

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

ROLL CALL: All Legislators were present with the exception of Mr. Leader and Ms. Terminelli

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

APPROVAL OF THE AGENDA: Ms. Arquiett moved to approve the agenda, seconded by Ms. Curran. Mr. Arquiett moved to amend the agenda to remove a resolution entitled "Opposing the demand of New York State Department of Environmental Conservation for abolition of a single volunteer service agreement with the St. Lawrence County Snowmobile Association" from the agenda, seconded by Mr. Forsythe and Ms. Arquiett, and carried by a voice vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

Motion carried to approve the amended agenda by a voice vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

APPROVAL OF MINUTES: Ms. Curran moved to approve the September, 9 2019, meeting minutes, seconded by Mr. Perkins, and carried by a voice vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

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

1. A letter was received from Jim Wright, Executive Director of the Development Authority of the North Country, detailing several long-term projects which will benefit partner counties. A copy of this letter is posted to Google Drive, in the Correspondence file.
2. In response to receiving a copy of the resolution regarding lead levels, a letter was received from Senator Patty Ritchie's Office advising the Board that as the Governor and Legislature being crafting the 2020-21 State Budget, she will keep the Board's request to provide additional revenue to cover the full cost of this expanded mandate to local governments in mind.
3. A resolution was received from Fulton County opposing Governor Cuomo's proposed regulations requiring new license plates and fees.

CITIZEN PARTICIPATION: There was no Citizen Participation.

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PRESENTATION OF RESOLUTIONS:

Operations Committee: 9-23-2019

RESOLUTION NO. 371-2019

**MODIFYING THE 2019 BUDGET FOR THE OFFICE OF EMERGENCY SERVICES
FOR THE FY17 STATE HOMELAND SECURITY PROGRAM GRANT**

By Mr. Denesha, Chair, Operations Committee

WHEREAS, Resolution No. 271-2017 accepted a FY17 SHSP Grant from the New York State Division of Homeland Security in the amount of \$138,709 with a contract period of September 17, 2017 to December 31, 2020, and

WHEREAS, the resolution also established two accounts; equipment and contractual for all the grant expenditures, and

WHEREAS, the contractual expenditures are more than anticipated for 2019, and can be covered by unspent equipment appropriations,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Treasurer to modify the 2019 Budget for the Office of Emergency Services for the FY17 SHSP Grant as follows:

DECREASE APPROPRIATIONS:

X2Z36402 25000 17HS	X SHSP Technical Equipment	\$15,000
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INCREASE APPROPRIATIONS:

X2Z36404 43007 17HS	X SHSP Other Fees & Services	\$15,000
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Mr. Denesha moved to adopt Resolution No. 371-2019, seconded by Mr. Perkins and Ms. Curran, and carried by a roll call vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

October 7, 2019

Operations Committee: 9-23-2019

RESOLUTION NO. 372-2019

**MODIFYING THE 2019 BUDGET FOR THE OFFICE OF EMERGENCY SERVICES
FOR THE FY18 PSAP GRANT**

By Mr. Denesha, Chair, Operations Committee

WHEREAS, Resolution No. 344-2018 accepted a FY18 PSAP Grant from the New York State Division of Homeland Security in the amount of \$200,279 with a contract period of January 1, 2019 to December 31, 2019, and

WHEREAS, the resolution also established two accounts; equipment and contractual for all the grant expenditures, and

WHEREAS, the contractual expenditures are more than anticipated for 2019, and can be covered by unspent equipment appropriations,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Treasurer to modify the 2019 Budget for the Office of Emergency Services for the FY18 PSAP Grant as follows:

DECREASE APPROPRIATIONS:

X2Z36402 25000 PSAP	X PSAP Technical Equipment	\$86,100
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INCREASE APPROPRIATIONS:

X2Z36404 43007 PSAP	X PSAP Other Fees & Services	\$86,100
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Mr. Denesha moved to adopt Resolution No. 372-2019, seconded by Ms. Curran and Mr. Perkins, and carried by a roll call vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

October 7, 2019

Operations Committee: 9-23-2019

RESOLUTION NO. 373-2019

**MODIFYING THE 2019 BUDGET FOR COUNTY CLERK'S OFFICE
FOR OVERTIME EXPENSES FOR THE DEPARTMENT OF MOTOR VEHICLES**

By Mr. Denesha, Chair, Operations Committee

WHEREAS, a budgetary measure during the 2019 Budget process identified a percentage of appropriations for departments with overtime expenses and located those funds in the contingency account, and

WHEREAS, the County Clerk's Office will exceed the identified percentage of appropriations that were included for the 2019 Budget for overtime costs, and

WHEREAS, the County Clerk's Office has located additional funds in various other lines in their Budget that can be transferred and used for overtime,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Treasurer to modify the 2019 Budget for the County Clerk's Office for overtime expenses for the Department of Motor Vehicles, as follows:

INCREASE APPROPRIATIONS:

K1614101 18000	DMV Overtime	\$54,579
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DECREASE APPROPRIATIONS:

K1114101 12000	Supervisor/Administration	\$51,861
K1114101 19501	Longevity	794
K1314101 14000	MDMV Clerical	<u>1,924</u>
		\$54,579

Mr. Denesha moved to adopt Resolution No. 373-2019, seconded by Mr. Forsythe, Mr. Acres, and Ms. Curran, and carried by a roll call vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

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Operations Committee: 9-23-2019

RESOLUTION NO. 374-2019

**PROCLAIMING SEPTEMBER 22 - 28, 2019 AS SHERIFFS' WEEK
IN ST. LAWRENCE COUNTY**

By Mr. Denesha, Chair, Operations Committee

WHEREAS, the Office of the Sheriff is the oldest office under the system of common law in the United States, and is an integral part of government in the State of New York, and

WHEREAS, as the oldest constitutional law enforcement officer of the county, the Sheriff is charged with maintaining the peace in all municipalities, villages, and towns within his or her jurisdiction and the care and custody of persons pending court action, and

WHEREAS, the Office of the Sheriff was established in the first constitution of New York State in 1777 and has been continued in every succeeding constitution, and despite changes in its function, status, and powers during its long history, the Office of Sheriff has maintained a continuous existence, preserved its distinguishing heritage, and continued to be an essential component of our criminal justice community, and

WHEREAS, the Office of Sheriff has evolved into a modern, professional, full-service law enforcement agency, manned by fully trained Deputy Sheriffs, using state-of-the-art technology and applying the latest and most advanced theories and practices in the criminal justice field, and

WHEREAS, the Office of Sheriff is unique in the community, and the duties of the office go far beyond the traditional role of "Keeper of the Peace," and extend into many facets of public service, including maintaining the safety and security of a county jail, providing security in courts, dispatching emergency services, and serving and executing civil process for courts, and

WHEREAS, as a constitutionally empowered entity directly responsible to the people, the historic Office of Sheriff remains responsive and accountable to the public it serves, and

WHEREAS, it is fitting to celebrate the historical contributions of the Office of Sheriff and the significant role that the Sheriffs play in our modern criminal justice system with a week-long event that celebrates the significant contributions made by the office of the Sheriff,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators proclaim September 22 - 28, 2019 to be Sheriffs' Week in St. Lawrence County, and encourages the citizens of St. Lawrence County to show support and appreciation for the men and woman of the Sheriff's Office.

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Mr. Denesha moved to adopt Resolution No. 374-2019, seconded by Mr. Acres and Ms. Curran, and carried by a voice vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

Operations Committee: 9-23-2019

RESOLUTION NO. 375-2019

MODIFYING THE 2019 BUDGET FOR THE SHERIFF'S OFFICE TO ACCEPT A 2018 DOMESTIC VIOLENCE TRAINING LAW ENFORCEMENT GRANT FROM THE NYS DIVISION OF CRIMINAL JUSTICE SERVICES

By Mr. Denesha, Chair, Operations Committee

WHEREAS, Resolution No. 453-2018 approved the acceptance of a \$10,000 for FY18 Domestic Violence Grant from the New York State Division of Criminal Justice Services, and

WHEREAS, a budget modification is required as there are overtime expenses that can be claimed under this grant,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Treasurer to modify the 2019 Budget of the Sheriff's Office for a 2018 Domestic Violence Training Law Enforcement Grant from the NYS Division of Criminal Justice Services, as follows, and roll over any remaining funds to future budgets until the grant is fully expended:

DECREASE APPROPRIATIONS:

S1Z31104 43007 DCJS	S CRIM Other Fees DCJS	\$1,022
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INCREASE APPROPRIATIONS:

S1Z31101 18000 DCJS	S CRIM Overtime DCJS	\$1,022
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Mr. Denesha moved to adopt Resolution No. 375-2019, seconded by Mr. Acres and Ms. Curran, and carried by a roll call vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

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Operations Committee: 9-23-2019

RESOLUTION NO. 376-2019

AMENDING RESOLUTION NO. 23-2017, "AUTHORIZING THE CHAIR TO SIGN A FY16 OPERATION STONEGARDEN PROGRAM (OPSG) GRANT FROM NEW YORK STATE DIVISION OF HOMELAND SECURITY" AND MODIFYING THE 2019 BUDGET OF THE SHERIFF'S OFFICE FOR STONE GARDEN GRANT OVERTIME

By Mr. Denesha, Chair, Operations Committee

WHEREAS, Resolution No. 23-2017 approved the acceptance of a FY16 Operation Stonegarden Grant (contract period of 9/1/16 – 8/31/19) totaling \$167,228 to key law enforcement entities in St. Lawrence County in which \$139,721 is for County reporting only, and

WHEREAS, the St. Lawrence County Sheriff's Office received \$65,084 and will act as a pass-through agency for two local entities: the City of Ogdensburg Police Department will receive \$49,637, and the Town of Norfolk Police Department will receive \$25,000, and

WHEREAS, the remaining funding of \$27,507 is allocated to three State level law enforcement agencies (NYSP, NYS Park Police and NYS DEC) who will do their own reporting, and

WHEREAS, the Town of Norfolk Police Department did not spend \$2,684 of their budgeted amount for overtime, and the New York State Division of Homeland Security authorized the Sheriff's Office to spend the \$2,684 for overtime,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes amending Resolution No. 23-2017, "Authorizing the Chair to sign a FY16 Operation Stonegarden Program (OPSG) Grant from New York State Division of Homeland Security," and

BE IT FURTHER RESOLVED that the Treasurer is authorized to modify the 2019 Budget of the Sheriff's Office for Stone Garden Grant overtime, as follows, and to roll over any remaining funds to future budgets until the grant is fully expended:

DECREASE APPROPRIATIONS:

S1Z31102 43007 SG16 S CRIM Other Fees and Services \$2,684

INCREASE APPROPRIATIONS:

S1Z31101 18000 SG16 S CRIM Stone Gard Overtime \$2,684

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Mr. Denesha moved to adopt Resolution No. 376-2019, seconded by Ms. Curran and Mr. Acres, and carried by a roll call vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

Operations Committee: 9-23-2019

RESOLUTION NO. 377-2019

MODIFYING THE 2019 BUDGET OF THE SHERIFF'S OFFICE FOR THE PURCHASE OF REPLACEMENT FURNITURE FOR THE SHERIFF'S OFFICE

By Mr. Denesha, Chair, Operations Committee

WHEREAS, the St. Lawrence County Sheriff's Office has been located at the Public Safety Complex since 1994, and

WHEREAS, the existing furniture is in need of replacement, and this update will provide for a clean, safe, and organized area to maintain a professional office environment,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Treasurer to modify the 2019 Budget of the Sheriff's Office for the purchase of replacement furniture for the Public Safety Complex Sheriff's Office, as follows:

DECREASE APPROPRIATIONS:

S1031102 21000	S CRIM Highway & Furniture	\$7,000
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INCREASE APPROPRIATIONS:

S1031104 42000	S CRIM Office Supplies	\$7,000
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Mr. Denesha moved to adopt Resolution No. 377-2019, seconded by Ms. Arquiett and Ms. Curran, and carried by a roll call vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

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Operations Committee: 9-23-2019

RESOLUTION NO. 378-2019

**MODIFYING THE 2019 BUDGET OF THE SHERIFF'S OFFICE FOR
UPGRADES TO THE SECURITY SYSTEM AT THE
ST. LAWRENCE COUNTY CORRECTIONAL FACILITY**

By Mr. Denesha, Chair, Operations Committee

WHEREAS, the security system of the St. Lawrence County Correctional Facility was found to be antiquated and did not provide necessary security and reporting, and

WHEREAS, Resolution No. 36-2019 approved the purchase of a new and updated security system upgrade for the facility, and

WHEREAS, during installation of the new security system, it was discovered the backup Uninterruptible Power System (UPS) System also needed upgrading, and

WHEREAS, necessary appropriations for this UPS System upgrade were not budgeted in the 2019 Budget of the Sheriff's Office,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Treasurer to modify the 2019 Budget of the Sheriff's Office for upgrades to the security system at the St. Lawrence County Correctional Facility, as follows:

DECREASE APPROPRIATIONS:

B1019904 49700	B SPEC Contingency Account	\$39,000
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INCREASE APPROPRIATIONS:

S4031502 25000	S Jail Technical Equipment	\$39,000
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Mr. Denesha moved to adopt Resolution No. 378-2019, seconded by Mr. Forsythe, Mr. Acres, and Ms. Curran, and carried by a roll call vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

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Operations Committee: 9-23-2019

RESOLUTION NO. 379-2019

**AUTHORIZING THE CREATION OF A WORK RELEASE PROGRAM
AT THE ST. LAWRENCE COUNTY CORRECTIONAL FACILITY**

By Mr. Denesha, Chair, Operations Committee

WHEREAS, the Sheriff's Office would like to establish a Work Release Program at the St. Lawrence County Correctional Facility, and

WHEREAS, pursuant to NYS Correction Law Article 27, Section 870, the sheriff, upon approval of the legislative body of the county, may establish a work release program pursuant to which prisoners, sentenced to and confined in any county jail under his jurisdiction, may be granted the privilege of leaving confinement for the purpose of working at gainful employment, and

WHEREAS, the Work Release Program will allow sentenced inmates to be released to different municipalities or organizations during the day to work or receive vocational training, and

WHEREAS, the work release plan may be revoked, suspended, or modified by the sheriff at any time for good cause, with or without notice to the prisoner,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the creation of a Work Release Program at the Correctional Facility, upon approval of the County Attorney.

Mr. Denesha moved to adopt Resolution No. 379-2019, seconded by Mr. Haggard and Ms. Curran, and carried by a voice vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

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**St. Lawrence County Correctional Facility
Policy and Procedure and Standard Operation Manual**

Subject: Work Release

Policy Number:

Minimum Standards #:

Page 1 of 5 Pages

Distribution: Correctional Division

Effective Date: October 7, 2019

Authority: Kevin M. Wells, Sheriff

Issued By: Peggy Harper
Jail Administrator

Policy:

It shall be the policy of the St. Lawrence County Correctional Facility to establish a work release program for sentenced inmates only as defined in NYS Corrections Law Articles 27.

1) Procedures

- A) Correction Law, Article 27, permits the St. Lawrence County Correctional Facility to establish a work release program, subject to the approval of the St. Lawrence County Legislative Body and in accordance with the rules and regulations promulgated by the St. Lawrence County Correctional Facility and approved by the New York State Commission of Correction.
- B) Such program provides any sentenced inmate with the privilege of leaving the facility to be gainfully employed, take vocational training, or to attain an education. This program also provides for the release from confinement of any sentenced inmate during necessary and reasonable hours to care for their family. This program also provides for certain sentenced inmates to be released from confinement whose medical condition requires inpatient treatment in another facility, and may be arranged to attend deathbed visits, wake, or funeral as defined in section 509 of the NYS Correction Law.
- C) Any inmate sentenced to the St. Lawrence County Correctional Facility may apply for permission to participate in the work release program. The Sheriff may approve or disapprove the application. In the event of approval, the Sheriff shall prepare a specific, written work release plan for the inmate which shall contain such terms and conditions as shall be deemed reasonably proper and necessary. The inmate shall signify in writing his/her agreement to the terms of the work release plan. The inmate shall receive a copy of the work release plan prior to participation in the program.
- D) The work release plan may be revoked, suspended, or modified by the Sheriff at any time for good cause, with or without notice to the inmate. Any modification, revocation,

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disapproval or suspension shall be reviewable by the State Commission of Correction upon written request of the inmate, which shall be forwarded immediately to the Commission by the Sheriff. The decision of Commission shall be final and not subject to judicial review. Inmates shall be notified in writing of such review.

- E) A work release plan may include employment in a county other than the county of confinement. The Sheriff/Jail Administrator may arrange with the Sheriff or the Superintendent or other person in charge of a jail or any other County which had adopted a work release program to maintain custody of any inmate employed in such other county during the period of employment or until his/her discharge from confinement, whichever occurs first. In such event the Sheriff or Superintendent of the jail having such custody of the inmate shall dispose of the earnings of the inmate pursuant to section 872 of Article 27 of the Correction Law.
- F) The Sheriff shall appoint a work release committee. The committee shall advise and assist the Sheriff in administering the work release program, however, any determination to approve, disapprove, revoke, suspend or modify any work release application or plan shall rest solely in the discretion of the Sheriff, subject to the review by the Commission of Corrections.
- a. The Sheriff and the work release committee may assist inmates seeking admission to the work release program in securing gainful employment or participation in a publicly or privately sponsored program of vocational training.
 - b. Work Release Committee will include:
 - i. Acting – Jail Administrator
 - ii. Acting - Probation Director
 - iii. Acting - Jail BOCES Instructor
 - iv. Acting - Facility Medical Provider
 - v. Three (3) Correctional Facility Sergeants
 - vi. One (1) Correctional Facility Corporal
 - c. In the selection of inmates for participation in the work release program, the work release committee shall ensure the following minimum stipulations are observed and the inmate meets the following qualifications:
 - i. Inmate must be sentenced;
 - ii. No previous history of a crime or violence, sexual related offense, or serious drug conviction;
 - iii. No holds or warrants on file; no history of escape/attempted escape;
 - iv. A New York State identification and intelligence system or Federal Bureau of Investigation return on fingerprints is utilized to establish positive identification;
 - v. Inmate is of satisfactory physical and mental health;

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- vi. Inmates who have achieved their high school education, high school equivalency (HSE) or general education diploma (GED) should be preferred;
 - vii. Submit and pass a urine test for the presence of drugs.
- d. The committee shall give consideration to:
- i. Inmates with a progressively stable history of behavior shall be considered for selection to the program.
 - ii. The needs of the inmates must be motivated towards self-improvement and capable of functioning in the community at the time of release.
 - iii. Inmate's attitude and adjustment to confinement
- e. The work release committee shall review the application, probation reports, and all other information available to determine the inmate's eligibility and suitability for release.
- f. The Sheriff shall review:
- i. The recommendations of the work release committee,
 - ii. The work release application,
 - iii. Probation report and all other information available to determine the inmate's eligibility and suitability for release.
- g. The Sheriff will, in writing, approve or disapprove the applications for work release. In the event an application is not approved, the justification for such decision shall be forwarded to the applicant, the work release committee, and placed on file in the inmate's jail folder.
- G) In the event the work release application is approved, a work release plan will be developed and forwarded to the Sheriff for final approval. A member of the work release committee will:
- a. Interview the inmate,
 - b. Review his/her employment background,
 - c. Formulate job development with the assistance of known employment agencies within the county and other community groups.
 - d. Make recommendations as to the type of employment-training, which is most suitable for the inmate.
 - e. Developed an agreement between the employer and the inmate.
 - f. Review the work release agreement with the inmate, which shall containing the following:
 - i. Specific conditions of the inmate's work release plan.
 - 1. Time limits during which work release inmates may be outside of the facility;

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2. Such time limitations shall allow actual conformity with the requirements of the inmate's working hours and include reasonable allowance for travel, as necessary.
 - ii. Section that reads: PENAL LAW – ARTICLE 205 SECTION 205.16: *“A person is guilty of absconding from a work release in the second degree, when having been released from confinement in a correctional institution to participate in a program of work release, he/she intentionally fails to return to the institution of his/her confinement at or before the time prescribed for his/her return.”*
 - iii. The inmate's signature on the work release agreement which indicate that he/she has knowledge of the specific conditions and his/her willingness to comply with them.
 - iv. The inmate shall be furnished with a copy of the work release agreement and the original shall be on file in his/her jail folder.

H) Disposition of Earnings

- a. In accordance with Section 872 of Article 27 of the Correction Law, earnings made by the inmate shall be deposited with the Sheriff in a trust fund account.
 - b. The Sheriff may disburse from the account :
 - i. Support for dependents;
 1. This shall be based on the recommendations of the county Department of Social Services, Family Court, Probation Department, or a similar county unit.
 - ii. Cost to County for food, lodging, and clothing;
 1. A sum of twenty (\$20.00) per working day shall be withdrawn from the savings account for the above expenses.
 - iii. Cost to County for food, travel and expenses during work release;
 - iv. Payment of outstanding fines and legal obligations as acknowledged in writing by the inmate.
 - v. If requested by the inmate, a predetermined amount will be issued per day to the inmate prior to departing from the facility for work as an allowance for food, drink (non-alcoholic), and other items that may be necessary. The inmate will sign a receipt for this money, and any unused portion shall be turned in by the inmate upon his/her return to the facility. An exception to this is when an inmate must buy clothing or tools as required by his/her employer, any money spent for this must be accompanied by a receipt and turned over to the Jail Administrator for review.
 - c. The remaining balance shall be given to the inmate upon release.
 - d. By January 31st of each year, the Sheriff shall prepare a summary of all such trust fund accounts and forward to the County Administrator.
- I) The Sheriff may designate separate housing in the jail for the quartering of inmates participating in the work release program.

J) When Employment Prohibited

- a. No employment under the work release program for any inmate shall be approved if:
 - i. It is ascertained by the Sheriff that such employment will result in the displacement of employed workers, or be applies in skills, crafts or trades in which there is a surplus of available labor in the locality, except in the case of a prisoner who is to be employed by an employer for whom he was employed as a free person prior to the commencement of his/her sentence, and;
 - ii. The rates of pay and other conditions of employment are not at least equal to those paid or provided for work of a similar nature in the locality in which the work it so to be performed.
- b. The State Department of Labor shall exercise the same supervision over conditions of employment for inmates participating in the work release program as such department does over conditions of employment for free persons.
- c. In no event shall any work release program be permitted when there is any labor strike or lock-out in the establishment in which the inmate is, or is to be, employed.

K) No inmate participating in a work release program shall be deemed an agent, employee or involuntary servant of the county while released from the jail of confinement pursuant to the terms of any work release plan; provided, however, that when an inmate is employed by the state or a local municipality, his/her relationship to the state or local municipality arising out of such employment shall be determined in the same manner as if he/she were a free person so employed.

L) Facility Procedures for Work Release Program

- a. Intake Officers will be responsible for logging an inmate in and out of the facility on the SallyPort Jail Management System (JMS). Procedure is as follows:
Select tabs labeled - *Housed Out* -> *Add Move In* (or *Add Move Out*, whichever applies) -> *Housing Location* -> *Work Release* -> *Save*.
- b. All inmates participating in a work release program will be strip searched after each time they leave and return to the facility.
- c. All clothing required by inmates participating in a work release program will be limited to two (2) changes of clothing that shall be kept in the inmate's property at intake.
- d. Correctional staff shall conduct random alcohol and drug testing on all inmates participating in the work release program.
 - i. Results of such testing will be recorded on forms designed for this purpose and placed in the inmate's jail folder.
 - ii. If any positive test results are obtained, the Jail Administrator will be immediately notified.

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- e. The Jail Administrator or their designee may conduct random visits to the inmate's worksite or conduct a telephonic check to the employer to verify that the inmate is in fact working and at the worksite. Results of these checks will be recorded on forms designed for this purpose and placed in the inmate's jail folder.
 - f. In the event an inmate has violated any provisions of his/her work release plan, the Jail Administrator shall be informed immediately.
 - g. The Jail Administrator or his/her designee shall conduct an immediate investigation to determine if a violation has actually occurred and, if necessary, attempt to locate the inmate.
 - h. The Jail Administrator shall notify the Sheriff.
- M) The Sheriff shall annually prepare a report of the work release program for which shall be transmitted to the legislature on or before the first day of March of each year. Such report shall include:
- a. A summary of the operations and activities of the program for the preceding year
 - b. Recommendations for the improvement of the program as the Sheriff shall deem necessary and proper.

Operations Committee: 9-23-2019

RESOLUTION NO. 380-2019

AUTHORIZING THE CHAIR TO SIGN A CONTRACT WITH THE ARC OF JEFFERSON AND ST. LAWRENCE TO SUBMIT AN APPLICATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE CREATION OF A NEW PUBLIC BUS ROUTE IN MASSENA AND AKWESASNE

By Mr. Denesha, Chair, Operations Committee

WHEREAS, the Mobility Manager for St. Lawrence County and the County's transit operator, The Arc of Jefferson and St. Lawrence, have met with area stakeholders to establish shuttle service in Massena and neighboring Akwesasne, and

WHEREAS, nine service organizations and local governments support the creation of a public route that would give riders the opportunity to access employment and learning opportunities, medical and government services, community events, recreation, and shopping opportunities, and

WHEREAS, the St. Regis Mohawk Tribe does not offer public transit, and Franklin County's public transit service does not extend into Akwesasne, and

WHEREAS, authorization for St. Lawrence County to provide public transit into neighboring Franklin County must be sought and granted by the New York State Department of Transportation,

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NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Chair to sign a contract with The Arc of Jefferson and St. Lawrence to submit an application to the Department of Transportation for the creation of a new public bus route in Massena and Akwesasne, upon approval of the County Attorney.

Mr. Denesha moved to adopt Resolution No. 380-2019, seconded by Mr. Forsythe, Ms. Arquiatt and Ms. Curran, and carried by a voice vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

Operations Committee: 9-23-2019

RESOLUTION NO. 381-2019

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

By Mr. Denesha, Chair, Operations Committee

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

WHEREAS, to date, Casella Waste Services has routinely provided excellent service to the Massena Harrowgate Commons, and this service agreement will maintain the same rate of \$90.93 for twenty-four (24) months following the date of the signed contract (A1342504 43007, K1314104 43007, Q1M31404 43007),

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

Mr. Denesha moved to adopt Resolution No. 381-2019, seconded by Ms. Curran and Mr. Perkins, and carried by a voice vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

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Operations Committee: 9-23-2019

RESOLUTION NO. 382-2019

**AUTHORIZING THE CHAIR TO SIGN A CONTRACT WITH NEW YORK
PROSECUTOR'S TRAINING INSTITUTE AND DIGITAL EVIDENCE
MANAGEMENT SYSTEM FOR LICENSES, MAINTENANCE, TECHNICAL
SUPPORT, IMPROVEMENTS, ENHANCEMENTS, STORAGE, AND
TERMS OF USE FOR PCMS/DEMS PROGRAM**

By Mr. Denesha, Chair, Operations Committee

WHEREAS, the New York Prosecutor's Training Institute (PCMS) and Digital Evidence Management System (DEMS) developed programs that permit prosecutors across New York State to access data and content, enter all relevant data, and ensure that the staff of the District Attorney's Office enters data properly to maximize the use of PCMS/DEMS, and

WHEREAS, St. Lawrence County and NYPTI/DEMS are entering into this agreement in 2019, wherein licenses, maintenance, technical support, improvements, enhancements and storage are provided to the District Attorney providers for the use of the PCMS/DEMS Program, and

WHEREAS, pursuant to the contract the District Attorney's Office will be responsible for all fees associated with the licenses, maintenance, technical support, improvements, enhancements and storage with PCMS/DEMS, and

WHEREAS, the New York Prosecutor's Training Institute will invoice the District Attorney on a yearly basis beginning September 1, 2019 of the cost associated with storage for each terabyte (TB) of data stored in DEMS at an annual cost of \$1,320 or a monthly cost of \$110 (J1011654 43004),

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Chair to sign a contract with the New York Prosecutor's Training Institute and Digital Evidence Management System for licenses, maintenance, technical support, improvements, enhancements, storage, and terms of use for the PCMS/DEMS Program, upon approval of the County Attorney.

