

REGULAR SESSION

TUESDAY, APRIL 7, 2009

Chairman Blankenbush called the meeting to order at 7:00 p.m., and welcomed students from the Cornell Cooperative Extension Association's Student Government Program who were in attendance.

ROLL CALL OF MEMBERS

All members present.

PRIVILEGE OF THE FLOOR

David Lamora, Cape Vincent, NY asked the Board to take a more active role in the zoning issues relative to wind farm development in Cape Vincent and in the County in general. Even though a group in Cape Vincent legally challenged the Town of Cape Vincent's Zoning Law on wind farm development and New York State Appellate Court has upheld the towns laws, he felt there were conflict of interest/ethical issues that have not been addressed, and the Town officials are not acting in the best interests of the citizens of Cape Vincent. He asked that the County legislature insist that the wind developers voluntarily submit to NYS Attorney General Andrew Cuomo's ethics code.

MINUTES OF THE PREVIOUS MEETING

In the absence of objection or correction the minutes of the March 3, 2009 meeting stand approved as written.

PETITIONS, NOTICES AND COMMUNICATIONS

Correspondence was received from Judy Drabicki, Regional Director, NYSDEC thanking the Board for providing her a copy of Resolution No. 45 of 2009. She assured that her agency does work with the US Dept. of Agriculture and Natural Resources Conservation Service and will continue to work with that agency on the concentrated animal feeding operations permit process.

The Community Action Planning Council's fiscal report for the period of October 1, 2007 to September 30, 2008 was received.

REPORTS OF STANDING COMMITTEES

The Finance & Rules Committee reported favorably on resolutions referred from other jurisdictional committees.

The Finance & Rules Committee recommending the approval of legislators' expenses.

REPORTS OF COUNTY OFFICERS AND OTHERS

The County Treasurer provided a report on investments and cash on hand as of March 31, 2009.

The County Administrator provided a report on budget modifications for year end 2008 and for the month of March, 2009.

The County Auditor provided a report on erroneous assessments for the month of March, 2009.

LOCAL LAWS, RESOLUTIONS AND MOTIONS

Resolution No. 75

Concurring in Settlement of Tax Certiorari Proceedings and Authorizing Refund of Taxes in Connection Therewith (Arrowhead Campsites, Inc.)

By Legislator: Scott A. Gray

Whereas, Pursuant to Article 7 of the Real Property Tax Law Arrowhead Campsites, Inc. commenced court proceedings to obtain reductions of the assessed valuation of property in the Town of Alexandria, and

Whereas, The Town of Alexandria has reached a settlement of the proceedings, with proposed assessed values as follows:

	<u>Original Value</u>	<u>Settlement Value</u>
(3.18-1-44) 47005 Carnegie Bay Road	\$1,208,500	\$925,000

Now, Therefore, Be It Resolved, That Jefferson County concurs in the settlements as outlined herein above, and be it further

Resolved, That the County Treasurer is hereby authorized and directed to make appropriate refund (\$2,229.63) and to charge back the taxing jurisdiction in accordance with the settlement and Real Property Tax Law § 727.

Seconded by Legislator: Barry M. Ormsby

All members present voted aye.

Resolution No. 76

Concurring in Settlement of Tax Certiorari Proceedings and Authorizing

Refund of Taxes in Connection Therewith (Ives Hill Retirement Community, Inc.)

By Legislator: Scott A. Gray

Whereas, Pursuant to Article 7 of the Real Property Tax Law Ives Hill Retirement Community, Inc. commenced court proceedings to obtain reductions of the assessed valuation of property in the City of Watertown, and

Whereas, The City of Watertown has reached a settlement of the proceedings, with proposed assessed values as follows:

		<u>Original Value</u>	<u>Settlement Value</u>
(14-49-101.004)	2006	\$4,169,800	\$3,800,000
1200 Jewell Drive	2007	\$4878,7000	\$3,800,000
	2008	\$4,878,700	\$3,800,000

Now, Therefore, Be It Resolved, That Jefferson County concurs in the settlements as outlined herein above, and be it further

Resolved, That the County Treasurer is hereby authorized and directed to make appropriate refund (\$17,688.67) and to charge back the taxing jurisdiction in accordance with the settlement and Real Property Tax Law § 727.

Seconded by Legislator: Barry M. Ormsby

All members present voted aye.

Resolution No. 77

**Concurring in Settlement of Tax Certiorari Proceedings and
Authorizing Refund of Taxes in Connection Therewith (Rev. John Anderson, et al.)
And Amending the 2009 County Budget**

By Legislator: Scott A. Gray

Whereas, Pursuant to Article 7 of the Real Property Tax Law Rev. John Anderson, et al. commenced court proceedings to obtain reductions of the assessed valuation of various property in the Town of Orleans, and

Whereas, The Town of Orleans has reached a settlement of the proceedings by Stipulation of Settlement and Order, dated March 11, 2009, and

Whereas, The properties subject to these proceedings commonly belong to the area known as Thousand Islands Park and individually to sixty four owners entitled to a refund as follows:

2006 Assessment Roll: \$69,363.95
_____2007 Assessment Roll: \$54,300.36

Now, Therefore, Be It Resolved, That Jefferson County concurs in the settlements as outlined herein above, and be it further

Resolved, That the County Treasurer is hereby authorized and directed to make appropriate total refund of (\$123,664.31) to be divided among the individual owners pursuant to the Stipulation of Settlement and Order, dated March 11, 2009, and to charge back the taxing jurisdiction in accordance with the settlement and Real Property Tax Law § 727, and be it further

Resolved, That the 2009 County Budget is hereby amended as follows:

Increase:

01-1910-1964.4600 Payments \$123,664

Decrease:

01-1910-1990.4963 Contingent Account \$123,664

Seconded by Legislator: Barry M. Ormsby

All members present voted aye.

Resolution No. 78

Payment of Legislators' Expenses

By Legislator: Scott A. Gray

Whereas, This Committee to whom claims of the members of the Board were referred, has examined and audited such claims and finds the total to be \$2,941.00 we have allowed:

Legislator Expense: \$2,941.00

Now, Therefore, Be It Resolved, That the County Treasurer be and is hereby directed to draw checks payable to the claimants as audited.

Seconded by Legislator: Barry M. Ormsby

All members present voted aye.

Resolution No. 79

Amending the 2008 County Budget and Capital Plan to Recognize Insurance Recovery

By Legislator: Scott A. Gray

Whereas, Jefferson County has received an insurance check for a partial settlement in the amount of \$91,101.50 for damage to its old Highway Garage, and the 2008 Budget must be amended to recognize the revenue in the highway fund and to transfer it to the capital fund account from which the repairs will be paid.

Now, Therefore, Be It Resolved, That the 2008 County Budget is hereby amended as follows:

Increase:

05-9003-999.92680	Insurance Recoveries	\$ 91,101.50
05-9003-9950-9006	Transfer to Capital Projects Fund	91,101.50
20-9006-999.95031	Transfer from Road Fund	91,101.50
20-9006-5010.2052	Highway Complex	91,101.50

and be it further

Resolved, That the six year capital plan is amended accordingly.

Seconded by Legislator: Barry M. Ormsby

Roll Call Vote

Ayes: Docteur, Reed, Zando, Drake, Boice, Burto, Gray, Behling, Fitzpatrick, Nabywaniec, St.Croix, Thomas, Adsit, Ormsby, Blankenbush

Resolution passed.

Resolution No. 80

Authorizing the Implementation and Funding in the First Instance 100% of the Federal Aid and State "Marchiselli" Program Aid Eligible Costs of a Transportation Federal-Aid Project (CR 192 over Jewett Creek), Appropriating Funds Therefor and Amending the 2009 County Budget and Capital Plan

By Legislator: Scott A. Gray

Whereas, A Project for the Replacement of the CR 192 over Jewett Creek, PIN 775313 (the "Project") is eligible for Funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

Whereas, The County of Jefferson desires to advance the Project by making a commitment of 100% of the federal and non-federal share of the cost of the Preliminary Engineering and Right of Way Incidental Phases of the project.

Now, Therefore, Be It Resolved, That the Jefferson County Board of Legislators does hereby approve the Project, and be it further

Resolved, That the Jefferson County Board of Legislators hereby authorizes the Jefferson County Treasurer to pay in the first instance 100% of the federal and non-federal share of the cost of the Preliminary Engineering and Right of Way Incidentals work for the Project or portions thereof, and be it further

Resolved, That the sum of \$350,000, which includes \$125,000 for the Preliminary Engineering and ROW phases, or so much thereof as is necessary is hereby appropriated from Account 20-9006-5113.2841 in the 2009 County Budget, and made available to cover the cost of participation in the above phases of the Project, and be it further

Resolved, That in the event the full federal and non-federal share of the costs of the project exceed the amount appropriated above, the Jefferson County Board of Legislators shall convene to appropriate said excess amount immediately upon the notification by the Chairman of the Jefferson County Board of Legislators thereof, and be it further

Resolved, That the Chairman of the Jefferson County Board of Legislators be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal and State Aid, subject to the approval of the County Attorney as to form and substance, on behalf of the County of Jefferson with 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 project costs, and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not federal-or State-aid 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, and be it further

Resolved, That the 2009 County Budget is hereby amended as follows:

Increase:

Revenue		
20-9006-999.94592	Federal Aid Bridges	\$280,000
20-9006-999.93592	State Aid Bridges	\$ 35,000

Expenditure		
20-9006-5113.2841	B27, CR192	\$350,000

Decrease:

20-9006-5113.2889	E5, CR4	\$ 35,000
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and be it further

Resolved, That the six year capital plan is amended accordingly.

Seconded by Legislator: Barry M. Ormsby

Roll Call Vote

Ayes: Thomas, St.Croix, Drake, Burto, Boice, Ormsby, Nabywaniec, Adsit, Behling, Reed, Zando, Gray, Fitzpatrick, Docteur, Blankenbush

Resolution passed.

Resolution No. 81

Authorizing Agreement with the Bridge Program

By Legislator: Philip N. Reed, Sr.

Whereas, The 2008 County Budget appropriated \$10,000 from the Stop DWI Program for the Bridge Program for case management services related to DWI clients, including monitoring of substance abuse treatment, drug testing, home visits, education and ensuring that clients pay court fines, and

Whereas, It is necessary to enter into an agreement with the Bridge Program for the provision of these services.

Now, Therefore, Be It Resolved, That Jefferson County enter into an agreement with the Bridge Program for the term January 1, 2009 - December 31, 2009 to provide case management services to DWI defendants, and be it further

Resolved, That the Chairman of this Board be and is hereby authorized and directed to execute said agreement on behalf of Jefferson County, subject to the review of the County Attorney as to form and content.

Seconded by Legislator: Michael J. Docteur

All members present voted aye.

Resolution No. 82

**Authorizing Agreement with Cornell Cooperative Extension Association
of Jefferson County Relative to Community Mental Health Education Project and
Amending the 2009 County Budget in Relation Thereto**

By Legislator: James A. Nabywaniec

Whereas, Part of the responsibilities of the Community Services Office are to “serve as center for the promotion of community and public understanding of mental disabilities and of the services necessary for their care and treatment,” and to “further programs for special education and training.”, and

Whereas, The Community Services Board has recommended contracting with Cornell Cooperative Extension of Jefferson County to operate a Community Mental Health Educator Project for one year, at which time a second year contract would be considered, and

Whereas, The annual cost of the contract is \$25,000 and there are funds within the Community Services departmental budget for transfer due to a funding conversion of the Outpatient Behavioral Health Program operated by Mercy of Northern New York, from State Aid Local Assistance to the Medicaid Add-On “COPS”, and

Whereas, The Project is also supported by annual funding from the Fort Drum Regional Health Planning Organization in the amount of \$32,000, and Cornell Cooperative Extension in the amount of \$17,897.

Now, Therefore, Be It Resolved, That Jefferson County enter into an agreement with Cornell Cooperative Extension Association of Jefferson County for the Community Mental Health Educator Project in the amount of \$25,000 annually for the period of April 1, 2009 to March 31, 2010, with a possible one year renewal, and be it further

Resolved, That the Chairman of the Board of Legislators and the Director of Community Services be and are hereby authorized and directed to execute such agreement on behalf of Jefferson County, subject to approval by the County Attorney as to form and substance, and be it further

Resolved, That the 2009 County Budget is amended as follows:

Increase:

01-4310-4320.4659	Cornell Cooperative Extension	\$25,000
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Decrease:

01-4310-4320.4707	CMHC Outpatient (Mercy)	\$25,000
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Seconded by Legislator: Michael J. Docteur

All members present voted aye.

Resolution No. 83

**Appointing Members to Public Health Service
Health Services Advisory Board**

By Legislator: James A. Nabywaniec

Resolved, That the following individuals be and are hereby newly and reappointed as members of the Jefferson County Health Services Advisory Board for terms to expire as indicated below:

<u>Members</u>	<u>Term to Expire</u>
<u>New Appointments</u>	
Jean B. Heady, RN	12/31/2009
Denise K. Young	12/31/2009
Jason F. White, M.D.	12/31/2011
<u>Reappointments</u>	
Thomas H. Carman	12/31/2011
Jack J. Boak	12/31/2011

Seconded by Legislator: Michael J. Docteur

All members present voted aye.

Resolution No. 84

**Appointing Members to Public Health Service
Professional Advisory Committee**

By Legislator: James A. Nabywaniec

Resolved, That the following individuals be and are hereby newly and reappointed as members of the Jefferson County Professional Advisory Committee for terms to expire as indicated below:

<u>Members</u>	<u>Term to Expire</u>
<u>New Appointment</u>	
Heather M. Saski, MSW	12/31/2011
<u>Reappointments</u>	

Mary Downey	12/31/2009
Louise J. Haraczka	12/31/2012
Margaret M. Palmer, RN	12/31/2012
John G. Shelmidine	12/31/2009
David W. Towle, DO	12/31/2012
Gayle A. Wiley	12/31/2012
Maureen E. Ploehn, RN	12/31/2012

Seconded by Legislator: Michael J. Docteur

All members present voted aye.

Resolution No. 85

Amending 2009 County Budget Relative to the Community AL Corporation

By Legislator: James A. Nabywaniec

Whereas, The Community AL Corporation (CALC), a 501 C-3 organization, was formed more than a year ago to help identify and subsequently address the future housing needs of seniors throughout the County in terms of the development of additional assisted living facilities, and

Whereas, By Resolution No. 201 of 2008 the Board of Legislators expressed strong support and endorsement of the Community AL Corporation's effort to seek independent funding for the construction of Assisted Living beds in Jefferson County, the number and design of which would be appropriate for the community as a whole, and

Whereas, This organization, which is comprised of community leaders and stakeholders from the various businesses and agencies currently providing needed services for senior citizens residing throughout our County, has determined that the next critical step in their assessment of future housing needs yet to be met is to secure the services of a financial planner well versed in this particular field to provide much needed objective financial and programmatic insight and analysis, and

Whereas, In order to accomplish this important next step, the CALC is reaching out into the community to secure needed funding to support this venture and, to that end, has already received pledges from the New York State Department of Health, Carthage Area Hospital, Samaritan Medical Center, and potentially the City of Watertown to assist in this very timely engagement.

Now, Therefore, Be It Resolved, That the Jefferson County Board of Legislators, understanding the important work needing to yet be done in order to ultimately provide a complete continuum of care for all senior citizens of Jefferson County, and wishing to demonstrate its support of this important initiative, does hereby pledge an amount not to exceed \$10,000 towards this vital effort, and be it further

Resolved, That Jefferson County will continue to work closely with the CALC to insure that the final programmatic and financial assessment report is utilized in a productive way as a building block towards the ultimate development of quality assisted living housing within the foreseeable future, and be it further

Resolved, That the 2009 County Budget is hereby amended as follows:

Decrease:

1910-1990.4963	Contingency	\$10,000
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Increase:

01-6030-6030.4416	Professional Fees	\$10,000
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Seconded by Legislator: Michael J. Docteur

All members present voted aye.

Resolution No. 86

Authorizing Negative Declaration for Unlisted Action in Accordance with the State Environmental Quality Review Act (SEQRA) for Expansion of Jefferson County Pilot Multi-use Trail System

By Legislator: Barry M. Ormsby

Whereas, Pursuant to Resolution 184 of 2008, this Board of Legislators found that the creation of the pilot trail system, primarily located on County reforestation properties, including a local law opening associated County road segments, the designation of certain trails for motorized and non-motorized use, trail improvements, and the installation of bridges and culverts on County reforestation property will not have a significant impact on the environment, and

Whereas, The County's Recreational Trail Coordinator has proposed an extension of said system by opening sections of three County roads to connect otherwise inaccessible trails designated for ATV use, and

Whereas, In accordance with SEQRA, Jefferson County has prepared a long-form environmental assessment and developed findings for this unlisted action, and this Board of Legislators has reviewed them.

Now, Therefore, Be It Resolved, That based on the environmental assessment and findings provided to this Board in accordance SEQRA, it finds, and be it further

Resolved, That the Chairman of the Board of Legislators is hereby authorized and directed to

sign the SEQRA Determination of Significance, and be it further

Resolved, That a Negative Declaration be prepared accordingly.

Seconded by Legislator: Robert A. Boice

All members present voted aye.

**LOCAL LAW INTRO. NO. II of 2009
COUNTY OF JEFFERSON**

**A LOCAL LAW AMENDING LOCAL LAW NO. 3 OF 2001
PERMITTING AND REGULATING ALL-TERRAIN VEHICLE
OPERATION ON CERTAIN COUNTY ROADS**

BE IT ENACTED by the Board of Legislators of the County of Jefferson, as follows:

SECTION I. PURPOSE AND FINDINGS.

By previous adoption of Local Law No. 3 of 2001, entitled “A Local Law Permitting and Regulating All-Terrain Vehicle Operation on Certain County Roads”, this Board, using the authority granted in Section 2405 of the Vehicle and Traffic Law of the State of New York, opened certain County Roads to all-terrain vehicle operation, and established certain regulations in connection therewith. In connection with the establishment of the County Multi-use Trail System, it is necessary to open several additional roads connecting various County Reforested Properties and the ATV trails thereon. In accordance with the requirements of Section 2405 of the Vehicle and Traffic Law, this Board hereby finds that the opening of such additional roads to ATV use is necessary in order for ATVs to gain access to ATV areas or trails adjacent thereto.

SECTION II. AMENDMENT.

SECTION IV. “DESIGNATED HIGHWAYS” of Local Law No. 3 of 2001 is hereby amended to add at the end thereof the following:

County Route 93 from the intersection of Waterville Road 2.6 miles to the to the intersection of County Route 189 (connecting existing County Trail System from the Weston Corners Lot to trails on private property in the Town of Lorraine);

County Route 189 from the intersection of County Route 93 westerly .15 miles (connecting existing County Trail System to trails on private land in the Town of Lorraine;

County Route 189 from the intersection of County Route 93 easterly .33 miles (connecting existing County Trail System to trails on private land in the Town of Lorraine;

County Route 95 from the intersection of New York State Route 177 southerly for .98 miles

(connecting the trail head on Williams and Park Lots to existing County Trail System;

SECTION III. REMAINDER UNAFFECTED.

Except as herein amended, the remainder of Local Law No. 3 of 2001 shall remain in full force and effect.

SECTION IV. SEVERABILITY.

If any part of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision in application directly involved in the controversy in which such judgment shall have been rendered; and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Board of Legislators of the County of Jefferson hereby declares that it would have passed this Local Law or the remainder of it had such invalid application or provision been apparent.

SECTION V. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the Secretary of State.

Chairman Blankenbush entertained a motion to table the Local Law pending a public hearing. Such motion was made by Legislator Ormsby seconded by Legislator Behling and unanimously carried by the Board.

Local Law laid on table.

Resolution No. 87

Setting Time and Place for Public Hearing on Local Law Intro. No. II of 2009

By Legislator: Barry M. Ormsby

Resolved, That this Board of Legislators shall hold a public hearing on a proposed local law entitled "A Local Law Amending Local Law No. 3 of 2001 Permitting and Regulating All-Terrain Vehicle Operation on Certain County Roads" on Tuesday, May 5, 2009 at 7:00 p.m. in the Board of Legislators Chambers, 195 Arsenal Street, Watertown, NY, and be it further

Resolved, That the Clerk of the Board of Legislators shall give notice of said public hearing as required by law.

Seconded by Legislator: Robert A. Boice

All members present voted aye.

Resolution No. 88

**Approving Appointments to the Jefferson County Agricultural
Development Corporation Board of Directors**

By Legislator Barry M. Ormsby

Whereas, Pursuant to Resolution 284 of 2002, The Jefferson County Board of Legislators approved the by-laws of the Jefferson County Agricultural Development Corporation (JCADC), and

Whereas, Said by-laws provide that the Board of Legislators appoint up to nine of the voting members of the JCADC Board of Directors, upon its recommendation, and

Whereas, There are currently three vacancies on the Board and the JCADC has recommended replacements to fill those positions.

Now, Therefore, Be It Resolved, That Paul Mason, Ralph Timerman, and Steve Sourwine be appointed to the Jefferson County Agricultural Development Corporation Board of Directors, for a term to expire December 31, 2011.

Seconded by Legislator: Robert A. Boice

All members present voted aye.

Resolution No. 89

Opposing Proposed Legislation Prohibiting Commercial Sale of Angler-Caught Fish

By Legislator: Barry M. Ormsby

Whereas, Bills have been introduced in the New York State Assembly (A826) and Senate (S854), which would prohibit the sale of angler-caught fish in New York, and

Whereas, The Jefferson County Sports Fishery Advisory Board has requested that this Board of Legislators oppose said proposed legislation, and

Whereas, In Jefferson County angler-caught perch and bullheads are not uncommonly sold and such activity causes no threat to the fish population here, while providing either primary or supplemental income to fishermen in an economically difficult time, and

Whereas, This Board wishes to support its Sport Fishery Advisory Board's recommendation to either oppose the legislation entirely or to exempt the Lake Ontario fisheries from the bills' language.

Now, Therefore, Be It Resolved, That Jefferson County opposes such proposed legislation banning the sale of angler-caught fish in Jefferson County in particular and Lake Ontario in general, and be it further

Resolved, That copies of this resolution be provided to Senator Aubertine, Assemblywomen Scozzafava and Russell, and to the County Sports Fishery Advisory Board

Seconded by Legislator: Robert A Boice

All members present voted aye

At the request of Legislator Adsit the Board stood to observe a moment of silence in honor of Joanne Benner, an Aging Services Specialist at the Office for the Aging who passed away on Saturday, April 4, 2009

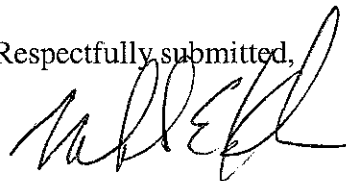
Legislator Gray asked for clarification on the estimated annual yield of investments figure in the Status of Investments report provided by the County Treasurer. County Treasurer Nancy Brown confirmed that of the budgeted \$900,000 it is now estimated based on the year to date receivables that we will only receive about \$225,000. He said this is a significant shortfall and Board members need to keep that in mind when amending the Budget or increasing spending.

Legislator Gray pointed out that sales tax figures will be out next week for this quarter and will likely be down also, but he realized these issues need to be looked at within the whole context of the Budget. He said the Board also needs to remain cognizant of these shortfalls as budget season approaches.

Roger Ambrose reported that following a recent presentation he is optimistic that a 3-4 year part time Masters in Social Work Program, while still in the planning stages, will be offered long term in Jefferson County in partnership with JCC. It will give people with a Baccalaureate degree the opportunity to attend the program part time and stay in the area to earn their degree, as this is a very needed degree in the mental health field. He said the presenters brought advisors and financial assistance people with them as it is a very expensive program, and he said they will need 20-30 students to start the first program. Mr. Ambrose said he would keep the Board informed as to progress on this program.

There being no further business of the Board, on a motion by Legislator Burto seconded by Legislator Fitzpatrick and unanimously carried the meeting adjourned at 7:25 p.m.

Respectfully submitted,



Michael E. Kaskan
Deputy Clerk of the Board