



OFFICE OF LEWIS COUNTY BOARD OF LEGISLATORS

7660 North State Street
Lowville, New York 13367
Telephone: (315) 376-5355
Fax: (315) 376-5445

Lawrence L. Dolhof
Chairman
larrydolhof@lewiscounty.ny.gov

Ryan Piche
County Manager
ryanpiche@lewiscounty.ny.gov

Teresa K. Clark
Clerk
terryclark@lewiscounty.ny.gov

November 15, 2018

TO: Media

FROM: Teresa Clark, Clerk of the Board *T.C.*

The Lewis County Board of Legislators has scheduled the public hearing on the 2019 Tentative County Budget to be held on **Tuesday, November 20, 2018 to begin at 5:00 p.m.** in the Legislative board room at the Court House in Lowville, NY 13367. Proposed resolutions are herewith attached.

**LOCAL LAW (INTRODUCTORY NO. 6 - 2018)
COUNTY OF LEWIS**

Introduced by Legislator Jerry King, Chairman of the Ways and Means Committee.

**A LOCAL LAW RESCINDING LOCAL LAW NO. 2 - 2018 TO OVERRIDE THE TAX
LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW § 3-C (A/K/A 2%
TAX CAP) FOR THE LEWIS COUNTY 2019 BUDGET**

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

SECTION 1. TITLE

This Local Law shall be known as “**A LOCAL LAW RESCINDING LOCAL LAW NO. 2-2018 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW § 3-C (A/K/A 2% TAX CAP) FOR THE LEWIS COUNTY 2019 BUDGET.**”

SECTION 2. LEGISLATIVE FINDINGS

The Board of Legislators for the County of Lewis hereby finds and determines that the anticipated budgetary needs for fiscal 2019 will have Lewis County remain within the tax levy limit established by General Municipal Law § 3-c, and more commonly referred to as the “2% tax cap”, as that term is therein defined and calculated.

SECTION 3. ENACTMENT AUTHORITY

This Local Law is adopted pursuant to authority provided in section 10 of the Municipal Home Rule Law of the State of New York as well as the specific authority found in General Municipal Law § 3-c[5].

SECTION 4. OVERRIDE AUTHORIZATION NOT REQUIRED

The Board of Legislators has adopted a budget for fiscal year 2019 that does not exceed the “tax levy limit” as that term is defined and calculated pursuant to the provisions of General Municipal Law § 3-c, and therefore, the Board of Legislators authorize rescission of Local Law No. 2-2018.

SECTION 5. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION NO. 412 - 2018

**FIXING DATE OF PUBLIC HEARING ON LOCAL LAW
(INTRODUCTORY LOCAL LAW NO. 6 - 2018), COUNTY OF LEWIS**

Introduced by Legislator Jerry King, Chairman of the Ways and Means Committee.

WHEREAS, there will be presented and introduced at a meeting of this Board of Legislators to be held on November 20, 2018 a proposed Local Law entitled "LOCAL LAW RESCINDING LOCAL LAW NO. 2-2018 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW § 3-C (A/K/A 2% TAX CAP) FOR THE LEWIS COUNTY 2019 BUDGET."

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That a public hearing will be held on December 4, 2018, from 5:00 p.m. to 5:30 p.m., before the Lewis County Board of Legislators on the Second Floor Board Room at the Lewis County Courthouse, New York, 7660 North State Street, Lowville, New York to hear all persons for or against such local law.

Section 2. That at least five (5) days notice of such hearing shall be given by the Clerk of this Board by the due posting thereof upon the bulletin board of the Lewis County Court House, Lowville, New York, and by publishing such notice at least once in the official newspaper of the County.

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 413 - 2018

**RESOLUTION AUTHORIZING ENFORCEMENT HEARING
UNDER LOCAL LAW NO. 2-2007, UNSAFE BUILDINGS LAW
(1419 State Rte 26, Town of Lewis)**

Introduced by Legislator Gregory Kulzer, Chairman of Building Codes Committee.

WHEREAS, pursuant to Local Law No. 2-2007, entitled, "A LOCAL LAW PROVIDING FOR THE REPAIR OR REMOVAL OF UNSAFE BUILDINGS, UNSAFE EQUIPMENT AND COLLAPSED STRUCTURES," (herein "Unsafe Building Law"), the Board of Legislators is empowered to take certain actions in connection with the investigation and enforcement of buildings and structures that are deemed to be unsafe; and

WHEREAS, pursuant to Section 5 of such Local Law, the Lewis County Code Enforcement Officer conducted an investigation of the premises known as Tax Map Parcel No. 411.00-01-05.200, currently owned by John D. Rauscher (herein the "Owner"); and determined that the structure is unsafe and issued a report to the Building Codes Committee and the entire Board of Legislators dated September 26, 2018; and

WHEREAS, Section 4 of such Local Law provides that the provisions of the Local Law apply to any building or structure located within the County and where the Village or Town has relinquished to the County the responsibility of administering the uniform codes. The County performs enforcement services of the uniform code(s) on behalf of the Town of Lewis; and

WHEREAS, the Code Enforcement Officer observed in his report that a barn/storage structure located at and designated as 1419 State Route 26, in the Town of Lewis, County of Lewis, partially collapsed from ongoing neglect, snow and wind loads over the past two years, and is in nearly total collapse presently. The property owner has made no attempt to clean up or secure any part of this structure or to get rid of any debris associated with the collapsed structure. The Code Enforcement Officer opines that in its current collapsed state, the structure is dangerous, may be accessible and an attraction to minors, vagrants, rodents and trespassers; and that the structure is not stabilized and the doors and windows have not been covered to prevent persons from entering; and

