

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

ROLL CALL: All Legislators were present.

Mr. Denesha led everyone in prayer followed by the Pledge of Allegiance.

APPROVAL OF THE AGENDA: Mr. Sheridan moved to approve the agenda, seconded by Ms. Curran, and carried unanimously by a voice vote with fifteen (15) yes votes.

APPROVAL OF MINUTES: Mr. Forsythe moved to approve the August 5, 2019, meeting minutes, seconded by Ms. Curran, and carried unanimously by a voice vote with fifteen (15) yes votes.

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

1. A thank you card was received from Sue Mende for the sympathy card she received on her brother's passing.
2. A thank you card was received from Taylor Arquiett of Hammond Central School, for the Capital District Off-Track Betting Scholarship awarded by St. Lawrence County.
3. A thank you card was received from Keith Zimmerman for the celebration of his career and retirement gift.

CITIZEN PARTICIPATION:

Barb McBurnie, Constitution Chair of the Nihanawate Chapter of the Daughters of the American Revolution (DAR), said a resolution was requested proclaiming the week of September 17-23, 2019, as Constitution Week, and she thanked the Board of Legislators for passing a resolution. Constitution Week was started by the DAR in 1955. This year marks the 232nd anniversary of the Framing of the Constitution.

Madeline Pennington, member of the Daughters of the American Revolution (DAR), said the Preamble of the Constitution was written by Gouverneur Morris, landowner, American statesman, and the gentleman with whom the Town of Gouverneur, Morristown, and St. Lawrence County are named. The first ten amendments are known as the Bill of Rights, and is a list of basic human rights guaranteed by law. Today there are twenty-seven amendments.

September 9, 2019

PRESENTATION OF RESOLUTIONS:

RESOLUTION NO. 343-2019

**PROCLAIMING THE WEEK OF SEPTEMBER 17 – 23, 2019
AS CONSTITUTION WEEK**

By Mr. Acres, District 8

WHEREAS, the Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law, and

WHEREAS, originally adopted by the American Congress of the Confederation on September 17, 1787, this year will mark the two hundred thirty second anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention, and

WHEREAS, recognizing the enduring strength of our Constitution and reaffirming our commitment to the rights and obligation of citizenship of this great Nation, it is fitting to honor this magnificent document and its memorable anniversary, and

WHEREAS, throughout this week let us honor the values the Framers stood by rededicating ourselves to carry forward the spirit first embodied in their achievements, and to pay tribute to those who shaped the land we love while working to secure everlasting peace, prosperity, and opportunity for all who call America home,

NOW, THEREFORE, BE IT RESOLVED the Board of Legislators proclaims the week of September 17 – 23, 2019, as Constitution Week and encourages St. Lawrence County citizens to reaffirm commitments to the rights and obligations of citizenship of the United States of America.

Mr. Acres moved to adopt Resolution No. 343-2019, seconded by Mr. Forsythe, Ms. Curran, Ms. Terminelli, and Mr. Leader, and carried unanimously by a voice vote with fifteen (15) yes votes.

September 9, 2019

Services Committee: 8-12-2019

RESOLUTION NO. 344-2019

**SETTING A DATE FOR A PUBLIC HEARING ON PROPOSED LOCAL LAW A (NO.)
FOR THE YEAR 2019, "SANITARY CODE OF THE ST. LAWRENCE COUNTY
PUBLIC HEALTH DEPARTMENT"**

By Mr. Sheridan, Chair, Services Committee

WHEREAS, proposed Local Law A (No.) for the Year 2019 will establish a Sanitary Code for St. Lawrence County, and

WHEREAS, the law requires that Local Law adoption be preceded by a public hearing,

NOW, THEREFORE, BE IT RESOLVED that a public hearing on proposed Local Law A (No.) for the Year 2019 will be held on Monday, October 7, 2019 at 5:50 pm in the Legislative Chambers.

**PROPOSED LOCAL LAW A (NO.) FOR THE YEAR 2019, "SANITARY CODE OF
THE ST. LAWRENCE COUNTY PUBLIC HEALTH DEPARTMENT"**

Section 1. SHORT TITLE, GENERAL DEFINITIONS, GENERAL PROVISIONS

A. Short Title:

The rules and regulations herein contained together with any and all amendments thereto shall constitute and comprise the Sanitary Code of the St. Lawrence County Health Department and be known and may be cited as the St. Lawrence County Sanitary Code.

B. General Definitions:

Whenever used in this Sanitary Code, unless otherwise expressly stated or unless the context or subject matter requires a different meaning, the following terms shall have the respective meanings hereafter set forth or indicated:

Board shall mean the Board of Health of St. Lawrence County.

Code shall mean the St. Lawrence County Sanitary Code.

County shall mean the County of St. Lawrence.

Department shall mean the Department of Health of the St. Lawrence County Health District.

Director shall mean the Director of Public Health of the St. Lawrence County Health

September 9, 2019

Department or his/her duly authorized representative.

Health District shall mean the St. Lawrence County Health District (the area of St. Lawrence County) established pursuant to the provisions of Section 340 of the Public Health Law.

Municipality shall mean a city, town, village or special district located within St. Lawrence County.

Permit shall mean a written license and/or an authorization to carry on a specified activity or activities as regulated by the St. Lawrence County Sanitary Code, the New York State Sanitary Code, or the New York State Public Health Law, and includes any written approval issued by the Director.

Permit Application Fee shall mean the monetary fees to cover a portion of the cost of issuing the permit.

Permittee shall mean a person who holds a valid permit issued by the Director.

Person shall mean an individual, group of individuals, partnership, firm, corporation, association, county, city, town, or village or improvement district, and include the plural as well as the singular.

Public Place shall mean any place or premises, wherein the general public is or may be invited, regardless of whether or not such place is owned, maintained or operated by a private organization or agency, but shall not be construed as conferring jurisdiction over a state or federal agency.

Sanitary Code shall mean and comprise the rules and regulations now or hereafter formulated, promulgated and adopted by the Board of Health of the St. Lawrence County Health District pursuant to Section 347 of the Public Health Law.

State shall mean the State of New York.

State Sanitary Code shall mean the rules and regulations promulgated by the Public Health Council of the State of New York and designated as the State Sanitary Code.

C. Applicability and Legal Effect:

1. The provisions of the Sanitary Code shall be in force throughout St. Lawrence County.
2. The provisions of the Sanitary Code shall have the force and effect of law.
3. The St. Lawrence County Sanitary Code shall be supplemental to the State Public Health Law, the State Sanitary Code and other New York State laws, and shall supersede all local ordinances heretofore or hereafter enacted or promulgated which are inconsistent with the provisions of this Code.

4. It shall be the duty of the Board and the Director to enforce every provision of the Sanitary Code.

5. Nothing herein contained shall be construed to restrict the power of any city, town or village to adopt and enforce additional or existing ordinances relating to health and sanitation, provided that such ordinances are not inconsistent with the provisions of the New York State Public Health Law or the State Sanitary Code.

D. Legal Presumptions; Evidence, Reports as Evidence:

1. As provided by the Public Health Law, certified copies of the Sanitary Code shall be received in evidence in all courts and proceedings in the state.

2. As provided by the Public Health Law, every rule, regulation, order and direction adopted by the Board shall state the date on which it takes effect and a copy thereof signed by the Director shall be filed as a public record in the Department, in the State Department of Health and in the office of the St. Lawrence County Clerk and shall be published in such manner as the Board may from time to time determine. No such rule, regulation, or order of direction shall be effective prior to filing as a public record in the New York State Department of Health.

3. As provided by the Public Health Law, the written reports of state and local health officers, inspectors, code enforcement officers, law enforcement officers, environmental conservation officers, investigators, nurses and other representatives of state and local health officers on questions of fact pertaining to, concerning or arising under and in connection with complaints, alleged violations, investigations, proceedings, action, authority and orders related to the enforcement of the Sanitary Code, the Public Health Law, the State Sanitary Code or any local health regulation shall be presumptive evidence of the facts so stated therein, and shall be received as such in all courts and places.

E. Construction:

1. This Sanitary Code is intended to be consistent with applicable federal and state law and shall be construed, whenever necessary, to achieve such consistency.

2. This Sanitary Code shall be liberally construed for the protection of health and safety in the Health District.

F. Severability of Provision:

1. In the event that any provision of this Sanitary Code is declared unconstitutional or invalid, or the application thereof to any person or circumstance is held invalid, the applicability of such provision to other persons and circumstances and the constitutionality or validity of every other provision of the Sanitary Code shall not be affected thereby.

Section 2. ADMINISTRATION AND ENFORCEMENT

A. The Board of Health; Officers and Meetings:

1. The purpose of the St. Lawrence County Board of Health is to prevent disease and untimely death, and to promote good health within the county. This is accomplished through an organized effort and the coordination with community agencies, private physicians, and other health care providers.

2. Members of the Board of Health of St. Lawrence County shall be appointed by the County Board of Legislators. The members of the Board of Health serve at the pleasure of the County Board of Legislators. The County Board of Legislators shall select one of the legislators to serve as a voting member on the Board of Health. The Board of Health shall have not less than seven (7) and not more than eight (8) voting members. Three of the members shall be physicians.

- a) The voting members of the Board of Health shall be appointed for six (6) year terms, and they are eligible to be re-appointed for an indefinite number of consecutive terms. To preserve continuity, the terms of the voting members shall be staggered.

3. Annually the Board of Health shall elect a President and Vice-President for a term of one (1) year and shall designate the County Public Health Director to act as its Secretary. At least one of the two elected officers must be a physician in accordance with Public Health Law. The election shall take place at the July annual meeting. The term of office shall be from one annual meeting until the next or until new officers take office. No member may hold a given office for more than two consecutive terms. The President shall preside at all meetings of the Board of Health and shall be its official

head. The Vice-President shall assist the President in the performance of his/her duties and substitute during his/her absence. The Secretary shall be the custodian of all official records and correspondence and see that an adequate record of activities is kept.

4. The Board of Health shall meet at 6:00 pm on the 3rd Tuesday of each month at the St. Lawrence County Human Services Center in Canton, New York. The President of the Board may schedule special meetings for urgent matters requiring the action of the Board of Health with at least 24 hours prior notice to each member. An annual meeting shall be held during the month of July each year.

- a) A quorum shall be the presence of at least half (1/2) of the voting members of the Board.
- b) A designated staff person shall record minutes of each Board of Health meeting and shall include a record of attendance. After approval of the minutes, they shall be kept on file at the Department of Health.
- c) Members of the public may provide public comment at a Board of Health meeting for a maximum of two (2) minutes per person. The total time allotted for public comments at a Board of Health meeting shall be limited to thirty (30) minutes.

September 9, 2019

5. The Board of Health shall be vested with the powers and duties as set forth in Article III of the New York State Public Health Law and such other articles as may be applicable.

- a) Annually the Board of Health shall direct the Public Health Director to submit to the St. Lawrence County Administrator an estimate of expenditures and revenues for the following year as required by law.
- b) The members shall serve on a committee for a special purpose when appointed by the President of the Board.
- c) The Board of Health shall require an annual report of expenditures by the St. Lawrence County Department of Health from the Public Health Director.
- d) The Board of Health may adopt or revise the St. Lawrence County Sanitary Code in accordance with the New York State Public Health Law.
- e) The Board of Health may direct the Public Health Director to prepare subpoenas to compel the attendance of witnesses at hearings concerning violations of the Public Health Law, the New York State, or the St. Lawrence County Sanitary Code. The Board of Health may appoint a hearing officer to hold hearings and prepare findings for submission to the Board of Health for a decision concerning penalties that may be imposed, or to issue orders concerning the preservation of health and safety in St. Lawrence County.
- f) The Board of Health may appoint a Professional Advisory Committee to review and advise concerning health care service delivery policies and quality of care for the Home Health Agency.

6. The Board of Health shall appoint a Public Health Director, qualified in accordance with the NYCRR Volume 10 (A) 11.180, to administer the public health programs for the County of St. Lawrence under the direction of the St. Lawrence County Board of Health.

When a Public Health Director is appointed, arrangements for medical consultation will be made subject to the approval of the New York State Health Department.

- a) The Public Health Director may recommend contracts for provisions of therapeutic services subject to approval by the St. Lawrence County Administrator and Board of Legislators.
- b) The Public Health Director shall employ and supervise the personnel of the St. Lawrence County Health Department subject to the approval of the Board of Health and the County Administrator. He/she is responsible for enforcement of the St. Lawrence County Sanitary Code as well as the New York State Sanitary Code and Public Health Law. He/she is responsible for sanitary surveillance, public health promotion, and distribution of information about disease prevention. He/she must secure prompt reporting of communicable diseases as well as birth and death registrations. He/she is required to report the annual expenditures of the Department of Health to the County Administrator. He/she shall also serve as chairperson on the County's Public Health Emergency Preparedness Committee and oversee planning and response for public health emergencies including communicable disease and terrorism events.

September 9, 2019

7. These bylaws shall be reviewed and/or revised by the Board of Health annually.
 - a) Changes to the bylaws require written notification to the voting members at least one (1) week before a meeting of the Board of Health, and approval of the changes requires at least a two-thirds (2/3) majority vote for adoption at the meeting.

B. The Board and Director; Quasi-Judicial Powers:

1. As provided by the Public Health Law, the Board or the Director may:
 - a) Issue subpoenas which shall be regulated by the civil practice laws and rules;
 - b) Compel the attendance of witnesses;
 - c) Administer oaths to witnesses and compel them to testify;
 - d) Designate, by resolution, one of its members to sign and issue subpoenas;
 - e) Appoint one or more Hearing Officers as shall be necessary to carry out its functions and duties. The Hearing Officer shall have the same powers possessed by the Board to hold hearings and shall make findings of fact and recommendations to the Board;
 - f) Issue warrants to any peace officer of any municipality in the County to apprehend and remove such person or persons subject to its orders or regulations; it shall be necessary to do so;
 - g) Prescribe and impose penalties for the violation of, or failure to comply with any provision of the Sanitary Code, of the provisions of the State Sanitary Code as provided for in Article 2.0, to be sued for, and recovered by it in any court of competent jurisdiction;
 - h) Make such orders and regulations as may be deemed necessary for the suppression of nuisances or other matters in its judgment is detrimental to public health; and to publish or post same in any such manner deemed appropriate; and,
 - i) Maintain actions in any court of competent jurisdiction to restrain by injunction violators of their orders, rules and regulation of the Board, or otherwise to enforce such orders and regulations.

