

BOARD OF LEGISLATORS
48 Court Street, Court House
Canton, New York 13617-1169
(315) 379-2276
FAX (315) 379-2463

RUTH A. DOYLE
County Administrator

DAVID FORSYTHE
Chair, Board of Legislators

TO: St. Lawrence County Legislators and Other Interested People
FROM: Kelly S. Bigwarfe, Deputy Clerk
DATE: February 9, 2024
SUBJECT: **BOARD MEETING AGENDA**

Attached is a copy of the agenda for the Special Board Meeting of the St. Lawrence County Board of Legislators on **Monday, February 12, 2024**, in the Legislative Board Room.

When any reference is made to any contracts not set forth in the agenda, the original documents are available for inspection by any and all persons and are filed in the Clerk of the Board of Legislators' Office.

Order of Business:

Call to Order
Roll Call
Approval of Agenda
Presentation of Resolutions
Chair's Appointments
Adjournment

If you have a disability and need accommodations, please call the Board of Legislators Office at (315) 379-2276 at least 48 hours before the scheduled meeting to advise what accommodations will be necessary.

February 12, 2024

RESOLUTION NO.

AUTHORIZING THE COUNTY ATTORNEY TO ACT “OF COUNSEL” TO LEGAL COUNSEL REPRESENTING THE PLAINTIFFS IN HIGBIE ET. AL V. JAMES ET. AL SEEKING A JUDICIAL DECLARATION OF CONSTITUTIONAL CONCEALED CARRY RECIPROCITY IN THE STATE OF NEW YORK

By Mr. Forsythe, District 2 and Mr. Perkins, District 7

WHEREAS, on June 23rd, 2022, the United States Supreme Court issued its decision in the New York State Rifle and Pistol Association et. al v. *Bruen et. al*, striking down the New York State ‘proper cause’ requirements for the issuance of a pistol license, and

WHEREAS, building on *District of Columbia v. Heller* and the decision in *McDonald v. City of Chicago, Illinois*, the United States Supreme Court ruled in *Bruen* that the Second Amendment’s protection of “the right to keep and bear arms” extends to individual self-defense outside the home, and

WHEREAS, in response to the *Bruen* decision, the New York State Legislature and Governor Kathy Hochul concluded a two-day extraordinary session on July 1, 2022 that led to Governor Hochul signing the “Concealed Carry Improvement Act” so titled by its proponents, and

WHEREAS, the Concealed Carry Improvement Act moved to circumvent the decision to deprive its citizens of any effective right to self-defense in public in one major way, by exponentially expanding the places [“Sensitive places”] in which a person with a valid license cannot carry a firearm for self-defense, and

WHEREAS, the Concealed Carry Improvement Act includes alarming provisions that flout the *Bruen* precedent by requiring concealed carry permit applicants to: display good moral character; subject their social media accounts for review; submit to in-person interviews with law enforcement; provide four character references; undergo 18 hours of combined training, an increase from the existing four-hour requirement; and recertify every three years instead of the prior recertification period of every five years, and

WHEREAS, immediately following the passage of the Conceal Carry Improvement Act, multiple lawsuits were filed challenging the legislation: one of the more prominent of these suits was *Antonyuk and Gun Owners of America et. al v. Bruen et. al* in the Northern District of New York U.S. District Court, and

WHEREAS, on September 12, 2022, the Board of Legislators passed Resolution No. 306-2022 authorizing the County Attorney to explore legal options for challenging the Conceal Carry Improvement Act, and

WHEREAS, pursuant to that direction, the County Attorney was authorized subsequently to act as “of counsel” to legal counsel for the Gun Owners of America, Stephen Stamboulieh, providing material support and guidance as to the state of New York State law and practice pertaining to gun licensure and legal procedure, and

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WHEREAS, “Of Counsel” is defined as “a lawyer who is not a partner, associate, shareholder, or member of a firm, but who has some sort of a close and continuing relationship with the firm with the common view of the relationship as someone who is providing close, ongoing, regular and frequent contact for the purpose of consultation and advice, acting as a trusted advisor or senior counselor,” and

WHEREAS, on October 6, 2022, Judge Glenn T. Suddaby of the Northern District of New York issued a decision partially granting a request for a temporary restraining order of the revised gun law of New York, and

WHEREAS, immediately following the decision of Judge Suddaby, the State of New York appealed to the Second Circuit Court of Appeals who, on December 8, 2023, issued its long awaited decision, affirming in part and reversing in part the decision of the Northern District of New York preliminarily enjoining major parts of the Concealed Carry Improvement Act of New York, which was enacted to counter the Supreme Court's decision in *N.Y. State Rifle & Pistol Ass'n v. Bruen*, and

WHEREAS, it remains to be seen if the defendants will appeal the Second Circuit’s Antonyuk decision to the Supreme Court, which is already hearing several Second Amendment cases this term, including one that also involves the First Amendment, or permit the decision to remand back to Judge Suddaby for a hearing to stand but there remain several other areas of New York State gun law that appears to be onerous under the 2nd Amendment, and