WHEREAS, the Code Enforcement Officer also states that the building is so close to Route 26 that the front portion may lie in the State Road right of way. Numerous notices of code violations have been served upon the owner, with numerous court appearances for the owner to remedy the property and the violations. The owner has failed to take the proper steps to remedy this unsafe structure; and

WHEREAS, the Code Enforcement Officer concludes in his report that this building is unsafe and is a collapsed structure which poses an unsafe condition to the general public. It is the Code Enforcement Officer's recommendation that the structure should be completely demolished and removed.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby finds in accordance with the report of the Lewis County Code Enforcement Officer that:

1. The herein described building is unsafe and that such building constitutes a public nuisance and a danger to the safety, health and welfare of the community; and
2. It is the opinion of the Board of Legislators that the building must be demolished and removed from the premises.

Section 2. That by reason of such findings, the Board of Legislators hereby

ORDERS AND DECREES that John D. Rauscher, (“the Owner”) of said building appear before this Board of Legislators on December 4, 2018 at 5:00 p.m. and Show Cause before this Board why it should not Order said Owner to immediately demolish and remove the building located on the parcel identified as Tax Map No. 411.00-01-05.200, and that in the event that the Owner fails to comply with such Order or fails or refuses to demolish or remove said building and related debris, that the Board of Legislators provide for its demolition and removal and assess all expenses thereof against the land on which it is located, and to commence a special proceeding to collect the costs of demolition, including legal expenses.

Section 3. That the Board of Legislators further

ORDERS AND DECREES that Notice of this Decision and Order shall be given to the Owner of such building at least seven (7) days prior to the hearing date set forth above as follows:

The Notice shall contain the following:

1. a description of the premises;
2. a statement of the particulars in which the building or equipment is deemed unsafe or dangerous;
3. an order outlining the manner in which the building or equipment is to be made safe and secure, or demolished and removed;
4. a statement that the securing or removal of such building shall commence within thirty (30) days of the service of the notice and shall be completed within sixty (60) days thereafter, unless, for good cause shown, such time shall be extended;
5. a date, time and place for a hearing before the Board of Legislators in relation to such dangerous or unsafe building, which hearing shall be scheduled not less than five (5) business days from the date of service of the notice; and
6. a statement that in the event of neglect or refusal to comply with the order to secure or demolish and remove the building or equipment, the Board of Legislators is authorized to provide for its demolition and removal, to assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the costs of demolition, including legal expenses.

Section 4. That the Board of Legislators further

ORDERS AND DECREES that the said notice shall be served

1. by personal service of a copy thereof upon the owner, executor, administrator, agent, lessee, or any person having a vested or contingent interest in such unsafe building as shown by the records of the receiver of taxes (or tax collector) or of the county clerk; or if no such person can be reasonably found, by mailing such owner by registered mail a copy of such notice directed to his last known address as shown by the above records; and
2. by personal service of a copy of such notice upon any adult person residing in or occupying said premises if such person can be reasonable found; and
3. by securing affixing a copy of such notice upon the unsafe building or equipment.

A copy of the notice served as provided herein shall be filed in the office of the County Clerk.

Section 5. That this Resolution shall take effect immediately.

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 414 - 2018

**RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR
COMMENCING JANUARY 1, 2019 MAKING APPROPRIATIONS
FOR THE CONDUCT OF COUNTY GOVERNMENT AND
ESTABLISHING RATES OF COMPENSATION FOR OFFICERS
AND EMPLOYEES FOR FISCAL YEAR 2019**

Introduced by Legislator Jerry King, Chairman of the Ways and Means Committee.

WHEREAS, the governing body has met and considered the 2019 Tentative County Budget and has conducted a public hearing thereon as required by Section 359 of the County Law.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Tentative Budget as amended and revised and as hereinafter set forth is hereby adopted and that the several amounts as set forth in the "Adopted" column of such budget be and hereby are appropriated for the objects and purposes specified, and the salaries and wages set forth in Schedule 5 of that budget shall be and hereby are fixed at the amount shown therein, or by employees' contract effective January 1, 2019.

Moved by Legislator _____, seconded by Legislator _____,
and adopted by the following roll call vote:

YEAS:

NAYS:

ABSENT:

RESOLUTION NO. 415 - 2018

**ASSESSING AND LEVYING AMOUNT OF TAX CALLED FOR
UNDER THE COUNTY BUDGET AS ADOPTED BY THE BOARD OF
LEGISLATORS ON THE 20th DAY OF NOVEMBER 2018
AS PROVIDED FOR UNDER COUNTY LAW**

Introduced by Legislator Jerry King, Chairman of the Ways and Means Committee.

WHEREAS, the Board of Legislators of the County of Lewis by Resolution No.414-2018 adopted on the 20th day of November 2018, has adopted a County Budget for fiscal year 2019; and

WHEREAS, the said Board of Legislators by Resolution No. 414-2018 adopted on the 20th day of November 2018, has made appropriations for the conduct of Lewis County Government for fiscal year 2019.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That there be, and hereby is, assessed and levied upon and against the taxable property of the County of Lewis liable therefore the sum of \$16,410,285.00.

Moved by Legislator _____, seconded by Legislator _____,
and adopted by the following roll call vote:

YEAS:

NAYS:

ABSENT: