFSCME LOCAL NO. 2390, CONTRACT SETTLEMENT FOR UNIFORM MAINTENANCE

By Ms. Curran, Chair, Operations Committee

WHEREAS, Resolution No. 286-2020 authorized a contract with Council 82, Local 2390 for 2018-2024, and

WHEREAS, the uniform maintenance costs for this contract were increased from the previous contract, and

WHEREAS, \$15,250 was budgeted for the 2020 uniform maintenance costs; however with the increase, the actual costs for 2020 totaled \$35,414, leaving a shortage of \$20,164, and

WHEREAS, \$12,800 was budgeted for the 2021 costs, and the total cost will be \$49,900 leaving a shortage of \$37,100, and

WHEREAS, funds were included in the Contingency Account to cover these 2020 and 2021 union contract increases,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Treasurer to modify the 2021 Budget for the Sheriff’s Office for Council 82, AFSCME Local No. 2390, contract settlement for uniform maintenance, as follows:

DECREASE APPROPRIATIONS:

B1019904 49700 B SPEC Contingency Account \$57,264

INCREASE APPROPRIATIONS:

S4031504 45301 S Jail Dry Cleaning \$57,264

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Ms. Curran moved to adopt Resolution No. 272-2021, seconded by Mr. Denesha, and carried unanimously by a roll call vote with fifteen (15) yes votes.

Operations Committee: 9-20-2021

RESOLUTION NO. 273-2021

**MODIFYING THE 2021 BUDGET FOR THE SHERIFF’S OFFICE
FOR COUNCIL 82, AFSCME LOCAL NO. 2390, CONTRACT SETTLEMENT
FOR SALARIES**

By Ms. Curran, Chair, Operations Committee

WHEREAS, Resolution No. 286-2020 authorized a contract with Council 82, Local 2390 for 2018-2024, and

WHEREAS, salaries increases for 2021 were not budgeted in the 2021 Budget, and

WHEREAS, funds were included in the Contingency account to cover these salary increases, and

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Treasurer to modify the 2021 Budget for the Sheriff’s Office for Council 82, AFSCME Local No. 2390, contract settlement for salaries, as follows:

DECREASE APPROPRIATIONS:

B1019904 49700	B SPEC Contingency Account	\$252,563
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INCREASE APPROPRIATIONS:

S4031501 11000	S Jail Direct Service Workers	\$217,098
S4031501 12000	S Jail Direct Service Workers	14,179
S4031501 14000	S Jail Clerical	3,296
S4031501 19000	S Jail Temporary & Part-Time	7,584
S2031101 11000	S Civil Direct Service Workers	4,302
S2031101 14000	S Civil Clerical	<u>6,104</u>
		\$252,563

Ms. Curran moved to adopt Resolution No. 273-2021, seconded by Mr. Burke, and carried unanimously by a roll call vote with fifteen (15) yes votes.

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Operations Committee: 9-20-2021

RESOLUTION NO. 274-2021

**MODIFYING THE 2021 BUDGET FOR THE SHERIFF’S OFFICE FOR
MEDICAL DOCTOR MALPRACTICE INSURANCE COVERAGE AT THE
CORRECTIONAL FACILITY**

By Ms. Curran, Chair, Operations Committee

WHEREAS, the malpractice insurance coverage for the doctor at the Correctional Facility increased for the period of March 6, 2021 to March 6, 2022, and

WHEREAS, not enough monies were budgeted in 2021 to cover this overage,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Treasurer to modify the 2021 Budget for the Sheriff’s Office for medical doctor malpractice insurance coverage at the Correctional Facility, as follows:

DECREASE APPROPRIATIONS:

B1019904 49700	B SPEC Contingency Account	\$33,059
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INCREASE APPROPRIATIONS:

S4031504 414MM	S Jail Medical Malpractice Insurance	\$33,059
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Ms. Curran moved to adopt Resolution No. 274-2021, seconded by Mr. Perkins, and carried unanimously by a roll call vote with fifteen (15) yes votes.

Operations Committee: 9-20-2021

RESOLUTION NO. 275-2021

**MODIFYING THE 2021 BUDGET FOR THE SHERIFF’S OFFICE
FOR 207C COMPENSATION**

By Ms. Curran, Chair, Operations Committee

WHEREAS, it has been determined the Sheriff’s Office is obligated to pay 207C compensation due to a unique 207C Worker’s Compensation case, and

WHEREAS, funding for this obligation can be covered by the payroll budgeted for this employee,

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NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Treasurer to modify the 2021 Budget for the Sheriff's Office for 207C Compensation, as follows:

DECREASE APPROPRIATIONS:

S4031501 11000	S Jail, Direct Service Workers	\$69,000
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INCREASE APPROPRIATIONS:

S4031504 46500	S Jail Other Fees and Services	\$69,000
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Ms. Curran moved to adopt Resolution No. 275-2021, seconded by Mr. Lightfoot, and carried unanimously by a roll call vote with fifteen (15) yes votes.

Operations Committee: 9-20-2021

RESOLUTION NO. 276-2021

MODIFYING THE 2021 BUDGET FOR THE SHERIFF'S OFFICE FOR OVERTIME EXPENSES FOR THE CORRECTIONAL DIVISION

By Ms. Curran, Chair, Operations Committee

WHEREAS, the Sheriff's Office Correctional Division has exceeded its budget in the overtime account for 2021, and

WHEREAS, a budgetary measure during the 2021 budget process identified a percentage of appropriations for departments with overtime expenses and located those funds in the contingency account, and

WHEREAS, the Sheriff's Office finds it necessary to transfer the balance from targeted contingency for the Jail Overtime account to cover its overage,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Treasurer to modify the 2021 Budget for the Sheriff's Office for overtime expenses for the Correctional Divisions, as follows:

DECREASE APPROPRIATIONS:

B1019904 49700	B SPEC Contingency Account	\$57,500
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INCREASE APPROPRIATIONS:

S4031501 18000	S JAIL Overtime	\$57,500
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Ms. Curran moved to adopt Resolution No. 276-2021, seconded by Mr. Perkins, and carried unanimously by a roll call vote with fifteen (15) yes votes.

Operations Committee: 9-20-2021

RESOLUTION NO. 277-2021

**MODIFYING THE 2021 BUDGET FOR THE SHERIFF’S OFFICE
FOR THE PURCHASE OF BODY AND SECURITY CAMERAS FOR THE
CORRECTIONAL FACILITY**

By Ms. Curran, Chair, Operations Committee

WHEREAS, the Sheriff’s Correctional Facility wants to purchase technical equipment to provide transparency, liability, and safety enhancements for the Jail staff in the facility, and

WHEREAS, funds were not budgeted in the 2021 Sheriff’s Office Budget for this equipment; however, Jail State Readies funds have been realized to cover the entire costs,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Treasurer to modify the 2021 Budget for the Sheriff’s Office for the purchase of body and security cameras for the Correctional Facility, as follows:

INCREASE REVENUE:

S4022645 550SR	S LR Jail State Readies	\$40,200
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INCREASE APPROPRIATIONS:

S4031502 25000	S JAIL Technical Equipment	\$40,200
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Ms. Curran moved to adopt Resolution No. 277-2021, seconded by Mr. Perkins and Mr. Denesha, and carried unanimously by a roll call vote with fifteen (15) yes votes.

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Operations Committee: 9-20-2021

RESOLUTION NO. 278-2021

MODIFYING THE 2021 SHERIFF’S OFFICE BUDGET TO ACCEPT A 2022 POLICE TRAFFIC SERVICES (PTS) GRANT FROM THE STATE OF NEW YORK GOVERNOR’S TRAFFIC SAFETY COMMITTEE

By Ms. Curran, Chair, Operations Committee

WHEREAS, the St. Lawrence County Sheriff’s Office has been awarded a Police Traffic Services (PTS) Grant in the amount of \$7,052 through the Governor’s Traffic Safety Committee, and

WHEREAS, this 2022 PTS Grant provides funding to cover overtime costs related to increasing seat belt usage and reducing dangerous driving behaviors, and

WHEREAS, the contract period will be October 1, 2021 through September 30, 2022,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Treasurer to modify the 2021 Budget to accept a 2022 Police Traffic Services (PTS) Grant from the State of New York Governor’s Traffic Safety Committee, as follows:

INCREASE APPROPRIATIONS:

S1Z31101 18000 GTSC	S CRIM PTS Grant Overtime	\$7,052
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INCREASE REVENUE:

S1Z33895 56000 GTSC	S SA CRIM State Aid	\$7,052
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BE IT FURTHER RESOLVED that any remaining funds will be rolled over to future budgets until fully expended.

Ms. Curran moved to adopt Resolution No. 278-2021, seconded by Mr. Lightfoot and Mr. Denesha, and carried unanimously by a roll call vote with fifteen (15) yes votes.

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Operations Committee: 9-20-2021

RESOLUTION NO. 279-2021

MODIFYING THE 2021 BUDGET FOR THE OFFICE OF EMERGENCY SERVICES FOR A COMPUTER AIDED DISPATCH AND RECORDS MANAGEMENT TECHNOLOGY SERVICES PROGRAM

By Ms. Curran, Chair, Operations Committee

WHEREAS, Resolution No. 490-2019 authorized the Chair to sign a contract with Motorola Solutions for Computer Aided Dispatch (CAD) and Records Management System (RMS) for the Sheriff’s Office and Emergency Services for the period of April 1, 2020 to March 31, 2026, and

WHEREAS, Resolution No. 491-2019 authorized agreements with the Village of Canton, Village of Massena, City of Ogdensburg, Village of Potsdam and Motorola Solutions for the provision of Computer Aided Dispatch and Records Management Services, and

WHEREAS, Resolution No. 162-2020 authorized the prepayment for the maintenance charges and budget modification for 2020, and

WHEREAS, this resolution is to add the pass through amounts for this agreement that were not included in the 2021 budget, and

WHEREAS, this technology will allow County & local law enforcement and Emergency Services personnel to unify data and work together to ensure public safety, as well as create an opportunity for better communication between departments, and

WHEREAS, as the host agency St. Lawrence County will provide initial and annual invoice(s) to each Connected Site (local police agencies) for their portion of the software and maintenance costs so the revenue can offset overall costs covered by the initial payment made by the County,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Treasurer’s Office to modify the 2021 Budget for the Office of Emergency Services for a computer aided dispatch and records management technology services program, as follows:

INCREASE APPROPRIATIONS:

XP036404 42004	X Computer Software	\$38,721
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INCREASE REVENUE:

XP012895 55000	X Other Department Income	\$38,721
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Ms. Curran moved to adopt Resolution No. 279-2021, seconded by Mr. Lightfoot, and carried unanimously by a roll call vote with fifteen (15) yes votes.

Operations Committee: 9-20-2021

RESOLUTION NO. 280-2021

SUPPORTING SENATE BILL S4104 AND ASSEMBLY BILL A7006, “AN ACT TO AMEND THE GENERAL BUSINESS LAW, IN RELATION TO THE SALE OF DIGITAL ELECTRONIC EQUIPMENT AND PROVIDING DIAGNOSTIC AND REPAIR INFORMATION” KNOWN AS THE “DIGITAL FAIR REPAIR ACT”

By Ms. Curran, Chair, Operations Committee

WHEREAS, the presence of technology parts in modern equipment and devices has enabled large scale manufactures to reduce access to repair by proclaiming that repair might violate their proprietary rights, and

WHEREAS, this creates a monopoly on repair services by requiring consumers to pay for these services exclusively through the manufacturer’s repair division or manufacturer-authorized repair providers, and

WHEREAS, limited authorized repair channels have resulted in inflated, high priced poor service or non-existent service in rural areas; unnecessarily high turnover rates for electronic products; and a significant amount of electronic waste, and

WHEREAS, this is an acute problem for the agricultural industry, as equipment manufacturers often stop supporting old software when they introduce a new version, making in nearly impossible for framers to repair existing equipment, and

WHEREAS, the lack of the right to repair not only forces current farmers to invest in costly new equipment or repairs to continue their work but also acts as a barrier for young farmers who lack access to capital to acquire these technologies when starting farms, and

WHEREAS, on July 6, 2021, the U.S. Department of Agriculture acknowledged this as a significant problem when it announced that it will engage in a series of rulemakings to increase competition in agricultural industries with the goal of boosting earnings of farmers and ranchers, fighting against abuses of power by giant agribusiness corporations, and giving farmers the right to repair their own equipment, and

WHEREAS, lawmakers in more than 35 states have introduced right to repair bills, including Delaware, New Jersey, Pennsylvania, and Massachusetts, and states like Arkansas, Kansas, and Vermont are considering right to repair laws specifically for agricultural equipment, and

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WHEREAS, on June 10, 2021, the New York Senate passed the Digital Fair Repair Act (A.7006/S.4104) by a vote of 51-12, making it the first legislative body in the Nation to pass a bill that would require original equipment manufacturers to make a diagnostic information, spare parts, schematics, special tools, and firmware available to independent repair providers, and

WHEREAS, on June 11, 2021, Representative Joe Morelle introduced the federal Fair Repair Act (H.R. 2006) to guarantee consumers and small businesses a right to repair their own products by requiring manufacturers to make diagnostic repair information, parts, and tools readily available,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators supports Senate Bill S4104 and Assembly Bill A7006, “An act to amend the general business law, in relation to the sale of digital electronic equipment and providing diagnostic and repair information” known as the “Digital Fair Repair Act”, and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Governor Kathy Hochul, Senator Joseph Griffo, Senator Patricia Ritchie, Senator Dan Stec, Assemblyman Ken Blankenbush, Assemblyman Billy Jones, Assemblyman Robert Smullen, Assemblyman Mark Walczyk, and Commissioner of Agriculture and Markets Richard Ball.

Ms. Curran moved to adopt Resolution No. 280-2021, seconded by Mr. Smithers, and carried unanimously by a voice vote with fifteen (15) yes votes.

Operations Committee: 9-20-2021

RESOLUTION NO. 281-2021

**OPPOSING COVID-19 VACCINE MANDATES IMPOSED BY
FEDERAL, STATE, OR LOCAL GOVERNMENTAL BODIES**

By Ms. Curran, Chair, Operations Committee
Co-Sponsored by Mr. Perkins, District 7

WHEREAS, on September 9, 2021, President Joseph R. Biden announced plans to direct the U.S. Department of Labor’s Occupational Safety and Health Administration (“OSHA”) to develop an emergency temporary standard (“ETS”) directed at private-sector businesses with one hundred (100) or more employees to require their employees to either be vaccinated against the COVID-19 virus or require any workers who remain unvaccinated to produce a negative test result on at least a weekly basis before coming to work, and

WHEREAS, it is anticipated that the OSHA ETS may impact over 80 million workers in private-sector businesses with one hundred (100) or more employees, and

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WHEREAS, private-sector employers are already overburdened with unnecessary regulations, and

WHEREAS, staff members within the medical field are already reported to be leaving their chosen fields of employment rather than abide by a mandated vaccination, and

WHEREAS, the Board of Legislators believes that medical treatment and preventative measures are an individual choice, made in consultation with a medical provider of an individual, and that the government should have no role to play in mandating COVID-19 vaccinations, and

WHEREAS, the Board of Legislators believes it is its responsibility to educate the public based on facts and that it is not the responsibility of the County, State, or Federal Government to create mandates that force the general public to accept COVID-19 vaccinations against their will, and

WHEREAS, St. Lawrence County has led a successful campaign to make sure that residents of the County who want to be vaccinated against the COVID-19 virus have that option and have vaccine available to them, and

WHEREAS, every citizen who wants a COVID-19 vaccine possesses the right to obtain one, but no COVID-19 vaccine should be mandated by law, and

WHEREAS, people have the right to refuse COVID-19 vaccination based on religious or medical reasons, and every medical intervention requires informed consent and the right of refusal, including the COVID-19 vaccine,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators opposes COVID-19 vaccine mandates imposed by Federal, State, or Local Governmental Bodies, and

BE IT FURTHER RESOLVED that the Board of Legislators believes its citizens have the right to make their own health care choices, and

BE IT FURTHER RESOLVED the Board of Legislators will make vaccines available to all who wish to receive one, and remains committed to encouraging all citizens who make the individual choice to get vaccinated against the COVID-19 virus to do so.

Ms. Curran moved to adopt Resolution No. 281-2021, seconded by Mr. Acres, and carried by a voice vote with twelve (12) yes votes, and three (3) no votes (Haggard, Terminelli, and Burke).

October 4, 2021

Services Committee: 9-20-2021

RESOLUTION NO. 282-2021

AUTHORIZING THE CHAIR TO SIGN AN EXTENTION OF A CONTRACT FOR ONE-TIME GRANT FUNDING FROM NEW YORK STATE OPIOID RESPONSE (SOR) FOR A MOBILE TREATMENT VEHICLE

By Mr. Lightfoot, Chair, Services Committee

WHEREAS, Community Services is receiving funding modifications from New York State Opioid Response (SOR) with a contract extension of September 30, 2021 through September 29, 2022, and

WHEREAS, Community Services has recognized the need for increased access of individuals with an Opioid Use Disorder (OUD) to recovery services in St. Lawrence County, and

WHEREAS, these funds will be used for the purchase of a mobile treatment vehicle to provide access to treatment for OUD (A1Z42502 23000),

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Chair to sign an extension of a contract for one-time grant funding from New York State Opioid Response (SOR) for a mobile treatment vehicle, upon approval of the County Attorney, and

BE IT FURTHER RESOLVED that any remaining funds will be rolled over to future budgets until fully expended.

Mr. Lightfoot moved to adopt Resolution No. 282-2021, seconded by Mr. Smithers, and carried unanimously by a voice vote with fifteen (15) yes votes.

Services Committee: 9-20-2021

RESOLUTION NO. 283-2021

**PROCLAIMING OCTOBER 24TH – 30TH, 2021
AS NATIONAL LEAD POISONING PREVENTION WEEK**

By Mr. Lightfoot, Chair, Services Committee

WHEREAS, the Public Health Department is observing National Lead Poisoning Prevention Week October 24-30, 2021 and joining the national commitment to eliminating lead poisoning, and

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WHEREAS, even low levels of lead exposure have been shown to affect the developing brains of children, and

WHEREAS, health problems caused by elevated blood lead levels are often invisible and irreversible in children, and

WHEREAS, the Public Health Department has worked to protect our children by encouraging parents to have young children screened for elevated blood lead levels at 1 and 2 years of age, and

WHEREAS, effective October, 2019, changes to the New York State Public Health Law (§1370) and Part 67 of Title 10 of the New York Codes, Rules, and Regulations, lowered the definition of an elevated blood lead level (EBLL) from ≥ 10 $\mu\text{g}/\text{dL}$ to ≥ 5 $\mu\text{g}/\text{dL}$; increasing the number of children in St. Lawrence County that are being monitored for EBLLs, and

WHEREAS, the Centers for Disease Control and Prevention (CDC) estimates that approximately half a million children living in the United States have lead levels high enough to cause learning disabilities, behavioral problems, developmental delays, and, at very high levels, seizures, coma, and even death, and

WHEREAS, the Public Health Department recognizes the importance of educating parents and communities about the sources of lead exposure, and

WHEREAS, the Public Health Department joins the Centers for Disease Control and Prevention, the U.S. Environmental Protection Agency, and the U.S. Department of Housing and Urban Development in encouraging parents to learn more about lead exposure prevention, and

WHEREAS, increased awareness of childhood lead exposure is critically important so that parents, health care providers, housing authorities, building and construction interests, educators, and others can work together to prevent children from being exposed to lead in the environment, and

WHEREAS, the theme for the National Lead Poisoning Prevention Week is “Lead-Free Kids for a Healthy Future,” and underscores the importance of testing your home, testing your child, and learning how to prevent lead poisoning,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators proclaims October 24th – 30th, 2021 as National Lead Poisoning Prevention Week.

Mr. Lightfoot moved to adopt Resolution No. 283-2021, seconded by Mr. Smithers, and carried unanimously by a voice vote with fifteen (15) yes votes.

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PPZ40108 84000 VAC P CVD Vaccine Workers Compensation

2,045
\$120,731

BE IT FURTHER RESOLVED that any remaining funds will be rolled over to future budgets until fully expended.

Mr. Lightfoot moved to adopt Resolution No. 284-2021, seconded by Ms. Curran, and carried unanimously by a roll call vote with fifteen (15) yes votes.

Services Committee: 9-20-2021

RESOLUTION NO. 285-2021

**AUTHORIZING THE CHAIR TO SIGN A CONTRACT WITH
ST. LAWRENCE HEALTH FOR MORGUE AND LABORATORY SERVICES**

By Mr. Lightfoot, Chair, Services Committee

WHEREAS, the Public Health Department has the responsibility of the Coroners' Program, and

WHEREAS, the current contracted Pathologist travels to three (3) individual hospitals within St. Lawrence County, and

WHEREAS, Resolution No. 109-2020 authorized a contract with Pathologist Dr. Scott LaPoint, and this contract will authorize the facility for him to perform autopsies, and

WHEREAS, during times the Pathologist is unavailable, there is a need to have an alternate location for morgue and laboratory services, and

WHEREAS, St. Lawrence Health has agreed to receive cases from St. Lawrence County in the absence of the current Pathologist and/or provide for services when a forensic autopsy is required (PC011854 45100 and PC011854 407MF),

NOW, THEREFORE, BE IT RESOLVED the Board of Legislators authorizes the Chair to sign a contract with St. Lawrence Health for morgue and laboratory services, upon approval of the County Attorney.

Mr. Lightfoot moved to adopt Resolution No. 285-2021, seconded by Mr. Smithers, and carried unanimously by a voice vote with fifteen (15) yes votes.

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Services Committee: 9-20-2021

RESOLUTION NO. 286-2021

MODIFYING THE 2021 BUDGET FOR SOCIAL SERVICES FOR CHILD CARE/FOSTER CARE, ADMINISTRATION, AND HEAP

By Mr. Lightfoot, Chair, Services Committee

WHEREAS, information regarding allocation for Family First is now available and due to higher than expected costs in Child Care/Foster Care, Administration, and HEAP it is necessary to modify the 2021 Social Services Budget,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Treasurer to modify the 2021 Social Services Budget as follows:

INCREASE APPROPRIATIONS:

DAH60104 420GE HEAP	D HEAP Office Supplies	\$2,600
DAI60104 42303	D WMS I/D Telephone	1
DAS60104 430SF	D SG Sheriff Fees	25,000
DAS60104 46500	D SG Other Payments	25,000
DSC61094 445VD CCEA	D EAF VD Travel	105,000
DSC61094 465BC CCEA	D EAF Board & Care	320,000
DSC61094 465CL CCEA	D EAF Clothing Allowance	66,000
DSC61094 465DA CCEA	D EAF Diaper Allowance	14,000
DSC61094 465PS	D EAF Preventive Services	86,000
DSC61094 465RC CCEA	D EAF Respite Care	19,000
DSC61094 465YA PRP	D PRP Prevention/Reunification	150,000
DSC61194 465IB ADCFC	D ADCFC Institution Board	1,325,057
DSC61194 465IT	D CSE Institutions	600,000
DSG60704 445VD	D Parenting Transportation	45,000
DSG60704 46500 DVIO	D Domestic Violence Indirects	50,000
DSJ61234 465MI EAJD	D JD/PINS Miscellaneous	1,800
		<u>\$2,834,458</u>

DECREASE APPROPRIATIONS:

DMM61004 46500	D Medicaid to State	\$1,069,000
DPS61404 46100	D HR Directs	360,000
DPS61404 46500	D HR Indirects	40,000
DSC61094 465IS CCEA	D EAF Institution Tuition	320,000
DSG60704 46500 FFTF	D FFTF Other Payments	7,000
DSJ61234 44500 EAJD	D EAF JD/PINS Other Travel	2,000
DSJ61234 445VD EAJD	D JD/PINS VD Travel	1,500
DSJ61234 465BC EAJD	D EAF JD/PINS Board & Care	10,000
DSJ61234 465CL EAJD	D EAF JD/PINS Clothing Allowance	200

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DSJ61234 465IB EAJD	D EAF JD/PINS Institution Boar	440,000
DSJ61234 465IS EAJD	D EAF JD/PINS Institution Tuition	19,000
DSJ61234 465RC EAJD	D EAF JD/PINS Respite Care	<u>250</u>
		\$2,268,950

INCREASE REVENUE:

DAS46155 57000 EAF	D FA FFFS Foster Care Revenue	\$48,765
DPA27015 55000	D LR EAA Prior Year Refunds	105
DPB18405 55000 BURY	D LR Safety Net Burials	4,189
DPF27015 55000 ADC	D LR Directs Prior Year Re	2,321
DPH27015 55000 HEAP	D LR Prior Year Refunds	242
DPS27015 55000	D LR SN Prior Year Refunds	19,464
DSC18195 55000	D LR Child Care	15,215
DSC18195 550CE	D School District CSE Payments	901,096
DSC27015 55000	D LR Prior Year Refunds	4,495
DSC36705 560CW	D SA Child Welfare Funding	88,350
DSC46155 57000 EAF	D FA FFFS EAF Foster Care Reve	438,885
DSD27015 55000	D LR Prior Year Refunds	346
DSG12895 55000	D Other Departmental Inc. (FFTF)	5,028
DSG36705 56000	D SA Services for Recipients	<u>49,780</u>
		\$1,578,281

DECREASE REVENUE:

DPS36405 56000	D SA Safety Net	\$116,000
DSC36195 56000	D SA Child Care	409,123
DSJ46155 57000 EAF	D FA FFFS EAF JD/PINS Revenue	<u>487,650</u>
		\$1,012,773

Mr. Lightfoot moved to adopt Resolution No. 286-2021, seconded by Mr. Burke, and carried unanimously by a roll call vote with fifteen (15) yes votes.

Finance Committee: 9-27-2021

RESOLUTION NO. 287-2021

**MODIFYING THE 2021 BUDGET FOR THE DEPARTMENT OF HIGHWAYS
FOR THE ACQUISITION AND CONSTRUCTION OF AN EQUIPMENT GARAGE
AND SAND/SALT STORAGE BUILDING IN THE TOWN OF POTSDAM**

By Mr. Acres, Chair, Finance Committee

WHEREAS, Resolution No. 184-2021 authorized the acquisition of a parcel of land, and a permanent easement on the adjoining property, for construction of a County Highway Facility in the Town of Potsdam, and

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WHEREAS, the County Highway Facility in the Town of Potsdam, which includes equipment storage and salt/sand storage buildings, is to be funded in the amount of \$3.4 million by utilizing the fund balance from the Department of Highways Road and Machinery Fund,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Treasurer to modify the 2021 Budget for the Department of Highways for the acquisition and construction of an equipment garage and sand/salt storage building in the Town of Potsdam, as follows:

DECREASE UNAPPROPRIATED FUND BALANCE:

03TG0911 50300	Fund Balance, Unreserved, Unappropriated	\$1,612,750
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INCREASE APPROPRIATED FUND BALANCE:

03TG0910 50300	Fund Balance, Unreserved, Appropriated	\$1,612,750
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INCREASE APPROPRIATIONS:

HM299509 90600 POTS	H CR Transfers to Capital Fund	\$1,612,750
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DECREASE UNAPPROPRIATED FUND BALANCE:

04TG0911 50300	Fund Balance, Unreserved, Unappropriated	\$1,787,250
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INCREASE APPROPRIATED FUND BALANCE:

04TG0910 50300	Fund Balance, Unreserved, Appropriated	\$1,787,250
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INCREASE APPROPRIATIONS:

HR099509 90600 POTS	DM Transfers to Capital Fund	\$1,787,250
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Mr. Acres moved to adopt Resolution No. 287-2021, seconded by Mr. Denesha, and carried by a roll call vote with fourteen (14) yes votes, and one (1) abstention (Perkins).

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Finance Committee: 9-27-2021

RESOLUTION NO. 288-2021

AUTHORIZING THE ACCEPTANCE OF REAL PROPERTY OBTAINED BY THE STATE OF NEW YORK RELATIVE TO THE COUNTY ROUTE 35 (SLAB CITY) OVER TROUT BROOK BRIDGE REPLACEMENT FEDERAL PASS-THROUGH PROJECT, PIN 775394, BIN 3341700

By Mr. Acres, Chair, Finance Committee

WHEREAS, the County of St. Lawrence has a project for the bridge replacement on County Route 35 (BIN 3341700) in the Town of Potsdam, and

WHEREAS, this project requires acquisition of real property and St. Lawrence County requests New York State Department of Transportation acquire the necessary lands as shown on attached Map 1, Parcel 1; Map 2, Parcel 2; Map 3, Parcels 3 and 4; Map 4, Parcel 5; Map 5, Parcel 6; Map 6, Parcel 7; Map 7, Parcel 8; Map 8, Parcel 9; Map 9, Parcel 10, and

WHEREAS, the County of St. Lawrence owns and maintains the affected portion of County Route 35, and

WHEREAS, the State of New York has requested that the County agree to accept the real property,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the acceptance of real property obtained by the State of New York relative to the County Route 35 (Slab City) over Trout Brook Bridge replacement federal pass-through project, PIN 775394, BIN 3341700, and

BE IT FURTHER RESOLVED that the County agrees to accept all responsibility, maintenance, and jurisdiction of the right-of-way to the property, and

BE IT FURTHER RESOLVED that the Chair is authorized to enter into agreements or any other documents to carry out the intent of this resolution, upon approval of the County Attorney.

Mr. Acres moved to adopt Resolution No. 288-2021, seconded by Mr. Perkins, and carried unanimously by a voice vote with fifteen (15) yes votes.

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Finance Committee: 9-27-2021

RESOLUTION NO. 289-2021

AUTHORIZING COLLECTION OF OMITTED TAXES

By Mr. Acres, Chair, Finance Committee

WHEREAS, Sections 520 and 551 of the Real Property Tax Law make provisions for the taxation of exempt property upon transfer of title and addition of omitted parcels from the roll of the previous year, and

WHEREAS, Section 520 states that the property shall be taxed pro rata for the unexpired portion of any fiscal year during which said transfer of title occurred, and

WHEREAS, for purposes of any fiscal year or years during which title to such property is transferred, such property shall be deemed to have been omitted,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the addition of omitted taxes to the 2022 tax roll pursuant to Sections 520 and 551 under Title 3 of Article Five of the Real Property Tax Law.

Mr. Acres moved to adopt Resolution No. 289-2021, seconded by Mr. Lightfoot, and carried unanimously by a voice vote with fifteen (15) yes votes.

Finance Committee: 9-27-2021

RESOLUTION NO. 290-2021

ADOPTION OF THE EQUALIZATION RATES FOR 2022 COUNTY TAXES

By Mr. Acres, Chair, Finance Committee

WHEREAS, Section 900 of the New York State Real Property Tax Law requires that county taxes be levied upon the basis of the full valuation of taxable real property determined in accordance with Article 8 of that law, and

WHEREAS, Article 8 requires the apportionment of county taxes upon the aggregate full value of taxable real property in each city and town determined by dividing the assessed valuation thereof by the county equalization rate established for each city and town by the county equalization agency, and

WHEREAS, Section 804 of the New York State Real Property Tax Law requires the adoption of the county equalization rates by the county legislature,

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NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators adopts the equalization rates for 2022 County Taxes, as follows:

<u>MUNICIPALITY</u>	<u>EQUALIZATION RATE</u>
Ogdensburg	100.00
Brasher	100.00
Canton	90.00
Clare	2.99
Clifton	90.00
Colton	100.00
Dekalb	93.00
Depeyster	59.50
Edwards	86.00
Fine	100.00
Fowler	11.80
Gouverneur	93.00
Hammond	96.00
Hermon	100.00
Hopkinton	94.00
Lawrence	100.00
Lisbon	75.00
Louisville	81.00
Macomb	48.50
Madrid	84.00
Massena	100.00
Morristown	100.00
Norfolk	79.00
Oswegatchie	100.00
Parishville	6.09
Piercefield	100.00
Pierrepoint	88.00
Pitcairn	100.00
Potsdam	90.00
Rossie	100.00
Russell	70.00
Stockholm	83.00
Waddington	86.00

Mr. Acres moved to adopt Resolution No. 290-2021, seconded by Mr. Lightfoot, and carried unanimously by a voice vote with fifteen (15) yes votes.

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Finance Committee: 9-27-2021

RESOLUTION NO. 291-2021

AUTHORIZING REAL PROPERTY TAX LAW CORRECTION OF ERRORS

By Mr. Acres, Chair, Finance Committee

WHEREAS, Section 553 of the Real Property Tax Law allows for certain corrections of errors to be made with regard to the assessment and tax rolls, and

WHEREAS, the Director of the Real Property Tax Office has investigated and determined that omitted taxes have occurred pursuant to section 553 of the Real Property Tax Law, and

WHEREAS, the Director of the Real Property Tax Office has provided a list of such errors, which shall be known as Correction of Errors - Real Property Tax Law List # 3 for the Year 2021,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes Real Property Tax Law Correction of Errors, as follows:

Correction of Errors - Real Property Tax Law List # 3 for the Year 2021

<u>Name</u>	NYS transition assessment c/o SLC Treasurer
St. Lawrence County	Town of Fine
Tax Roll Year	2022
Tax Map No.	336.000-01, 336.001-02, 336.001-03, 336.001-05 & 336.001-06
Original Bill	\$0.00
Corrected Bill	\$112,240.17
Reason	Revised transition assessment list from July 17, 2020 was not keyed on the 2020 final assessment roll
Omitted Town & County Tax	\$112,240.17

BE IT FURTHER RESOLVED that the Director of Real Property and Treasurer make the recommended corrections.

Mr. Acres moved to adopt Resolution No. 291-2021, seconded by Mr. Fay, and carried unanimously by a voice vote with fifteen (15) yes votes.

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Finance Committee: 9-27-2021

RESOLUTION NO. 292-2021

AUTHORIZING A SETTLEMENT AGREEMENT BETWEEN MCKESSON CORPORATION; CARDINAL HEALTH, INC.; AMERISOURCEBERGEN DRUG CORPORATION; PSS WORLD MEDICAL, INC.; KINRAY, LLC; BELLCO DRUG CORPORATION; AMERICAN MEDICAL DISTRIBUTORS, INC.; AND ST. LAWRENCE COUNTY WITH RESPECT TO AN ACTION RELATING TO THE OPIOID CRISIS

By Mr. Acres, Legislator District 8

WHEREAS, in 2017, St. Lawrence County, through its law firm Simmons, Hanly, Conroy, P.C. joined a class action lawsuit with numerous other municipal entities against Pharmaceutical companies, drug manufacturers and distributors, which included Purdue Pharma, and

WHEREAS, Purdue Pharma, Abbott Laboratories, Johnson & Johnson (also known as “Janssen”), McKesson Corporation, Cardinal Health, Inc., as well as others, were alleged to have created damages as a result of the usage and prescription of OxyContin to the general public, and

WHEREAS, St. Lawrence County has already reached terms of an agreement with manufacturer Purdue Pharma, and

WHEREAS, in addition to the settlement reached with Purdue Pharma, St. Lawrence County has already reached terms of an agreement with manufacturer Johnson & Johnson (also known as “Janssen”), and

WHEREAS, there is pending the matter of County of Suffolk v. Purdue Pharma L.P., et al., under Index No. 400001/2017 in the Supreme Court, Suffolk County, regarding the opioid addiction crisis, in which the County of St. Lawrence is the named plaintiff in the action (the “Action”), and

WHEREAS, the Action is against several defendants, including manufacturers of opioids, distributors of opioids and chain pharmacies, and

WHEREAS, the Action alleges several causes of action against defendants McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Drug Corporation, PSS World Medical, Inc., Kinray, LLC, Bellco Drug Corporation, and American Medical Distributors, Inc. (the “Distributors”) based on claims that the Distributors contributed to the opioid epidemic by failing to comply with their obligations under the federal Controlled Substances Act and the New York Controlled Substances Act to implement adequate measures to prevent diversion of the prescription opioids they distributed to pharmacies and others in St. Lawrence County, all of which contributed to a public health crisis in St. Lawrence County, and

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WHEREAS, the Distributors have offered to settle the claims of St. Lawrence County against them by paying the sum of between approximately \$1,833,554.32 and \$3,238,947.45, with said sum dependent on the number of municipal plaintiffs ultimately agreeing to the settlement over eighteen (18) years and agreeing to implement injunctive relief under a controlled substance monitoring program, and

WHEREAS, should the Board of Legislators adopt this settlement, and maximum participation occur, St. Lawrence County is projected to receive \$666,589.63 in an unrestricted manner over the lifetime of the agreement with the remainder of the funds (between \$1,166,964.69 and \$2,572,357.82) being paid and directed towards designated functions of government, including Treatment of Opioid Use Disorder, Addressing the Needs of Criminal-Justice Involved persons, law enforcement, or emergency response, and

WHEREAS, it is in the best interest of the County of St. Lawrence to resolve this matter with respect to the Distributors without further litigation and enter into the proposed Agreement as it shall settle all allegations against the Distributors and avoid protracted litigation,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes a Settlement Agreement between McKesson Corporation; Cardinal Health, Inc.; Amerisourcebergen Drug Corporation; PSS World Medical, Inc.; Kinray, LLC; Bellco Drug Corporation; American Medical Distributors, Inc.; and St. Lawrence County with respect to an Action Relating to the Opioid Crisis, and

BE IT FURTHER RESOLVED that the execution and delivery on behalf of and in the name of the St. Lawrence County by the Chair of the Board, or his designee, of the proposed Agreement is hereby authorized, and the Chair of the Board, or his designee, is hereby authorized, subject to County Attorney approval, to execute the proposed Agreement in a form substantially similar thereto and execute such other documents as may be necessary and appropriate to effectuate the settlement with the Distributors.

Mr. Denesha moved to adopt Resolution No. 292-2021, seconded by Mr. Lightfoot, and carried by a voice vote with fourteen (14) yes votes, and one (1) no vote (Acres).

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Finance Committee: 9-27-2021

RESOLUTION NO. 293-2021

AMENDING RESOLUTION NO. 14-2021, “BANK DEPOSITORIES AND INVESTMENT OF COUNTY FUNDS”

By Mr. Acres, Chair, Finance Committee

NOW, THEREFORE, BE IT RESOLVED that in accordance with County Law and General Municipal Law the following banks be and hereby are designated as depositories for County funds received by the County Treasurer with permitted maximum deposits at any one time listed below:

<u>Depository Name</u>	<u>Maximum</u>
Community Bank N.A.	\$75,000,000
Key Bank N.A.	\$60,000,000
Upstate National Bank	\$10,000,000
NBT	\$10,000,000
Citizens Bank	\$10,000,000
Municipal Investors Service Corporation	\$10,000,000
First Empire Securities	\$10,000,000
NYCLASS	\$30,000,000
Webster Bank	\$10,000,000
Tioga State Bank	\$10,000,000
TD Bank	\$10,000,000

BE IT FURTHER RESOLVED that the County Treasurer is authorized to deposit money in accordance with the St. Lawrence County Investment Policy, and this policy authorizes the Treasurer to deposit funds, not needed temporarily, in certificates of deposit, Money Market Accounts, United States Treasury Bills, repurchase agreements, and day-of-deposit to day-of-withdrawal savings account, at prevailing interest rates in any bank authorized for the deposit of County funds as per this resolution, and that the County Treasurer may use his/her discretion in selecting any allowable bank under NY General Municipal Law for investment purposes only, up to a limit of \$10,000,000 per bank unless otherwise noted in this policy, a report of such investments must be provided to the Board of Legislators at the subsequent Finance Committee meeting, and

BE IT FURTHER RESOLVED that the total deposits, excluding United States Treasury Bills, are not to exceed the amounts authorized by this resolution, and are to be secured as required by Article 10 of the General Municipal Law and as outlined by the County's Investment Policy.

INVESTMENT POLICY FOR ST. LAWRENCE COUNTY

I. SCOPE

This investment policy applies to all moneys and other financial resources available for investment by the County or on behalf of any other entity or individual.

II. OBJECTIVES

The primary objectives of the County's investment activities are, in priority order:

- * to conform with all applicable federal, state and other legal requirements;
- * to adequately safeguard principal;
- * to provide sufficient liquidity to meet all operating requirements;
- * to obtain a reasonable rate of return.
- * to make every effort to invest locally.

III. DELEGATION OF AUTHORITY

The County Legislature's responsibility for administration of the investment program is delegated to the County Treasurer, who shall maintain written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a database or records incorporating description and amount of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the St. Lawrence County Legislature to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

V. DIVERSIFICATION

It is the policy of the County to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

VI. INTERNAL CONTROLS

It is the policy of the County for all moneys collected by any officer or employee of the government to transfer those funds to the Treasurer within 5 days of deposit, or within the time period specified in law, whichever is shorter.

The Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

VII. DESIGNATION OF DEPOSITORIES

The County Legislature, at its annual organizational meeting each January, shall designate the banks authorized for the deposit of moneys and the maximum amount, which can be deposited at each bank. Additionally, the County Treasurer may select any bank allowable under New York General Municipal Law for investment purposes only, up to a limit of \$10,000,000 per bank, unless otherwise noticed in this policy. Should the Treasurer invest in any bank not already designated at the annual organizational meeting, yet allowable under New York Municipal Law, the Treasurer must provide a report to the Board of Legislators at the monthly Finance Committee following any such investment.

VIII. COLLATERALIZING OF DEPOSITS

In accordance with the provisions of General Municipal Law, all deposits of St. Lawrence County, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

1. By a pledge of eligible securities with an aggregate market value as provided by General Municipal Law, equal to aggregate amount of deposits.
2. By an eligible irrevocable letter of credit issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
3. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

IX. SAFEGUARDING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by the depository or a third party bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure County deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection or such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events, which will enable the County to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the County, such securities shall be delivered in a form suitable for transfer or with an assignment to the County or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the County, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the County a perfected interest in the securities.

X. PERMITTED INVESTMENTS

As authorized by General Municipal Law Section 11, the County Legislature authorizes the County Treasurer to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit accounts
- Certificates of deposits
- Obligations of the United States of America
- Obligations guaranteed by agencies of the United States
- Obligations of the State of New York
- Obligations issued by a municipality, school district or district corporation in New York State, other than the County
- Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general state statutes governing such entities or whose specific enabling legislation authorizes such investments
- Through a Deposit Placement Program, certificates of deposit in one or more “banking institutions”, as defined in Banking Law Section 9-r
- General obligation bonds and notes of any state other than this state, provided that such bonds and notes receive the highest rating of at least one independent rating agency designated by the state comptroller.

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- Obligations of any corporation organized under the laws of any state in the United States maturing within two hundred seventy days, provided that such obligations receive the highest rating of two independent rating services designated by the state comptroller and that the issuer of such obligations has maintained such ratings on similar obligations during the preceding six months, provided, however, that the issuer of such obligations need not have received such rating during the prior six month period if such issuer has received the highest rating of two independent rating services designated by the state comptroller and is the successor or wholly-owned subsidiary of an issuer that has maintained such ratings on similar obligations during the preceding six month period or if the issuer is the product of a merger of two or more issuers, one of which has maintained such ratings on similar obligations during the preceding six month period, provided, however, that no more than two hundred fifty million dollars may be invested in such obligations of any one corporation.
- Bankers' acceptances maturing within two hundred seventy days which are eligible for purchase in the open market by federal reserve banks and which have been accepted by a bank or trust company which is organized under the laws of the United States or of any state thereof and which is a member of the federal reserve system and whose short-term obligations meet the criteria outlined in clause (7).
Provided, however, that no more than two hundred fifty million dollars may be invested in such bankers' acceptances of any one bank or trust company; or
- Obligations of, or instruments issued by or fully guaranteed as to principal and interest by, any agency or instrumentality of the United States acting pursuant to a grant of authority from the Congress of the United States, including but not limited to, any federal home loan bank or banks, the Tennessee valley authority, the federal national mortgage association, the federal home loan mortgage corporation and the United States postal service, provided, however, that no more than two hundred fifty million dollars may be invested in such obligations of any one agency.
- No-load money market mutual funds registered under the Securities Act of 1933, as amended, and operated in accordance with Rule 2a-7 of the Investment Company Act of 1940, as amended, provided that such funds are limited to investments in obligations issued or guaranteed by the United States of America or in obligations of agencies or instrumentalities of the United States of America where the payment of principal and interest are guaranteed by the United States of America (including contracts for the sale and repurchase of any such obligations) and are rated in the highest rating category by at least one nationally recognized statistical rating organization, provided, however, that no more than two hundred fifty million dollars may be invested in such funds.

All investment obligations shall be payable or redeemable at the option of the County within such times as the proceeds will be needed to meet expenditures for purposes for which the monies were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the County within two years of the date of purchase. When applying this requirement to repurchase agreements, the repurchase date and not the maturity of the underlying maturity, shall govern.

XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The County shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments, which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the County. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Treasurer is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

XII. PURCHASE OF INVESTMENTS

The Treasurer is authorized to contract for or place orders for the purchase of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner.
2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Articles 5G and 3A of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.
3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.
4. By utilizing an ongoing investment program with an authorized investment adviser provided that all investments are directed by authorized personnel of the County, all trading partners are authorized by the designated Bank and the investment advisory agreement is approved by the Treasurer.

All purchased obligations, unless registered or inscribed in the name of the County, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Treasurer by the bank or trust company. Any obligation held in custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the County, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the County a perfected interest in the securities.

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XIII. REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions:

- * All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- * Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- * Obligations shall be limited to obligations of the United States or guaranteed by agencies of the United States.
- * No substitution of securities will be allowed unless the substitute securities are delivered to an independent custodian for the account of the County before the previously purchased securities are released.
- * The custodian shall be a party other than the trading partner.

Mr. Acres moved to adopt Resolution No. 293-2021, seconded by Ms. Curran, and carried unanimously by a voice vote with fifteen (15) yes votes.

Finance Committee: 9-27-2021

RESOLUTION NO. 294-2021

**AUTHORIZATION TO MODIFY THE PY20 BUDGET FOR THE
WORKFORCE INNOVATION OPPORTUNITY ACT**

By Mr. Acres, Chair, Finance Committee

WHEREAS, St. Lawrence County is the designated Grant Recipient for Workforce Innovation and Opportunity Act (WIOA) funds and establishes budgets in accordance with obligations received, and

WHEREAS, the Local Workforce Development Area received notice that it has been awarded additional funding via increased allotments to states per the USDOL TEGL No. 15-20, and

WHEREAS, Dislocated Worker funds were recaptured from multiple states and are being re-allotted to the remaining states, and

WHEREAS, the funds were approved at the September meeting of the St. Lawrence County Workforce Development Board,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Treasurer to modify the PY20 Budget for the Workforce Innovation and Opportunity Act, as follows:

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INCREASE APPROPRIATIONS:

UE062924 461TU	Disc Training Tuition Fees	\$927
UG062901 12000	ADM Supervisory/Administrative	<u>103</u>
		\$1,030

INCREASE REVENUE:

UE047905 57000	Dislocated Worker	\$927
UG047905 57000	Administrative Pool	<u>103</u>
		\$1,030

BE IT FURTHER RESOLVED that any remaining funds will be rolled over to future budgets until fully expended.

Mr. Acres moved to adopt Resolution No. 294-2021, seconded by Ms. Curran, and carried unanimously by a voice vote with fifteen (15) yes votes.

Finance Committee: 9-27-2021

RESOLUTION NO. 295-2021

AUTHORIZING THE CHAIR TO SIGN THE ST. LAWRENCE COUNTY LOCAL WORKFORCE DEVELOPMENT AREA LOCAL PLAN

By Mr. Acres, Chair, Finance Committee

WHEREAS, on April 2, 2021 the New York State Department of Labor (“DOL”) published Technical Advisory # 21-02 (the “TA”), titled “Local and Regional Planning under the Workforce Innovation and Opportunity Act” (the “Act” or ‘WIOA”), and

WHEREAS, the TA requires the State’s Local Workforce Development Areas (“LWDA”) submit draft local plans for the period 2021-25 to DOL no later than June 30, 2021, and

WHEREAS, at its June 9, 2021 meeting the St. Lawrence County Workforce Development Board (WDB) was provided the draft of the Local Plan for its review, and

WHEREAS, the TA requires that a 30-day comment period on the draft Local Plan precede action to adopt the Plan by the WDB and the CEO’s execution, and

WHEREAS, the staff of the WDB published the Draft Plan on its website on June 9, 2021 and hosted a meeting to take public comment on the Draft Plan on June 29, 2021, pursuant to notices that appeared in the required local newspapers, and

October 4, 2021

WHEREAS, the WDB received no additional comment on the Draft Plan at the public comment meeting or by any other means prior the June 28, 2021 closing date, and

WHEREAS, the St. Lawrence County full Local Plan of the LWDA must be executed by both the Chair of St. Lawrence County Workforce Development Board (“WDB”) and St. Lawrence County’s Chief Elected Official (“CEO”), and

WHEREAS, the St. Lawrence County Local Plan of the LWDA was approved by the WDB at its September 8, 2021 meeting,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Chair to sign the St. Lawrence County Local Workforce Development Local Plan, and

BE IT FURTHER RESOLVED once approved, the Executive Director of the St. Lawrence County Workforce Development Board is authorized to submit the Final Local Plan to the DOL.

Mr. Acres moved to adopt Resolution No. 295-2021, seconded by Mr. Fay, and carried unanimously by a voice vote with fifteen (15) yes votes.

Finance Committee: 9-27-2021

RESOLUTION NO. 296-2021

**AUTHORIZING THE GROUP HEALTH PLAN ADMINISTRATOR FOR
ST. LAWRENCE COUNTY TO SUBMIT A CLAIM AGAINST
BLUE CROSS/BLUE SHIELD REGARDING A CLASS ACTION SETTLEMENT**

By Mr. Acres, Chair, Finance Committee

WHEREAS, there was a class action law suit filed against Blue Cross/Blue Shield (BC/BS) Association for violating antitrust laws by entering into an agreement not to compete with each other and to limit competition among themselves in selling health insurance and administrative services for health insurance, and

WHEREAS, BC/BS Association settled prior to litigation in the amount of \$2.7 billion, and

WHEREAS, St. Lawrence County has had a contract for Third Party Administration services with BC/BS for their self-insured health plan since April 1, 2014 during the settlement class period of September 1, 2015 through October 16, 2020, and

WHEREAS, St. Lawrence County may receive a cash payment from the Net Settlement Fund if we submit a valid claim by November 5, 2021,

October 4, 2021

NOW, THEREFORE, BE IT RESOLVED the Board of Legislators authorizes the Group Health Plan Administrator for St. Lawrence County to submit a claim against Blue Cross/Blue Shield regarding a class action settlement.

Mr. Acres moved to adopt Resolution No. 296-2021, seconded by Ms. Curran, and carried unanimously by a voice vote with fifteen (15) yes votes.

Finance Committee: 9-27-2021

RESOLUTION NO. 297-2021

**PROCLAIMING OCTOBER 2021 AS CYBERSECURITY AWARENESS MONTH
IN ST. LAWRENCE COUNTY**

By Mr. Acres, Chair, Finance Committee

WHEREAS, Cybersecurity Awareness Month was launched by the National Cyber Security Alliance & the U.S. Department of Homeland Security in October 2004, and

WHEREAS, the Cybersecurity and Infrastructure Security Agency (CISA) co-leads Cybersecurity Awareness Month, and

WHEREAS, the theme for 2021 is ‘Do Your Part, #BeCyberSmart’, helping to empower individuals and organizations to own their role in protecting their part of cyberspace, and

WHEREAS, Cybersecurity Awareness Month continues to raise awareness about the importance of cybersecurity across our nation, ensuring that all Americans have the resources they need to be safer and more secure online,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators proclaims October 2021 as Cybersecurity Awareness Month in St. Lawrence County.

Mr. Acres moved to adopt Resolution No. 297-2021, seconded by Ms. Curran and carried unanimously by a voice vote with fifteen (15) yes votes.

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Finance Committee: 9-27-2021

RESOLUTION NO. 298-2021

CALLING UPON NEW YORK STATE GOVERNOR KATHY HOCHUL AND THE COMMISSIONER OF THE OFFICE OF TEMPORARY DISABILITIES ASSISTANCE TO EXPEDITE THE RELEASE OF EMERGENCY RENTAL ASSISTANCE PROGRAM (ERAP) FUNDING TO PROVIDE RELIEF TO THOSE IMPACTED BY THE COVID-19 PANDEMIC EVICTION RESTRICTIONS AND THE EVICTION MORATORIUM

By Mr. Acres, Chair, Finance Committee

Co-Sponsored by Mr. Reagen, District 1; Mr. Burke, District 12; and Ms. Curran, District 15

WHEREAS, between March 7th, 2020 and August 30th, 2021, executive orders and laws were put in place prohibiting landlords from utilizing means to secure rent payments from tenants or securing judgments against tenants where the tenant fails to pay any rent, and

WHEREAS, on September 2, 2021 the New York State Legislature enacted a second moratorium on residential evictions until January 15, 2022 for tenants who endured a "COVID-related hardship," and

WHEREAS, the extension of the eviction moratorium by statute has resulted in many individual property owners receiving no rental income for more than a year, while simultaneously leaving them responsible to cover the maintenance, taxes, and upkeep on these properties still inhabited by their tenants, and

WHEREAS, in response to concerns about the economic effects of the COVID-19 pandemic on renters and their landlords, Congress created a \$25 billion Emergency Rental Assistance Program (ERAP) in the Consolidated Appropriations Act, 2021 (Division (N) of P.L. 116-260) in January of 2021 and authorized a second round of ERAP funding—\$21.55 billion—in Section 3201 of the American Rescue Plan Act (P.L. 117-2) which authorized the distribution of money to State and Local governments to provide support to delinquent renters and help landlords receive the unpaid rent accrued during the eviction moratorium, and

WHEREAS, New York State undertook the obligation of the rollout of these funds through the Office of the Temporary Disability Assistance for all local communities except seven, and

WHEREAS, United States Treasury data on spending of the first round of ERAP funds showed that less than \$5 billion of the \$25 billion funding allocated to states and localities had been spent on household rent, utilities, and arrears during the first seven months of the program (Through the end of July 2021), and

October 4, 2021

WHEREAS, the rate of expenditure of ERAP funds has caused some to raise concerns about the effectiveness of the program and Grantees with excess unobligated ERAP funds may be subject to recapture and reallocation of those funds beginning September 30, 2021, and

WHEREAS, despite having significant notice of the anticipated release of the funds and the availability of the funds, the State of New York just (September 15th, 2021) opened the portal for applications for the release of the funding, and

WHEREAS, given the extreme delay in releasing these funds, efforts should be undertaken by Governor Hochul and the Commissioner for the Office of Temporary Disability Assistance to expedite the release of funding, and

WHEREAS, the failure to the State of New York to effectively administer the program in a timely fashion may result in the federal government reclaiming those funds without benefit to New York State tenants and landlords,

NOW, THEREFORE, BE IT RESOLVED the Board of Legislators calls upon New York State Governor Kathy Hochul and the Commissioner of the Office of Temporary Disabilities Assistance to Expedite the Release of Emergency Rental Assistance Program (ERAP) Funding to Provide Relief to those Impacted by the COVID-19 Pandemic Eviction Restrictions and the Eviction Moratorium, and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Governor Kathy Hochul, Senator Joseph Griffo, Senator Patricia Ritchie, Senator Dan Stec, Assemblyman Ken Blankenbush, Assemblyman Billy Jones, Assemblyman Robert Smullen, and Assemblyman Mark Walczyk.

Mr. Acres moved to adopt Resolution No. 298-2021, seconded by Ms. Curran and Mr. Reagen, and carried unanimously by a voice vote with fifteen (15) yes votes.

Finance Committee: 9-27-2021

RESOLUTION NO. 299-2021

**CALLING ON THE STATE OF NEW YORK TO INCREASE AND FULLY FUND
COUNTY LAW 18B ASSIGNED COUNSEL STATUTORY PAY LEVELS**

By Mr. Acres, Chair, Finance Committee
Co-Sponsored by Mr. Lightfoot, District 3

WHEREAS, the United States Constitution established, and the Supreme Court decision Gideon v. Wainwright clarified, that credible counsel must be provided for all those accused of a crime, regardless of their ability to pay, and

October 4, 2021

WHEREAS, New York State took legislative action to establish a criminal indigent defense legal system that passed the responsibility of providing these criminal defense services, and many of the costs associated with it, to counties and local property taxpayers, and

WHEREAS, in 2007, the New York State Civil Liberties Union sued the State of New York in *Hurrell-Harring v. State of New York*, which showed indigent criminal defense services were underfunded by the State and failed to meet constitutionally required standards, and

WHEREAS, prior to *Hurrell-Harring*, the 57 New York counties spent \$164 million annually on public defense while the state provided the 57 counties with only \$39 million in indigent defense support, and

WHEREAS, the New York State Legislature recognized that the State needed to provide more funding and in 2017 passed historic legislation increasing state funding by upwards of \$250 million per year to directly improve indigent defense services, and

WHEREAS, while counties are still funding the same amount, the State's 2017 legislative influx of funding has made New York State a leader in indigent defense services, and

WHEREAS, due to different county demographics and needs, counties have flexibility in how to provide criminal defense by using a combination of public defenders, conflict defense offices, and privately contracted attorneys known as 18B counsel (named after the applicable section of County Law), and

WHEREAS, all counties rely on the services of 18B attorneys to perform these services to both handle the overflow of work as well as handling conflicts that come into the public defender's office, and

WHEREAS, unfortunately, while the 2017 State legislation that helped vastly improve the indigent defense system, one area that was not addressed was the pay rate of 18B attorneys, and

WHEREAS, Article 18B establishes compensation paid to attorneys for assigned counsel work at \$60/hour for misdemeanor matters and \$75/hour for felony defense, and

WHEREAS, these rates have remained unchanged since 2004 and in that same time period the United States has experienced wage growth of 58 percent for highly skilled labor, and

WHEREAS, counties across the State have had difficulty in recent years attracting and retaining quality 18B attorneys and the stagnant pay has been identified as a major contributing factor, and

WHEREAS, without properly funding 18B attorneys, the work by the State to improve indigent defense services could be in jeopardy of regressing,

October 4, 2021

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators calls upon the State of New York to increase and fully fund County Law 18B Assigned Counsel Statutory pay levels, and

BE IT FURTHER RESOLVED the State needs to fully fund this increase in keeping with the logical reasoning of the Hurrell-Harring case, as well as building on the historic 2017 legislation of the State, and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Governor Kathy Hochul, Senator Joseph Griffo, Senator Patricia Ritchie, Senator Dan Stec, Assemblyman Ken Blankenbush, Assemblyman Billy Jones, Assemblyman Robert Smullen, and Assemblyman Mark Walczyk.

Mr. Acres moved to adopt Resolution No. 299-2021, seconded by Ms. Curran.

Mr. Lightfoot to be added as co-sponsor to this resolution.

Resolution No. 299-2021 was adopted unanimously by a voice vote with fifteen (15) yes votes.

Finance Committee: 9-27-2021

RESOLUTION NO. 300-2021

**CALLING ON THE GOVERNOR TO COMPLETE AFFORDABLE CARE ACT
ENHANCED FEDERAL MEDICAID ASSISTANCE PERCENTAGE
RECONCILIATIONS THAT ARE YEARS OVERDUE AND IMMEDIATELY
RELEASE THE FEDERAL FUNDS OWED TO COUNTIES AND NEW YORK CITY**

By Mr. Acres, Chair, Finance Committee

WHEREAS, the funding to support the Medicaid program is provided by a combination of federal, state and local resources, and

WHEREAS, the state requires the counties and New York City to contribute \$7.6 billion annually to pay for the federal and state defined and controlled program, and

WHEREAS, the locally required share of Medicaid funding paid in New York is the highest of any state in the country, and

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

WHEREAS, under the Affordable Care Act (ACA), the federal government provided an enhanced Medicaid matching share (eFMAP), which has saved New York state billions of dollars, and

October 4, 2021

WHEREAS, the State is required under federal law to share these savings with counties and New York City based on the proportionate share localities pay of the nonfederal match, and

WHEREAS, the State has utilized a methodology that provides eighty percent (80%) of these estimated federal savings to counties in the year the costs accrue, and

WHEREAS, the balance of savings owed to counties is required to be reconciled annually to ensure the withheld savings are transferred to county budgets and local taxpayers, as well as meeting the intent of federal law, and

WHEREAS, the last completed reconciliation and transfer of federal savings owed to counties was for state fiscal year 2015-16, and

WHEREAS, individual counties and NYSAC have made numerous requests, over multiple years, regarding the status of outstanding Medicaid ACA eFMAP reconciliations and the federal funds withheld from counties, and

WHEREAS, due to the lack of a meaningful response from state officials, dozens of counties have submitted Freedom of Information Law (FOIL) requests to the New York State Department of Health (DOH), and

WHEREAS, DOH has been providing detailed responses to county FOIL inquiries and initial responses indicate, if current trends continue, that well over \$1 billion in federal funding is owed to counties and New York City for SFY's 2017, 2018, 2019 and 2020, and

WHEREAS, because the State is withholding these federal funds, it requires counties and New York City to reserve funds locally to make up for the loss, meaning local taxes have been kept higher than they need to be over multiple years, or local services are scaled back or eliminated, and

WHEREAS, in the years leading up to the last completed ACA eFMAP reconciliation, counties were provided an estimate of their coming year Medicaid costs by September, in time to incorporate the savings in their budgets, which ceased when regular reconciliations ended,

NOW, THEREFORE, BE IT RESOLVED the Board of Legislators calls on the Governor to complete Affordable Care Act enhanced federal Medicaid assistance percentage reconciliations that are years overdue and immediately release the federal funds owed to counties and New York City, and

BE IT FURTHER RESOLVED the State should also renew its practice of providing timely notice to counties of coming year Medicaid costs so they can appropriately budget those savings for local taxpayers and to preserve highly desired local quality of life services provided in our communities, and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Governor Kathy Hochul, Senator Joseph Griffo, Senator Patricia Ritchie, Senator Dan Stec,

October 4, 2021

Assemblyman Ken Blankenbush, Assemblyman Billy Jones, Assemblyman Robert Smullen, and Assemblyman Mark Walczyk.

Mr. Acres moved to adopt Resolution No. 300-2021, seconded by Ms. Curran, and carried unanimously by a voice vote with fifteen (15) yes votes.

Finance Committee: 9-27-2021

RESOLUTION NO. 301-2021

CALLING ON THE GOVERNOR AND THE LEGISLATURE TO SUSPEND ANY FURTHER STATE DIVERSION OF LOCAL SALES TAX FOR DISTRESSED HEALTH FACILITIES AND WORK TO IMMEDIATELY SUNSET THE LAW

By Mr. Acres, Chair, Finance Committee
Co-Sponsored by Mr. Lightfoot, District 3 and Ms. Curran, District 15

WHEREAS, over the last two budget cycles the State has enacted legislation to divert local sales tax so it can be spent in support of state programs or to backfill state budget shortfalls, and

WHEREAS, the State diversion of county and New York City sales tax is approaching \$1 billion since first enacted three (3) years ago, and

WHEREAS, in addition to the state sales tax diversions, counties were subject to a five percent (5%) state reimbursement cut of \$160 million in SFY 2021, while also being required to fund expanded state programs with no state fiscal support, and, when combined, these state funding cuts and new local costs are approaching \$1 billion annually for the counties outside of New York City, and

WHEREAS, sales tax is the number one revenue source for many counties across the state and the primary local revenue to support services in our communities, especially for frontline workers responding to and facilitating recovery efforts from the pandemic, and

WHEREAS, sales tax is also the number one local revenue source for counties that help keep property taxes lower, including those of hundreds of cities, towns and villages across the state that receive a share of the county sales tax, and

WHEREAS, the largest state diversion of county and New York City sales tax was enacted to support a temporary, two (2) year, \$250 million annual fiscally distressed health facilities pool to help them with fiscal impacts caused by the pandemic with this diversion scheduled to sunset at the end of SFY 2022, and

WHEREAS, as of September 2021, \$375 million in local sales tax has been diverted by the State with none of this funding being distributed to health facilities in New York, and

October 4, 2021

WHEREAS, the support of fiscally distressed health facilities has been a federal and state responsibility for decades as they set nearly all the rules of operation for the healthcare system, as well as the reimbursement levels for Medicare, Medicaid and other public health programs which account for nearly half of all health care expenditures in the United States, and

WHEREAS, the State Legislature does not support the diversion of local sales tax to pay for what they view as a state responsibility if they feel such assistance becomes necessary, and

WHEREAS, Congress recognized the fiscal stress that health facilities shouldered during the pandemic, and

WHEREAS, Congress has authorized \$178 billion in direct payments to health care facilities and providers through several different federal COVID response bills, and

WHEREAS, healthcare facilities and providers in New York State have received \$11.6 billion in federal assistance so far, with \$40 billion of the federal funding still to be distributed, and

WHEREAS, according to press statements from Senators Schumer and Gillibrand, these federal payments replaced eighty-seven percent (87%) of the lost revenues for health facilities in New York through the first half of 2020,

NOW, THEREFORE, BE IT RESOLVED the Board of Legislators Calls on the Governor and the Legislature to Suspend any Further State Diversion of Local Sales Tax for Distressed Health Facilities and Work to Immediately Sunset the Law, and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Governor Kathy Hochul, Senator Joseph Griffo, Senator Patricia Ritchie, Senator Dan Stec, Assemblyman Ken Blankenbush, Assemblyman Billy Jones, Assemblyman Robert Smullen, and Assemblyman Mark Walczyk.

Mr. Acres moved to adopt Resolution No. 301-2021, seconded by Ms. Curran.

Mr. Lightfoot and Ms. Curran asked to be added as co-sponsors to this resolution.

Resolution No. 301-2021 was adopted unanimously by a voice vote with fifteen (15) yes votes.

October 4, 2021

Finance Committee: 9-27-2021

RESOLUTION NO. 302-2021

**URGING THE STATE OF NEW YORK AND FEDERAL GOVERNMENT TO
EXPAND TRUE BROADBAND COVERAGE TO ALL NEW YORKERS**

By Mr. Acres, Chair, Finance Committee
Co-Sponsored by Mr. Denesha, District 6 and Ms. Curran, District 17

WHEREAS, former Governor Andrew Cuomo, in his 2021 State of the State address, stated that more than ninety-eight percent (98%) of residences and businesses in New York have access to one or more high-speed wired and/or wireless broadband services, and

WHEREAS, in reality, based on data gathered directly from schools, municipalities, and other organization, there are large gaps in broadband service across rural and upstate New York, and

WHEREAS, maps developed by the Federal Communications Commission (FCC) misrepresent the accessibility of broadband service and these inaccurate maps are often referenced by agencies and grantees, and

WHEREAS, even in areas where broadband is purported to be available, the level of service is not sufficient to constitute true broadband access, and

WHEREAS, the prices for access to broadband in areas where it might be available is at a price point that continues to make it inaccessible to many New Yorkers, and

WHEREAS, our residents need access to reliable and affordable broadband service for school, employment, telehealth, retail, and social aspects of life, and

WHEREAS, as we have seen in the face of this pandemic, broadband serves a vital need for breaking down the digital divide that creates groups of haves and have-nots within our State, and

WHEREAS, H.R. 3684, the Infrastructure Investment and Jobs Act, includes \$42.45 billion for broadband expansion, to be allocated to states throughout the United States, and

WHEREAS, this legislation also mandates that states establish a process for allowing local coordination of funds, and

WHEREAS, the local coordination requirements established under this legislation shall include, at a minimum, an opportunity for political subdivisions to submit plans for consideration by the state and allow political subdivisions to comment on the initial proposal of the state before it is submitted to the federal government, and

October 4, 2021

WHEREAS, broadband access provides a critical public infrastructure need for New York residents, towns, municipalities, counties, emergency services, and more,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators urges the State of New York and Federal Government to Expand True Broadband Coverage to all New Yorkers, and

BE IT FURTHER RESOLVED that the FCC finalizes broadband availability maps to both reflect the true need, and also provide for a rapid vehicle to deploy these funds, and

BE IT FURTHER RESOLVED that Governor Kathy Hochul work expeditiously with our federal partners to maximize funds for the State of New York so together, we can expand true broadband access to all areas of New York State, and

BE IT FURTHER RESOLVED that Governor Kathy Hochul and our Federal and State legislative delegations work to ensure this vital economic development infrastructure need is available to all New Yorkers to prevent the further isolation those in need, and

BE IT FURTHER RESOLVED the state of New York must reduce the cost of fiber rights-of-way and infrastructure upgrades for providers working to expand broadband in communities across the state, and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to President Joseph R. Biden, Jr., Governor Kathy Hochul, Senator Joseph Griffo, Senator Patricia Ritchie, Senator Dan Stec, Assemblyman Ken Blankenbush, Assemblyman Billy Jones, Assemblyman Robert Smullen, Assemblyman Mark Walczyk, and the Federal Communications Commission.

Mr. Acres moved to adopt Resolution No. 302-2021, seconded by Ms. Curran.

Mr. Denesha and Ms. Curran asked to be added as co-sponsor to this resolution.

Resolution No. 302-2021 was adopted unanimously by a voice vote with fifteen (15) yes votes.

Finance Committee: 9-27-2021

RESOLUTION NO. 303-2021

**CALLING FOR AN INCREASE IN THE SHARE OF REVENUE COUNTIES RETAIN
FOR PROVIDING STATE DEPARTMENT OF MOTOR VEHICLE SERVICES**

By Mr. Acres, Chair, Finance Committee

WHEREAS, St. Lawrence County, along with 51 of the 62 counties in New York State, is mandated to operate a local Department of Motor Vehicles (DMV) Office, and

October 4, 2021

WHEREAS, under current law the State of New York takes 87.3 percent of all fees collected from the work performed by the county operated DMV, and

WHEREAS, the remaining 12.7 percent county share has not been increased since 1999, yet the amount of work required by the local DMV offices has increased in that same time period, and

WHEREAS, in recent years, increasingly, DMV fee transaction work has been moved online, and for transactions of this type counties receive little to no funding, and

WHEREAS, the move to online transactions has not decreased the county DMV workload as the transactions selected for this are quick processing in nature, leaving the more difficult and often no fee workload to the county, and

WHEREAS, this dichotomy of the State taking easier fee transactions online, while not sharing any revenues generated from these transactions with most counties and for those that receive a share it is less than one percent, has created an unnecessary and confusing campaign by which counties encourage residents to go to the local DMV counter to ensure local spending stays local, and

WHEREAS, the Governor and the State Legislature have repeatedly stated that lowering the property tax burden on local residents is a key priority, and

WHEREAS, increasing the county DMV revenue over the counter or internet-based sharing rate from the State DMV will not result in any increased costs or fees to residents or taxpayers and will provide counties with revenue to support necessary local government services, and

WHEREAS, it is inequitable when a county DMV provides DMV services for our residents, including overhead and staffing, yet the State takes 87.3 percent of the revenue generated from these services,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators calls for an increase in the share of revenue counties retain for providing State Department of Motor Vehicle Services, and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Governor Kathy Hochul, Senator Joseph Griffo, Senator Patricia Ritchie, Senator Dan Stec, Assemblyman Ken Blankenbush, Assemblyman Billy Jones, Assemblyman Robert Smullen, and Assemblyman Mark Walczyk.

Mr. Acres moved to adopt Resolution No. 303-2021, seconded by Ms. Curran, and carried unanimously by a voice vote with fifteen (15) yes votes.

October 4, 2021

Finance Committee: 9-27-2021

RESOLUTION NO. 304-2021

CALLING ON THE STATE OF NEW YORK TO IMMEDIATELY MAKE ALL MUNICIPALITIES WHOLE IN THE SAINT REGIS MOHAWK TRIBAL GAMING REGION THAT HAVE BEEN IMPACTED BY THE LACK OF PAYMENT BY NEW YORK STATE

By Mr. Acres, Chair, Finance Committee
Co-Sponsored by Mr. Lightfoot, District 3 and Mr. Arquiett, District 13

WHEREAS, On October 15, 1993 the St. Regis Mohawk Tribe and the State of New York signed a compact paving the way for casino gaming; the Akwesasne Mohawk Casino opened on April 12, 1999, and

WHEREAS, under agreement and codification in New York law the St. Regis Mohawk Tribe pays 25 percent of all gaming revenue to the State of New York in return for, in part, exclusivity regional gaming rights, and

WHEREAS, under the agreement, the State of New York shares with local governments, including seven counties and numerous towns, in Northern New York, a portion of revenue they receive from the St. Regis Mohawk Tribe, and

WHEREAS, the counties and local governments rely on that revenue to maintain infrastructure and provide public safety for all residents as well as provide services needed to help support this growing gaming industry, and

WHEREAS, in March 2020, the State of New York, under a State of Emergency, closed many businesses, especially ones where crowds gathered, including casinos, causing the Akwesasne Mohawk Casino from making any revenue at this time, and

WHEREAS, in August 2020, casinos including the Akwesasne Mohawk Casino were allowed and did reopen with a limited capacity and began making revenue once again that is to be shared with the State and local governments, and

WHEREAS, to date, there have been no payments by the State to the 7 Northern Region Counties since the last quarter of 2019, and

WHEREAS, this revenue loss amounts to millions of dollars in lost revenue annually to the 7 Northern Region Counties, and

WHEREAS, this funding is needed by the counties to fix roads, support social services, and provide for public health and safety, and

October 4, 2021

WHEREAS, the St. Regis Mohawk Tribe and the counties of New York have a long history of productive partnerships and respect, and

WHEREAS, New York State has not been receptive to the resolution of these upstate county needs by easing the financial burden created by the State's failure to resolve the issue, and

WHEREAS, the State of New York has created a system by which vital local services are dependent on continued revenue being received and distributed to local governments through casino gaming, yet the State has not made a contingency plan and/or ignored the needs of local governments when this revenue is lowered or even not received, and

WHEREAS, a new governor, Governor Hochul with a fresh perspective which is informed with a deep understanding of upstate issues offers an opportunity to move the issue to completion,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators calls on the State of New York to immediately make all municipalities whole in the Saint Regis Mohawk Tribal Gaming Region that have been impacted by the lack of payment by New York State, and

BE IT FURTHER RESOLVED in the alternative if the State is unwilling to make the local governments whole, and the if St. Regis Mohawk Tribe desires to assist local governments directly, the State will not see this as a violation, nor will this act be subject to the terms of the St. Regis Mohawk Tribe and New York State Compact, and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Governor Kathy Hochul, Senator Joseph Griffo, Senator Patricia Ritchie, Senator Dan Stec, Assemblyman Ken Blankenbush, Assemblyman Billy Jones, Assemblyman Robert Smullen, Assemblyman Mark Walczyk, and the St. Regis Mohawk Tribe.

Mr. Acres moved to adopt Resolution No. 304-2021, seconded by Mr. Lightfoot.

Mr. Arquiett and Mr. Lightfoot asked to be added as co-sponsors to this resolution.

Resolution No. 304-2021 carried unanimously by a voice vote with fifteen (15) yes votes.

October 4, 2021

Finance Committee: 9-27-2021

RESOLUTION NO. 305-2021

**CALLING ON THE STATE OF NEW YORK TO FULLY REIMBURSE COUNTIES
FOR DISTRICT ATTORNEY SALARY INCREASES THAT ARE SET AND
CONTROLLED BY THE STATE**

By Mr. Acres, Chair, Finance Committee

WHEREAS, on December 24, 2015, the New York State Commission on Legislative, Judicial, and Executive Compensation voted to recommend increasing all state judge salaries in 2016 and 2018, and

WHEREAS, on April 1, 2016, the State Legislature approved the recommendation of the Commission and placed the salaries of Supreme Court Judges at \$193,000 in 2016 and approximately \$207,000 in 2018 and placed County Court Judges at ninety-five percent (95%) of a salary of Supreme Court Justice, and

WHEREAS, with Cost-of-Living Adjustment increases in 2019 the salaries of New York Supreme Court Judges were set at \$210,900, and

WHEREAS, New York State Judiciary Law Section 183-a links judicial salaries to county District Attorney (D.A.) salaries, requiring them to be equal or higher than either the County Court Judge or Supreme Court Judge in a county, depending on county size and full-time or part-time status, and

WHEREAS, historically when the State increased State Judge salaries in the 1980s and 1990s, the State fully funded all D.A. salary increases imposed on the counties, recognizing without this funding the increase would be an unfunded mandate, and

WHEREAS, the District Attorneys Association of the State of New York (DAASNY), recognizing the automatic nature of these increases and its effect on local county budgets, and further to support the position of the counties, requested in correspondences with state officials that the State fund this salary increase, and

WHEREAS, the State Legislature has stated they understand the importance of not shifting more State generated costs to the local tax base, mindful of the impact locally with the State-imposed property tax cap, and

WHEREAS, the State Legislature has recognized lowering property taxes is the main priority to ensure a healthy Upstate New York economy, and

WHEREAS, for smaller counties, the D.A. salary increase can represent nearly one-third (1/3) of their total allowable property tax growth for all government operations,

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NOW, THEREFORE, BE IT RESOLVED calling on the State of New York to fully reimburse counties for district attorney salary increases that are set and controlled by the State, and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Governor Kathy Hochul, Senator Joseph Griffo, Senator Patricia Ritchie, Senator Dan Stec, Assemblyman Ken Blankenbush, Assemblyman Billy Jones, Assemblyman Robert Smullen, and Assemblyman Mark Walczyk.

Mr. Acres moved to adopt Resolution No. 305-2021, seconded by Mr. Lightfoot and carried unanimously by a voice vote with fifteen (15) yes votes.

Finance Committee: 9-27-2021

RESOLUTION NO. 306-2021

SUPPORTING A COLLABORATION BETWEEN THE NYS OFFICE OF MENTAL HEALTH (OMH) AND THE COUNTIES IN PLANNING AND IMPLEMENTING A NATIONAL 988 SUICIDE PREVENTION HOTLINE

By Mr. Acres, Chair, Finance Committee
Co-Sponsored by Ms. Curran, District 15

WHEREAS, the U.S. Federal Communications Commission (FCC) approved a proposal to implement a new resource that will serve as a national suicide prevention and mental health crisis hotline, entitled the “National Suicide Hotline Improvement Act of 2018,”

WHEREAS, this Act designates 988 as “a simple, easy-to-remember, 3-digit dialing code” for a national suicide prevention and mental health crisis hotline to help increase the effectiveness of suicide prevention efforts, ease access to crisis services, and reduce the stigma surrounding suicide and mental health conditions, and

WHEREAS, the FCC ruling requires activation of 988 by July 2022 and involves sufficient local crisis center capacity to answer the projected significant increase in contact volume, which in turn, requires comprehensive state and local collaboration, and

WHEREAS, the Local Governmental Units (LGUs)/Directors of Community Services (DCSs) have specific responsibilities and authority under the Local Services provisions of Article 41 of the NYS Mental Hygiene Law (MHL) for planning, development, implementation, and oversight of services to adults and children in their counties affected by mental illness, addiction, and intellectual/developmental disabilities (I/DD), and

WHEREAS, the LGUs/DCSs have reported increases to inpatient/outpatient needs, calls to crisis services lines, homelessness, overdose deaths, addiction relapse, and suicide attempts, and

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WHEREAS, county governments already plan for and implement comprehensive crisis response plans that may involve local crisis hotlines/call centers operated by either the county or through various contracted providers and in collaboration of these services with neighboring counties, and

WHEREAS, the LGUs/DCSs strongly support OMHs leadership and continued collaboration and involvement of the County Mental Health Commissioners in the planning and implementation in the rollout of the 988 response through the 988 State Planning Coalition, and

WHEREAS, the NYS Conference of Local Mental Hygiene Directors (CLMHD) supports the planning and successful implementation of this new crisis response 63 throughout NYS and looks to OMH and other relevant state agencies for continued partnership and funding,

NOW, THEREFORE, BE IT RESOLVE that the Board of Legislators supports a collaboration between the NYS Office of Mental Health (OMH) and the counties in planning and implementing a national 988 suicide prevention hotline, and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Governor Kathy Hochul, Senator Joseph Griffo, Senator Patricia Ritchie, Senator Dan Stec, Assemblyman Ken Blankenbush, Assemblyman Billy Jones, Assemblyman Robert Smullen, and Assemblyman Mark Walczyk.

Mr. Acres moved to adopt Resolution No. 306-2021, seconded by Mr. Burke.

Ms. Curran asked to be added as a co-sponsor to this resolution.

Resolution No. 306-2021 was carried unanimously by a voice vote with fifteen (15) yes votes.

Finance Committee: 9-27-2021

RESOLUTION NO. 307-2021

CALLING ON GOVERNOR KATHY HOCHUL TO RESTORE THE STATE-COUNTY SHARE OF THE COST OF 730.20 COMPETENCY RESTORATION SERVICES AND MAKE REFORMS TO THE PROGRAM THERETO

By Mr. Acres, Chair, Finance Committee
Co-Sponsored by Ms. Curran, District 15

WHEREAS, the SFY 2020-21 budget required counties to pay one-hundred percent (100%) of the OMH State Operations costs for individuals receiving court-ordered mental health competency restoration services at State-operated Forensic Psychiatric Centers, and

WHEREAS, historically, counties have paid fifty percent (50%) of the per diem rate set by OMH, which has now reached an unsustainable cost burden on county budgets, and

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WHEREAS, the derivation of Section 43.03 of Mental Hygiene Law (MHL) dates back to 1907 and allows the State to offset the costs of operating its Forensic Psychiatric Centers at county expense, and

WHEREAS, this statute no longer reflects the current mental hygiene system or the NYS Unified Court System and needs to be updated to be consistent with other statutes that makes the State responsible for its own costs for the treatment of mentally ill individuals in State-operated Forensic Psychiatric Centers, and

WHEREAS, OMH has also taken the position that the county mental health commissioners are to receive limited information on the clients ordered to restoration,

WHEREAS, as the full payers of these services, the commissioners must have timely access to any pertinent client information as deemed necessary to effectively manage their responsibilities under the mental hygiene law,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators calls on Governor Kathy Hochul to restore the state-county share of the cost of 730.20 competency restoration services and make reforms to the program thereto, and

BE IT FURTHER RESOLVED that counties must be allowed to participate in the restoration and planning process for restorative care of individuals during the duration of their stay at an OMH facility, and

BE IT FURTHER RESOLVED that there must be a statutory timeframe and determination as to when an individual is unable to be restored through forensic services (CPL § 730.50), and

BE IT FURTHER RESOLVED Criminal Procedure Law (CPL) § 730.10 be modified to make clear that restoration is not mental health treatment so that the judiciary is better informed that a 730 order does not treat underlying mental health needs, and

BE IT FURTHER RESOLVED CPL § 730.20 must be reformed to establish specific criteria for 730 examiners, streamlining the process to establish equity across the system, and that the psychiatrist or psychologist conducting the psychiatric exam tells the court whether or not there is a reasonable chance of restoration, thereby granting the court an opportunity to allow diversion to mental health treatment, and

BE IT FURTHER RESOLVED that the Board of Legislators calls on New York State to ensure that county directors of community services have timely access to any patient clinical information necessary to effectively manage the responsibilities of the county directors of community services under mental hygiene law,

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Governor Kathy Hochul, Senator Joseph Griffo, Senator Patricia Ritchie, Senator Dan Stec, Assemblyman Ken Blankenbush, Assemblyman Billy Jones, Assemblyman Robert Smullen, and

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Assemblyman Mark Walczyk.

Mr. Acres moved to adopt Resolution No. 307-2021, seconded by Ms. Curran.

Ms. Curran asked to be added as a co-sponsor to this resolution.

Resolution No. 307-2021 was carried unanimously by a voice vote with fifteen (15) yes votes.

Finance Committee: 9-27-2021

RESOLUTION NO. 308-2021

**CALLING ON THE GOVERNOR AND LEGISLATURE TO END THE DIVERSION
OF COUNTY SALES TAX TO PAY FOR THE STATE AIM PROGRAM
AND BEGIN WORK TO REFORM THE AIM PROGRAM WHILE RESTORING
STATE FUNDING RESPONSIBILITY**

By Mr. Acres, Chair, Finance Committee
Co-Sponsored by Mr. Sheridan, District 4

WHEREAS, three (3) years ago New York State shifted \$59 million annually of the cost of the State AIM Program to counties, implemented through a state diversion of county sales tax, and

WHEREAS, the local sales tax has become the number one source of revenue for an increasing number of counties, and

WHEREAS, the local sales tax is the primary revenue source available to counties and other local governments to help offset property tax increases and to lower property taxes in many instances, and

WHEREAS, state elected leaders have made controlling and lowering property taxes a key priority in efforts to reduce the tax burden for homeowners and small businesses, and to lower the ranking of New York as one of the highest property tax burden states in the nation, and

WHEREAS, the diversion of local revenues for State purposes ultimately results in higher property taxes, further damaging the economic competitiveness of New York and weakening the balance sheet of homeowners and small business, and

WHEREAS, both chambers of the legislature proposed ending the diversion of county sales tax to pay for the State AIM Program in their respective budget bills, and

WHEREAS, the legislature also passed a bill this session (A.6601-A/S.5418-C) that calls for the formation of a task force to examine the AIM Program and make recommendations for reforms and improvements including a review of financing,

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NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators calls on the Governor and Legislature to end the diversion of county sales tax to pay for the State Aim Program and begin work to reform the AIM Program while restoring state funding responsibility, and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Governor Kathy Hochul, Senator Joseph Griffo, Senator Patricia Ritchie, Senator Dan Stec, Assemblyman Ken Blankenbush, Assemblyman Billy Jones, Assemblyman Robert Smullen, and Assemblyman Mark Walczyk.

Mr. Acres moved to adopt Resolution No. 308-2021, seconded by Mr. Perkins and Mr. Lightfoot.

Mr. Sheridan asked to be added as a co-sponsor to this resolution.

Resolution No. 308-2021 was carried unanimously by a voice vote with fifteen (15) yes votes.

Finance Committee: 9-27-2021

RESOLUTION NO. 309-2021

AUTHORIZING THE CHAIR TO SIGN AN AGREEMENT WITH UNITED HELPERS, INC. FOR SPACE LOCATED AT 100 FORD STREET, OGDENSBURG, NEW YORK, SIGN A BUSINESS ASSOCIATE AGREEMENT, AND MODIFYING THE 2021 BUDGET FOR THE DEPARTMENT OF SOCIAL SERVICES

By Mr. Acres, Chair, Finance Committee

WHEREAS, Resolution Nos. 66-2021, 104-2021, and 169-2021, “Authorizing Filling of Vacancies” demonstrated an investment by the St. Lawrence County Board of Legislators in the Department of Social Services and the communities it serves by creating a total of 20 new positions, and

WHEREAS, with this investment, there is a need for additional office space for the Department and an opportunity to create efficiencies through a pilot program of placement of staff in key locations testing the effectiveness of a satellite type office structure designed to root employees in the community and bring employees closer to clients and families, and

WHEREAS, United Helpers, Inc. has office space available at its 100 Ford Street location in the City of Ogdensburg and is willing to offer necessary flexibility to provide approximately 2,100 square feet at a rental rate of \$12.12 per square foot, and

WHEREAS, due to the confidential nature of the work to be performed at the 100 Ford Street location a Business Associate Agreement will be required, in accordance with the Health Insurance Portability and Accountability Act (HIPAA) set forth at 45 CFR Parts 142, 160, and 164,

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NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Chair to sign an agreement with United Helpers, Inc. for space located at 100 Ford Street, Ogdensburg, New York, upon approval of the County Attorney, and

BE IT FURTHER RESOLVED the rental rate will be \$12.12 per square foot and will run October 1, 2021 through September 30, 2022, and

BE IT FURTHER RESOLVED that the Chair is authorized to sign a Business Associate Agreement with United Helpers, Inc., and

BE IT FURTHER RESOLVED that the Treasurer is authorized to modify the 2021 Budget for the Department of Social Services, as follows:

INCREASE APPROPRIATIONS:

DAS60104 40700	D SG Building and Property Rent	\$6,363
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INCREASE REVENUE:

DA036105 56000	D SA General Administration	178
DA046105 57000	D FA General Administration	584
DAS36105 560CW	D SA Child Welfare Funding	<u>1,752</u>
		\$2,514

DECREASE APPROPRIATIONS:

DPS61404 46100	D HR Directs	\$5,421
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DECREASE REVENUE:

DPS36405 56000	D SA Safety Net	\$1,572
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Mr. Acres moved to adopt Resolution No. 309-2021, seconded by Ms. Curran, Mr. Lightfoot and Mr. Reagen, and carried unanimously by a roll call vote with fifteen (15) yes votes.

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Finance Committee: 9-27-2021

RESOLUTION NO. 310-2021

**ADOPTING PROPOSED LOCAL LAW C (NO.) FOR THE YEAR 2021,
“SETTING THE SALARY FOR THE COUNTY ATTORNEY”**

By Mr. Acres, Chair, Finance Committee
Co-Sponsored by Mr. Lightfoot, District 3; Mr. Sheridan, District 4;
Mr. Perkins, District 7; Mr. Arquiatt, District 13; and Ms. Curran, District 15

BE IT ENACTED by the St. Lawrence County Board of Legislators as follows:

Section 1. For the Year 2021, the salary for the following title shall be increased to the amount listed below and the increase will be retroactive to May 3, 2021.

County Attorney \$158,000

Section 2. Should there be a reduction in duties such that the responsibility for the Legal Unit in the Department of Social Services is relocated, a review of the compensation will occur.

Section 3. This Local Law shall take effect in accordance with the Municipal Home Rule Law of the State of New York.

Mr. Acres moved to adopt Resolution No. 310-2021, seconded by Mr. Denesha and Mr. Perkins.

Mr. Lightfoot moved to amend the resolution to remove “the salary will be returned to the prior level in Section 2, seconded by Mr. Denesha.

Mr. Reagen called question, seconded by Mr. Acres, and carried unanimously by a voice vote with fifteen (15) yes votes.

Motion to amend the resolution carried by a voice vote with thirteen (13) yes votes, and two (2) no votes (Burke and Haggard).

Mr. Perkins asked to be added as a co-sponsor to this resolution.

Resolution No. 310-2021 was adopted by a voice vote with thirteen (13) yes votes, and two (2) no votes (Burke and Haggard).

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RESOLUTION NO. 311-2021

AUTHORIZING FILLING OF VACANCIES

By Mr. Reagen, District 1

WHEREAS, Resolution Nos. 281-2008 and 198-2011 implemented a non-essential hiring freeze and created a thirty day delay of filling positions and implemented emergency measures that provided an exception for positions completely funded by an outside source to be filled, respectively in response to the fiscal challenges faced by the County, and

WHEREAS, Resolution No. 222-2015 that affirmed the 2008 hiring freeze and extended the standard delay for filling vacancies to 60 days, and Resolution No. 226-2015 reinstated the Vacancy Review Committee to be inclusive of Legislators and staff to return recommendations for filling vacancies going forward, and

WHEREAS, Resolution No. 369-2019 and Resolution No. 253-2020 authorized the continuance of the current vacancy review process with a recommendation that the vacancies continue to be deliberated at each jurisdictional committee, but one resolution be created for all approved positions to be considered at the Regular Board Meeting,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the fill of each of the following vacancies which have been reviewed and recommended to be filled or created and filled by the Vacancy Review Committee:

Department/Unit:	Title:	Position	Type	Duration	Timeline
County Clerk	Second Deputy County Clerk*	024900001	FT	Permanent	Immediate
Information Technology	Information Services Manager	203400001	FT	Cont/Perm	30 days
Sheriff/Road	Sergeant	605100001	FT	Permanent	Immediate
Sheriff/Road	Sergeant	605100002	FT	Permanent	Immediate
Sheriff/Jail	Correction Officer	603000012	FT	Permanent	Immediate
Sheriff/Jail	Cook	602200003	FT	Permanent	Immediate
Sheriff/Civil	Senior Account Clerk*	100200040	FT	Permanent	Immediate
Buildings & Grounds	Senior Account Clerk	100200034	FT	Permanent	30 days
Conflict Defender	Legal Secretary	005300007	FT	Permanent	Immediate
Public Defender	Assistant Public Defender	021400002	FT	Permanent	Immediate
Community Services	Secretary I	005100030	FT	Cont/Perm	Immediate
Social Services	Keyboard Specialist	003100058	FT	Permanent	Immediate
Social Services	Senior Social Welfare Investigator	814600001	FT	Permanent	Immediate
Solid Waste	Heavy Equipment Operator	309800005	FT	Permanent	Immediate
Solid Waste	Heavy Equipment Operator	309800003	FT	Cont/Perm	Immediate
Highway	Bridge Construction Mechanic	312300001	FT	Permanent	Immediate
Highway	Sign Maintenance Crew Leader	312900001	FT	Permanent	Immediate
Highway	Motor Equipment Operator	310000003	FT	Permanent	Immediate
Highway	Motor Equipment Operator	310000002	FT	Permanent	Immediate
WIOA	Employment & Training Counselor	701000014	FT	Permanent	Immediate

*new position

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BE IT FURTHER RESOLVED that Position No. 021900001, Second Deputy County Clerk, will be placed in Grade II of the Management Salary Plan, and

BE IT FURTHER RESOLVED that Position No. 601200001, Senior Civil Account Clerk, be abolished in the Sheriff's Office

BE IT FURTHER RESOLVED that the appointing authorities are authorized to fill the positions as provided for in the resolution.

Mr. Reagen moved to adopt Resolution No. 311-2021, seconded by Mr. Smithers and carried unanimously by a voice vote with fifteen (15) yes votes.