WHEREAS, on February 5th, 2024, members of the Gun Owners of America commenced a new suit against the State of New York in the Northern District of New York U.S. District Court, identified as *Higbie et. al v. James et. al* challenging the refusal of New York State to recognize out-of-state gun licenses or permit out of state residents to secure licensure within New York State unless they were land owners in the State, and

WHEREAS, this type of legal challenge has become commonly known as a “Constitutional Concealed Carry Reciprocity” challenge, and

WHEREAS, Constitutional Carry has become a mainstream movement and the term means laws of a state concerning the carry of weapons approximates the state of the law when the Second Amendment was ratified in 1791, and

WHEREAS, seventeen (17) states have restored a reasonable facsimile of Constitutional Carry, such as neighboring Vermont (who has always observed some form of Constitutional Carry), and

WHEREAS, the St. Lawrence County Attorney has once again been given the opportunity to serve as “Of Counsel” to the legal counsel for Gun Owners of America, and

WHEREAS, the implications for St. Lawrence County pistol licensed residents as well as for the operations of the St. Lawrence County Sheriff, St. Lawrence County Clerk, and St. Lawrence County Court, will be significant should the plaintiffs prevail in this matter, making this a matter of County concern,

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NOW, THEREFORE, BE IT RESOLVED the Board of Legislators authorizes the County Attorney to act “Of Counsel” to legal counsel representing the plaintiffs in Higbie et. al V. James et. al seeking a judicial declaration of constitutional concealed carry reciprocity in the State of New York, and

BE IT FURTHER RESOLVED that should the County Attorney determine that additional legal partners would enhance or strengthen the arguments that could be put forth, the County Attorney is authorized to secure support and commitments from those parties to assist in this endeavor.

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RESOLUTION NO.

AUTHORIZING THE CHAIR TO SIGN A CONTRACT WITH LABELLA ASSOCIATES FOR A FAMILY COURT IMPROVEMENT PROJECT, OPENING A CAPITAL PROJECT, AND MODIFYING THE 2024 BUDGET FOR THE COUNTY ADMINISTRATOR’S OFFICE

By Ms. Terminelli, District 14

WHEREAS, on December 22, 2023, Governor Hochul signed Legislation that would provide additional Judges across the State of New York and included is one (1) additional Family Court Judge for St. Lawrence County, and

WHEREAS, the request to add another judge was made after consideration by a Board appointed Ad Hoc Committee that reviewed data and the challenges presented to the County when proceedings are delayed, in part, due to volume of cases, and

WHEREAS, the Committee determined that in order to meet the needs of the public, now and in the future, efficiencies can be achieved through the creation of a second Family Court, and

WHEREAS, the creation of a second Family Court requires a capital project be opened to accurately track the cost of modifications in the County Court House and the space identified most appropriate for this addition is adjacent to the existing Family Court Suite, and

WHEREAS, additional appropriations will be necessary, upon completion of the sketch and design plans, for the competitive bid phase of the Project and additional resolutions will be brought forward for consideration by the Board of Legislators,

NOW, THEREFORE, BE IT RESOLVED that Board of Legislators authorizes the Chair to sign a contract with LaBella Associates for architectural services for the Family Court Improvement Project, upon approval of the County Attorney, and

BE IT FURTHER RESOLVED that the Treasurer is authorized to modify the 2024 Budget to open a Capital Project in the County Administrator’s Office and provide initial funding, as follows:

DECREASE APPROPRIATIONS:

B1019904 49700 B SPEC Contingency Account \$50,000

INCREASE APPROPRIATIONS:

T6199509 90600 T IFT GF Transfer to CP \$50,000

INCREASE APPROPRIATIONS:

BG619974 43007 FMCT Family Court Improvements \$50,000

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INCREASE REVENUE:

T6650319 90100

T IFT CP Transfers from GF

\$50,000

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RESOLUTION NO.

MODIFYING THE 2024 BUDGET FOR SOCIAL SERVICES FOR FLOORING AND CUBICLES IN THE HAROLD B. SMITH BUILDING

By Mr. Denesha, District 6

WHEREAS, the Harold B. Smith Building opened in 1973 and is in need of updates to the office areas, and

WHEREAS, the first phase of the project which was approved by Resolution No. 269-2023 and is currently underway, and

WHEREAS, the next phase of the project is replacing carpets and installing cubicles in the remaining offices of the Harold B. Smith Building and was approved by Resolution No. 343-2023, and

WHEREAS, adjustments in cubicle layout needed to be made since the renovations were initially approved, and

WHEREAS, funds not used in 2023 were re-appropriated for Resolution No. 343-2023 to offset other areas of the Social Services Budget, and following adjustments to the plan appropriations are requested to finish Phase 1 and complete Phase 2,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Treasurer to modify the 2024 Budget for Social Services for flooring and cubicles in the Harold B. Smith Building, as follows:

DECREASE UNAPPROPRIATED FUND BALANCE:

01TG0911 50300 Fund Balance, Unreserved Unappropriated \$225,000*

INCREASE APPROPRIATED FUND BALANCE:

01TG0910 50300 Fund Balance, Unreserved Appropriated \$225,000*

INCREASE APPROPRIATIONS:

DAA60102 21000 D Admin Furniture \$225,000*

**Note: The dollar amounts may need to be amended once the final quote is provided on Monday.*