REGULAR MEETING
July 3, 2018

The meeting was called to order at 5:00 p.m. by Chairman Lawrence Dolhof.

Roll Call: All Legislators were present, except Legislator Bryan Moser, whom had been excused.

Chairman Dolhof offered the Invocation followed by the Pledge of Allegiance to the Flag.

There were six persons present, four of which were County Department Heads.

Chairman Dolhof declared the June 5, 2018 meeting minutes approved by general consent.

REPORT OF THE RULES AND LEGISLATION COMMITTEE:

The Rules and Legislation Committee had met and recommended to waive the rules to allow action on late resolutions.

Signed by: Ronald Burns, Chairman
Jerry King
Randall LaChausse

Dated: July 3, 2018

Legislator Lehman made a motion to waive the rules, seconded by Legislator LaChausse, and carried.

Chairman Dolhof opened the public hearing to solicit the views of County of Lewis citizens regarding a $200,000.00 Consolidated Funding Application, CDBG application for a small business loan/grant; and up to $850,000 CDBG application for housing rehabilitation for owner and renter occupied housing units. Also for public comment regarding a proposed addition to the Lewis County ATV Trail System, said property maintained by MWF Adirondacks, LLC, a Delaware Limited Liability Company with land holdings in Lewis County which are managed by The Molpus Woodlands Group, LLC.

PRIVILEGE OF THE FLOOR:

Snow Belt Housing Executive Director Cheryl Shenkle-O’Neill explained the Small Cities Community Development Block Grant (“CDBG”) Program is a federally funded program authorized by Title I of the Housing and Community Development Act of 1974 administered by the New York State Office of Community Renewal. Approximately $45 million is expected to be available for the 2018 program year for housing, economic development, public facilities, public infrastructure, and planning activities with the principal purpose of benefitting low and moderate income persons. To meet the criteria, at least 51% of the persons benefitting must be low and moderate-income persons according to the HUD income limits provided in the
application. 70% of the NYS CDBG funds must benefit low and moderate income persons. In Lewis County, projects that would directly benefit income eligible households could include a housing rehabilitation program, homebuyer program, a microenterprise or other economic development program in which the beneficiaries are low and moderate-income households. The Small Cities CDBG Program also provides up to $50,000 in funding for community planning. The community would need to provide a 5% cash match.

During this program year the County is considering the submission of two applications. The purpose of the hearing tonight is to accept citizen comments on these two applications.

On behalf of the Lewis County IDA Brittany Davis explained one application, due July 27, 2018 is for $200,000 to fund a county wide microenterprise program. Businesses with five or fewer employees will be able to apply for a grant amount of between $5,000 and $35,000 to benefit their business project, and CDBG funds can provide up to 90% of the total project cost with the owner providing 10% in cash equity. A minimum of 50% of the CDBG award must be awarded to start-up businesses, and 51% of jobs created must be for persons of low to moderate income. Applicants will be selected through a formal application and review process by a grant committee established by the Lewis County IDA. Each assisted owner must also complete an approved entrepreneurial assistance program to be eligible for the grant. Businesses who apply through the microenterprise program will be awarded based on a scoring system that will align with the goals of the Lewis County Comprehensive Plan and our targeted industries.

Ms. O’Neill informed the second application is for a county-wide housing rehabilitation program that will be due sometime in September. The exact date and amount has not yet been determined as the notice of funding availability has not yet been published, so a request for application approval is deferred. The prospective application will be for owner-occupied and/or renter-occupied housing. She reported that the 2016 grant program funding of $847,500 is nearing completion.

Ms. O’Neill further explained the proposed CDBG activities are not expected to result in any displacement. For housing activities, homeowners should not encounter displacement unless the home to be renovated contains extensive lead-based paint that would require the family to be out of the home during lead abatement. Mobile home replacement projects that have been accomplished with prior CDBG funding, could result in temporary relocation, but no one would be permanently displaced. No displacement or relocation is expected for the microenterprise program.

In response to Legislator Chartrand, Brittany Davis stated that targeted industries as established by the Economic Development office are dairy, food processing, natural resource based or small business cottage industries.

Ms. O’Neill stated the application process is very competitive, targeted for start-up businesses that create jobs for low and moderate income persons, so to focus on priority industries is beneficial. She stated that an average of only one in every nine applications attains approved funding.
Lewis County Sheriff Michael Carpinelli voiced his adamant opposition to the State's initiative toward legalizing recreational use of marijuana, terming it "the gateway drug" to heroin and worse drugs, which are already prevalent. The Sheriff urged the Board to direct the County Attorney to research whether the County could legally opt out if the initiative were to become law. Sheriff Carpinelli submitted that all efforts heretofore and in the future are in the interest and protection of Lewis County citizens, while reiterating his plea for the Board to support his opposing stance.

PRESENTATION OF COMMUNICATIONS AND NOTICES:

The Clerk read a letter of resignation from Craig Brennan as a member of the Lewis County Industrial Development Agency Board of Directors, effective June 27, 2018. He penned commending remarks for IDA Executive Director Eric Virkler for 'great achievements in building the economic health of Lewis County'. He appreciated his membership and participation with his termed 'highly qualified, diverse and determined group of individuals'.

The Board acknowledges receipt of a resolution from the Tioga County Legislature in support of Senate Bill 8210 amending executive law in relation to the cost of maintenance and operation of County Veterans’ Service Agencies. Also, receipt of a resolution from the Adirondack Park Local Government Review Board in support of the Wild Forest Unit Management Plan amendments.

Interim Dean of Cornell SC Johnson College of Business Joseph Thomas acknowledged receipt of the Board’s resolution in recognition of Lewis County dairy farmers and the efforts of Cooperative Extension and their affiliates to create an Agribusiness faculty position with emphasis on dairy markets and policy.

REPORTS OF COUNTY OFFICERS AND DEPARTMENTS:

County Treasurer Patricia O’Brien and Real Property Tax Director Candy Akin have submitted an approved 2018 corrected tax roll application for Benjamin P. Nolette, Jr. for property in the Town of Lewis.

Legislators have received copies of the Treasurer’s June report and the Quarterly Bed Tax Report, the 6/26/18 Highway and 6/22/18 Solid Waste Audit Reports; as well as minutes of the 5/8/18 and 6/12/18 Community Services Board, 6/5/18 Soil and Water Conservation District Board of Directors, and 6/20/18 Youth Bureau Advisory Board meetings.

Sealer of Weights and Measures James Richmire had submitted his May and June activity reports to be placed on file.

REPORTS OF STANDING COMMITTEES:

Legislator John Lehman, Social Services/Office For the Aging/Youth Bureau Committee Chairman, announced that Libby McGuire was elected as Co-Chair of the Youth Bureau Advisory Council. Graduating senior representatives Jurnee Allen and Jacob Hartle were
recognized and commended for their service. Also, the Council had approved the Homeless X-mas Tree event for the upcoming season.

Legislator Lehman had attended the Senior Picnic at the fairgrounds. He commended Office For Aging Director Kelly Hecker and her staff for a well organized lunch and entertaining event for 300 participants.

Legislator Lehman made a motion to authorize DSS Commissioner Jennifer Jones to provisionally fill a vacant full-time Social Services Program Examiner, due to a resignation. The motion was seconded by Legislator King and carried.

Legislator Lehman made a motion to reject all bids received for the senior nutrition program for congregate and home-delivered meals and authorize Director Kelly Hecker to reissue a Request For Proposals, seconded by Legislator Osborne. In response to Legislator Chartrand, Mr. Piche stated the hope was to garner more interested vendors, reporting the sole bid was 50% higher than the current cost and was prohibitive. The Hospital would be explored as a possible food service vendor. The motion was then carried.

Legislator Randall LaChausse, Taxation, Information Technology/Election Committee Chairman reported that new towers are being installed to expand broadband capabilities in the Harrisburg, Lowville and Barnes Corners areas. By this fall they will be erecting towers in the Harrisville and Lake Bonaparte areas. North Country Broadband has commenced a marketing campaign through all media sources to encourage pre-signups for those interested in broadband. Location of new towers will be erected in areas with the most new customer interest.

Legislator Jerry King, Ways and Means/Buildings and Grounds Committee Chairman, made a motion to award the low bid of $34,615 to Cedarcrest Construction, LLC of Lowville, NY for painting of the old Court House, pursuant to bid specifications. The motion was seconded by Legislator Burns and carried.

Legislator King deferred comments until his sponsored resolutions are presented. Also, the radio project should be completed by the end of August.

Legislator Thomas Osborne, Public Health/Community Services Committee Chairman, reported that NRCIL held a systems advocacy meeting for staff and residents to discuss affordable housing, staff turnover for behavioral health providers, and dealing with stigma attached to persons with mental health or substance abuse issues. Those in attendance were urged to reach out to State Representatives to advocate for proposed legislation to prevent discrimination based on housing or source of income; and for medication formulary changes.

Legislator Ronald Burns, Economic Development/Planning Committee Chairman, indicated that the Industrial Development Agency presumes the need to reformulate and resubmit the State Environmental Quality Review (SEQR) application for the business park.

Legislator Burns expressed appreciation to Planning Director Frank Pace for his knowledgeable explanation of zoning laws to the Village of Copenhagen Board of Trustees.
Legislator Burns made a motion to authorize Recreation, Forestry & Parks Director Jackie Mahoney to travel to Holyoke, Massachusetts to make a presentation on the Lewis County ATV Trail System at the OHV Advisory Conference and Committee meeting, seconded by Legislator King and carried.

Legislator Gregory Kulzer, Courts and Law Enforcement/Fire and Emergency Management/Building Codes Committee Chairman, reported that Sr. Building Codes Officer Ward Dailey recommends establishing a single fee schedule for all green energy construction to include wind, solar and cellular projects. Mr. Dailey calculated permit fees based on the proposed schedule equating $6,100 for a 5-6 acre solar project, as opposed to a prohibitive fee of $30,000 based on the existing schedule.

Legislator Kulzer reported the committee’s recommendation to hire a School Resource Officer as requested by the Harrisville School District, pending their affirmation to fund the salary. Sheriff Carpinelli and Undersheriff Jason McIntosh were requested to develop a hiring policy for school resource officers.

Legislator Kulzer indicated the Committee’s willingness to consider Sheriff Carpinelli’s request to create a part-time Investigator for the Drug Task Force. A prospective retired officer could fill that position at a cost of $30,000, exclusive of benefits. Budget and operation details are to be provided for further discussion.

Legislator Kulzer made a motion to authorize Sheriff Carpinelli to refill a full-time Dispatcher, due to a resignation, seconded by Legislator LaChausse and carried.

Legislator Kulzer made a motion to authorize refilling one part-time correction officer. Sheriff Carpinelli intends to minimize the officer’s work assignments. The motion was seconded by Legislator Lehman and carried.

Legislator Lehman thanked Sheriff Carpinelli for assigning a deputy who made an informative presentation to the Conservation Club at Lake Bonaparte.

Legislator Chartrand, Hospital Committee Chairman, recognized Utilization Case Management Manager Gale Grunert for her efforts that have reduced the Hospital’s 30-day re-admission rate.

Legislator Chartrand reported a May gain of $81,365 equating a year-to-date surplus of $401,187. Gross receipts for the skilled nursing facility, out-patient and physician offices were an all-time high of $13 million, while acute and observation visits continue to decline. Operating room use and surgical numbers are the highest in three years. Rheumatology, outpatient and Certified Home Health Agency (CHHA) services also continue to increase.

Legislator Chartrand recited the newly established “Fund Balance Policy” of the Lewis County General Hospital and Healthcare Facility with a current balance of $13.6 million. Utilization of any portion of fund balance for unforeseen emergencies will require Board of
Manager approval. Although it was not a part of the adopted policy, Legislator Chartrand recalled the Board of Managers had agreed to inform the Board of Legislators of any fund balance withdrawal.

Legislator Chartrand cited the advantage of the Memorandum of Agreement between the Hospital and the County that outlined a distinctive plan for $4 million debt repayment, to which the Hospital adhered. The Board of Managers has directed payment of the $700,000 current County debt balance.

Hospital CEO Gerald Cayer has met with BOCES Superintendent and the President of JCC to discuss hosting clinical instruction for RN’s and LPN’s. Legislator Chartrand also informed of an administrative summer intern Caitlyn LaBrake, whom was 2015 Valedictorian of Beaver River Central School and a current senior at Rochester Institute of Technology.

Legislator Andrea Moroughan, Transportation/Solid Waste Committee Chair, reported completion of the Burdick’s Crossing Road culvert repair, although the County awaits the documents for the $25,000 multi-modal State grant to cover the unanticipated expenditure. The deck has been removed from the Sears Pond Road Bridge and repairs have commenced.

Legislator Moroughan informed implementation of the increased tipping fees; and that IDA Assistant Brittany Davis plans to assist the Solid Waste Director to expand community recycling education.

COUNTY MANAGER REPORT:

Mr. Piche has scheduled individual meetings with Department Heads for preliminary preparation of the 2019 County budget, while Treasurer Patricia O’Brien is compiling employee wage and benefit figures.

Pointing to an architectural model of the JCC Education Center, Mr. Piche reported meeting with potential construction bidders yesterday for bids that are due by mid-July. He encouraged Legislators to contact him for any related inquiries.

Mr. Piche reiterated Legislator LaChausse’s statements on the broadband expansion, to impress the importance for interested citizens to pre-signup for the services by contacting North Country Broadband. The areas with the most interest will determine the order in which towers are erected. The company had mailed informational fliers to several prospective residents and has done a lot of media outreach. The contact information is to be posted on the County website. North Country Broadband fees are competitive and pursuant to State grant eligibility requirements, which require standard services for under $50 per month.

Mr. Piche cited a 2019 budget impact for the renewal escalation to $680,000 for County Healthcare Plan “Stop Loss” insurance from $360,000 last year. The reason was tracked by consultants to a sole plan participant utilizing end stage renal dialysis through DaVita at our hospital at a monthly cost of $67,000 or $804,000 annually. County and Hospital administrative efforts to confer with DaVita representatives requesting they become a County plan network
provider to result lesser charges have, to-date, been resisted. Gilroy, Kiernan & Gilroy insurance consultants have identified a Medicare law that allows payment for of an individual’s end stage renal dialysis treatments after 30 months have been paid for by the individual’s health insurance carrier, regardless of age. DaVita is one of only two private companies in the United States that provide the dialysis services, and therefore, has no incentive to join the County’s provider network and accept lesser payment.

Mr. Piche reported that County healthcare plan impact issues are separately addressed as each is identified. Also, the unnecessary ten percent incremental increases will favorably impact budget appropriations.

Legislator Chartrand asserted that “We fought hard and long to bring dialysis to Lewis County”, and he would like the services to be retained. The company must accept Medicare payment for eligible patients, he added. Chairman Dolhof urged consideration for the needs of the average of 30 residents who utilize the local DaVita services.

COUNTY TREASURER REPORT:

Treasurer Patricia O’Brien recited the balances of the Special Legislative Contingency Fund - $71,747.75; Contingency Fund-$286,457.23; Capital Data Processing Fund- $98,377.45 and Capital Equipment Fund - $401,829.06, of which $158,431.24 is the Highway portion. She stated that year-to-date sales tax revenue of $3,218,938.54 is slightly below projections; and the current Hospital debt of $700,000. The balance of the Internal Service Fund is $2,947,292.90.

At 5:46 p.m. Chairman Dolhof declared the public hearing closed.

REPORT OF THE WAYS AND MEANS COMMITTEE:
REPORT OF
WAYS AND MEANS COMMITTEE
ON THE EXAMINATION OF CLAIMS

To: The Honorable County Legislators

The Ways and Means Committee reports that they have examined the claims presented for payment in the total amount of $\textbf{949,319.52}$ and recommend that they be audited and allowed for the amounts claimed.

Jerry King  
Chair

Gregory Kulzer  
Committee

Richard Chartrand  
Committee

Dated: July 3, 2018

Approved on motion by Legislator _____ Kulzer ________, seconded by Legislator _____ Chartrand ______, and carried.
RESOLUTION NO. 227 – 2018
AUDITING AND ALLOWING CLAIMS

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

RESOLVED that the claims presented for payment in the total amount of $949,319.52 be and each is hereby audited and allowed for the amounts claimed, and that the Clerk is authorized and directed to draw checks for the County Treasurer for the amounts claimed, in favor of each of the claimants or their assigns.

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

YEAS: Burns, Chartrand, King, Kulzer, LaChausse, Lehman, Moroughan, Osborne, and Dolhof

NAYS: None

ABSENT: Moser
RESOLUTION NO. 228 - 2018
RESOLUTION TO APPOINT
SUPERVISOR OF BUILDINGS AND GROUNDS

Introduced by Legislator Jerry King, Chairman of the Buildings and Grounds Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby appoints Matthew O’Connor to a provisional appointment as Lewis County Supervisor of Buildings and Grounds, effective July 16, 2018.

Section 2. That the 2018 annualized salary of said position shall be $59,160.

Section 3. That the within resolution shall take effect immediately.

Moved by Legislator __King__, seconded by Legislator __Chartrand__, and adopted. Legislator Kulzer was opposed.

After adoption of the resolution, Legislator Kulzer opined there being no chance of promotion from within County employment. He referred to an employee who had trained and “was being groomed for the position” under the former Supervisor of Buildings and Grounds for one year and whom had been recognized for several positive accomplishments. Legislator Kulzer said that individual has since resigned, adding “I don’t blame him in the least”.

Legislator King affirmed his support for whom he felt is the most qualified candidate for the job, while referring to supposed prior promises he felt should not have been made. In reference to the employee who had resigned, Legislator King asserted his belief that individual was not the most qualified, adding that he was not forced out, but “chose to resign”.

Legislator Chartrand asserted his hope that persons are not being “groomed” for jobs, which would be in direct opposition to Civil Service regulations for filling vacancies. Individuals responded to an advertisement calling for applications, of which five candidates were interviewed, each of them having an equal opportunity to present their qualifications and experience. Legislator Chartrand offered his personally developed criteria to evaluate the candidates’ knowledge of skills and trades, number of years of supervision and number of millions of dollars of construction work supervised. He relayed having general success using the same criteria in his former employment to hire personnel. Legislator Chartrand concluded that everyone been treated fairly.
RESOLUTION NO. 229 - 2018
RESOLUTION TO APPROPRIATE FUNDS
COMMUNITY SERVICES

Introduced by Legislator Thomas Osborne, Chairman of the Community Services Committee.

BE IT RESOLVED, as follows:

Section 1. That the following appropriation is hereby approved for additional funds from the NYS Office of Alcohol and Substance Abuse Services:

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<th>Increase Revenue</th>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>A0432500 334914 OASAS Mtn View SA</td>
<td>$3,393.00</td>
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<table>
<thead>
<tr>
<th>Increase Expense</th>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>A0432500 499900 Mtn View Prevention</td>
<td>$3,393.00</td>
<td></td>
</tr>
</tbody>
</table>

Section 2. That the within resolution shall take effect immediately.

Moved by Legislator _Moroughan_, seconded by Legislator _LaChausse_, and adopted.
RESOLUTION NO. 230 - 2018
AUTHORIZING APPLICATION FOR 2018 SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT

Introduced by Legislator Ronald Burns, Chairman of the Economic Development Committee.

WHEREAS, the Board of Legislators has heretofore duly advertised and held a public hearing on the 3rd day of July, 2018 and has considered the comments presented thereat regarding economic development, housing and priority community development needs.

NOW, THEREFORE BE IT RESOLVED, as follows:

Section 1. The Board of Legislators hereby authorizes the filing of a 2018 Small Cities Community Development Block Grant (CDBG) application for a microenterprise program in an amount not to exceed $200,000 and other such related activities as may be determined.

Section 2. That the Chairman, or Vice-Chairman, of the Board of Legislators, be and the same is hereby authorized to make, execute, seal and deliver such applications, documents or writing as may be necessary to carry out the terms of this Resolution.

Section 3. That the within resolution shall take effect immediately.

Moved by Legislator Burns, seconded by Legislator Osborne, and adopted.
RESOLUTION NO. 231 - 2018
RESOLUTION AUTHORIZING SUPPLEMENTAL CONSULTANT AGREEMENT
NO. 1 TO THE ENGINEERING SERVICES AGREEMENT BETWEEN LEWIS
COUNTY HIGHWAY DEPARTMENT AND C&S ENGINEERS, INC. FOR JERDEN
FALLS ROAD OVER WEST BRANCH OSWEGATCHIE RIVER BRIDGE
REPLACEMENT PROJECT (PIN 775338; BIN 3340000)

Introduced by Legislator Andrea Morphagan, Chair of the Transportation Committee.

WHEREAS, on November 4, 2014, the Lewis County Board of Legislators adopted Resolution No. 369-2014 authorizing a Project for the Bridge Replacement and repair on Jerden Falls Road over the West Branch of the Oswegatchie River (PIN 775338; BIN 3340000) in the Town of Croghan, County of Lewis for the Preliminary Engineering/Design and Right of Way Incidentals Phases of the Project; and

WHEREAS, on May 5, 2015, the Lewis County Board of Legislators, on behalf of the Lewis County Highway Department, adopted Resolution No. 149-2015 authorizing an Agreement with C&S Companies (hereinafter “C&S”), for engineering, architectural and construction services, to provide engineering services for the Preliminary Engineering/Design and Right Of Way Incidentals Phases regarding the Jerden Falls Road bridge replacement project (PIN 775338; BIN 3340000) for compensation not to exceed $225,000.00; and

WHEREAS, the Lewis County Highway Department is now in the construction phase of this bridge project and seeks to have C&S provide additional professional engineering and consultant services, including preliminary design tasks and environmental analysis under sections 3-4, and full-time construction inspection services under tasks 1 and 9, at an additional cost not to exceed $197,000.00 in accordance with the scope of services provided to the Highway Superintendent; and

WHEREAS, with this supplemental agreement and the services provided by C&S therein, the total compensation to C&S under this bridge project will be $422,000.00.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes Supplemental Consultant Agreement No. 1 to the original agreement between the County of Lewis by and through the Lewis County Highway Department and C&S Engineers, Inc., to provide the additional engineering and consultant services for the Design and Construction Phases of the bridge replacement project identified as Jerden Falls Road Bridge over West Branch Oswegatchie River (PIN 775338; BIN 3340000).

Section 2. That the term of Supplemental Agreement No. 1 shall be from July 16, 2018 through December 31, 2018, for an amount not to exceed $197,000.00. This cost is 80% eligible for Federal funds, 15% State (Marchiselli) funds and 5% local funds.
Section 3. That the Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Agreement, pending approval by the County Attorney.

Section 4. That the within resolution shall take effect immediately.

Moved by Legislator __King__, seconded by Legislator __Burns__, and adopted.
RESOLUTION NO. 232 - 2018
RESOLUTION TO APPROPRIATE FUNDS
TRANSPORTATION DEPARTMENT

Introduced by Legislator Andrea Moroughan, Chair of the Transportation Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget appropriation is hereby approved in the Highway Department accounts for the purchase of a new laptop for the shop diagnostics.

From:
DM513000 440600 Tools $578.73

To:
DM515000 220600 Shop Equip $578.73

Section 2. That the within resolution shall take effect immediately.

Moved by Legislator <burns>, seconded by Legislator <Moroughan>, and adopted.
RESOLUTION NO. 233 – 2018
RESOLUTION APPOINTING MEMBER TO
LEWIS COUNTY INDUSTRIAL DEVELOPMENT AGENCY
BOARD OF DIRECTORS

Introduced by Legislator Lawrence Dolhof, Chairman of the Board of Legislators.

WHEREAS, pursuant to Section 856 of the General Municipal Law, an Industrial Development Agency shall be a corporate government agency constituting a public benefit corporation; and

WHEREAS, the Industrial Development Agency Board of Directors shall consist of not less than three nor more than seven members, who shall be appointed by the governing Board of Legislators; and

WHEREAS, said members shall serve at the pleasure of the Board of Legislators.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That this Board of Legislators hereby appoints Lewis County General Hospital Chief Executive Officer Gerald Cayer of Lowville, New York to the Lewis County Industrial Development Agency Board of Directors, to serve at the pleasure of the Board of Legislators.

Section 2. That said appointment shall be effective July 4, 2018 for an indefinite term.

Section 3. That the within resolution shall be effective immediately.

Moved by Legislator Osborne, seconded by Legislator Burns, and adopted.
RESOLUTION NO. 234 - 2018
RESOLUTION TO TRANSFER FUNDS
INFORMATION TECHNOLOGY

Introduced by Legislator Randy LaChausse, Chairman of the Information Technology Committee.

BE IT RESOLVED as follows:

Section 1. That the following Capital fund transfer is hereby approved in the Information Technology Department to purchase a conference phone in OFA/Community Services conference room using Project HAE Capital Data Processing H0990100 499900; balance $98,377.45:

Increase Revenue:
A0100000 350310 Interfund transfers $1,426.56

Increase Expense:
A0168000 221700 Computers $1,426.56

Section 2. That the within resolution shall take effect immediately.

Moved by Legislator _Lehman_, seconded by Legislator _Chartrand_, and adopted.
RESOLUTION NO. 235 - 2018
RESOLUTION URGING THE GOVERNOR TO CONVENE
THE NYS LEGISLATURE INTO SPECIAL SESSION
TO ADDRESS OUTSTANDING HOME RULE MATTERS

Introduced by Legislator Lawrence L. Dolhof, Chairman of the Lewis County Board of Legislators

WHEREAS, the State legislature recently adjourned its session without passing several home rule matters of importance to various counties and other local municipalities. Since the State legislature is not scheduled to reconvene until 2019, this failure to act will unnecessarily cause hardship to our local municipalities to properly and efficiently govern; and

WHEREAS, Lewis County requested legislation for a residency waiver under §3 of the Public Officers Law that would allow hiring a part-time Assistant District Attorney from a contiguous County to assist with the caseload in the District Attorney’s office because there were no resident applicants; and

WHEREAS, this legislation was passed by the State Senate but not in the Assembly, along with several other home rule matters. This failure to act, or to hand-cuff local governments on such non-partisan local matters is causing unnecessary hardship to the County and its residents. Residency waivers for ADA’s have been enacted without incident or delay for other counties on nine (9) other occasions; and

WHEREAS, home rule matters, of significant consequence to local municipalities should not be summarily discarded by our State representatives. The Governor has the power to convene the State Legislature into extraordinary session, and the Lewis County Board of Legislators seeks to urge him to do so for these several important home rule matters to local governments.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby calls upon and urges Governor Cuomo to exercise his powers to convene the State legislature into extraordinary session to address all outstanding home rule matters and other important legislation left undone upon the adjournment of the 2018 Legislative regular session.

Section 2. That the Lewis County Board of Legislators hereby directs the Clerk of the Board to forward copies of this resolution to Governor Cuomo, Leaders of the State Senate and Assembly, the New York State Association of Counties (NYSAC), the Inter-County Legislative Committee of the Adirondacks, and all others deemed necessary and proper.

Section 3. That this Resolution shall take effect immediately.

Moved by Legislator _LaChausse_, seconded by Legislator _King_, and adopted.
RESOLUTION NO. 236 - 2018
RESOLUTION AUTHORIZING MEMORANDUM OF UNDERSTANDING
BETWEEN THE COUNTY OF LEWIS, BY AND THROUGH THE
OFFICE FOR THE AGING AND DOUBLE PLAY COMMUNITY CENTER

Introduced by Legislator John Lehman, Chairman of the Office For Aging Committee.

WHEREAS, Double Play Community Center is a not-for-profit community center that provides exercise and recreational facilities, programs, equipment, and staff to benefit residents of Lewis County; and

WHEREAS, Lewis County Office For The Aging ("OFA") desires to partner with Double Play to provide evidence-based physical activity programs and workshops for low income, elderly adults in the community including but not limited to the "Walk with Ease", "Aquatics" and "Tai Chi for Arthritis" programs; and

WHEREAS, OFA will require Double Play Instructors to be trained and certified under funding requirements set for OFA, with OFA paying for the cost of online training of the instructors. The online certification for Walk with Ease instructor is $89/per instructor; $129/per instructor for Aquatics, and $600/per instructor (2 required) for Tai Chi for Arthritis; and

WHEREAS, OFA seeks to have Double Play provide the certified instructors for these programs, and to provide up to three (3) workshops per quarter as mutually agreed. Unless the instructor volunteers his/her time, OFA will compensate the instructors per workshop at a rate deemed appropriate by OFA in consultation with Double Play. There will be no cost to the participants to attend these workshops. OFA estimates the cost of certification training and workshop instruction compensation, if any, will be under $5,000 per year and will be paid from OFA’s evidence-based funding from the State.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. The Board of Legislators hereby authorizes an Memorandum of Understanding between the County of Lewis, by and through the Office For The Aging, and Double Play Community Center to provide evidence-based physical activity programs and workshops to low-income, elderly adults in the community, with OFA providing the certification training for instructors and workshop compensation, if required, from OFA’s evidence-based funding received from the State.

Section 2. That the Chairman or the Vice-Chairman of the Board of Legislators be and the same are hereby authorized to execute and deliver such agreement upon such form as approved by the County Attorney.

Section 3. That the within Resolution shall take effect immediately.

Moved by Legislator _LaChaussé_, seconded by Legislator _Lehman_, and adopted.
RESOLUTION NO. 237 - 2018
RESOLUTION TO APPROPRIATE FUNDS
PUBLIC DEFENDER

Introduced by Legislator Gregory Kulzer, Chairman of the Courts and Law Enforcement Committee.

BE IT RESOLVED, as follows:

Section 1. That the following appropriation is hereby approved for Indigent Legal Services Grant #7 C700022 for the period 1/1/17 through 12/31/19:

Revenue
A0117000 330256 Pub Def Grant C700022 $56,964.00

Expense
A0117000 494700 Pub Def Grant C700022 $56,964.00

Section 2. That the within resolution shall take effect immediately.

Moved by Legislator _Osborne_, seconded by Legislator _Burns_, and adopted.
RESOLUTION NO. _238_ - 2018
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY PUBLIC HEALTH DEPARTMENT AND
LEWIS COUNTY GENERAL HOSPITAL FOR
MEDICAL CONSULTANT/DIRECTOR

Introduced by Legislator Thomas Osborne, Chairman of the Public Health Committee.

WHEREAS, Lewis County acting by and through the Lewis County Public Health Department desires to enter into an Agreement with Lewis County General Hospital (“LCGH”) to provide the services of a physician as Medical Consultant and Medical Director to the Public Health Director for the Physically Handicapped Children’s Program and for the Diagnostic and Treatment Center Programs; and

WHEREAS, LCGH has a physician employee, Daniel T. Root, MD, who is licensed to practice in New York State and meets the New York State Department of Health requirements to function as Medical Consultant to the Public Health Director and as Medical Director for the Public Health Department’s programs.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby authorizes an Agreement between the County of Lewis, by and through the Lewis County Public Health Department, and Lewis County General Hospital to provide the services of Daniel T. Root, MD as Medical Consultant and Medical Director for the Public Health Director and the Department’s Physical Handicapped Children’s Program and Diagnostic and Treatment Center Programs.

Section 2. That this is for the term commencing January 1, 2019 and terminating on December 31, 2019 at a cost not to exceed $6,000.00 per year, payable at the rate of $500.00 per month.

Section 3. That the Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Agreement, pending approval by the County Attorney.

Section 4. That the within resolution shall take effect immediately.

Moved by Legislator Burns, seconded by Legislator Lehman, and adopted.
RESOLUTION NO. 239 - 2018
RESOLUTION AUTHORIZING AGREEMENTS BETWEEN
LEWIS COUNTY PUBLIC HEALTH AGENCY AND HARRISVILLE CENTRAL
SCHOOL DISTRICT AND CAMDEN CENTRAL SCHOOL DISTRICT
FOR PRESCHOOL SPECIAL EDUCATION PROGRAMS

Introduced by Legislator Thomas Osborne, Chairman of the Public Health Committee.

WHEREAS, pursuant to Section 4410 of the New York State Education Law, Lewis County Public Health is tasked with providing certain Preschool Tuition-Based Services for children with disabilities defined in the Program; and

WHEREAS, the Commissioner of Education requires a contract between the County and the Agency(s) who will be providing such services under the Program; and

WHEREAS, the County of Lewis, by and through the Lewis County Public Health Agency desires to enter into agreements with both Harrisville Central School District and Camden Central School District for Preschool Special Education Programs; and

WHEREAS, the cost of the program is dependent on the number of children assigned to contracted providers, with rates set and approved by the New York State Education Department.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes agreements between the County of Lewis, by and through the Lewis County Public Health Agency with Harrisville Central School District and Camden Central School District who provide Preschool Special Education Program services for children with special education and health care needs for the period beginning July 1, 2018 and ending June 30, 2021, at a cost in accordance with the rates set forth by the State Education Department, dependent on the number of children assigned to contracted providers by the Preschool Municipality Representative and the local school districts Committees on Special Education.

Section 2. That the Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Agreements, pending approval by the County Attorney.

Section 3. That the within resolution shall take effect immediately.

Moved by Legislator _Moroughan_, seconded by Legislator _Burns_, and adopted.
RESOLUTION NO. 241 - 2018
RESOLUTION AUTHORIZING AN EMERGENCY COMMUNICATIONS SYSTEM AGREEMENT BETWEEN THE COUNTY OF LEWIS AND ALL LEWIS COUNTY FIREFIGHTER DEPARTMENTS AND FIRE & RESCUE SQUADS

Introduced by Legislator Gregory Kulzer, Chairman of Courts & Law Enforcement/ Fire and Emergency Management Committee.