RESOLUTION NO. 312-2021

**AUTHORIZING AN INTERGOVERNMENTAL TRANSFER
FOR AN UPPER PAYMENT LIMIT AND MODIFYING THE 2021 BUDGET
FOR COMMUNITY SERVICES**

By Mr. Lightfoot, Chair, Services Committee

WHEREAS, the Federal Centers for Medicare and Medicaid Services (CMS) has approved a 2018 Clinic Upper Payment Limit (UPL) that authorizes supplemental payments for freestanding County operated behavioral health clinics for the State Fiscal Year 2018-19, and

WHEREAS, the UPL is a supplemental payment that pays the difference between the Medicaid fee-for-service payment and what Medicare would have paid facilities for the same services, and

WHEREAS, St. Lawrence County is responsible for contributing an Intergovernmental Transfer (IGT) of the non-federal share of the clinic UPL payment in the amount of \$56,156 due to the State no later than Wednesday, September 22, 2021, and

WHEREAS, having not received the notification from DOH until September 8, 2021, the Department requested and received an extension on the payment due date to October 6, 2021, and

WHEREAS, St. Lawrence County operated freestanding clinics licensed under Article 31 and 32 of the NYS Mental Hygiene Law are scheduled to receive a payment totaling \$112,311 for the period of April 1, 2018, through March 31, 2019,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes an Intergovernmental Transfer for an Upper Payment Limit, and

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BE IT FURTHER RESOLVED that the Treasurer is authorized to modify the 2021 Budget for Community Services, as follows:

INCREASE REVENUE:

A3646015 57000	Federal Aid, Medicaid Assistance	\$56,156
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INCREASE APPROPRIATIONS:

A3661014 46500	Medical Assistance–MMIS, Contr Exp	\$56,156
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Mr. Lightfoot moved to adopt Resolution No. 312-2021, seconded by Mr. Burke, and carried unanimously by a voice vote with fifteen (15) yes votes.

RESOLUTION NO. 313-2021

**AUTHORIZING THE CHAIR TO SIGN A CONTRACT WITH
SCIENTIFIC CONSULTING OF WESTERN NEW YORK, INC.
FOR PATHOLOGY SERVICES FOR THE CORONER PROGRAM**

By Mr. Lightfoot, District 3

WHEREAS, the Public Health Department is responsible for the Coroner’s Program, and

WHEREAS, the current contracted Pathologist travels to three (3) individual hospitals within St. Lawrence County, and

WHEREAS, during times the Pathologist is unavailable, there is a need to have an alternate location to send cases, and Scientific Consulting of Western New York, Inc. would provide the needed coverage for these times and also provide St. Lawrence County with an additional pathologist (PC011854 43016),

NOW, THEREFORE, BE IT RESOLVED the Board of Legislators authorizes the Chair to sign a contract with Scientific Consulting of Western New York, Inc. for pathology services for the Coroner Program, upon approval of the County Attorney.

Mr. Lightfoot moved to adopt Resolution No. 313-2021, seconded by Mr. Smithers and Mr. Denesha, and carried unanimously by a voice vote with fifteen (15) yes votes.

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RESOLUTION NO. 314-2021

RECOGNIZING THE CHALLENGES IN CHILD PROTECTIVE SERVICES AND PREVENTIVE SERVICES AND THE EFFORTS UNDERWAY TO IMPLEMENT SYSTEMIC CHANGE IN CHILDREN'S SERVICES IN THE DEPARTMENT OF SOCIAL SERVICES

By Mr. Lightfoot, District 3

WHEREAS, St. Lawrence County Department of Social Services has recently received heightened public scrutiny related to critical challenges it faces in the delivery of services to County residents, and

WHEREAS, the systemic challenges in the Child Welfare System consist of a combination of investigations completed by Child Protective Services (CPS), introduction and maintenance of Preventive Services (Prevent) which includes placement in Foster Care and oversight and direction provided by the Family Court, and

WHEREAS, the timeline associated with addressing the needs of children has also changed with the implementation of additional measures in the Family First Prevention Services Act (Family First) that will require better response times to determine permanency for children, and

WHEREAS, a number of variables have impacted the number of children in care calling into question whether the System is dedicated to pursuing the best interest of children, and

WHEREAS, the struggles of both CPS and Prevent have been emphasized recently with concerns raised regarding the tragic loss of two children; one in mid-2020 and another at the end of 2020, and

WHEREAS, for most of 2021, an emphasis has been placed by the Board of Legislators regarding Children's Services and how to best prepare to address the pending changes with Family First while the Department was working to address areas of concern raised in a 2020 Review by the Office of Children and Family Services (OCFS), and

WHEREAS, as a part of these discussions, in March 2021 the Board of Legislators supported the first of three unprecedented efforts to add eight (8) new caseworker type positions, two of which were supervisors in CPS and Prevent; in April, the second unprecedented request was made for nine (9) new positions that the Board approved to add a combination of caseworker roles associated with training, supervision, and case work management; and in May, a final request was made for three (3) more new caseworker type positions for a total for twenty (20) new positions in Children's Services created to ensure that there would be a decrease in cases per caseworker to allow for additional training and closer oversight of cases, and

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WHEREAS, in addition, in March in the Board implemented change to the vacancy process by allowing five (5) of the caseworker titles for each of the Units, CPS and Preventive Services, to be filled on a recurring basis without additional approvals by the Board, this is intended to provide continuity of trained staff when there are unanticipated leaves, departures, and retirements from Children's Services, and

WHEREAS, in continuance of the implementation of changes in April of this year, the Board adopted a resolution that reassigned all legal matters to the County Attorney's Office with the transition completed by May, and

WHEREAS, separate from the increases in staffing, an effort began in June to integrate into the Community two (2) units of Children's Services to a satellite office location in Ogdensburg to decrease response times, improve partnerships with the school district, and work to decrease the stigma attached to Social Services in the County, and

WHEREAS, in July of this year, a new comprehensive statistics data set to the Board of Legislators with specific focus on Children's Services to better inform decision makers about how the staff are performing with the cases assigned in CPS and Prevent, and

WHEREAS, there are key metrics that are measured and maintained on a monthly basis by OCFS; one is safety assessments, the second is caseworkers with more than fifteen (15) open cases, and the third is caseworkers with overdue investigations, numbers of children in care, and average number of days in care, and

WHEREAS, as a part of the initial contact, CPS conducts safety assessments which is defined by OCFS as, "The purpose of a safety assessment is to ascertain whether there are any safety factors currently present and to determine if any children are likely to be in immediate danger of serious harm....and this begins with the caseworker's first review of a report of suspected child abuse/maltreatment and initiation of the investigation within 24 hours of receipt of the report....," and

WHEREAS, by August, the performance by CPS Staff on Safety Assessments, a key metric measured by OCFS was reported as the eleventh (11th) county in the State from a January status of forty-sixth (46th), and

WHEREAS, Prevent is already below the fifteen (15) open cases and it is anticipated that CPS will improve their caseloads with the readiness of caseworkers as they complete necessary training for the positions, and

WHEREAS, since May, the total number of children in care has been reduced by more than ten (10%) percent, and

WHEREAS, Overdue investigations is also a priority with stringent timelines and requirements tied to reimbursement under Family First and that is expected to reflect fewer cases by the end of 2021, and

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WHEREAS, in an effort to measure the continued impact of the aforementioned changes while addressing the concerns raised by the public, the Board has determined that an independent external review by a consultant can bring observations and recommendations for the County to continue investment in systemic change in Children’s Services, and

WHEREAS, the Search is underway to fill the Commissioner of Social Services Position with the goal of filling that position prior to the end of 2021 and establishing new leadership in the Department will benefit staff and provide a structure to implement any changes recommended,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators recognizes the challenges in St. Lawrence County Children’s Services and the efforts underway to implement systemic change in child welfare in the Department of Social Services.

Mr. Lightfoot moved to adopt Resolution No. 314-2021, seconded by Mr. Smithers.

Mr. Fay called the question, seconded by Mr. Acres, and carried unanimously by a voice vote with fifteen (15) yes votes.

Resolution No. 314-2021 was adopted by a voice vote with thirteen (13) yes votes, and two (2) no votes (Burke and Haggard).

RESOLUTION NO. 315-2021

AUTHORIZING THE CHAIR TO SIGN A CONTRACT WITH THE BONADIO GROUP TO PROVIDE PROFESSIONAL SERVICES THROUGH A COMPREHENSIVE REVIEW OF CHILDREN’S SERVICES IN THE DEPARTMENT OF SOCIAL SERVICES AND MODIFYING THE 2021 BUDGET FOR THE DEPARTMENT OF SOCIAL SERVICES

By Mr. Lightfoot, District 3

WHEREAS, St. Lawrence County Department of Social Services is mandated to provide services and to respond when there are allegations of abuse and/or neglect of children, and

WHEREAS, in the summer of 2021, complaints were submitted to the Board of Legislators with regard to many aspects of the work completed by Children’s Services prompting an immediate review, and

WHEREAS, after an initial review of complaints, the County Administrator met with the Department and recommended an external agency be engaged to provide a comprehensive review of the activities in the Units in comparison to best practice as prescribed by the Office of Children and Family Services (OCFS) and will be partially reimbursable through the State, and

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WHEREAS, the professional services of The Bonadio Group have been requested and will consist of interviews of staff and complainants, case documentation, and review of policies and procedures to include observations and recommendations which will be presented to the Board of Legislators on a monthly basis, and should information develop that is of a seriousness nature, it will be immediately reported to the County Administrator, and

-WHEREAS, this organization, Bonadio Group, is currently performing similar work in approximately ten counties in New York State in this area, as well as many others in Social Services and the investment in a thorough review will be valuable for a new Commissioner for the Department as well as the public, and

WHEREAS, areas of strength for the Department will be solidified and areas of weakness and/or concern will be addressed and fully corrected to ensure the needs of the children being served by the Department are met,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Chair to sign a contract with the Bonadio Group for Professional Services to conduct a companion audit of Children’s Services in the Department of Social Services, and

BE IT FURTHER RESOLVED that the Treasurer is authorized to make the following modification in the 2021 Budget:

DECREASE APPROPRIATIONS:

B1019904 49700	B SPEC Contingency Account	\$42,374
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INCREASE APPROPRIATIONS:

DAA60104 43007	D ADM Other Fees & Services	\$85,000
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INCREASE REVENUE:

DA036105 56000	D SA General Administration	\$8,337
DA046105 57000	D FA General Administration	16,323
DAF46115 57000	D FA Food Stamps Administration	6,133
DAF46115 57000 EMXX	D FA Food Stamps Employment/TR	393
DAS36105 560CW	D SA Child Welfare Funding	<u>11,440</u>
		\$42,626

Mr. Lightfoot moved to adopt Resolution No. 315-2021, seconded by Mr. Denesha.

Mr. Lightfoot moved to amend the resolution by deleting the fourth whereas and replacing it with the wording, “WHEREAS, the professional services of The Bonadio Group have been requested and will consist of interviews of staff and complainants, case documentation, and review of

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policies and procedures to include observations and recommendations which will be presented to the Board of Legislators on a monthly basis, and should information develop that is of a seriousness nature, it will be immediately reported to the County Administrator,” seconded by Mr. Burke and Mr. Denesha, and carried unanimously by a voice vote with fifteen (15) yes votes.

Resolution No. 315-2021 was carried unanimously by roll call vote with fifteen (15) yes votes.

OLD/NEW BUSINESS:

Mr. Denesha said during public participation there was rude behavior displayed by some of the citizens in the audience, and he implored the Chair not to accept this behavior in the future. He said there were too many folks in attendance for the size of the Board Room tonight and suggested holding Board meetings in a space where social distancing can be accomplished.

Mr. Forsythe said he wanted the Northern border to open, as there are businesses that have been affected by the border being closed. Mr. Arquiett agreed and said our voices need to be heard.

Mr. Arquiett said the reconciliation of trails passes has been completed. There were 1,326 trail passes sold for a total of \$70,947. From those funds \$5,450 went to the ATV clubs, and \$65,497 to the trail fund.

Mr. Acres said that although the disruption during citizen participation compromises the integrity of the meeting, it is a highly emotional issue for people, and they need to be heard. He asked the Chair to have discussions prior to the meeting about room decorum. Many of these people have been hurt in some way and felt they have been wronged, so it may be emotional. Speakers from CPS were here tonight in opposition, and they too are under tremendous stress and should be respected as well.

Mr. Reagen said there are businesses in Ogdensburg and Massena that are suffering from the closed border. It has been closed for 1 ½ years, and everyone has been waiting for the reopening. He said he will draft a proposed resolution to call for the reopening of the border, which has traditionally been known as the longest, friendliest border in the World, and he calls upon other border communities to do the same.

Mr. Acres said Joann Fabrics is closing in Ogdensburg and he believe it is a direct result from the closed borders as a large number of its clientele are from Canada. The UPS store also does a tremendous amount of Canadian business and he is sure they are impacted by the closure as well. Canada now has the same vaccination rate as we do in the North Country.

Mr. Reagen said he will draft a resolution urging the President of Joann Fabrics to reconsider his decision to close the store in Ogdensburg.

CHAIR’S APPOINTMENTS: Chair Sheridan made the following appointments:

A. Broadband Ad Hoc Committee – Haggard (Chair), Terminelli, and Fiacco.

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Mr. Acres moved to go to Executive Session at 9:35 p.m., to discuss litigation, negotiations, and personnel, seconded by Mr. Smithers and Mr. Perkins and carried unanimously by a voice vote with fifteen (15) yes votes.

EXECUTIVE SESSION:

A straw poll vote was taken during Executive Session regarding Community Services.

Mr. Regan moved to go to Open Session at 10:12 p.m., seconded by Mr. Acres, and carried unanimously by a voice vote with fifteen (15) yes votes.

ADJOURNMENT – Chair Sheridan adjourned the October Full Board Meeting at 10:13 p.m., as there was no further business.