C. Director; General Powers:

1. As provided by the Public Health Law, the Director shall:
 - a) Promote the spread of information as to the cause, nature and prevention of prevalent diseases, and the preservation and improvement of health;
 - b) Take such steps as may be necessary to secure prompt and complete reports by physicians of reportable diseases;
 - c) Attend conferences called by the State Commissioner of Health or his/her authorized representatives; and,
 - d) Enforce within the Health District the provisions of the Public Health Law, State Sanitary Code, and Sanitary Code.
 - e) Appoint an officer or employee of the Department to exercise any of the above referenced powers or actions.

D. Filing a Public Health Nuisance Complaint:

1. The St. Lawrence County Public Health Department will make every effort to resolve public health complaints and Public Health Nuisances that fall within its authority. The Board of Health needs citizen participation to assist in the prevention and elimination of hazards to the public health. Both St. Lawrence County Board of Health and citizens have a responsibility in this effort to maintain a healthy environment. The Public Health Nuisance complaint process can be a vital part of this effort when it is used appropriately.
2. A concerned citizen should take the following two steps prior to filing a formal complaint with the Public Health Department:
 - a) Ask if the complaint condition is health related. The enforcement ability of Public Health is limited to conditions which threaten the public health. A condition may certainly be a nuisance to you, but it may not be a public health nuisance. See further articles to determine if the condition is covered under the county regulation.
 - b) Address your concerns to the offending party, and try to work out a solution directly. If you attempt to resolve the problem this way, but are unsuccessful, then it may be appropriate to file a complaint using the appropriate complaint form.
3. A complaint must be submitted in writing before it can be investigated. Citizen complaints are not accepted over the phone. The only exceptions are emergency situations such as a total loss of heat in a rental unit during freezing conditions, and a significant fuel or chemical spill. If a fuel or chemical spill occurs, call 911 immediately.
4. The complaint form (Appendix A) should be filled out in full with directions to the property and the details of the complaint conditions. The complaint must be signed, and an address and daytime phone number provided. It is important that the inspecting sanitarian be able to contact the complainant if more information is needed. Signed complaints will be given priority. Anonymous complaints will be investigated when time is available. Please complete, sign, date and mail to the Public Health Department at the noted address.
5. If you have concerns about signing the form, or becoming identified by a public records request honorable by law, contact a trustee in your township to file the complaint. Options to investigate, legally enter property and fully resolve are severely limited by anonymous complaints. Contact information must be provided to actively investigate actionable complaints.
6. Complaints are generally investigated in the order in which they are received. Turnaround time is usually a week to ten days, but may be less, depending on the number of complaints received.
7. Once a Public Health Nuisance complaint is filed with our office it becomes a public record. Anyone may obtain a copy of a complaint file upon request.

E. Inspections; General:

1. During their regular business hours, the Director may inspect any premises, matter, or thing, subject to the provisions of this Sanitary Code and the State Sanitary Code.
2. The authorized representatives of the Department may, during their business hours, inspect any record required to be kept pursuant to the Public Health Law, State Sanitary Code, or the Sanitary Code.

F. Inspections; Interference:

1. No person shall interfere with, obstruct or refuse to allow an employee or authorized representative of the Department to enter upon and inspect any premises, place or thing within the jurisdiction of the Department, in the discharge of his/her official duties or Department business.
2. No person shall interfere with, obstruct, harass, molest, resist, or refuse to cooperate with any representative of the Department in the discharge of his/her official duties.

G. Inspection; Taking Samples:

1. The Director may take and remove any substance or thing or any necessary part or portion thereof from any premise or place as a sample for investigation or evidence when in the opinion of such representative such substance or thing may be dangerous or detrimental to public health.

H. Notices; Postings:

1. Notices shall be in the English Language, provided, however, if the Department is of the opinion that the person or persons to whom a required warning, notice or instructional sign is addressed may not understand the English Language, the Department may require that such warning, notice or sign shall appear legibly both in English and other designated languages.
2. No person shall remove, mutilate, conceal, obstruct or tear down any notice or placard of the Department posted in or on any premises or public place without written permission of the Director or his/her designee.

I. Service of Notice:

1. Unless otherwise expressly provided by the Public Health Law, by any other provision of this Sanitary Code, or by the State Sanitary Code, service of Notice of Hearings shall be made in the manner prescribed for personal service of a summons as set forth in the New York State Civil Practice Law and Rules or by registered or certified mail. If service is to be made upon an infant, incompetent, partnership, corporation, governmental subdivision, board or commission, it shall be made upon the person or persons designated to receive personal service pursuant to Article Three of the New York State Civil Practice Law and Rules.

September 9, 2019

J. Enforcement Office Conferences:

1. The Director or his/her designee may conduct an office conference to address, rectify, and/or correct any application, complaint, circumstances or alleged violation of this Sanitary Code or the State Sanitary Code.
2. Such conference shall be scheduled for a specific date and time, with adequate notice provided to the person or persons concerned. The Respondent may attend any such conference with legal representation, in their discretion and at their expense.
3. Notice for such conference shall set forth the date and time and place of the conference; the name of the person or persons concerned; the purpose of the conference; and general specification with reference to the particular provisions of this Sanitary Code, State Sanitary Code, Public Health Law or other health law or rule or regulation involved, if any.
4. On the day of the conference, the Director or his/her designee shall note the names and addresses of the persons appearing at such conference and shall thereafter proceed with the business of the conference.
5. Nothing herein contained shall preclude the Department from taking any action which may be deemed appropriate or advisable in the circumstances, other than conducting such conference.
6. The person who conducted the conference shall make and file a report with the Board of Health.
7. Subsequent to the office conference, the Director may do one of the following:
 - a) Enter into a stipulation with the person(s) concerned, which shall be reviewed by the Board of Health and with Board of Health final approval, shall become a final order.
 - b) Set the matter down for a formal hearing.
 - c) Direct that any other action shall be taken as authorized by law or this Sanitary Code.

K. Hearings:

1. The Board or the Director may move to hold a formal hearing on any application, complaint, circumstance, or alleged violation of the Public Health Law, Sanitary Code and any other rule, regulation or code under jurisdiction of the Department. For purposes of such hearing, the Board or Director shall appoint a Hearing Officer, who shall be an attorney licensed in New York State.
2. Unless otherwise provided in the Public Health Law or Sanitary Code, such hearings shall be on at least fifteen (15) days' notice to the person or persons concerned.

3. The Notice of Hearing shall set forth:
 - a) The time and place of the hearing;
 - b) The purpose of the hearing;
 - c) Charges and violations complained of, if any, with specific reference to the provisions and section of the Public Health Law, State Sanitary Code, and the Sanitary Code involved;
 - d) The right to present evidence;
 - e) The right to examine and cross-examine witnesses; and
 - f) The right to be represented by counsel

4. Witnesses shall be sworn in and testimony shall be recorded or transcribed by a certified court stenographer or transcriptionist. The copy of audio or digital recording of the hearing shall be provided within a reasonable time after the conclusion of the hearing, if requested by the hearing officer, the respondent or representative of the Department. The Director may employ the use of a Court stenographer or transcriptionist, with the cost for such being borne by the Department.

5. On the return day of the hearing, the Hearing Officer shall note the appearances of the persons attending the hearing. All witnesses shall be sworn and testimony shall be recorded and/or transcribed.

6. The Hearing Officer shall thereafter recommend proposed findings of fact and conclusions, thereafter, the Board or the Director shall make a formal order, setting forth the determination, conditions, if any, to be complied with, and penalties, if any.

7. The order provided for in Article 2.J.6 shall be maintained in the Department and a copy thereof shall be served on all respondents.

8. Nothing herein contained shall preclude the Department from taking any other action, as may be prescribed by law, nor shall the Department be precluded from taking such other action by virtue of the order made pursuant to this section.

L. Hearings; Appearances:

1. At any hearing conducted pursuant to this code, any party to the proceedings may appear personally with or without counsel and shall be given the opportunity to present evidence and to examine and to cross-examine witnesses. All appearances shall be noted on the official record of hearings.

2. At any hearing conducted pursuant to this code, if a party shall appear without counsel, the Hearing Officer shall advise such party of his/her right to obtain counsel and their sole expense; and that if he/she desires to proceed without counsel, that he/she may call witnesses, cross-examine witnesses, and produce evidence in his/her behalf.

M. Investigations; Hearings; Adjournments:

1. The Hearing Officer may grant adjournments upon request of any party to the proceedings, provided that an adjournment shall not be for an indefinite period of time, but shall be set down for a certain day.
2. If any adjournment is requested in advance of the hearing date, such request shall be submitted to the Hearing Officer, in writing, and shall specify the reason for such request.
3. In considering an application for adjournment of a hearing, the Hearing Officer shall consider whether the purpose of the hearing will be affected or defeated by the granting of such adjournment. Further, the Hearing Officer shall consider whether the allegations involve any imminent public health or safety concerns.

N. Investigations; Hearings; Subpoenas:

1. The Hearing Officer or the Director may issue subpoenas upon request of any party to the proceedings of any hearing.

O. Investigations; Hearings; Procedures:

1. The Hearing Officer shall not be bound by the formal rules of evidence in the conduct of a hearing, but the determination shall be founded upon sufficient legal evidence to sustain it.
2. Upon the conclusion of a hearing, the Board or the Director shall take such action as it deems proper, and shall execute an order setting forth its findings and determinations.
3. The action of the Board or the Director may include the assessment of civil penalties as provided by law or this code.
4. An order of suspension or revocation of any permit or license may contain such provisions as to renewal or reinstatement as the Board or the Director shall direct.
5. The Board alone may direct a rehearing or require the taking of additional evidence, and may rescind or affirm a prior determination after such rehearing.
6. The minutes of a formal hearing shall be made available to all parties for examination at the office of the Department. Copies of the transcript of the hearing may be obtained at the Department's current rate for copying of records.

P. Post-Hearing Procedures:

1. The Director shall serve upon the respondent(s) copies of findings of fact, conclusions and orders made as a result of a formal hearing.

September 9, 2019

2. Service of findings of fact, conclusions and order(s) shall be made in the manner prescribed for the service of Notice of Hearings.

3. The Director, without notice, may order service of notice by any means reasonably determined to give notice to the person or entity if service, after due diligence, cannot be made in a prescribed method as set forth in the CPLR of the State of New York.

Q. County Code Enforcement: Violations; Criminal Penalties:

1. As provided by Section 348 of the Public Health Law, the provisions of this code shall have the force and effect of law and any non-conformance or non-compliance with any provision thereof shall constitute a violation punishable on conviction by a fine not exceeding two hundred fifty dollars (\$250.00), and/or by a term of imprisonment not exceeding fifteen (15) days for a first offense and for a second or subsequent offense a fine not exceeding five hundred dollars (\$500.00) and/or a term of imprisonment for not exceeding fifteen (15) days.

R. State Sanitary Code, Violation, Penalties:

1. As provided by Section 229 of the Public Health Law, the provisions of the State Sanitary Code shall have the force and effect of law and the non-compliance or non-conformance with any provision thereof shall constitute a violation punishable on conviction for a first offense by a fine not exceeding two hundred fifty dollars (\$250.00), and/or by a term of imprisonment not exceeding fifteen (15) days, and for a second or subsequent offense by a fine not exceeding five hundred dollars (\$500.00) or by a term of imprisonment not exceeding fifteen (15) days.

S. Willful Violation of Health Laws:

1. As provided by Section 12-b of the Public Health Law, a person who willfully violates or refuses or omits to comply with any lawful order or regulation prescribed by the Board or Director, is guilty of a misdemeanor; except, however, that where such order or regulation applies to a tenant with respect to his/her own dwelling unit or to an owner occupied one (1) or two (2) family dwelling unit, such person is guilty of an offense for the first violation punishable by a fine not to exceed fifty dollars (\$50) and for a second or subsequent violation is guilty of a misdemeanor punishable by a fine not to exceed one hundred dollars (\$100) or by imprisonment not to exceed six (6) months or by both such fine and imprisonment.

2. A person who willfully violates any provision of this chapter, or any regulation lawfully made or established by any public officer or board under authority of this chapter, the punishment for violating which is not otherwise prescribed by this chapter or any other law is punishable by imprisonment not exceeding one year or by a fine not exceeding two thousand (\$2,000) dollars or by both.

T. Separate Violation:

1. Each day or part of a day on which the violation occurs shall constitute a separate violation.

U. Violation of Public Health Laws or Regulations; Penalties and Injunctions:

1. As provided by Section 12 of the Public Health Law, any person who violates, disobeys or disregards any term or provision of the Public Health Law, Sanitary Code, any order of the Board or of any lawful notice, order or regulation pursuant thereto for which a civil penalty is not otherwise expressly prescribed by law, shall be liable to the County for a civil penalty not to exceed one thousand dollars (\$1000) for every such violation.

2. The penalty provided for in subdivision one (1) of this section may be recovered by an action brought by the Board or Director in any court of competent jurisdiction.

3. Nothing in this section contained shall be construed to alter or repeal any existing provisions of the law declaring such violations or any of them to be misdemeanors or felonies or prescribing the penalty therefore.

V. Enforcement; Violations, other than by Prosecution:

1. The Department may seek to obtain the voluntary compliance with this code by way of notice, warning or educational means.

2. This Section shall not be construed to require that such non-compulsory methods must be employed or attempted before proceedings by way of compulsory or other legally prescribed procedures.

W. Permits and Licenses; Operation with Permit:

1. The Director shall have the authority and power to order the cessation of operations or construction of any business, establishment, or facility required by the code to obtain a permit.

2. The Director may employ the assistance of law enforcement officers and other officials as provided by the provisions of the Public Health Law and other applicable statutes and rules and regulations to enforce the order herein provided for.

3. The owner or operator of any business, establishment, or facility closed or directed to cease operation or construction pursuant to this section shall be entitled to a hearing to be held within a reasonable time if the owner or operator of the facility requests a hearing, in writing, within ten (10) days of the order of the Director.

X. Duty to Comply:

1. Compliance with the regulation or any portion thereof shall not relieve any person of the duty comply with other municipal, State, or Federal Laws and regulations.

Section 3. PERMITS AND LICENSES

A. Permits and Licenses; Applications:

1. Application for a permit or the renewal of a permit shall be made on forms furnished by the Department and shall contain all information called for by said forms and include the required application fees (Appendix B).
2. Application for a permit or for the renewal of a permit shall be accompanied by such other information, evidence or documentation as the Department may require or as may be provided by the code.
3. A permit issued to a particular person, or for a designated place, purpose, or vehicle, shall not be valid for use by any other person, or for any other place, purpose or vehicle than that designated therein. Such permits or written approvals may contain general and specific conditions and every person who shall have obtained a permit or written approval, as herein required, shall conform to the conditions prescribed in said permit or written approval, and to the provisions of the Code.
4. In addition to the information specifically required to be submitted to the Department, or if no specific information is required for certain permits, the Department shall require the following information:
 - a) The name, residence and business address of the applicant; and, if the applicant is a partnership or group, the name of each partner or member and, if the applicant is a corporation, the name of each officer and director(s) of the corporation;
 - b) Information concerning the applicant, its individual members or officers, relating to education, training or experience, moral character, physical health, and history of prior criminal conviction, including violations and offenses, other than motor vehicle offenses, and record of insolvency or bankruptcy;
 - c) Proof of compliance with the New York State Workers' Compensation Laws;
 - d) The ability of the applicant, or of its individual members or officers, to read and write English or provide an interpreter;
 - e) For the initial permit application, a written official document or a statement issued by the appropriate municipal authority having jurisdiction and concern with the zoning laws, ordinances, or regulations of the municipality in the operation, facility, premises, or use for the permit is sought stating that the operation, facility, activity, premises or use, if permitted, will not violate any existing zoning law, ordinance or regulation of such municipality;

September 9, 2019

- f) Application for a permit or for the renewal of a permit shall be accompanied by such other information, evidence or documentation as the Department may require, or as may be otherwise provided by the code.
5. Application for a permit or for the renewal of a permit shall be made by and signed by:
- a) In the case of an individual who is to be the permittee, by the individual or his/her representative duly authorized in writing; or,
 - b) In the case of a partnership, by a general partner or a representative of the partnership duly authorized in writing; or,
 - c) In the case of an unincorporated association or group, by an officer or representative duly authorized in writing of the association or group authorizing the making of such application; or, corporation, who shall submit a certified copy of a resolution of the board of directors of the corporation, authorizing the making of such application and designating the duly authorized officer or representative to act on behalf of the corporation;
 - d) In the case of a municipality, other than the county, by the executive officer or representative duly authorized in writing.
6. Every individual application for a permit or for renewal of a permit shall be eighteen (18) years of age or over; and, in the case of a partnership application, the partner signing the application shall be eighteen (18) years of age or over.
7. Application for a permit or for renewal of a permit shall constitute an agreement that the permittee assumes responsibility for the operation, conduct and maintenance of the activity authorized by the permit, in accordance with the provisions of the Sanitary Code and the conditions required by the permit, and to inspections pertaining thereto.
8. Application for a permit or for renewal of a permit shall constitute consent to fully inspect and investigate the premises including but not limited to: the collection and analysis of samples, testing, photographing and/or videotaping, and interviewing.

B. Permit Applications; Fees:

- 1. The fees as adopted by the Board for various permits must be paid at the time of application for the permit.
- 2. Application for a permit or for the renewal of a permit shall be accompanied by all outstanding fees and/or previous violation fines, as relating to prior County Sanitary Code enforcement actions levied against the specific facility owner making application for a permit.
- 3. The Director may also establish and charge reasonable fees for the filing in his/her office of required reports, plans or necessary documents.

C. Permits and Licenses; Posting; Expiration:

1. Every permit shall expire on the date stated on the permit and may only be extended by the Department, in writing, for a specified limited time not to exceed sixty (60) days.
2. Every permittee shall apply for a renewal of a permit no later than sixty (60) days prior to the expiration date of such permit unless otherwise required by this code, the State Sanitary Code, or the Public Health Law.
3. It is the responsibility of the permittee to contact the Department for necessary forms for the renewal of permit.
4. A permittee shall comply with the conditions contained in the permit and the provisions and requirements of this code, the Department, the State Sanitary Code, and the Public Health Law under which such permit was issued.
5. Every permit shall be kept on the premises designated or covered by the permit and shall be posted in a conspicuous place on such premises in such manner as to be clearly visible to the public. It shall be available for inspection at all times by the Department.
6. Permits shall remain the property of the Department and shall be surrendered to a duly authorized representative of the Department on demand upon the expiration thereof or when suspended or revoked as herein provided.

D. Permits and Licenses; Not Transferable:

1. Any attempted or purported transfer of a permit to a person not designated as the permittee therein, or for a purpose or place or vehicle not authorized by such permit, shall be cause to revoke such permit.
2. In the event of a reorganization of a permitted entity, the Department may approve, in writing, the continuation of an activity authorized by a permit provided that such change of organization has been duly recorded with the Department within ten (10) days after such change of organization and the Department receives acceptable proof that the reorganized entity is the legal successor to the permitted entity.
3. In the event that the facility is transferred to new ownership and/or operator, if applicable, the owner/operator must improve the facility to meet all applicable current codes prior to this Department issuing a permit.

E. Permits and Licenses; Suspension and Revocation:

1. The Board may suspend or revoke a permit for violation or non-conformance with the conditions or requirements of the permit or provisions of the code under which such permit was issued.

2. The Board may suspend or revoke a permit for cause after due notice and hearing.

F. Permits and Licenses; Refusal to Issue:

1. Except as may be otherwise provided in the Public Health Law or the State Sanitary Code:
 - a) The Department may refuse to issue a permit or a renewal thereof when the application is incomplete or not accompanied by the required fee, if any;
 - b) The Department may refuse to issue a permit or renewal thereof when the applicant fails to provide information required by the Department;
 - c) The Department may refuse to issue a permit or renewal thereof if the application or investigation thereof indicates to the Department that the activity, operation or premises to be covered by the permit applied for does not meet the requirements of the code or other provisions of law; or that the maintenance, conduct or operation of such activity, operation or premises does not meet the requirements or provisions of the law or may result in a public health hazard or in a condition which may be dangerous or harmful to health and life;
2. Except upon the express written authorization of the Board, no permit shall be issued to a person who previously had a permit revoked, within the preceding six (6) months, nor to a person who was an officer, director, owner or operator of an entity whose permit was revoked within the preceding six (6) months;
3. Approval of an application for a permit shall be denied for any sufficient or competent reason, including but not limited to any of the following:
 - a) The proposed construction, location, purpose, business or other act is in violation of the provisions of the Public Health Law, the State Sanitary Code, this code or any local municipal law, ordinance or regulation;
 - b) Inaccurate, incomplete, false or misleading information stated in the application, including any plans or other data submitted in support thereof;
 - c) Failure of the applicant to demonstrate competency to perform to the satisfaction of the Department;
 - d) Conviction in a court of competent jurisdiction of a violation of the Public Health Law, the State Sanitary Code, this code, or any local municipal law, ordinance or regulation within the preceding six (6) months; provided, however, that the Board may waive the application of this provision upon evidence satisfactory to the Board that the convictions are not likely to be repeated, or for other good and substantial reason or reasons;
 - e) Failure to correct any existing violations or deficiencies pertaining to any particular place, vehicle or business after service of written notice thereof, whether or not related to the pending application.
4. Notwithstanding any other provision of this Code to the contrary, the Department shall not issue or renew any permit required under this Code to any person who has an outstanding and/or overdue fee, fine and/or unpaid civil penalty imposed by the Department pursuant to provisions of State Public Health Law, State Sanitary Code or the

St. Lawrence County Sanitary Code.

G. Permits and Licenses; Denial: Suspension, Revocation; Forfeiture; Effective Date:

1. Except as may otherwise be ordered by the Board or by the Director, the denial of a permit or certificate of approval or the suspension or revocation of a permit or certificate of approval, shall become final upon notice thereof to the applicant or permittee concerned.
2. Service of a notice of denial or refusal to issue a permit or certificate of renewal shall be made in the manner provided in the code (Article 2.H) for the service of a notice of hearing.
3. A permit or written approval shall terminate upon service of a written notice from the Department and hearing and be considered forfeit and shall become null and void under any of the following circumstances:
 - a) That the process of construction or the operation involved reveals conditions otherwise than as indicated in the approved plans and application; or
 - b) That the construction or operation involved is in violation of any ordinance or regulation of any duly constituted government authority or any political subdivision thereof; or
 - c) That the construction or operation involved is otherwise than in accordance with standards, rules, and regulations pertaining to such construction or the conditions of a permit or written approval issued pursuant to the provisions of the Public Health Law, the State Sanitary Code, or this Code; or
 - d) That no action has been taken under such permit or written approval within the period specified in the permit or if no period is specified, within a period of one (1) year following the date of issuance thereof, or within a period beyond which the purpose, need or usefulness of the permit or written approval no longer exists, whichever is shorter.

H. Permits and Licenses; Denial Appeal:

1. Unless otherwise provided in the Public Health Law or State Sanitary Code, whenever the Department refuses to issue a permit or a renewal thereof or a certificate of approval and no hearing has been had in the matter, the applicant may appeal such action to the Director or Board by serving a notice of appeal in writing on the Department addressed to the Director or to the Board within ten (10) days following the service of notice of denial or refusal to issue the permit.
2. The Notice of Appeal shall set forth in detail the basis for the appeal and shall contain:
 - a) The full name of the applicant, permittee or party affected;

September 9, 2019

- b) The type of permit or certificate of approval for which the application was made or the nature of the action complained of;
- c) The place of business listed in the application to which the appeal relates;
- d) The statement that the applicant or permittee or other party affected appeals to the Board to review the action of the Department; and
- e) The signature of the applicant, permittee or party affected, or if the permittee or party affected is not the individual signature and title of a party or other individual of the partnership or group, or of an officer of a corporate applicant permittee or party affected.

3. Unless otherwise provided in the Public Health Law, within ten (10) days following service of the notice of appeal, the applicant, permittee or party affected shall submit a memorandum addressed to the Director or to the Board containing his/her objection to the action of the Department.

4. The Board may, without hearing, reverse, modify or affirm the action of the Department or may require a hearing upon notice as provided in Article 2 of this code.

I. Operation without a Permit:

1. The Board or Director may issue a written notice to be served upon the person or permittee involved, or upon any person connected with or working in or about an operation to cease the operation, whereupon the operation shall immediately cease, under the following circumstances:

- a) The process of the operation involved reveals conditions otherwise than as indicated in the approved plans and application, and permits as issued; or
- b) The operation involved is in violation of any ordinance or regulation of any duly constituted government authority or any political subdivision; or
- c) The operation involved is otherwise than in accordance with standards, rules and regulations pertaining to the condition of a permit or written approval issued pursuant to the provisions of the Public Health Law, the Environmental Conservation Law within the jurisdiction of the Department, the State Sanitary Code or this Code.

J. Service of Notice:

1. Service of the written notice shall be made in the manner prescribed in Article 2.H for the service of notice of hearings.

Section 4: GENERAL SANITATION

A. Definitions:

Container shall mean any device in which material is stored, transported, treated, disposed of, or otherwise handled.

Garbage shall mean putrescible solid waste, including animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking or serving of foods. Garbage originates primarily in home kitchens, stores, markets, restaurants and other places where food is stored, prepared or served.

Hazardous Material shall mean a material or combination of materials which, because of its quantity, concentration, use, physical, chemical, infectious, or radiological characteristics and/or effects, constitute a nuisance or public health hazard.

Hazardous Waste shall mean a waste or combination of wastes which, because of its quantity, concentration, or physical, chemical, infectious, or radiological characteristics and/or effects, may constitute a nuisance or public health hazard.

Public Health Nuisance shall mean any activity or failure to act that adversely affects Public Health.

Offensive Material shall mean any, garbage, refuse, rubbish, hazardous material, hazardous waste, septage, sewage sludge, sludge, stabilized sludge or any substance or liquid dangerous or detrimental to health.

Person shall mean any individual, firm, public or private corporation, association, partnership, institution, political subdivision, government agency, public body, joint stock association, trust, estate, or other group of individuals or combination of the foregoing, or any legal entity whatsoever, and includes the plural as well as the singular.

Public Health Hazard shall mean a condition, potential condition, event or sequence of events, deemed by the Director, which may impact or threaten the health of the public.

Refuse shall mean all waste material including, but not limited to; incinerator residue, street sweepings, blood, fecal matter, manure, dead animals and offal.

Rubbish shall mean solid or liquid waste material including, but limited to, paper and paper products, rags, furniture, cans, crockery, plastic cartons, plastics, chemicals, paint, greases, sludges, oils and some petroleum products, wood, demolition materials, and tires.

Septage shall mean the contents of a privy, septic tank, cesspool, chemical toilet, either liquid or solid state or other individual sewage treatment facility which receives domestic sewage wastes.

Sewage Sludge shall mean the accumulated semisolid suspension of solids deposited from waste waters.

Sludge shall mean any solid, semisolid or liquid waste generated from a municipal, commercial or industrial waste water treatment plant, water supply treatment plant or air pollution control facility. Sludge does not include the treated effluent from a wastewater treatment plant.

September 9, 2019

Stabilized Sludge shall mean sludge that has been treated by a process to reduce putrescibility, significantly reduce pathogenic organisms, and except for lime stabilization, reduce the volatile solids content. Acceptable stabilization processes are defined in 40 CFR Part 257, U.S. Environmental Protection Agency, Code of Federal Regulations.

Vehicle shall mean any motor vehicle, water vessel, railroad car, airplane, or other means of transporting offensive material, including hazardous waste.

B. Removal and Transportation

1. No person shall remove or transport or permit the removal or transportation of any offensive material, garbage, hazardous material, hazardous waste, refuse, septage, sewage sludge, sludge or stabilized sludge except in such a manner and in or by such conveyance as will prevent the creation of a nuisance or the loss or discharge of such material. All such material shall be so handled, covered, or treated that it cannot be released, leached or migrated or be accessible to rodents, flies, or other insects or create a nuisance. All vehicles and implements used in connection therewith shall be kept in a non-offensive and sanitary condition and when not in use shall be stored or kept as to not create a nuisance.

C. Storage and Disposal

1. No person shall allow any offensive material to be deposited, stored or held on any premises or place or in any building or structure unless such material is treated, screened, covered, or placed as not to create a nuisance detrimental to health. All containers for the storage of such material shall completely confine the material, shall be rodent and insect proof, and shall be kept in a non-offensive and sanitary condition at all times. All offensive material shall be buried at such distance from any source of water supply or be disposed of at other places so that water supplies will not be subject to pollution or where

a nuisance will not be created subject to regulations for the protection of public water supplies adopted pursuant to the provisions of the Public Health Law. Such material shall not be discharged into streams, ponds, or other bodies of water or onto the surface of the ground except with the special permission of the Department or unless a permit is issued in accordance with the provisions of the State Public Health Law.

Section 5. LEAD POISONING CONTROL

A. Definitions:

1. **Lead Paint** shall be defined as set forth in Subpart 67-2 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York.

2. Other definitions set forth in Subpart 67-2 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York and as amended are hereby adopted and become part of this code.

B. Use of Lead Paint:

1. Lead paint shall not be applied or otherwise used on or in a dwelling.

C. Investigation, Documentation, and Reporting:

1. Upon receipt of an Elevated Blood Lead Level (EBLL) in a child of $5.0\mu\text{g}/\text{dL}$ or higher as a result of a venous blood test, the County Public Health Department shall investigate all potential sources as they demonstrate a danger or threat to life and health.
2. When an owner of a dwelling fails to follow guidance and recommendations pertaining to the discontinuance of a condition conducive to lead poisoning, the County Public Health Office shall provide supporting evidence and documentation to the District Health Office so they may initiate procedures for enforcement, including formal hearings, receivership and cooperation and assistance from those public officers, departments and agencies of the State and its political subdivisions, as provided in Sections 1373, 1374 and 1375 of the Public Health Law shall be followed.

Section 6. NUISANCES

A. Nuisances; Director's Duty to Investigate:

1. The Director shall receive and investigate all complaints concerning nuisances, or causes of danger or injury to life and health in the Health District and may request such complaints to be made in writing in accordance with this Article, Part 8 of the State Sanitary Code and Title 1 of Article 13 of the Public Health Law.

B. Nuisances; Investigation; Reports:

1. The Director may enter to inspect or examine upon or within any place or premises where nuisances or conditions dangerous to life and health are occurring or are reasonably believed to be occurring, or which are reasonably believed to be the cause of nuisances existing elsewhere.
2. The owners, agents and/or occupants of any premises shall permit sanitary examinations and inspections to be made pursuant to the provisions of this Article, Part 8 of the State Sanitary Code, and Title 1 of Article 13 of the Public Health Law.
3. The Director shall furnish the owners, agents and/or occupants of the premises with a written statement of the results and conclusions of any examination or inspection conducted pursuant to this article.

C. Nuisances; Abatement and Suppression:

1. The Board and/or Director may order the suppression and removal of all nuisances and conditions detrimental to life and health found to exist within the Health District.

2. The Board and/or Director may, in the event of non-compliance with any such order, enter upon the premises to remove or suppress such nuisance, condition, or matter to which said order relates.
3. The expenses of such removal and abatement shall be paid and may be collected in the manner prescribed in Public Health Law 1306, 1307, and 1308 (Appendix C).
4. The owner of any dwelling is responsible for remediation of an insect infestation.
5. No dogs, cats, fowl, hogs, goats, cows, horses or other animal shall be kept in a manner which creates a public health nuisance.
6. Dead Animals - A dead domestic or farm animal shall be buried or disposed of in a sanitary manner, at least 200 ft from any water source (i.e., water supply, wetland, river, stream, or surface water source), by its owner within seventy-two (72) hours after its death or after its carcass has been discovered.

D. Nuisances; Enforcement:

1. Any non-compliance or non-conformance with an order issued by the Director pursuant to this Article shall constitute a violation of the provisions of the Sanitary Code and may be subject to the imposition of a civil penalty pursuant to Section 309 of the Public Health Law.

Section 7. DWELLINGS

A. Definitions:

Dwelling means any building, house structure, vehicle or portion thereof, which is occupied, in whole or part, or intended to be used as a home, residence, living or sleeping place of one or more human beings, either permanently or temporarily, and not regulated under any other article of this Sanitary Code.

Dwelling Unit means any room or group of rooms, within a dwelling, which are used or intended to be used by one or more persons for living and sleeping with or without facilities for cooking and eating.

Extermination means the control and elimination of insects, rodents, vermin or other pests by eliminating their harborage places; by removing or making inaccessible material that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the County or State authority having such administrative authority.

New York State Code means the New York State Uniform Fire Prevention and Building Code.

September 9, 2019

Building Inspector and Local Codes Enforcement Officers means the Municipal Officials who enforce the New York State Code in their municipality.

B. Occupancy without Sewerage Facilities:

1. No person shall occupy any dwelling or vehicle as a place of habitation unless adequate and sanitary facilities for the disposal of sewage shall have been provided.

C. Rental of Dwelling without Water Supply:

1. No person shall lease or rent any dwelling or dwelling unit unless a safe and adequate supply of potable water is available.

D. Garbage and Rubbish Disposal:

1. Every dwelling and every dwelling unit shall be provided with a suitable receptacle(s) as may be necessary to contain all garbage and rubbish and all such receptacles shall be maintained in good repair. Receptacles for garbage shall be watertight and provided with tight fitting covers.
2. Every dwelling including the lot on which such dwelling is located shall be kept free from any excessive accumulation of offensive material.
3. Garbage must be disposed of in accordance with local ordinances and in any case in such fashion as not to serve as a breeding or harboring place for vermin, or to create a nuisance.
4. Garbage shall be removed from a property and disposed of in an approved manner at minimum on a monthly basis to prevent the development of odors and the attraction of insects and other vermin.
5. No garbage shall be allowed to remain exposed in any building or on any premises for a longer time than shall be reasonably necessary to deposit the garbage in proper waste containers or transport to a solid waste facility.
6. No garbage may be stored in a manner such that the resulting odors or flies prevent the use of doors, windows, and other openings for ventilation in neighboring premises.
7. It shall be unlawful for any person to throw, deposit, let fall, or permit to accumulate solid waste on any lot, yard, shed, porch, or other place such that it creates a public health nuisance.
8. The owner of a lot, yard or other property that is not a licensed solid waste facility, where solid waste is creating a public health nuisance, shall have the solid waste removed and disposed of in an approved manner. The owner of a property that is a licensed solid waste facility, where solid waste is creating a public health nuisance, shall have the solid

waste removed and disposed of in an approved manner, or shall otherwise abate the Public Health Nuisance.

9. No solid waste shall be burned or buried on any property per New York State Department of Environmental Conservation regulation.

E. Flies, Insects, Rodents and Vermin:

1. All means necessary or required shall be taken to eliminate vermin from any habitable building and to prevent the breeding or harboring of such vermin on the premises. Any poison or chemical used for the elimination of vermin must be used in accordance with the U.S. Department of Environmental Protection Agency (EPA) or the New York State Department of Environmental Conservation (DEC) laws and any other statute or regulation governing the use of such poison or chemical.

2. The owner of any dwelling is responsible for remediation of an insect infestation.

3. The owner of any lot in a developed residential area on which pooled or contained water has stagnated and become a breeding place for mosquitoes shall eliminate the stagnant water or otherwise abate the Public Health Nuisance condition.

4. Responsibility for Extermination: Every occupant of a Dwelling containing a single Dwelling Unit shall be responsible for the extermination of any insects, rodents, vermin or other pests therein or on the Premises; and every Occupant of a Dwelling Unit in a Dwelling containing more than one (1) Dwelling Unit shall be responsible for such extermination whenever his/her Dwelling Unit is the only unit with an infestation. Notwithstanding the foregoing provisions of this section, whenever infestation is caused

by failure of the Owner to maintain a Dwelling in a rat-proof or insect-proof condition, Extermination shall be the responsibility of the Owner. Whenever infestation exists in two (2) or more of the Dwelling Units in any Dwelling, or in the shared or public parts of any Dwelling containing two (2) or more Dwelling Units, Extermination thereof shall be the responsibility of the Owner.

F. Unsanitary Building:

1. In all buildings used or intended to be used for human occupancy, except one-family dwellings, the owner shall maintain the yard, cellar, halls, sheds, and other portions of the property free from accumulations of solid waste when such waste creates a public health nuisance. In all one family dwellings, the occupants shall keep the property clean and free from accumulation of solid waste when such waste creates a public health nuisance.

2. No dwelling unit which is damp, poorly ventilated, or otherwise liable to predispose occupants to disease or illness shall be occupied or permitted to be occupied for living purposes.

September 9, 2019

3. The owner of any property shall keep the below-grade areas of the dwelling free from accumulations of water or sewage and shall have any such water or sewage pumped out immediately, and have conditions altered so that further accumulations will be prevented.

4. It shall be unlawful for any person to maintain or permit to be maintained any room or rooms in such filthy, vermin-infested or neglected conditions that the health of the occupants or the well-being of the community is endangered.

5. Every dwelling shall have heating facilities which are maintained in safe and good working condition, and are capable of providing a temperature of 68 degrees (F) under ordinary winter conditions as outlined in the New York State Tenants Rights Guide.

6. When the Director determines that any building, dwelling or part thereof is so unsanitary as to be unfit for human habitation or shall cause an unsanitary condition on or adjacent to the premises, a hearing can be scheduled with due notice to the owner. If at the hearing it is determined that the situation constitutes a nuisance or condition detrimental to life and health, the Director may issue an order requiring the owner to abate said nuisance or condition by placing said building or dwelling in a sanitary or habitable condition within a time specified in said order. Upon the failure of said owner to comply with said order, the Director may issue a further order to be affixed conspicuously upon such building or dwelling and served upon the occupant(s) or lessee(s) and upon the owner thereof or his or her agent requiring all persons to vacate such building or dwelling and to discontinue its use at such time as shall be stated in said order. Upon failure of such building or dwelling to be vacated within the time specified, the Board may issue a warrant to the County Sheriff directing that such building or dwelling be vacated and that all persons be removed and the County Sheriff shall forthwith execute such warrant pursuant to law.

G. Local Laws, Ordinances, Enforcement, and Criminal Penalties:

1. In enforcing this Article, the Director will be guided by the Building Codes in effect in the municipality (city, town or village) in which such buildings are located, and such other state laws or regulations, as may apply, provided that such other codes or regulations do not permit lower or less exacting requirements than this Sanitary Code.

2. The Director may request the assistance of a municipality's Building Inspector or Local Codes Enforcement Officer(s) to inspect properties in accordance with the New York State Code or to perform joint inspections of a property or properties with representatives of the Department.

3. In cases of Dwellings and Building Codes enforcement matters involving the Department and the Municipal Building Inspector or Codes Enforcement Officer, the Municipal Building Inspector or Codes Enforcement Officer shall have primary enforcement jurisdiction.

4. Criminal penalties for violations of this Article shall be those provided for in Section 229 of the Public Health Law.

5. Civil penalties for violations of this Article shall be those provided in Sections 12 and 309 of the Public Health Law. Determinations with respect to violations and/or assessing of penalties shall be subject to review as provided in Article 78 of the Civil Practice Laws & Rules (CPLR).

Section 8. INDIVIDUAL WATER SUPPLIES

A. Definitions:

1. All definitions found in Part 5, Subpart 5-1 of the New York State Sanitary Code entitled "Public Water Systems" are hereby adopted and incorporated by reference as definitions applicable to this Article of the Sanitary Code.

B. General Provisions:

1. The Owner shall provide an adequate supply of potable water. When made available to occupants through plumbing, the water system will be continuously maintained in good conditions. The owner shall not shut off or cause to be shut off a water supply except when occupants are notified in advance of such shut off for needed repair work. The owner shall not rent dwelling units unless they are provided with an adequate supply of water from an appropriate source.

2. When a cistern or well is utilized as a potable water supply, the owner shall maintain such well or cistern and its appurtenances so as to prevent contamination of the water supply.

3. When the water in any well or cistern becomes polluted and cannot be corrected to meet the quality standards for potable water, or when a well or cistern is no longer intended for use, the owner shall properly abandon the well or cistern in a manner consistent with the New York State Department of Health.

Section 9. SEWAGE TREATMENT SYSTEMS

A. Applicability:

1. This Article shall apply to the construction and use of any new or modified sewage treatment system designed to discharge sewage without the mixture of industrial or other wastes to the ground or surface waters of the County.

B. Definitions:

Applicable Water Quality Standards and Effluent Standards and Limitations means all State and Federal water quality standards and limitations to which a discharge is subject under

September 9, 2019

the Federal Water Pollution Control Act, or under State law including but not limited to water quality standards, effluent limitations, standards of performance and pretreatment standards.

Dwelling means any building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants.

Individual Sewage Treatment System means a system of piping, tanks or other facilities for the on-site collection, treatment and disposal of sewage.

Offensive Material means any sewage, fecal matter, manure, offal, garbage, dead animals, meat wastes, pool waste water, any putrescible organic matter, the contents of sewage disposal systems (either liquid or solid state), or any substance or liquid dangerous or prejudicial to health, safety or general welfare, or gives rise to offensive odors as may be determined by the Director or his/her designee.

Other Wastes means shavings, bark, sand, lime, salt, ashes, petroleum products, tar, dye stuffs, acids, chemicals, and all other discarded matter not sewage, industrial wastes or offensive material which is determined by the Director to be dangerous or prejudicial to health and safety.

Point Source means any discernable, confined or discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or other floating craft, from which pollutants are or may be discharged.

Pollution Hazard means a condition resulting from the entry of wastes into any of the waters of the County whereby (a) The quality of such waters may be adversely affected in their use for bathing, drinking, culinary and other water supply uses; or (b) A situation determined by the Director to be prejudicial to health and safety of the public is created.

Privy means any facility or structure provided for the storage or disposal of human excreta without water carriage.

Reserve or Replacement Area means the area on the site that is kept available for the future individual sewage treatment system should the primary individual sewage treatment system fail.

Sanitary Sewer means a system of piping or other facilities used for the collection and transportation of wastes to a community, individual, commercial or public sewage system under the control of the person owning or responsible for the community, individual, commercial or public sewage system or jurisdiction of the Department.

Sewage means water-carried human waste, human excreta and liquid or water carried waste and laundry wastes from residences and buildings (from water closets, lavatories, sinks, bathtubs, laundry tubs or devices, floor drains or other sanitary fixtures), together with such groundwater infiltration and surface water as may be present, without the admixture of industrial or other wastes.

Sewage System means all types of sewage related systems listed and defined in this Article (i.e., Commercial, Community, Individual, Public).

SPDES means New York State Pollutant Discharge Elimination System and all pertinent applications, forms, permits and reporting forms.

C. General Provisions:

1. An abandoned septic tank, seepage pit, or other device or equipment for the treatment of sewage shall be cleaned and filled to the ground surface in a manner acceptable to the Department.
2. Roof water, foundation drain, cistern overflow, or surface or subsoil drainage shall not be discharged into any individual sewage treatment system.
3. No person shall construct or maintain a Sewage Treatment System, pipe, or drain in the County so as to expose or discharge the sewage contents therefrom to the atmosphere or onto the surface of the ground, by subsurface disposal, by groundwater injection or into any storm sewer, drain or roadside ditch, nor so as to discharge into any watercourse or body of water contained within or touching any part of the land within the County, unless approval for such discharge shall have been issued in accordance with the provisions of the New York State Environmental Conservation Law and the Department is satisfied that such discharges will not adversely affect public health or create a condition which is detrimental to public health.

D. Application, Approval and Permits:

1. All Sewage Systems with a flow of one-thousand (1,000) gallons per day or greater under the jurisdiction of the NYSDEC shall be operated and maintained in accordance with required SPDES permits and any other approvals.
2. All components of Sanitary Sewers and Sewage Systems under the jurisdiction of the Department shall be maintained in an acceptable manner and operating condition in accordance with the design, construction and approval of any amendments and modifications thereof.
3. Each new application for a Construction Permit and each renewal application for a Construction Permit shall be accompanied by the required fee.
4. Applicants for Individual Sewage Treatment System Construction Permits may be required to submit satisfactory evidence that there is not a Public or Community Sewage System available and accessible to the building site to be served.

E. Operation:

1. No person shall construct, operate or maintain any Sewage System so as to expose or discharge the sewage contents or other deleterious liquid or matter therefrom to any Waters of the State, to the atmosphere, or on the surface of the ground or into any storm sewer or drain or so as to cause a pollution hazard, unless an approval and/or permit for such discharge shall have been issued therefor in accordance with the provisions of this Article or other provisions of law.
2. It is the responsibility of the home/building owner to operate and maintain the Individual Sewage Treatment System in full conformance with the standards listed under Article 9.G.1.
3. Wastes, including storm-water, other than sewage or other wastewater for which a Sewage System was designed, shall not be discharged into such Sewage System.
4. When a Sewage System is no longer to be used, it shall be abandoned and every tank or pit in such system shall be opened, emptied of sewage, and be abandoned and completely filled with inert material so as to prevent accidents.

F. Exposure of Sewage:

1. No person shall construct or maintain any privy, cesspool, sewage treatment system, pipe or drain so as to expose or discharge the sewage contents or other deleterious liquid or matter therefrom to the atmosphere or on the surface of the ground or into any storm sewer or drain or so as to endanger any water course or body of water unless a permit for such discharge shall have been issued therefore by the New York State Department of Environmental Conservation and such discharge shall be made in accordance with the requirements thereof.

G. Harmful or Deleterious Substances:

1. No person shall discharge or cause the discharge of, any harmful or deleterious substance to any Sanitary Sewer or Sewage System so as to endanger the use of or the materials of construction of such sewer or system or so as to result in the stoppage or other failure of the Sewage System or subsequent sewage treatment, unless a permit and/or approval for such system or subsequent sewage treatment or a permit and/or approval for such discharge has been secured from the official agency having jurisdiction for such Sewage System or Sewage Treatment Works and such discharge conforms to the terms of such permit.

H. Construction of Article:

1. Nothing contained in this Article shall be construed to mean that the Department has approved the functional ability or adequacy of the system or systems approved pursuant to the provisions of this Article.

2. The Director may, on written application and after review, grant a waiver or variance from a specific provision of this Article. A variance or waiver may be subject to appropriate conditions. A variance may include a time schedule for compliance where such variance is in harmony with the general purpose and intent of this Article.

I. Modifications of Director's Order:

1. An order issued by the Director pursuant to this Article shall take effect with the period specified in the order.

2. The Director may postpone the effective date of an Order served pursuant to this Article, if such postponement will not result in an immediate danger to the public health; provided, however that no postponement shall be granted unless the Director has determined that the construction, change in treatment or other control measures which may be required to ensure compliance with the Order cannot be completed with the time prescribed by the original effective date because of physical or engineering difficulties, the shortage of necessary materials or equipment or other reasons acceptable to the Department.

Section 10. COMMUNICABLE DISEASE

A. Purpose:

1. To assure the safety and well-being of the residents of St. Lawrence County through the reduction and/or prevention of the spread of communicable diseases through education and mandatory reporting of suspected or confirmed cases.

B. Definitions:

1. **“Communicable Disease”** shall mean an illness caused by an infectious agent or its toxins that occurs through the direct or indirect transmission of the infectious agent or its products from an infected individual or via an animal, vector or the inanimate environment to a susceptible animal or human host.

C. Rabies:

1. All persons shall comply with Article 21, Title 4 of the Public Health Law relating to Rabies and Part 2 of the State Sanitary Code relating to Rabies.

D. Reporting of Cases:

1. The reporting of cases and the reduction and/or prevention of the spread of communicable disease shall be in accordance with the definitions and regulations found in Title 10, Chapter I, Part 2 of the New York Codes, Rules and Regulations and the New York Public Health Law Articles 21, 22 and 23.

September 9, 2019

E. Duty to Report (Physicians and Institutions):

1. Every physician shall immediately give notice (report) to the Department of every case of communicable disease in St. Lawrence County required by the Department to be reported.
2. If there is no physician in attendance on any case of communicable disease, it shall be the duty of the superintendent or other officer of an institution, householder, hotel or lodging housekeeper, or other person where such case occurs in St. Lawrence County, to give notice (report) to the Department of such case of communicable disease required by the Department to be reported.

Section 11. UNCONSTITUTIONALITY CLAUSE AND PROVISIONS FOR REVISIONS OR AMENDMENT

A. Unconstitutionality Clause:

1. In the event any section, paragraph, sentence, clause or phrase of this Sanitary Code shall be declared unconstitutional or invalid for any reason, the remainder of said code shall not be affected thereby.

B. Provisions for Revision or Amendment:

1. This Sanitary Code may be amended or revised by the Board of Health at any regular meeting of the Board provided that a legal notice of intent is published in the County's official newspaper at least ten (10) days prior to such regular meeting of the Board. Such notice shall contain the nature of the proposed change(s) and advise that copies of such change(s) are available upon request in the office of the Department.

Section 12. EFFECTIVE DATE

- A. Every regulation of the Sanitary Code, unless otherwise specifically stated shall take effect immediately upon filing with the Secretary of State.

Mr. Sheridan moved to adopt Resolution No. 344-2019, seconded by Ms. Curran, and carried unanimously by a voice vote with fifteen (15) yes votes.

September 9, 2019

Services Committee: 8-12-2019

RESOLUTION NO. 345-2019

AUTHORIZING THE CHAIR TO SIGN A CONTRACT WITH THE NEW YORK STATE DEPARTMENT OF HEALTH TO ACCEPT OPIOID EPIDEMIC GRANT FUNDING TO FIGHT THE OPIOID EPIDEMIC IN ST. LAWRENCE COUNTY

By Mr. Sheridan, Chair, Services Committee

WHEREAS, New York State is facing an opioid epidemic and funding is being provided to local health departments in high burden areas of the State, and

WHEREAS, St. Lawrence County is located in one of these areas and has been selected to receive \$72,000 in funding from the New York State Department of Health to address the opioid epidemic in the community, and

WHEREAS, this funding can be used on evidence based interventions, to increase access to Naloxone and Buprenorphine for community members that are at high-risk of experiencing an overdose, to provide targeted provider education and support on prescribing Buprenorphine in primary care, emergency departments, and correctional facilities, and

WHEREAS, this funding can be used to build linkages to health services and strengthen relationships with schools, law enforcement, and emergency services,

NOW, THEREFORE BE IT RESOLVED that the Board of Legislators authorizes the Chair to sign a contract with the New York State Department of Health to accept Opioid Epidemic Grant funding (9/1/2019 to 8/31/2020) to fight the opioid epidemic in St. Lawrence County, upon approval of the County Attorney.

Mr. Sheridan moved to adopt Resolution No. 345-2019, seconded by Ms. Terminelli, Ms. Curran, Ms. Arquiatt and Mr. Acres, and carried unanimously by a voice vote with fifteen (15) yes votes.

September 9, 2019

Services Committee: 8-12-2019

RESOLUTION NO. 346-2019

**AUTHORIZING THE CHAIR TO SIGN A CONTRACT FOR THE
EARLY INTERVENTION ADMINISTRATION PROGRAM
FOR THE PUBLIC HEALTH DEPARTMENT**

By Mr. Sheridan, Chair, Services Committee

WHEREAS, the Early Intervention Administration Program for the Public Health Department (C31657GG) has been approved for the period of October 1, 2019 – September 30, 2020, and

WHEREAS, the Early Intervention Grant is funded (PE034015 56000 EISA) by the New York State Department of Health in the amount of \$42,153 to offset administration costs of the program, and

WHEREAS, local governments have responsibility for administering the Early Intervention Program subject to regulations of the Commissioner of Health, Subpart 69-4 of Subchapter 14 of Chapter 11 of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Chair to sign a contract for the Early Intervention Administration Program for the Public Health Department, and any COLAs, upon approval of the County Attorney.

Mr. Sheridan moved to adopt Resolution No. 346-2019, seconded by Mr. Acres, Ms. Terminelli, and Ms. Curran, and carried unanimously by a voice vote with fifteen (15) yes votes.

Services Committee: 8-12-2019

RESOLUTION NO. 347-2019

**AUTHORIZING THE CHAIR TO SIGN AN AGREEMENT BETWEEN
THE DEPARTMENT OF SOCIAL SERVICES AND COMMUNITY SERVICES
FOR COUNSELING SERVICES**

By Mr. Sheridan, Chair, Services Committee

WHEREAS, the Department of Social Services is responsible for carrying out casework that involves unusually challenging and traumatic work for which opportunities to receive counseling at work would be beneficial, and

September 9, 2019

WHEREAS, Community Services has counselors who could provide helpful counseling to caseworkers and supervisors that would enhance the ability to adequately engage in casework, and

WHEREAS, it is appropriate that the Department of Social Services and Department of Community Services enter into a written agreement setting forth respective duties,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Chair to sign an Agreement between the Department of Social Services and Community Services for counseling services, upon approval of the County Attorney, and

BE IT FURTHER RESOLVED the term of the agreement will be August 10, 2019 through December 31, 2019, with an expected annual cost not to exceed the budgeted amount of \$3,000.

Mr. Sheridan moved to adopt Resolution No. 347-2019, seconded by Ms. Terminelli, Ms. Arquiett, and Ms. Curran, and carried unanimously by a voice vote with fifteen (15) yes votes.

Services Committee: 8-12-2019

RESOLUTION NO. 348-2019

**AUTHORIZING THE CHAIR TO SIGN A CONTRACT WITH PETER LADD, PH.D.,
FOR REHABILITATIVE AND SUPPORTIVE COUNSELING SERVICES**

By Mr. Sheridan, Chair, Services Committee

WHEREAS, the Department of Social Services is required to provide rehabilitative and supportive services to families whose children have been named in indicated child abuse and/or maltreatment reports, have been assessed at risk of foster care placement, or who are in foster care and whose placements could be shortened through the provision of such services, and

WHEREAS, Peter Ladd, Ph.D. is an independent counselor with the experience and capacity to provide counseling to children and families with counseling needs, and

WHEREAS, the contract with Peter Ladd, Ph.D. shall be effective as of August 1, 2019 and continue in effect through December 31, 2019, and

WHEREAS, payments for counseling will be set at \$125 per individual counseling (60-minute session); \$325 for a half day of counseling or \$750 for a full day of counseling; and \$150 per hour, per court appearance (DSC61094 465PS / DSC61194 465PS),

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Chair to sign a contract with Peter Ladd, Ph.D., for rehabilitative and supportive counseling services, upon approval of the County Attorney.

September 9, 2019

Mr. Sheridan moved to adopt Resolution No. 348-2019, seconded by Mr. Forsythe, and carried unanimously by a voice vote with fifteen (15) yes votes.

Services Committee: 8-12-2019

RESOLUTION NO. 349-2019

**AUTHORIZATION TO FILL A CASEWORKER/CPS POSITION
IN THE DEPARTMENT OF SOCIAL SERVICES**

By Mr. Sheridan, Chair, Services Committee
Co-Sponsored by Mr. Burke, District 12 and Ms. Terminelli, District 14

WHEREAS, on August 4, 2008, the St. Lawrence County Board of Legislators adopted Resolution No. 281-2008, which implemented a non-essential services hiring freeze, and

WHEREAS, the Board of Legislators reinstated the Vacancy Review Committee on August 13, 2015, which authorized the Committee to review all position requests and make recommendations to the Board of Legislators, and

WHEREAS, this vacancy has been reviewed and recommended by the Vacancy Review Committee to be filled, and now requires approval by the full Board of Legislators, and

WHEREAS, Position No. 815200010, Caseworker/CPS, will be vacated on August 2, 2019, due to a resignation, and

WHEREAS, this position investigates allegations of child abuse and maltreatment made to the State Central Register in St. Lawrence County, and

WHEREAS, Child Protective Services wants to maintain the high standards set by the Department of Social Services and the State to ensure the safety of children in this County, and

WHEREAS, with the current demands of the position and the continuing changes occurring in how the job is performed, not filling this Caseworker/CPS position would negatively impact current performance standards and risk the safety of the children in St. Lawrence County,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Commissioner of Social Services to immediately fill Position No. 815200010, Caseworker/CPS, in the Department of Social Services.

Mr. Sheridan moved to adopt Resolution No. 349-2019, seconded by Mr. Haggard, Mr. Fay, and Ms. Terminelli, and carried unanimously by a voice vote with fifteen (15) yes votes.

September 9, 2019

Services Committee: 8-12-2019

RESOLUTION NO. 350-2019

**AUTHORIZATION TO FILL A KEYBOARD SPECIALIST POSITION
IN THE DEPARTMENT OF SOCIAL SERVICES**

By Mr. Sheridan, Chair, Services Committee
Co-Sponsored by Mr. Burke, District 12 and Ms. Terminelli, District 14

WHEREAS, on August 4, 2008, the St. Lawrence County Board of Legislators adopted Resolution No. 281-2008, which implemented a non-essential services hiring freeze, and

WHEREAS, the Board of Legislators reinstated the Vacancy Review Committee on August 13, 2015, which authorized the Committee to review all position requests and make recommendations to the Board of Legislators, and

WHEREAS, this vacancy has been reviewed and recommended by the Vacancy Review Committee to be filled, and now requires approval by the full Board of Legislators, and

WHEREAS, Position No. 003100037, Keyboard Specialist, will be vacated on August 9, 2019, due to a promotion, and

WHEREAS, this position is necessary to maintain compliance with regulations, timely notices, and maintaining current medical orders for personal care,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Commissioner of Social Services to immediately fill Position No. 003100037, Keyboard Specialist, in the Department of Social Services.

Mr. Sheridan moved to adopt Resolution No. 350-2019, seconded by Mr. Haggard, Mr. Burke, and Ms. Arquiatt, and carried unanimously by a voice vote with fifteen (15) yes votes.

September 9, 2019

Services Committee: 8-12-2019

RESOLUTION NO. 351-2019

**AUTHORIZATION TO FILL A CLERK POSITION
IN THE DEPARTMENT OF SOCIAL SERVICES**

By Mr. Sheridan, Chair, Services Committee
Co-Sponsored by Mr. Burke, District 12 and Ms. Terminelli, District 14

WHEREAS, on August 4, 2008, the St. Lawrence County Board of Legislators adopted Resolution No. 281-2008, which implemented a non-essential services hiring freeze, and

WHEREAS, the Board of Legislators reinstated the Vacancy Review Committee on August 13, 2015, which authorized the Committee to review all position requests and make recommendations to the Board of Legislators, and

WHEREAS, this vacancy has been reviewed and recommended by the Vacancy Review Committee to be filled, and now requires approval by the full Board of Legislators, and

WHEREAS, Position No. 002300002, Clerk, will be vacated on August 9, 2019, due to a resignation, and

WHEREAS, this position is needed to make sure that the legal office completes essential clerical work that allows the office to avoid potentially costly delays and interruptions, and to ensure that children are protected by the timely filing of petitions and motions,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Commissioner to immediately fill Position No. 002300002, Clerk, in the Department of Social Services.

Mr. Sheridan moved to adopt Resolution No. 351-2019, seconded by Mr. Haggard and Mr. Burke, and carried unanimously by a voice vote with fifteen (15) yes votes.

September 9, 2019

Services Committee: 8-12-2019

RESOLUTION NO. 352-2019

**MODIFYING THE 2019 BUDGET FOR COMMUNITY SERVICES
FOR AN INCREASE TO THE SALARY OF THE CHEMICAL DEPENDENCY
PROGRAM DIRECTOR**

By Mr. Sheridan, Chair, Services Committee

WHEREAS, Resolution No. 218-2019, adopted June 3, 2019, authorized a resolution to abolish a Chemical Dependency Program Director and create and fill a Senior Chemical Dependency Counselor, and

WHEREAS, the Senior Chemical Dependency Counselor position was filled on July 15, 2019, and

WHEREAS, the remaining Chemical Dependency Program Director will now be providing oversight and supervision to the Ogdensburg and Canton Clinics, as well as the two satellite clinics at Massena and Gouverneur respectively, and therefore a request is being made to provide an increase in salary, and

WHEREAS, currently the Program Director is at Band V/ Step 7 on the Management Schedule with an annual salary of \$80,405, and

WHEREAS, because the Program Director is now responsible for the administrative operations of all the Chemical Dependency Clinics, it is proposed that the Program Director be retroactively moved to Band V/Step 10 on the Management Schedule with an annual salary of \$85,051 - an increase of \$4,646, and

WHEREAS, after a six-month review of the performance of the Program Director and the Clinics, and the Program Director and the Clinics are meeting performance expectations, the Program Director will be eligible for the next step increase of the most current step schedule, and

WHEREAS, if as a result of this review it is determined this proposed structure is not meeting the needs of the Department and the added responsibilities are removed from the Program Director, the financial gain associated with this resolution will be revert back to the original salary coupled with any associated step increases,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Treasurer to modify the 2019 Budget for Community Services to increase the salary of the Chemical Dependency Program Director, retroactive to June 3, 2019, as follows:

INCREASE APPROPRIATIONS:

A1142501 12000	A PAAC Supervisory/Administrative	\$4,646
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September 9, 2019

DECREASE APPROPRIATIONS:

A1342501 12000 A OGCD Supervisory/Administrative \$4,646

Mr. Sheridan moved to adopt Resolution No. 352-2019, seconded by Ms. Arquiett, and carried unanimously by a roll call vote with fifteen (15) yes votes.

Services Committee: 8-12-2019

RESOLUTION NO. 353-2019

MODIFYING THE 2019 BUDGET FOR COMMUNITY SERVICES FOR THE DELIVERY SYSTEM REFORM INCENTIVE PAYMENT PROGRAM (DSRIP) CLINIC

By Mr. Sheridan, Chair, Services Committee

WHEREAS, Resolution No. 276-2016 was adopted on September 12, 2016, accepting funding for the Delivery System Reform Incentive Payment Program (DSRIP), and

WHEREAS, Community Services has been unable to fill a part-time medical provider for the DSRIP Clinic and currently contracts with Claxton Hepburn Medical Center to provide a mid-level medical provider,

WHEREAS, it is necessary to modify the 2019 Budget to meet the appropriations for the DSRIP Clinic, and

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Treasurer to modify the 2019 Community Services Budget for the Delivery System Reform Incentive Payment Program (DSRIP) Clinics, as follows:

INCREASE APPROPRIATIONS:

A3143204 43007 DSRP Other Fees & Services \$7,280

DECREASE APPROPRIATIONS:

A3143201 19000 DSRP Temporary and Part-Time \$7,280

Mr. Sheridan moved to adopt Resolution No. 353-2019, seconded by Ms. Curran, and carried unanimously by a roll call vote with fifteen (15) yes votes.

September 9, 2019

Services Committee: 8-12-2019

RESOLUTION NO. 354-2019

**MODIFYING THE 2019 BUDGET FOR COMMUNITY SERVICES
FOR A LOCUM TENENS STAFFING AGENCY CONTRACT**

By Mr. Sheridan, Chair, Services Committee

WHEREAS, Resolution No. 94-2019 was adopted on March 4, 2019 authorizing a contract agreement with a Locum Tenens Staffing Agency, and

WHEREAS, Community Services is required to provide mental health and chemical dependency services to individuals with mental illness and/or substance and alcohol abuse problems, and

WHEREAS, the Department is experiencing unprecedented difficulty providing continuity of care for these individuals due to unanticipated leaves by more than one provider, and

WHEREAS, Community Services is responsible for providing continuity of care for those individuals admitted to the Mental Health and Chemical Dependency Clinics for the delivery of services in accordance with the rules and regulations made by and established by the Commissioners of OMH, OASAS, and DOH, respectively, and

WHEREAS, when necessary, Community Services will be looking for temporary assistance and would like to enter into contingent agreements with temporary staffing agencies in order to secure temporary providers to offer essential services until such time that permanent staffing can be pursued and secured, and

WHEREAS, it is necessary to modify the 2019 Budget to meet the appropriations for the contract with the Locum Tenens Staffing,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Treasurer to modify the 2019 Budget for Community Services for a Locum Tenens Staffing Agency Contract, as follows:

INCREASE APPROPRIATIONS:

A1142504 43007	A PAAC Other Fees & Services	\$48,750
A1342504 43007	A OAAC Other Fees & Services	<u>26,250</u>
		\$75,000

DECREASE APPROPRIATIONS:

A1142501 19000	A CACD Temporary and Part-time	\$1,751
A1142508 83000	A Social Security	134

September 9, 2019

A1142508 84000	A Workmen's Compensation	49
A1142508 81000	A Retirement	247
A1342501 19000	A OGCD Temporary and Part-time	1,751
A1342508 83000	A Social Security	134
A1342508 84000	A Workmen's Compensation	49
A1342508 81000	A Retirement	247
A3143201 19000	A MHOC Temporary and Part-time	14,004
A3143208 83000	A Social Security	1,071
A3143208 84000	A Workmen's Compensation	394
A3143208 81000	A Retirement	1,973
A1342501 11000	A OGCD Direct Service Workers	42,711
A1342508 83000	A Social Security	3,267
A1342508 81000	A Workers' Compensation Retirement	6,018
A1342508 84000	A Workers' Compensation	<u>1,200</u>
		\$75,000

Mr. Sheridan moved to adopt Resolution No. 354-2019, seconded by Ms. Curran and Mr. Perkins, and carried unanimously by a roll call vote with fifteen (15) yes votes.

Operations Committee: 8-12-2019

RESOLUTION NO. 355-2019

MODIFYING THE 2019 BUDGET FOR THE PROBATION DEPARTMENT FOR FUNDING RECEIVED FOR POLYGRAPH EXAMINATIONS

By Mr. Denesha, Chair, Operations Committee

WHEREAS, Probation has received monies from clients who were required to pay for mandatory polygraph examinations, and

WHEREAS, these monies will be used to pay the polygraph examination vendor, Information Verification Services, Inc.,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Treasurer to modify the 2019 Budget for the Probation Department for funding received for polygraph examinations, as follows:

INCREASE APPROPRIATIONS:

Q1031404 43000 SOM	Q Fees for Services Sex Offender	\$3,300
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INCREASE REVENUE:

Q1015895 55000 SOM	Q LR SOM Sex Offender Assessment	\$3,300
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September 9, 2019

Mr. Denesha moved to adopt Resolution No. 355-2019, seconded by Ms. Perkins and Ms. Curran, and carried unanimously by a roll call vote with fifteen (15) yes votes.

Operations Committee: 8-12-2019

RESOLUTION NO. 356-2019

AUTHORIZING THE CHAIR TO SIGN A CONTRACT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR RAISE THE AGE FOR THE STATE FISCAL YEAR 2019-2020

By Mr. Denesha, Chair, Operations Committee

WHEREAS, On April 10, 2017, Governor Andrew Cuomo signed into law “Raise the Age” legislation in New York State, and the presumptive age of juvenile accountability was raised to include sixteen (16) year olds, effective October 1, 2018, and seventeen (17) year olds, effective October 1, 2019, and

WHEREAS, New York State has allocated monies in its budget to reimburse counties for expenditures based on this new legislation, and

WHEREAS, the New York State Division of Criminal Justice Services has awarded a reimbursement of \$100,255 to the Probation Department, with a contract period of April 1, 2019 through March 31, 2020, and

WHEREAS, these funds will reimburse the Probation Department for behavioral program services, training, mileage, other travel, and office supplies,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Chair to a contract with the New York State Division of Criminal Justice Services for Raise the Age for the State Fiscal Year 2019-2020 (Q1033105 56000 RTA), upon approval of the County Attorney.

Mr. Denesha moved to adopt Resolution No. 356-2019, seconded by Ms. Terminelli, and carried unanimously by a voice vote with fifteen (15) yes votes.

September 9, 2019

Operations Committee: 8-12-2019

RESOLUTION NO. 357-2019

**MODIFYING THE 2019 BUDGET FOR THE PLANNING OFFICE
FOR THE STATEWIDE MASS TRANSPORTATION OPERATING
ASSISTANCE (STOA) PROGRAM**

By Mr. Denesha, Chair, Operations Committee

WHEREAS, the New York State Department of Transportation raised rates for mileage and passengers and in the SYF 2018-19 Statewide Mass Transportation Operating Assistance (STOA) Program for upstate formula bus systems, and

WHEREAS, an adjusted first quarter payment to St. Lawrence County of \$80,883 will be passed through to the operator for miles driven and passengers carried in the first quarter of 2019, and

WHEREAS, this adjusted payment requires a budget modification,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Treasurer to modify the 2019 Budget for the Planning Office for the Statewide Mass Transportation Operating Assistance (STOA) Program, as follows:

INCREASE APPROPRIATIONS:

N2B56304 43007	N Bus Other Fees And Service	\$80,883
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INCREASE REVENUE:

N2B35945 56003	N SA Bus Ogdensburg/Potsdam (STOA)	\$80,883
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Mr. Denesha moved to adopt Resolution No. 357-2019, seconded by Ms. Arquiatt and Ms. Curran, and carried unanimously by a roll call vote with fifteen (15) yes votes.

September 9, 2019

Finance Committee: 8-26-2019

RESOLUTION NO. 358-2019

AMENDING RESOLUTION NO. 318-2019 “APPROVING FEDERAL AID LOCAL PROJECT AGREEMENT FOR THE CONSTRUCTION/CONSTRUCTION INSPECTION PHASE FOR SOUTH SHORE ROAD OVER OSWEGATCHIE RIVER, BIN 3340940, PIN 775371”

By Mr. Acres, Chair, Finance Committee

WHEREAS, Resolution No. 318-2019, “Approving Federal Aid Local Project Agreement for the construction/construction inspection phase for South Shore Road over Oswegatchie River, BIN 3340940, PIN 775371” was adopted on August 5, 2019, and

WHEREAS, it was determined that additional language is needed in the resolution, and therefore, it is necessary to amend the resolution,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes amending Resolution No. 318-2019 “Approving Federal Aid Local Project Agreement for the construction/construction inspection phase for South Shore Road over Oswegatchie River, BIN 3340940, PIN 775371, and

BE IT FURTHER RESOLVED that the amendment will include the following: “St. Lawrence County hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months.”

Mr. Acres moved to adopt Resolution No. 358-2019, seconded by Mr. Fay, Mr. Denesha, Ms. Curran, and Ms. Terminelli, and carried unanimously by a voice vote with fifteen (15) yes votes.

Finance Committee: 8-26-2019

RESOLUTION NO. 359-2019

AUTHORIZATION TO FILE A CLAIM IN THE NAVISTAR MAXXFORCE ENGINE SETTLEMENT

By Mr. Acres, Chair, Finance Committee

WHEREAS, the Department of Highways has received a legal notice by order of the United District Court for the Northern District of Illinois for the Navistar Maxxforce Engine Settlement, and

WHEREAS, the lawsuit claimed that Navistar, Inc., and Navistar International

September 9, 2019

Corporation (“Navistar”) sold or leased vehicles, model years 2011-2014, equipped with a defective EGR emissions system, and

WHEREAS, the proposed settlement offers a rebate of up to \$10,000 per class vehicle which may be applied toward the purchase of a new Navistar Class 8 heavy-duty truck, and

WHEREAS, the Department of Highways owns one (1) Class Vehicle covered under the settlement, resulting in a rebate of \$10,000 toward the purchase of one (1) future plow truck, and

WHEREAS, the Superintendent of Highways recommends a claim be submitted to receive the rebate,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Superintendent of Highways to file a claim in the Navistar Maxxforce Engine Settlement, upon approval of the County Attorney, and

BE IT FUTHER RESOVED the proposed settlement of a rebate of up to \$10,000 will be applied toward the purchase of a new Navistar Class 8 heavy duty truck.

Mr. Acres moved to adopt Resolution No. 359-2019, seconded by Ms. Curran and Ms. Terminelli and carried unanimously by a voice vote with fifteen (15) yes votes.

Finance Committee: 8-26-2019

RESOLUTION NO. 360-2019

**AUTHORIZATION TO FILL A MOTOR EQUIPMENT OPERATOR POSITION
IN THE DEPARTMENT OF HIGHWAYS**

By Mr. Acres, Chair, Finance Committee
Co-Sponsored by Mr. Burke, District 12 and Ms. Terminelli, District 14

WHEREAS, on August 4, 2008, the St. Lawrence County Board of Legislators adopted Resolution No. 281-2008, which implemented a non-essential services hiring freeze, and

WHEREAS, the Board of Legislators reinstated the Vacancy Review Committee on August 13, 2015, which authorized the Committee to review all position requests and make recommendations to the Board of Legislators, and

WHEREAS, this vacancy has been reviewed and recommended by the Vacancy Review Committee to be filled, and now requires approval by the full Board of Legislators, and

WHEREAS, Position No. 310000006, Motor Equipment Operator, was vacated on July 25, 2019, due to a resignation, and

September 9, 2019

WHEREAS, this position is responsible for the operation of motor equipment used in highway repair, construction and maintenance projects, as well as snow and ice removal,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Superintendent of Highways to immediately fill Position No. 310000006, Motor Equipment Operator, in the Department of Highways.

Mr. Acres moved to adopt Resolution No. 360-2019, seconded by Mr. Burke, Ms. Terminelli, Ms. Curran, and Ms. Arquiatt, and carried unanimously by a voice vote with fifteen (15) yes votes.

Finance Committee: 8-21-2019

RESOLUTION NO. 361-2019

**AUTHORIZATION TO FILL A TITLE SEARCHER POSITION
IN THE TREASURER'S OFFICE**

By Mr. Acres, Chair, Finance Committee
Co-Sponsored by Mr. Burke, District 12 and Ms. Terminelli, District 14

WHEREAS, on August 4, 2008, the St. Lawrence County Board of Legislators adopted Resolution No. 281-2008, which implemented a non-essential services hiring freeze, and

WHEREAS, the Board of Legislators reinstated the Vacancy Review Committee on August 13, 2015, which authorized the Committee to review all position requests and make recommendations to the Board of Legislators, and

WHEREAS, this vacancy has been reviewed and recommended by the Vacancy Review Committee to be filled, and now requires approval by the full Board of Legislators, and

WHEREAS, Position Number 106800002, Title Searcher, was vacated on June 4, 2019, due to promotion, and

WHEREAS, this position is an invaluable resource for the foreclosure process, working primarily on title searches in preparation of the public auction for Real Property, along with cleaning up back titles, resolving plotting problems, and researching old abstract maps and deeds,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Treasurer to fill Position Number 106800002, Title Searcher, in the Treasurer's Office, no earlier than sixty (60) days from the date vacated.

Mr. Acres moved to adopt Resolution No. 361-2019, seconded by Ms. Curran and Mr. Denesha, and carried unanimously by a voice vote with fifteen (15) yes votes.

September 9, 2019

Finance Committee: 8-26-2019

RESOLUTION NO. 362-2019

AUTHORIZING THE ISSUANCE OF A NEGATIVE DECLARATION RELATED TO THE CONSTRUCTION OF AN EMERGENCY COMMUNICATION TOWER AS PART OF THE EMERGENCY RADIO DISPATCH SYSTEM IN THE TOWN OF GOUVERNEUR IN ST. LAWRENCE COUNTY, NEW YORK

By Mr. Acres, Chair, Finance Committee

WHEREAS, in order to improve emergency communications throughout the County, a new emergency communication tower will be constructed in Gouverneur, and

WHEREAS, this tower will be constructed at an existing transfer station site for the Solid Waste Department located on US Route 11, northeast of the Village of Gouverneur, and

WHEREAS, initiation of construction is considered an "action" as delineated in 6 NYCRR Part 617 and requires that the County comply with the requirements of the New York State Environmental Quality Review Act (SEQRA), and

WHEREAS, an electronic version of the Long Environmental Assessment Forms (EAF) identifying and assessing the potential adverse environmental impacts associated with the proposed construction of this tower site has been prepared and distributed to the members of the Board of Legislators for review, and

WHEREAS, the preparation of the EAF incorporated data gleaned from the following sources: NYS Department of Environmental Conservation critical habitats data bases, NYS Office of Parks, Recreation and Historic Preservation information on archeological sites and concerns, FEMA FIRM maps for each town, state and federal wetlands delineation maps, a state and federal wetland delineation study, internal engineering assessments, radio telemetry studies, a phase-1 environmental audit of the site, highway sufficiency ratings, soils maps and soil boring data, a site survey and assessment of local land use regulations and design considerations that may be incorporated to minimize adverse impacts, and

WHEREAS, relative to zoning compliance, the Town Code Enforcement Officer has determined that the County enjoys sovereign immunity and the County determined that there are no other "involved" agencies as defined in § 617.6 (b) (4),

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the issuance of a negative declaration related to the construction of an emergency communication tower as part of the emergency radio dispatch system in the Town of Gouverneur in St. Lawrence County, New York, and

BE IT FURTHER RESOLVED that the Board of Legislators determines that, based upon the environmental assessment and supporting materials, the ultimate development of this

September 9, 2019

project will not result in any significant adverse environmental impacts, and

BE IT FURTHER RESOLVED that the Board of Legislators directs the County Administrator to prepare a "Negative Declaration" which indicates that the Board determines that the no adverse environmental impacts will result from this project based upon the upon the summary of environmental impacts as described in the full EAF and incorporating the points noted in the staff presentation and board discussion of this resolution, and

BE IT FURTHER RESOLVED that the Board of Legislators directs the County Administrator to file the "Negative Declaration" in compliance with the requirements of § 617.12; determines that completion of this environmental review fulfills the Board's requirements under SEQRA; and further determines that the Board is free to take "actions" on the project as defined under 6 NYCRR Part 617, and

BE IT FURTHER RESOLVED that the Board of Legislators expects to fully comply with any and all permit conditions to mitigate environmental damage both during construction and occupancy of the building as may be required by other permitting agencies subject to the conclusions of their SEQRA reviews and/or in compliance with applicable environmental requirements or standards.

Mr. Acres moved to adopt Resolution No. 362-2019, seconded by Mr. Leader and Ms. Curran, and carried unanimously by a voice vote with fifteen (15) yes votes.

Finance Committee: 8-26-2019

RESOLUTION NO. 363-2019

**AUTHORIZING THE CHAIR TO SIGN A LEASE AGREEMENT WITH THE
CORNELL COOPERATIVE EXTENSION FOR OFFICE SPACE
AT THE HUMAN SERVICES CENTER**

By Mr. Acres, Chair, Finance Committee

WHEREAS, Cornell Cooperative Extension would like to lease office space at the Human Services Center, 80 State Highway 310, Canton, and

WHEREAS, St. Lawrence County leases space from the Canton Human Services Initiative, Inc., and currently has vacant space available, and

WHEREAS, the proposed office space is on the first floor of the building, and contains 575 square feet of office space with an additional 190 square feet of common space, and

WHEREAS, the term of the lease would be October 1, 2019 through September 30, 2020, and the costs are calculated to be \$12,974/annually,

September 9, 2019

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Chair to sign a lease agreement with Cornell Cooperative Extension for office space at the Human Services Center, upon approval of the County Attorney.

Mr. Acres moved to adopt Resolution No. 363-2019, seconded by Ms. Arquiatt, Mr. Denesha, and Ms. Curran, and carried unanimously by a voice vote with fifteen (15) yes votes.

Finance Committee: 8-26-2019

RESOLUTION NO. 364-2019

AUTHORIZING THE CHAIR TO SIGN A CONTRACT WITH SLC NORTH COUNTRY EVENTS, INC., FOR CONSULTATION ON THE DEVELOPMENT OF AN APPLICATION FOR A PERMIT TO HOLD A PUBLIC GATHERING

By Mr. Acres, Chair, Finance Committee

WHEREAS, SLC North Country Events, Inc., was established for the purpose of promoting and hosting the 2019 Bassmaster Elite Series, along with coordinating the use and maintenance of Whitaker Park site among users, volunteers, groups, associations, and governmental entities to promote the use and enjoyment of the St. Lawrence River and to preserve its value as an asset for the people of the County, and

WHEREAS, the 2019 Bassmasters Elite Series was held at Whitaker Park in the Village of Waddington between August 15th and August 18th, and

WHEREAS, an application for a permit to hold a public gathering is necessary, and SLC North Country Events, Inc., would like to contract with St. Lawrence County for the limited purpose development of the application for a permit for a public gathering (XZ012895 55000), and the relationship of the County to SLC North Country Events, Inc. shall be that of an independent contractor,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Chair to sign a contract with SLC North Country Events, Inc., for consultation on the development of the application for a permit to hold a public gathering, upon approval of the County Attorney, and

BE IT FURTHER RESOLVED that the application and any accompanying documents will be provided to and carried out by the Promoter, SLC North Country Events, Inc.

Mr. Acres moved to adopt Resolution No. 364-2019, seconded by Ms. Curran, and carried unanimously by a voice vote with fifteen (15) yes votes.

September 9, 2019

RESOLUTION NO. 365-2019

**MODIFYING THE 2019 BUDGET FOR THE COUNTY ADMINISTRATOR'S OFFICE
FOR GRANT FUNDING FOR SAFETY EQUIPMENT FOR
ST. LAWRENCE COUNTY FIRE DEPARTMENTS**

By Mr. Acres, District 8

WHEREAS, In 2018, Senator Patricia A. Ritchie and the New York State Legislature made grant funds available for safety equipment for first responders and fire departments located in Senate District 48 in St. Lawrence County, and

WHEREAS, a grant in the amount of \$96,000 was secured and will be distributed with \$90,000 being dispersed equally amongst the Fire Departments in Senate District 48, except for the Gouverneur Fire Department in which they will receive \$6,000 as they are close neighbors to Fort Drum, and

WHEREAS, Resolution No. 200-2018 authorized the Chair to sign documents necessary to accept the grant funds for the safety equipment for St. Lawrence County First Responders and Fire Departments and for the Treasurer to modify the 2018 Budget, and

WHEREAS, expenses for the safety equipment were not incurred until 2019, and a budget modification is now necessary to accept the funding and pay related expenses in the 2019 Budget,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Treasurer to modify the 2019 Budget for the County Administrator's Office for grant funding for safety equipment for St. Lawrence County Fire Departments, as follows, and roll over any remaining funds to future budget until the grant is fully expended:

INCREASE APPROPRIATIONS:

B1Z34104 43007	B ESD Fire Contractual Expenditures	\$96,000
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INCREASE REVENUE:

B1Z33895 56000	B SA Other Public Safety	\$96,000
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Mr. Acres moved to adopt Resolution No. 365-2019, seconded by Mr. Denesha, Ms. Terminelli, and Ms. Curran, and carried unanimously by a roll call vote with fifteen (15) yes votes.