Mr. Denesha moved to adopt Resolution No. 382-2019, seconded by Ms. Curran and carried by a voice vote with twelve (12) yes votes, one (1) abstention (Haggard), and two (2) absent (Leader and Terminelli).

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Operations Committee: 9-23-2019

RESOLUTION NO. 383-2019

**MODIFYING THE 2019 BUDGET FOR HUMAN RESOURCES
FOR ADVERTISING EXPENSES**

By Mr. Denesha, Chair, Operations Committee

WHEREAS, expenses related to advertising of vacant positions are held within the Human Resources Department Budget, and

WHEREAS, advertising for vacant department head positions can be particularly costly, and are typically not budgeted annually, and

WHEREAS, a reopened search for the Director of Emergency Services and a search for the Director of the Youth Bureau exhausted the available appropriations transferred in Resolution No. 145-2019,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Treasurer to modify the 2019 Budget for the Human Resources Department for advertising expenses, as follows:

DECREASE APPROPRIATIONS:

B1019904 49700	B SPEC Contingency Account	\$5,000
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INCREASE APPROPRIATIONS:

CP014304 43005	C PERS Advertising Fees	\$5,000
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Mr. Denesha moved to adopt Resolution No. 383-2019, seconded by Ms. Curran, and carried by a roll call vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

October 7, 2019

Services Committee: 9-23-2019

RESOLUTION NO. 384-2019

**PROCLAIMING OCTOBER 20-26, 2019 AS NATIONAL
LEAD POISONING PREVENTION WEEK**

By Mr. Sheridan, Chair, Services Committee

WHEREAS, the Public Health Department is joining the national commitment to eliminating lead poisoning, and is observing National Lead Poisoning Prevention Week on October 20-26, 2019, and

WHEREAS, health problems caused by elevated blood lead levels are often invisible and irreversible in children, and even low levels of lead exposure have been shown to affect the developing brains of children, and

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators proclaims October 20-26, 2019 as National Lead Poisoning Prevention Week.

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Mr. Sheridan moved to adopt Resolution No. 384-2019, seconded by Ms. Curran and Mr. Acres, and carried by a voice vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

Services Committee: 9-23-2019

RESOLUTION NO. 385-2019

AUTHORIZING THE CHAIR TO SIGN A CONTRACT WITH STEPHENS MEDIA GROUP FOR SERVICES ASSOCIATED WITH LEAD POISON PREVENTION AWARENESS AND EDUCATION

By Mr. Sheridan, Chair, Services Committee

WHEREAS, the Public Health Department has funding in the amount \$114,064 from the Lead Based Paint Hazard Control Grant to utilize costs associated with lead poisoning prevention awareness and education, and

WHEREAS, the Public Health Department is requesting to sign a contract with Stephens Media Group, Ogdensburg, New York, to meet objectives of the Lead Based Paint Hazard Control Grant, and

WHEREAS, Stephens Media Group will provide advertisement of the program via their YES-FM website, recorded promotional commercials (15-20/weekly) and on air commercials (40 weekly), along with Facebook promotion each week containing program information and hyperlink to the Public Health Department website, at no cost to the County,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Chair to sign a contract with Stephens Media Group for services associated with lead poison prevention awareness and education, upon approval of the County Attorney, and

BE IT FURTHER RESOLVED that all signed contracts will remain in effect for the duration of the Lead Based Paint Hazard Control Grant.

Mr. Sheridan moved to adopt Resolution No. 385-2019, seconded by Mr. Burke and Ms. Curran, and carried by a voice vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

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Services Committee: 9-23-2019

RESOLUTION NO. 386-2019

AUTHORIZING THE CHAIR TO SIGN CONTRACTS WITH CONTRACTORS, SUBCONTRACTORS, AND CONSULTANTS FOR OPIOID EPIDEMIC GRANT AND MODIFYING THE 2019 BUDGET FOR THE PUBLIC HEALTH DEPARTMENT

By Mr. Sheridan, Chair, Services Committee

WHEREAS, the Public Health Department is responsible for the Opioid Epidemic Grant Funding which is part of the Emergency Preparedness Program, and

WHEREAS, Public Health has been approved to received \$72,000 in funding for September 1, 2019 to August 31, 2020 from the New York State Department of Health to address the opioid epidemic in the community, and

WHEREAS, grant funding will be used for educational materials and to provide multiple substance use, stigma and mental health education sessions, and

WHEREAS, training will be provided to superintendents/administrative staff at local public schools for Adverse Childhood Experiences (ACEs), Buprenorphine waiver trainings will be provided to medical providers, and collaboration with NYSDOH to provide clinical implementation trainings to providers who have already received MAT trainings,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Chair sign contracts with contractors, subcontractors, and consultants for the Opioid Epidemic Grant Funding, and

BE IT FURTHER RESOLVED that the Treasurer is authorized to modify the 2019 Budget for the Public Health Department, as follows, and to roll over any funds to future budgets until fully expended:

INCREASE REVENUE:

PPZ44895 57000 OP	P Opioid Federal Aid	\$72,000
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INCREASE APPROPRIATIONS:

PPZ40104 41102 OP	P OP Educational Workshops	\$1,300
PPZ40104 44500 OP	P OP Other Travel Reimbursement	7,700
PPZ40104 42000 OP	O OP Supplies and Expenses	2,000
PPZ40104 43007 OP	O OP Other Fees and Services	45,446
PPZ40101 12000 OP	P OP Supervisory/Administration	5,000
PPZ40101 11000 OP	P OP Direct Services Workers	5,309
PPZ40108 81000 OP	P OP Retirement	2,727

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PPZ40108 83000 OP	P OP Social Security	1,521
PPZ40108 84000 OP	P OP Workers Compensation	577
PPZ40108 84500 OP	P OP Group Life Insurance	60
PPZ40108 86500 OP	P OP Dental Insurance	210
PPZ40108 89000 OP	P OP Vision Insurance	150
		<u>\$72,000</u>

Mr. Sheridan moved to adopt Resolution No. 386-2019, seconded by Ms. Curran and Mr. Acres, and carried by a roll call vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

Services Committee: 9-23-2019

RESOLUTION NO. 387-2019

ADOPTING 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

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

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 Department or his/her duly authorized representative.

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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

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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.

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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.

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

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to receive personal service pursuant to Article Three of the New York State Civil Practice Law and Rules.

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.

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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

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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.

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;

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- 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.

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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;
 - 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;

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- 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,

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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.

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.

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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 5.0µg/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.

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

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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.

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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.

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.

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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 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.

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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.

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.

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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. 387-2019, seconded by Mr. Denesha, Ms. Curran, Ms. Arquiett, Mr. Haggard, and Mr. Acres

Mr. Reagen said he commended the Public Health Department for bringing this local law forward. He said it is time that the County update its approach to sanitary issues and by doing this it will provide the Public Health Department with the tools it needs to become a partnership with towns and communities so they can address issues that arise. He said it is well done and having the sanitary law will be a great benefit to the people of St. Lawrence County, and will enable the Public Health Department to respond when issues arise in communities.

Motion carried by a voice vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

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Services Committee: 9-23-2019

RESOLUTION NO. 388-2019

MODIFYING THE 2019 BUDGET OF THE OFFICE FOR THE AGING FOR UNMET NEED FUNDING TO ST. LAWRENCE COUNTY

By Mr. Sheridan, Chair, Services Committee

WHEREAS, New York State Office for the Aging has provided Unmet Need Funding to St. Lawrence County, and

WHEREAS, the purpose of the funding is to provide services to eligible clients within the County who are currently on a wait list to receive services such as home delivered meals, PERS, and home care services, and

WHEREAS, the Office for the Aging currently maintains waitlists for home delivered meals, home care, and PERS (Lifeline Units), and this unmet needs funding will help provide services for approximately 15-20 currently on the waitlist, and

WHEREAS, the unmet need funding waives the local match requirement,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Treasurer to modify the 2019 Budget of the Office for the Aging for Unmet Need Funding for St. Lawrence County, as follows:

INCREASE APPROPRIATIONS:

OA067724 43007	O PFA Other Fees & Services	\$28,206
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INCREASE REVENUE:

OA037725 56000	O SA OFA Program Revenue	\$28,206
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Mr. Sheridan moved to adopt Resolution No. 388-2019, seconded by Mr. Forsythe, Mr. Denesha and Ms. Curran, and carried by a roll call vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

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Services Committee: 9-23-2019

RESOLUTION NO. 389-2019

**MODIFYING THE 2019 BUDGET OF SOCIAL SERVICES
FOR TEMPORARY ASSISTANCE**

By Mr. Sheridan, Chair, Services Committee

WHEREAS, due to higher than anticipated chargeback costs in Temporary Assistance, it is necessary to modify the 2019 Social Services Budget,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorize the Treasurer to modify the 2019 Budget of Social Services for Temporary Assistance, as follows:

INCREASE APPROPRIATIONS:

DAP60104 499CN	D TA Client Notices	\$18,500
DAP60104 499DC	D TA Legal Svc for Disabled	<u>21,500</u>
		\$40,000

DECREASE APPROPRIATIONS:

DMM61024 46500	D Medical Management Information	\$40,000
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Mr. Sheridan moved to adopt Resolution No. 389-2019, seconded by Mr. Burke, Mr. Perkins, and Ms. Curran, and carried by a roll call vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

Services Committee: 9-23-2019

RESOLUTION NO. 390-2019

**MODIFYING THE 2019 BUDGET OF SOCIAL SERVICES
FOR RAISE THE AGE FUNDING**

By Mr. Sheridan, Chair, Services Committee

WHEREAS, to access Raise the Age funding, it is necessary to modify the 2019 Social Services Budget,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Treasurer to modify the 2019 Budget of Social Services for Raise the Age Funding, as follows:

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INCREASE REVENUE:

DSC36195 56000 RTA	Foster Care RTA	\$291,550
DSG36705 56000 RTA	Title XX RTA	<u>15,022</u>
		\$306,572

INCREASE APPROPRIATIONS:

DSC61194 465IB RTA	Foster Care RTA	\$291,550
DSG60704 46500 RTA	Title XX RTA	<u>15,022</u>
		\$306,572

Mr. Sheridan moved to adopt Resolution No. 390-2019, seconded by Ms. Curran, Mr. Acres and Mr. Fay, and carried by a roll call vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

Services Committee: 9-23-2019

RESOLUTION NO. 391-2019

MODIFYING THE 2019 BUDGET OF SOCIAL SERVICES FOR OVERTIME

By Mr. Sheridan, Chair, Services Committee

WHEREAS, a budgetary measure during the 2019 budget process identified some of the appropriations for departments with overtime expenses and placed twenty-five percent (25%) of those funds in the contingency account, and

WHEREAS, the Department of Social Services will exceed the 2019 Budget for overtime costs,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorize the Treasurer to modify the 2019 Budget of Social Services for overtime, as follows:

INCREASE APPROPRIATIONS:

DAA60101 18000	D ADM Overtime	\$8,750
DAF60101 18000	D FS Overtime	4,600
DAG60101 18000 CPSC	D CPSC Overtime	1,885
DAH60101 18000 HEAP	D HEAP Overtime	1,412
DAM60101 18000	D MAEL Overtime	2,125
DAP60101 18000	D TA Overtime	850
DAS60101 18000	D SG Overtime	<u>30,875</u>
		\$50,497

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INCREASE REVENUE:

DAG36105 56000 CPSC D SA CPSC TSP CSP Caseworker \$1,885

DECREASE APPROPRIATIONS:

B1019904 49700	B SPEC Contingency Account	\$17,875
DAA60101 14000	D ADM Clerical	4,785
DAF60101 11000	D FS Direct Service Workers	4,600
DAH60101 14000 HEAP	D HEAP Clerical	1,412
DAM60101 14000	D MAEL Clerical	2,125
DAP60101 11000	D TA Direct Service Workers	850
DAS60101 11000	D SG Direct Service Workers	8,483
DAS60101 14000	D SG Clerical	<u>8,482</u>
		\$48,612

Mr. Sheridan moved to adopt Resolution No. 391-2019, seconded by Mr. Haggard, and carried by a roll call vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

Services Committee: 9-23-2019

RESOLUTION NO. 392-2019

**AUTHORIZING THE CHAIR TO SIGN TWO CONTRACTS
ACCEPTING THE TRAFFIC SAFETY PROGRAM AND CHILD PASSENGER
SAFETY GRANTS 2019-2020 FOR COMMUNITY SERVICES**

By Mr. Sheridan, Chair, Services Committee

WHEREAS, the New York State Governor's Traffic Safety Committee has determined that the St. Lawrence County Traffic Safety Grant will be funded at \$76,034, with an additional Child Passenger Safety Grant for training and fitting stations in the amount of \$12,500 for a total budget of \$88,534, and

WHEREAS, the 2020 Budget will be prepared with the understanding that the Traffic Safety Grant expenditures will be funded at \$88,534, and

WHEREAS, funding from the Governor's Traffic Safety Committee was requested and approved for the time period of October 1, 2019 through September 30, 2020 (A7233895 56000),

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Chair to sign two contracts with the New York State Governor's Traffic Safety Committee to accept the 2019-2020 Traffic Safety Program and Child Passenger Safety Grants and permit the Chair to sign any other documents necessary to carry out the terms of the grants and the services associated with it, upon approval of the County Attorney.

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Mr. Sheridan moved to adopt Resolution No. 392-2019, seconded by Ms. Curran, Mr. Haggard, and Ms. Arquiett, and carried by a voice vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

Services Committee: 9-23-2019

RESOLUTION NO. 393-2019

**AUTHORIZATION TO APPROVE THE CREATION OF CERTAIN
CIVIL SERVICE TITLES IN COMMUNITY SERVICES TO BE FILLED
AS BEHAVIORAL HEALTH CLINICIANS**

By Mr. Sheridan, Chair, Services Committee

WHEREAS, St. Lawrence County Community Services would like to streamline the hiring process of Licensed Social Workers and Mental Health Counselors, and

WHEREAS, the filling of direct service and revenue generating positions within both the Chemical Dependency and Mental Health Clinics is paramount to the successful staffing of Clinics and to the care of its current and future clients, and

WHEREAS, this would widen the field of applicants to fill revenue generating positions in a more timely manner and create efficiency in the hiring process, and

WHEREAS, the current hiring process, which identifies a specific title, hinders the ability of the Department to hire an employee in a timely manner as there are challenges of having applicants of the specific title applying for the position, which can be filled by multiple titles to complete the type of work necessary, and

WHEREAS, if a suitable candidate with an alternate title is found, the Department then have to go through the whole resolution process over again which takes away valuable time that could be used generating revenue and providing the services to the clients in our community, and

WHEREAS, for approval purposes only, the following civil service titles could fit under the umbrella of "Behavioral Health Clinician:" Licensed Clinical Social Worker, Licensed Clinical Social Worker-R, Licensed Master Social Worker, Master Social Worker, Licensed Mental Health Counselor, or Mental Health Counselor, and

WHEREAS, all titles listed above are classified as the same grade, which is a Grade 30, and

WHEREAS, upon a Behavior Health Clinician candidate accepting this position, the appropriate civil service title will be applied and a position number will be subsequently generated relative to the licensed credentials of the employee and job title,

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NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the authorization to approve the creation of certain civil service titles in Community Services to be filled as Behavioral Health Clinicians, and

BE IT FURTHER RESOLVED that as vacancies occur in the Mental Health Clinic, resolutions to fill Behavioral Health Clinicians will be brought to the Board of Legislators for consideration.

Mr. Sheridan moved to adopt Resolution No. 393-2019, seconded by Mr. Forsythe and Ms. Curran, and carried by a voice vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

Services Committee: 9-23-2019

RESOLUTION NO. 394-2019

AUTHORIZING THE CHAIR TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN ST. LAWRENCE COUNTY AND ST. LAWRENCE COUNTY ONE-STOP SYSTEM PARTNERS AND ON BEHALF OF ALL APPLICABLE DEPARTMENTS

By Mr. Sheridan, Chair, Services Committee

WHEREAS, Section 121 (a) (1) of the Workforce Innovation and Opportunity Act of 2014 (the “Act”), states that “the local board, with the agreement of the chief elected official, shall develop and enter into a Memorandum of Understanding (MOU) (between the Local Board and the One-Stop Partners), ... concerning the operation of the one-stop delivery system in the local area.”, and

WHEREAS, the MOU is the product of lengthy negotiations among the various members of the State agency team, whose central office personnel will be executing on behalf of their local offices, and

WHEREAS, the local partners designated in the Act have met and reviewed the text of the MOU and agreed that the text is acceptable to them as written, and

WHEREAS, on April 19, 2017 the St. Lawrence County Workforce Development Board’s Executive Committee reviewed the MOU and recommended that the full Workforce Development Board approve execution of the MOU as written, and

WHEREAS, on May 3, 2017 the St. Lawrence County Workforce Development Board approved its execution of the text as written and instructed its staff to forward the MOU to the St. Lawrence County Board of Legislators with a recommendation to authorize the Chair to execute it as provided for in the Act, and

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WHEREAS, on June 5, 2017 the St. Lawrence County Board of Legislators authorized the Chair to sign the Memorandum of Understanding between St. Lawrence County and St. Lawrence County One-Stop System Partners, and on behalf of all applicable departments, and

WHEREAS, the New York State Department of Labor is now requiring current system partners sign or re-sign the MOU due to the fact that before the original MOU could be fully executed, multiple system partner's contact and/or signatory information changed,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Chair to sign a Memorandum of Understanding between St. Lawrence County and St. Lawrence County One-Stop System Partners, and on behalf of all applicable departments, upon approval of the County Attorney.

Mr. Sheridan moved to adopt Resolution No. 394-2019, seconded by Ms. Curran and Mr. Burke, and carried by a voice vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

Services Committee: 9-23-2019

RESOLUTION NO. 395-2019

AUTHORIZING THE CHAIR TO SIGN A LEASE WITH THE WORKFORCE DEVELOPMENT BOARD FOR SPACE AT THE HUMAN SERVICES CENTER FOR THE ONE STOP CAREER CENTER

By Mr. Sheridan, Chair, Services Committee

WHEREAS, the Workforce Investment Board and St. Lawrence County previously partnered in a lease agreement on July 1, 2001 for a ten (10) year term ending April 30, 2011, and then exercised a five (5) year option which ended April 30, 2016, and

WHEREAS, the Workforce Investment Board (WIB) has since been required to conduct business as the Workforce Development Board (WDB), and

WHEREAS, Resolution No. 121-2016 authorized the Chair to sign a lease with the Workforce Development Board for space at the Human Services Building for the One Stop Career Center for a term to end June 30, 2017, and subsequently on a month-to-month basis, and

WHEREAS, the location and amount of space needed by the Workforce Development Board remains unchanged at approximately 6,990 square feet on the first floor of the Human Services Center, 80 State Highway 310, Canton, New York, and

WHEREAS, the rental rate per square foot using the formula established in the original 2001 lease agreement will be \$15.27 (T8012895 55000), and will continue to be calculated using the same formula in the original lease agreement which provides for an annual increase based on the increase in the consumer price index,

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NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Chair to sign a lease with the Workforce Development Board at a rental rate consistent with the formula used in the Lease Agreement signed in 2001 for approximately 6,990 square feet of space at the Human Services Center for the One Stop Career Center for the term July 1, 2019 through June 30, 2020, upon approval of the County Attorney, and

BE IT FURTHER RESOLVED that a new lease agreement be developed in anticipation of the expiration of this lease for the Board of Legislators to consider in June 2020.

Mr. Sheridan moved to adopt Resolution No. 395-2019, seconded by Ms. Curran and Mr. Haggard, and carried by a voice vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

Finance Committee: 9-30-2019

RESOLUTION NO. 396-2019

**AUTHORIZING THE CHAIR TO SIGN A LEASE WITH WASTE STREAM INC.,
DBA CASELLA WASTE SERVICES FOR EQUIPMENT FOR
THE SOLID WASTE DEPARTMENT**

By Mr. Acres, Chair, Finance Committee

WHEREAS, Waste Stream Management Inc., dba Casella Waste Services, wants to lease equipment to the Solid Waste Department for the purpose of transporting recyclables, and

WHEREAS, the St. Lawrence County Transfer Stations are not equipped to manage the approximate one hundred percent (100%) increase in volume, and

WHEREAS, the most efficient manner of transporting recyclables to the Harrisville Recycling Center is to pick up compacted recyclables loaded on trailers at Casella Waste Services, and

WHEREAS, the cost is \$1 per year to lease three (3) trailers (WH081604 42102 RECY), and

WHEREAS, under the term of the lease, the Solid Waste Department is responsible for any repairs to the leased equipment, and

WHEREAS, the term of this contract will be three (3) years (January 1, 2020 through December 31, 2022),

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Chair to sign a lease with Waste Stream Inc., dba Casella Waste Services, for equipment for the Solid Waste Department, upon approval of the County Attorney.

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Mr. Acres moved to adopt Resolution No. 396-2019, seconded by Mr. Forsythe and Ms. Curran, and carried by a voice vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

Finance Committee: 9-30-2019

RESOLUTION NO. 397-2019

**APPROVING FEDERAL AID HIGHWAY PROJECT
FOR THE CONSTRUCTION/CONSTRUCTION INSPECTION PHASE OF
THE ST. LAWRENCE COUNTY BRIDGE PRESERVATION PROJECT,
BIN 3340850, BIN 3341310, BIN 3341710, BIN 3341720, PIN 775378**

By Mr. Acres, Chair, Finance Committee

Authorizing the implementation and funding of a State-aid eligible transportation federal-aid project, to fully fund the local share of federal and state aid eligible and ineligible project costs and appropriating funds therefore.

WHEREAS, a project for the Construction/Construction Inspection of the St. Lawrence County Bridge Preservation Project, BIN 3340850, BIN 3341310, BIN 3341710, BIN 3341720, PIN 775378 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of eighty percent (80%) federal funds and twenty percent (20%) non-federal funds, and

WHEREAS, the Board of Legislators wants to advance the project by making a commitment of one hundred percent (100%) of the non-federal share of the costs of Construction/Construction Inspection for the Project or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation ("NYSDOT") pursuant to Agreement,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators approves Federal Aid Highway Project for the Construction/Construction Inspection Phase of the St. Lawrence County Bridge Preservation Project, BIN 3340850, BIN 3341710; BIN 3341720, PIN 775378, and

BE IT FURTHER RESOLVED that the Board of Legislators hereby authorizes the Treasurer to pay in the first instance one hundred percent (100%) of the Federal and non-federal share of the cost of Construction/Construction Inspection for the Project of portions thereof, upon approval of the County Attorney, and

BE IT FURTHER RESOLVED that the Board of Legislators hereby agrees that the St. Lawrence County Department of Highways shall be responsible for all costs of the Project which exceed the amount of the Federal Aid Project funding awarded to the St. Lawrence County Department of Highways, and

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BE IT FURTHER RESOLVED that in the event the full federal and non-federal share costs of the Project exceed the amount appropriated above, the St. Lawrence County Board of Legislators shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Department of Highways thereof, and

BE IT FURTHER RESOLVED that it is understood that construction (award) shall commence in 2019, and

BE IT FURTHER RESOLVED that Board of Legislators authorizes the Chair to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the St. Lawrence County Board of Legislators with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding, of the Federal and non-federal share of Project costs and permanent funding of the local share of federal-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

Mr. Acres moved to adopt Resolution No. 397-2019, seconded by Mr. Denesha and Ms. Curran, and carried by a voice vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

Finance Committee: 9-30-2019

RESOLUTION NO. 398-2019

AUTHORIZING THE CHAIR TO SIGN A ONE-YEAR CONTRACT EXTENSION WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR THE SNOW AND ICE CONTROL AGREEMENT ON STATE HIGHWAYS

By Mr. Acres, Chair, Finance Committee

WHEREAS, Resolution No. 133-82 authorized the Chair to sign an Agreement (Contract No. D210577) (HS023025 55000) with New York State Department of Transportation entitled "Snow and Ice Agreement" and with certain municipalities as subcontractors (HS051444 465CO), and

WHEREAS, the term of the Agreement is for a period of three (3) years commencing July 1, 1982, and the Agreement provides that the parties may at the end of each year of the term of the Agreement extend such term for an additional year, and

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WHEREAS, the present term of the Agreement, as extended, expired on June 30, 2019,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Chair to sign a one-year contract extension with the New York State Department of Transportation for the Snow and Ice Control Agreement on State Highways, upon approval of the County Attorney, and

BE IT FURTHER RESOLVED that the Board of Legislators authorizes the approval of the municipalities that perform the work of control of snow and ice as subcontractors of St. Lawrence County.

Mr. Acres moved to adopt Resolution No. 398-2019, seconded by Ms. Curran, and carried by a voice vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

Finance Committee: 9-30-2019

RESOLUTION NO. 399-2019

AUTHORIZING COLLECTION OF OMITTED TAXES

By Mr. Acres, Chair, Finance Committee

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the collections of omitted taxes to the 2020 tax roll pursuant to Sections 520 and 551 under Title 3 of Article Five of the Real Property Tax Law.

Mr. Acres moved to adopt Resolution No. 399-2019, seconded by Ms. Curran, and carried by a voice vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

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Finance Committee: 9-30-2019

RESOLUTION NO. 400-2019

ADOPTION OF THE EQUALIZATION RATES FOR 2020 COUNTY TAXES

By Mr. Acres, Chair, Finance Committee

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators adopts the equalization rates for 2020 County Taxes, as follows:

<u>MUNICIPALITY</u>	<u>EQUALIZATION RATE</u>
Ogdensburg	100.00
Brasher	80.50
Canton	99.00
Clare	3.01
Clifton	90.00
Colton	107.96
Dekalb	94.00
Depeyster	79.00
Edwards	87.50
Fine	81.00
Fowler	12.00
Gouverneur	95.00
Hammond	100.00
Hermon	89.00
Hopkinton	100.00
Lawrence	100.00
Lisbon	82.00
Louisville	87.00
Macomb	50.25
Madrid	87.00
Massena	100.00

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Morristown	98.00
Norfolk	82.00
Oswegatchie	100.00
Parishville	6.09
Piercefield	100.00
Pierrepoint	87.50
Pitcairn	100.00
Potsdam	95.00
Rossie	88.00
Russell	70.00
Stockholm	87.00
Waddington	91.50

Mr. Acres moved to adopt Resolution No. 400-2019, seconded by Ms. Curran, and carried by a voice vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

Finance Committee: 9-30-2019

RESOLUTION NO. 401-2019

AUTHORIZING THE CHAIR TO SIGN A CONTRACT BETWEEN ST. LAWRENCE COUNTY SELF-INSURANCE PLAN AND ST. LAWRENCE COUNTY FIRE TRAINING FACILITY, INC., FOR THE USE OF FIRE TRAINING FACILITIES

By Mr. Acres, Chair, Finance Committee

WHEREAS, the St. Lawrence County Self-Insurance Plan has previously entered into an agreement with the St. Lawrence County Fire Training Facility, Inc., to provide priority access to the facility and training of the participants of the St. Lawrence County Self-Insurance Plan, and that agreement expires December 31, 2019, and

WHEREAS, the St. Lawrence County Self-Insurance Plan wants to continue this arrangement for a two (2) year term to begin January 1, 2020, and expire December 31, 2021, and

WHEREAS, an annual payment of \$35,000 (LI017104 46000) will be made payable in quarterly payments to the St. Lawrence County Fire Training Facility,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Chair to sign a contract between the St. Lawrence County Self-Insurance Plan and St. Lawrence County Fire Training Facility, Inc., for the use of fire training facilities, upon approval of the County Attorney.

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Mr. Acres moved to adopt Resolution No. 401-2019, seconded by Mr. Burke, Mr. Perkins, and Ms. Curran, and carried by a voice vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

Finance Committee: 9-30-2019

RESOLUTION NO. 402-2019

**MODIFYING THE 2019 BUDGET FOR THE COUNTY ATTORNEY’S OFFICE
FOR OUTSIDE COUNSEL**

By Mr. Acres, Chair, Finance Committee

WHEREAS, pursuant to County Law § 501(2), “...whenever the interests of the board of supervisors or the county are inconsistent with the interests of any officer paid his compensation from county funds, the county attorney shall represent the interests of the board of supervisors and the county [while the conflicted officer] may employ an attorney-at-law” who shall be reimbursed pursuant to the policies established by Public Officers Law § 18, and

WHEREAS, coordinated strategies are being implemented to decrease long term costs associated with continued retention of outside counsel, however, short term costs have increased due to the current litigation files that have been sent to outside counsel reaching a more active status, and

WHEREAS, due to trial preparation and upcoming trials there will not be sufficient funds left to pay the future billings to outside counsel from the LR Legal Fees Account (LR019304 43002),

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Treasurer to modify the 2019 Budget for the County Attorney’s Office for outside counsel, as follows:

DECREASE UNAPPROPRIATED FUND BALANCE:

08TG0911 50300 Fund Balance, Unreserved Unappropriated \$100,000

INCREASE APPROPRIATED FUND BALANCE:

08TG0910 50300 Fund Balance, Unreserved Appropriated \$100,000

INCREASE APPROPRIATIONS:

LR019304 43002 L Legal Fees \$100,000

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Mr. Acres moved to adopt Resolution No. 402-2019, seconded by Mr. Forsythe and Mr. Fay, and carried by a roll call vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

Finance Committee: 9-30-2019

RESOLUTION NO. 403-2019

**AUTHORIZING THE CHAIR TO SIGN AN ACCESS AGREEMENT WITH THE
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC)
SOLID AND HAZARDOUS WASTE PROGRAM FOR ASSESSING A
HISTORIC LANDFILL SITE IN STAR LAKE**

By Mr. Acres, Chair, Finance Committee

WHEREAS, the County of St. Lawrence is the record title owner of approximately five (5) acres of land in the Town of Fine where the County operates a solid waste transfer station which borders property currently owned by the Benson Mining Company, and

WHEREAS, the neighboring land, owned by a private entity, is believed to be the site of an inactive solid waste landfill, and

WHEREAS, the New York State Department of Environmental Conservation (“DEC”) is responsible for oversight and administration of the Solid and Hazardous Waste Program, and

WHEREAS, included in this program is a new investigative effort called the “DEC Inactive Landfill Initiative” which assesses historic landfills for the potential presence of “emerging contaminants”, such as perfluorinated compounds and 1,4-Dioxane, which may pose a threat to drinking water supplies, and

WHEREAS, the DEC has become aware of environmental contamination of perfluorinated compounds and 1,4-Dioxane related to certain industrial and commercial practices at sites around the State of New York, and

WHEREAS, in an effort to assure protection of drinking water sources, the DEC has embarked on an effort to prioritize and investigate inactive solid waste landfills, and

WHEREAS, as part of this effort, the DEC is looking at the former Star Lake Landfill close to where the current County Solid Waste Transfer Station is located, and

WHEREAS, the DEC has requested permission from the County to allow staff members and contractors to enter upon the land of the County Transfer Station at Star Lake to place monitoring well(s) on the perimeter of the property and test for various chemicals including emerging contaminants, and

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WHEREAS, the DEC and the County have negotiated an access agreement that states the County will not shoulder the burden of any costs associated with the proposed environmental testing and monitoring at the site under this access agreement,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Chair to sign an access agreement with the New York State Department of Environmental Conservation (DEC) Solid and Hazardous Waste Program for assessing a historic landfill site in Star Lake, upon approval of the County Attorney.

Mr. Acres moved to adopt Resolution No. 403-2019, seconded by Ms. Curran, and carried by a voice vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

Finance Committee: 9-30-2019

RESOLUTION NO. 404-2019

ADOPTING THE RIGHTS OF PUBLIC OFFICERS AND EMPLOYEES ABSENT ON MILITARY DUTY AS MEMBERS OF THE ORGANIZED MILITIA OR OF RESERVE FORCES OF RESERVE COMPONENTS OF THE ARMED FORCES PURSUANT TO MILITARY LAW §242(5)(B)” IN ST. LAWRENCE COUNTY

By Mr. Reagen, District 1

WHEREAS, the Board of Legislators is committed to providing support and assistance to members of the United States Armed Forces who may be employed by St. Lawrence County, and

WHEREAS, pursuant to Military Law §242 (5)(b), which became effective April 1, 2019, “Every public officer or employee employed by the State of New York who served in a combat theater or combat zone of operations as documented by a copy of his or her DD214, certificate of release or discharge from active duty, or other applicable department of defense documentation, shall be paid his or her salary or other compensation as such public officer or employee for any and all periods of absence while utilizing any healthcare related services related to such duty, not exceeding five working days, in any one calendar year,” and

WHEREAS, the Board of Legislators wishes to extend a similar benefit to current and future County employees as that extended to State employees pursuant to Military Law §242 (5)(b), provided the employee submits medical documentation showing and that the employee’s absence was for the purpose of receiving healthcare services related to such duty,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators adopts the rights of public officers and employees absent on military duty as members of the organized militia or of reserve forces of reserve components of the armed forces pursuant to military law §242(5)(b), and

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BE IT FURTHER RESOLVED that every public officer or employee employed by the County of St. Lawrence who served in a combat theater or combat zone of operations as documented by a copy of his or her DD214, certificate of release or discharge from active duty, or other applicable department of defense documentation, shall be paid his or her salary or other compensation as such public officer or employee for any and all periods of absence while utilizing any healthcare related services related to such duty, not exceeding three working days, in any one calendar year.

Mr. Reagen moved to adopt Resolution No. 404-2019, seconded by Mr. Forsythe, Mr. Lightfoot, Mr. Denesha, Mr. Perkins, Mr. Acres, Mr. Fay, Mr. Haggard, Ms. Arquiatt, Mr. Burke, Mr. Arquiatt, and Ms. Curran.

Mr. Reagen said this resolution will provided for three (3) additional days off for County employees who were injured while in harm's way while serving in the armed forces of the United States. In order to qualify the employee will have to show that they were injured during military duty in a combat zone. Mr. Reagen said it is something owed to those that go into harm's way, and he thanked everyone who supports the resolution.

Mr. Haggard said he wished to thank Legislator Reagen for bringing this resolution forward. He said he enthusiastically supports the resolution, and he would have also supported it if it had gone forward as a Local Law. He agrees that this is the very least we can do for our veterans and he is pleased that the entire Board is showing support for this.

Resolution No. 404-2019 carried by a voice vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

RESOLUTION NO. 405-2019

AUTHORIZING FILLING OF VACANCIES

By Mr. Reagen, District 1 and Mr. Arquiatt, District 13

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

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

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

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considered at the Regular Board Meeting,

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

<u>Department/Unit:</u>	<u>Title:</u>	<u>Position No.:</u>	<u>Type</u>	<u>Duration</u>	<u>Timeline</u>
Sheriff / Criminal	Deputy	6055000xx	FT	Permanent	Immediate
Public Health / Fiscal	Principal Fiscal Officer	101000007	FT	Temporary	Immediate
Public Health / Prevent	Public Health Nurse	502000003	FT	Permanent	Immediate
Public Health / Early Intervention	Service Coordinator	501000001	FT	Permanent	Immediate
Public Health / Fiscal	Account Clerk Typist	100400008	FT	Cont./Perm	Immediate
Public Health / Early Intervention	Service Coordinator	506000002	FT	Permanent	Immediate
Community Services / Mental Health	Behavioral Health Clinician	TBD	FT	Permanent	Immediate
Community Services / Chem. Depend.	Keyboard Specialist	003100085	FT	Permanent	Immediate
Community Services / Chem. Depend.	Registered Prof. Nurse	501000023	FT	Permanent	Immediate
Office for the Aging / Potsdam	Nutrition Services Aide	801000013	PT	Permanent	Immediate
Social Services / Accounting	Senior Account Clerk	100200037	FT	Temporary	Immediate
Social Services / TA / SNAP	Social Welfare Examiner	814000052	FT	Permanent	60 days
Social Services / Children's Services	Homemaker	805000002	FT	Permanent	60 days
Social Services / Legal	Attorney	818000002	FT	Permanent	Immediate
Highway	Motor Equipment Operator	310000008	FT	Permanent	Immediate
Real Property	Account Clerk	100100039	FT	Permanent	Immediate

BE IT FURTHER RESOLVED that the temporary positions will be abolished when the permanent positions are filled, and

BE IT FURTHER RESOLVED that the following positions be abolished: Position No. 502000003, Community Health Nurse; Position No. 501000034, Registered Nurse; Position No. 501000020, Registered Nurse; and Position No. 512400001 Licensed Social Worker, and

BE IT FURTHER RESOLVED that the appointing authorities for each Department are authorized to fill the positions upon adoption of this resolution.

Mr. Reagen moved to adopt Resolution No. 405-2019, seconded by Mr. Arquiett, Ms. Curran, and Ms. Arquiett, and carried by a voice vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

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RESOLUTION NO. 406-2019

AMENDING RESOLUTION 342-2019 “AUTHORIZATION TO MODIFY THE 2019 BUDGET FOR BOARD OF ELECTIONS FOR THE PURCHASE OF VOTING MACHINES, ELECTRONIC POLLBOOKS AND WIRELESS AIRBALLOT PRINTERS” TO INCLUDE AUTHORIZING THE CHAIR TO SIGN A CONTRACT WITH THE STATE OF NEW YORK FOR MASTER CONTRACTS FOR GRANTS AND THE ELECTRONIC POLLBOOK CAPITAL GRANT PROGRAM

By Mr. Arquiatt, District 13
Co-Sponsored by Mr. Haggard, District 10

WHEREAS, The New York State Legislature has implemented nine (9) days of early voting for all future Primary and General Elections, and

WHEREAS, New York State Board of Elections has authorized certified vendors to provide electronic Pollbooks and voting machines that comply with the stringent standards for security and accuracy set by New York State, and

WHEREAS, the voting machines purchased in 2008 are nearing the end of their useful life and as such, the Board of Elections is taking proactive measures to minimize future repair costs while taking advantage of newer, more efficient technology, and

WHEREAS, the Board of Elections seeks to maximize funds from all other sources to minimize the impact on county taxpayers, and

WHEREAS, the state will be providing \$10 Million Localities Grant Program for the purpose of purchasing equipment (E1Z14502 25000) for early voting, based on voter registration and sites planned, with St. Lawrence County’s portion being \$47,584, and

WHEREAS, the State will be providing \$14 Million Capital Project Grant Program for the purpose of purchasing equipment for early voting, based on voter registration and sites planned, with St. Lawrence County’s portion being \$68,191, and

WHEREAS, the Board of Elections will also utilize SHOEBOX grant funds that may be used to lease or purchase equipment, and

WHEREAS, Resolution No. 342-2019, adopted August 5, 2019, authorized the Treasurer to modify the 2019 Budget for Board of Elections to permit for the purchase of voting machines, electronic pollbooks, and wireless airballot printers, and

WHEREAS, absent from the resolution was authorization to allow the Chair to execute any and all contracts necessary to effectuate the acceptance of the grant to pay for the purchase of voting machines, electronic pollbooks, and wireless airballot printers,

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NOW, THEREFORE, BE IT RESOLVED the Board of Legislators amends Resolution No. 342-2019 “Authorization to modify the 2019 Budget for Board of Elections for the purchase of voting machines, electronic pollbooks and wireless airballot printers,” to include authorizing the chair to sign a contract with the State of New York for Master Contracts for grants and the Electronic Pollbook Capital Grant Program, and any other documentation necessary, upon approval of the County Attorney.

Mr. Arquiett moved to adopt Resolution No. 406-2019, seconded by Mr. Haggard.

Mr. Haggard said he would like to be added as a co-sponsor to the resolution.

Resolution No. 406-2019 was adopted by a voice vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

RESOLUTION NO. 407-2019

DECLARING OCTOBER DOMESTIC VIOLENCE AWARENESS MONTH

By Ms. Curran, District 15

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

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

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

WHEREAS, as the lead agency of the Task Force, Renewal House has planned many activities throughout the County to highlight Domestic Violence Awareness Month, with the theme for this year being “Creating Hope for the Future”, inviting all of us to look toward a future that is more inclusive, accessible, and trauma-informed for victims and survivors,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators declares October Domestic Violence Awareness Month, and

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

Ms. Curran moved to adopt Resolution No. 407-2019, seconded by Mr. Burke, Ms. Arquiett, Mr. Haggard, and Mr. Acres, and carried by a voice vote with thirteen (13) yes votes, and two (2)

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absent (Leader and Terminelli).

RESOLUTION NO. 408-2019

APPOINTING THE DIRECTOR OF PLANNING

By Mr. Denesha, District 6

WHEREAS, the St. Lawrence County Director of Planning retired effective August 31, 2019, and

WHEREAS, the current Deputy Director is a long-tenured employee with an array of talent and experience, and possesses familiarity with the staff both within the Planning Office and County as a whole, and the Board of Legislators has expressed confidence in his ability to act as Director of the Planning Office, and

WHEREAS, there is great value in the knowledge and resourceful nature of staff in this field with the talent and ability necessary to take on the responsibilities of Director, and

WHEREAS, the Board of Legislators decided not to conduct a search to fill this position and have identified a qualified candidate for consideration,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators hereby appoints Jason Pfothenauer as the St. Lawrence County Director of Planning, effective October 8, 2019, at a starting salary of \$85,051.

Mr. Denesha moved to adopt Resolution No. 408-2019, seconded by Mr. Burke, Mr. Forsythe, Mr. Haggard, Mr. Acres, Ms. Arquiett, and Ms. Curran.

Mr. Denesha offered his congratulations to Mr. Pfothenauer and said he is a long-term, faithful, very abled employee of St. Lawrence County in the Planning Office. He has been a huge help with the J&L project, and he cannot imagine there is anyone more suited for the job than Mr. Pfothenauer.

Mr. Haggard congratulated Mr. Pfothenauer, and said he cannot imagine a better candidate or a better person to fill that position. He said he encourages Mr. Pfothenauer that if he needs anything from the Board in the future to come forward. He has big shoes to fill, but is sure that he can do it.

Mr. Lightfoot also congratulated Mr. Pfothenauer. He said he is an excellent choice, and he has been an excellent Deputy.

Resolution No. 408-2019 was adopted by a voice vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

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RESOLUTION NO. 409-2019

**APPOINTING THE EMERGENCY SERVICES DIRECTOR
FOR ST. LAWRENCE COUNTY**

By Mr. Arquiett, District 13
Co-Sponsored By Mr. Reagen, District 1; Mr. Forsythe, District 2;
Mr. Perkins, District 7; and Ms. Curran, District 15

WHEREAS, the departure of the Emergency Services Director in early 2019 created a need to appoint a Search Committee who would conduct a search and return a recommendation for a successor, and

WHEREAS, a Search Committee was appointed by the Chair and they have completed the selection process and are prepared to make a recommendation to the Board of Legislators for a candidate to be appointed as Emergency Services Director,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators hereby appoints Matthew Denner as the Emergency Services Director for St. Lawrence County to serve at the pleasure of the Board of Legislators at an annual salary of \$67,479, Band IV, Step 5, to begin no later than October 15, 2019, and

BE IT FURTHER RESOLVED that upon a successful six month review by the County Administrator, there will be a salary increase to Band IV, Step 6.

Mr. Arquiett moved to adopt Resolution No. 409-2019, seconded by Mr. Perkins and Mr. Forsythe.

Mr. Arquiett said there was a rigorous interview process in search of the right person for this very important position for the County, and Mr. Denner came out on top. Mr. Denner appears eager and ready to work, and he wished him the best of luck.

Resolution No. 409-2019 carried by a voice vote with thirteen (13) yes votes, and two (2) absent (Leader and Terminelli).

OLD/NEW BUSINESS: There was no old and new business.

Ms. Doyle reported on six (6) transfers of funds: \$752 for the Board of Legislators for document transfer from Iron Mountain to St. Lawrence County; \$1,800 for the Great American Defense Community Conference; and \$2,200, \$1,000, \$123.16, and \$315.63 for Social Services for non-reimbursable accounts.

A five minute recess at taken at 6:34 p.m. to allow time to set up for the following presentation.

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2020 TENTATIVE BUDGET PRESENTATION: County Administrator Ruth Doyle presented the 2020 Tentative Budget to the Board of Legislators.

ADJOURNMENT: Chair Lightfoot adjourned the October Full Board Meeting at 7:02 p.m., as there was no further business.