September 9, 2019

RESOLUTION NO. 366-2019

**AUTHORIZING SETTLEMENT OF THE SUPREME COURT ACTION CASE
DONNA N. WELLS AND JAMES A. WELLS VS. COUNTY OF ST. LAWRENCE
AND MATTHEW D. BELL AND MODIFYING THE 2019 BUDGET FOR THE
COUNTY ATTORNEY'S OFFICE FOR LIABILITY AND CASUALTY FUND**

By Mr. Acres, District 8

WHEREAS, an action is pending in the Supreme Court of the State New York titled Donna N. Wells and James A. Wells vs. County of St. Lawrence and Matthew A. Bell, and

WHEREAS, the Board of Legislators has been advised that there is an offer of settlement and compromise by the Plaintiff in the above-described action of payment totaling \$400,000, on behalf of the Defendants to the Plaintiffs, Donna N. Wells and James A. Wells, and

WHEREAS, in view of the circumstances, the damages sustained by the Plaintiff, the uncertainty of the outcome of a jury trial, and the possibility of a verdict adverse to the County, the Board believes that a settlement is in the best interests of the County of St. Lawrence and its citizens, and

WHEREAS, pursuant to Resolution No. 71-1991, St. Lawrence County established a self-insured liability and casualty reserve in accordance with Section 6n of the New York State General Municipal Law, and

WHEREAS, pursuant to General Municipal Law §6-n "Upon the creation of the fund, the municipality may make expenditures from the fund for any loss, claim, action or judgment for which the municipal corporation is authorized or required to purchase or maintain insurance..." , and

WHEREAS, the County has settled the Supreme Court case involving Donna and James Wells in the amount of \$400,000, and a budget modification is necessary as these funds were not budgeted,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes settlement of the Supreme Court Action Case Donna N. Wells and James A. Wells vs. County of St. Lawrence and Matthew D. Bell, and

BE IT FURTHER RESOLVED that the Treasurer is authorized to modify the 2019 Budget for Liability and Casualty Fund, as follows:

DECREASE FUND BALANCE:

08TG0911 50300	Fund Balance, Unappropriated	\$400,000
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September 9, 2019

INCREASE APPROPRIATED FUND BALANCE:

08TG0910 50300CS	Fund Balance, Appropriated	\$400,000
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INCREASE APPROPRIATIONS:

LR019304 46505	Judgment and Claims Payments	\$400,000
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BE IT FURTHER RESOLVED County of St. Lawrence, acting through the County Administrator, the County Attorney or any other authorized agent is, upon receipt of appropriate general releases and a stipulation of discontinuance in a form approved by the County Attorney is hereby directed to settle this claim on behalf of the County of St. Lawrence by payment of the sum of \$400,000 inclusive of any Center for Medicare/Medicaid Services lien to the Plaintiff and/or his attorneys as they may direct.

Mr. Acres moved to adopt Resolution No. 366-2019, seconded by Mr. Forsythe, and carried by a roll call vote with twelve (12) yes votes, and three (3) no votes (Curran, Lightfoot, and Acres).

RESOLUTION NO. 367-2019

APPOINTING A ST. LAWRENCE COUNTY HISTORIAN

By Mr. Acres, District 8

WHEREAS, the St. Lawrence County Historian who served in this capacity as well as Executive Director of the St. Lawrence County Historical Association resigned the position in May this year, and

WHEREAS, the County Historical Association conducted a search and interviewed to fill the position, and

WHEREAS, the Selection Committee has chosen a candidate and the St. Lawrence County Historical Association has acted on the recommendation,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators appoints Randy Merrill as the St. Lawrence County Historian.

Mr. Acres moved to adopt Resolution No. 367-2019, seconded by Ms. Curran, and carried unanimously by a voice vote with fifteen (15) yes votes.

September 9, 2019

RESOLUTION NO. 368-2019

**AUTHORIZING THE CREATION OF A TEMPORARY POSITION TITLED
PLANNING DIRECTOR AND MODIFYING THE 2019 BUDGET**

By Mr. Lightfoot, District 3

WHEREAS, the Director of the Planning Office retired effective August 30, 2019 and the continued availability of the services provided by the Director will be helpful to allow for the time necessary to identify the appropriate candidate to succeed the Director, and

WHEREAS, additionally, the Director of Planning has been providing assistance in the Emergency Services Office during the recruitment efforts for a director to be appointed in that capacity, and

WHEREAS, the retiring director held the Position with St. Lawrence County since 2001 and has been employed with the County since 1996, and

WHEREAS, in order to ensure a successful transition to new leadership it is requested that the retiring director be provided up to sixteen weeks to assist and only be paid for time worked with no additional benefits, and

WHEREAS, the combination of savings from the vacancies in Planning and Emergency Services will provide sufficient appropriations without the need to identify another funding source, and

WHEREAS, the need to provide a seamless transition with many projects currently underway is critical to the success of the Office and the programs supported by County staff,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the County Administrator to create a Temporary title of Planning Director retroactive to September 3, 2019 and that the Position be abolished no later than December 31, 2019, and

BE IT FURTHER RESOLVED that the Temporary Planning Director will continue to work up to thirty-five (35) hours per week, only paid for time worked, and without benefits, and

BE IT FURTHER RESOLVED that the Treasurer be authorized to modify the 2019 Budget for the Planning Office as follows:

DECREASE APPROPRIATIONS:

N1080201 12000	N Supervisory & Administrative	\$12,000
X2036401 12000	X Supervisory & Administrative	<u>12,000</u>
		\$24,000

September 9, 2019

INCREASE APPROPRIATIONS:

N1080201 19000	N Temporary and Part Time	\$24,000
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Mr. Forsythe moved to adopt Resolution No. 368-2019, seconded by Ms. Curran and Ms. Arquiett, and carried unanimously by a roll call vote with fifteen (15) yes votes.

Finance Committee: 8-26-2019

RESOLUTION NO. 369-2019

**AUTHORIZING THE CONTINUATION OF THE CURRENT VACANCY REVIEW
PROCESS AND ACCEPTING RECOMMENDATIONS
MADE BY THE COUNTY ADMINISTRATOR**

By Mr. Acres, Chair, Finance Committee

WHEREAS, a process to review vacancies when positions become available has been in place in St. Lawrence County for many years, and made more formal with the initiation of a hiring freeze by Resolution No. 291-2008 and reiterated support in Resolution No. 222-2015, and

WHEREAS, annually the savings associated with vacancy savings has exceeded one million dollars and the Vacancy Review Committee has been instrumental in achieving those savings by evaluating the timing of recommending positions to be filled with policy guidance by the Board of Legislators, by reviewing positions to be abolished and created to meet department needs, and by not recommending positions be filled without additional information, and

WHEREAS, on an annual basis, the County Administrator provides a review of the work of the Vacancy Review Committee that includes updates such as number of positions considered, the percentages associated with timeliness of filling positions as well as other measured outcomes, and

WHEREAS, this has improved the understanding between Legislators and staff regarding the importance of positions and planning for the retirement of long tenured staff, the ability to address new mandates from New York State, and to discuss changes to the structure of positions as department needs change and evolve, and

WHEREAS, Legislators have been active participants in the Vacancy Review Committee efforts and been very helpful in addressing needs in departments as they arise, and

WHEREAS, the annual report for 2018-2019 presented at the August Finance Committee Meeting included the request to continue two practices currently in place and made three recommendations for consideration,

September 9, 2019

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the continuation of the vacancy review process and accepts the following recommendations made by the County Administrator, and

BE IT FURTHER RESOLVED that the current practice of Legislators participating on a rotating basis as members of the Vacancy Review Committee be continued, and

BE IT FURTHER RESOLVED that the current practice of allowing positions that have been authorized but vacated during the probationary process to be refilled within the year under the same governing resolution, and

BE IT FURTHER RESOLVED that the vacancies continue to be considered at each jurisdictional committee, but the process be amended to create one resolution for all approved positions to be filled for consideration by Legislators at the Regular Board Meeting, and

BE IT FURTHER RESOLVED that due to the unique nature of the hiring process in Addendum A of the bargaining agreement with CSEA, when a vacancy occurs in the Highway Department, that the initial vacancy be reviewed by the Vacancy Review Committee, but that all vacancies created as a result be filled with the authorization of the County Administrator and a summary be provided to the Board of Legislators annually, and

BE IT FURTHER RESOLVED that positions that have no county cost associated for salary or benefits be reviewed and approved by the County Administrator unless or until the funding level changes, then it will be returned to the Board of Legislators for reconsideration, and

BE IT FURTHER RESOLVED that the Board of Legislators review this process on a biennial basis to continue to improve efficiency of the process.

Mr. Acres moved to adopt Resolution No. 369-2019, seconded by Mr. Forsythe, Mr. Denesha and Ms. Curran, and carried unanimously by a voice vote with fifteen (15) yes votes.

COUNTY ADMINISTRATOR'S REPORT:

Ms. Doyle said there is no meeting scheduled next week as the NYSAC conference is scheduled for Monday, September 16th through Wednesday, September 18th.

The Costa FLW Series 2019 fishing tournament will be held in Massena September 19-21, 2019.

A debrief of the Bassmasters fishing tournament will be scheduled.

The Heuvelton Alumni Association honored the memory of Mary Lou Rupp with a distinguished alumni award on August 31st. Ms. Doyle said she spoke with Bill Rupp about the interest of the Board in hanging a portrait of Ms. Rupp in the County Clerk's Office.

September 9, 2019

On September 5th the Office of Mental Health recertified the Community Services Mental Health Clinics with a three (3) year certificate, expiring in 2022. The clinics were cited for three areas of exemplary professionalism.

St. Lawrence County participates in paying invoices with a Bank of Montreal (BMO) credit card, and receives rebates associated with this, and the County has been honored twice by NYSAC with being the County reaching the highest rebates. This rebate for this year, 2018-2019, is \$103,366.67. The Purchasing Department works diligently to reach goals set for themselves each year.

There is a letter from the Siting Board for the Rich Road Solar Energy project in Legislators' mailboxes.

On August 29th a conference call was held with the Government Accountability Office that is investigating the International Joint Commission (IJC) Plan 2014. At the request of Senators Gillibrand and Schumer the Government Accountability Office is doing an investigation on how the plan was developed, implemented, and communicated to the local residents.

A resolution to increase funding for advertising for Department Head searches will be on the next Operation Committee meeting agenda.

The Vacancy Review Committee will meet tomorrow to consider seventeen (17) positions.

The REDI Commission will meet on Thursday at the Dobisky Center in Ogdensburg to hold the fourth public meeting.

The Board of Directors for the Canton Human Services Initiative, Inc. met on August 29th, and is scheduled to meet again in December to elect officers for the upcoming year.

On Tuesday, the County has returned to 9 a.m. to 5 p.m. for regular office hours.

Ms. Doyle said she will invite, Randy Merrill, to an upcoming meeting to welcome her as the new County Historian.

Mr. Haggard asked if the County had been reimbursed for the in-kind services to Bassmaster. Ms. Doyle said an invoice has been sent, and she will check the status.

COMMITTEE REPORTS: There were no Committee Reports

OLD/NEW BUSINESS:

Mr. Reagen said he will be submitting a local law for consideration regarding leave time for members of the military once the Personnel Office has a chance to examine the impact it would have on the County.

September 9, 2019

Mr. Acres asked the Director of Public Health, Dana McGuire, to present on the Shredding the Stigma Event held at Whittaker Park in Waddington. Ms. McGuire said the event went very well with approximately 300 people in attendance. Tony Hoffman was the guest speaker, and he did a dedication at the end of the ceremony with a balloon release. There also was a panel of six local people who spoke about their own personal experiences.

Mr. Reagen said he commended the Public Health Department for holding the event, and their efforts to bring together agencies across the County to create a coordinated effort to address the opioid epidemic. He said an event that draws 300 people is quite an accomplishment, and he gives credit to the Public Health Department for organizing the event, along with the Opioid Task Force. Earlier this evening a resolution was adopted accepting grant money to fight the opioid epidemic which is an example of the efforts being made by the Public Health Department, Chemical and Substance Abuse staff, Probation, Sheriff's Department, and a host of State and Federal agencies working together to address this problem. He is pleased that St. Lawrence County has become a leader to bring this all together as the problem is too large for one agency to address. Mr. Reagen said it is a social problem, a criminal justice problem, a mental health problem, and etc., and he commends the Task Force for coming together to make an impact in addressing a crisis in our midst.

Mr. Acres said he attended the event and thought it was a great. The guest speaker, Tony Hoffman spoke for well-over an hour. His story was spellbinding saying he grew up as a good athlete who excelled at every sport he tried, but he had a self-image problem which eventually led him to turn to drugs. This soon escalated into harder drugs, dropping out of sports and school, and then turning to crime which landed him in prison. He was an addict, but while in prison he went through a transformation, and upon being released from prison he became a BMX Elite Pro and he was the coach to the Woman's Elite Pro at the Olympics in 2016. Mr. Acres said there was a tremendous turnout of County staff, and the event was very worthwhile.

Ms. Arquiett asked how many people around the County have received the Narcan training. Ms. McGuire said thirty-two (32) people were trained at the event, and approximately 110 people received the training arranged by Community Services that were held at the local libraries.

Mr. Forsythe moved to go into Executive Session at 6:42 p.m. to discuss litigation, negotiations, personnel, and appointments, seconded by Ms. Curran and Mr. Denesha, and carried unanimously by a voice vote with fifteen (15) yes votes.

EXECUTIVE SESSION

Mr. Haggard left the room at 7:37 p.m., and returned at 7:38 p.m.

Ms. Terminelli left the room at 7:50 p.m., and returned at 7:51 p.m.

Ms. Arquiett left the room at 7:54 p.m., and returned at 7:58 p.m.

September 9, 2019

Ms. Terminelli moved to go to Open Session at 8:17 p.m., seconded by Ms. Curran, and carried unanimously by a voice vote with fifteen (15) yes votes.

Mr. Denesha moved to appoint the following individual to the **Fire Advisory Board (Term to expire: 2/2020)**, seconded by Ms. Curran, and carried unanimously by a voice vote with fifteen (15) yes votes.

Donald J. McCarthy, 605 New York Avenue, Ogdensburg 13669 (Replacing Michael Farrell)

Mr. Sheridan moved to appoint the following individual to the **Community Services Board (Term to expire: 12/31/2022)**, seconded by Mr. Denesha, and carried unanimously by a voice vote with fifteen (15) yes votes.

Ray Babowicz, 3841 State Highway 37, Ogdensburg 13669

Mr. Acres moved to reappoint the following individual to the **St. Lawrence County Industrial Development Agency (Term to expire 9/30/2022)**, seconded by Ms. Curran and Ms. Terminelli, and carried unanimously by a voice vote with fifteen (15) yes votes.

Andrew J. McMahon, P.E., 60 Westwood Drive, Massena 13662

Mr. Acres moved to reappoint the following individual to the **Fisheries Advisory Board (Term to expire 8/5/2024)**, seconded by Ms. Curran and Ms. Terminelli, and carried unanimously by a voice vote with fifteen (15) yes votes.

Jim Boyce, Post Office Box 344, Massena 13662

CHAIR'S APPOINTMENTS: Chair Lightfoot appointed Larry Denesha to the Cornell Cooperative Extension Board of Directors.

ADJOURNMENT: Chair Lightfoot adjourned the September Full Board Meeting at 8:20 p.m., as there was no further business.