WHEREAS, there are fourteen (14) local Volunteer Fire Departments in Lewis County as well as a number of Fire and Rescue Squads; and

WHEREAS, Lewis County operates a single public safety answering point, headed by the Lewis County Sheriff’s Office through its Emergency 911 system; and

WHEREAS, the Emergency 911 System includes a Lewis County Interoperable Communications System (“LCICS”) integrated with equipment and facilities necessary for the provision of county-wide emergency communication services designed for the safety and protection of the public and public safety responders; and

WHEREAS, the extension of access to the LCICS to Lewis County Fire Departments and Fire & Rescue Squads will benefit the residents of Lewis County, provided that there are established procedures and responsibilities in place for such users of the County’s system; and

WHEREAS, the County wishes to extend user access to the LCICS to the Lewis County Volunteer Fire Departments and Fire & Rescue Squads, upon each unit executing and agreeing to be bound by the terms and conditions set forth in an Emergency Communications System Agreement pertaining to such access and use of the County’s system.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes and approves the Emergency Communications System Agreement as proffered by the 911 Operations Coordinator and County Attorney, to be agreed to and executed by each individual Lewis County Fire Department and Fire & Rescue Squad desiring user access to the Lewis County Interoperable Communications System (LCICS).

Section 2. That the term of the Agreement shall be for a period of five (5) years from the User’s execution of the Agreement, with automatic five-year renewal periods if the User Department/Squad is in compliance with the terms and conditions of the Agreement.

Section 3. That the Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Agreement, pending approval by the County Attorney.

Section 4. That the within resolution shall take effect immediately.

Moved by Legislator __Osborne__, seconded by Legislator __King__, and adopted.
RESOLUTION NO. 242 - 2018
RESOLUTION AUTHORIZING ADDITIONAL
MODIFICATION AGREEMENT
BETWEEN THE COUNTY OF LEWIS
AND LANGONE & ASSOCIATES

Introduced by Legislator Gregory Kulzer, Chairman of the Courts and Law Enforcement Committee.

WHEREAS, the County of Lewis completed an upgraded public safety 911 radio communications system for use by all emergency service agencies; and

WHEREAS, the County of Lewis entered into an agreement with Langone & Associates, (“Langone”), a wireless consulting company, on June 5, 2013 that provided the following services: FCC Frequency Filing, Meetings to Discuss Procurement Specifications, Develop Procurement Specifications for Voice and Alert Paging Systems and to Develop Procurement Specifications for a Microwave System; and

WHEREAS, earlier in 2018, the County of Lewis entered into a modification agreement with Langone to provide additional services to support the procurement and installation of the public safety VHF Interoperability Base Station (TAC Channels) Project and VHF Voice Channel Project at multiple tower sites at a cost of $2,425.00 for said professional services; and

WHEREAS, the 911 Committee understands that frequency licensing and location may become critical for the system’s functioning and growth. The committee recommends and seeks to have the Board of Legislators authorize an amendment to the contract with Langone & Associates to provide additional research and licensing in obtaining 2 new UHF frequency pairs (appropriately spaced) to increase the capacity of our 911 Communications System capacity; and to research and obtain 2 VHF vehicle repeater pairs, appropriately spaced, for emergency service vehicles.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes an amendment to the agreement with Langone & Associates for professional services to research and secure licensing under FCC requirements for 2 new UHF frequency pairs, appropriately spaced, to increase the capacity of the County’s 911 Communications System; and to research and secure licensing for 2 VHF vehicle repeater pairs, appropriately spaced, for emergency service vehicles.

Section 2. That these services are to commence immediately and be completed by December 31, 2018 at a cost by Langone & Associates not to exceed $12,000.00. The County will pay directly to APCO the licensing fee(s) for these frequencies. All these professional fees and costs shall be paid from the 2017-2018 Radio Grant Account.
Section 3. That the Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Agreement, pending approval by the County Attorney.

Section 4. That the within resolution shall take effect immediately.

Moved by Legislator King, seconded by Legislator Kulzer, and adopted.
RESOLUTION NO. 243 - 2018
RESOLUTION AUTHORIZING PURCHASE OF TWO (2) VHF ATLAS 4200
REPEATERS FOR THE 911 PAGING SYSTEM

Introduced by Legislator Gregory Kulzer, Chairman of the Courts & Law Enforcement Committee.

WHEREAS, the County implemented its 911 Emergency Communications Upgrade System, which includes VHF Repeaters for the VHF paging system; and

WHEREAS, EF Johnson provided the repeaters under the contract, and has offered back up/spare repeaters to the County at a substantial discount, i.e., $10,000 per repeater (retail price is $24,000); and

WHEREAS, the 911 Committee believes it is financially prudent for the County to purchase two (2) VHF Atlas 4200 Repeaters at this discounted rate, as backup spares for the VHF paging system.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. The Board of Legislators hereby authorizes the County’s 911 Operational Coordinator to purchase two (2) VHF Atlas 4200 Repeaters from E. F. Johnson Technologies, Inc., at the discounted rate of $10,000 per repeater, for a total cost of $20,000, as backup/spare repeaters for the County’s VHF paging system.

Section 2. The Board of Legislators authorizes the payment of $20,000 to EF Johnson for these VHF repeaters from the 911 Account.

Section 3. That this Resolution shall take effect immediately.

Moved by Legislator King, seconded by Legislator Kulzer, and adopted.
RESOLUTION NO. 244 - 2018
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
BARK EATER EVENTS, LLC AND
LEWIS COUNTY RECREATION, FORESTRY & PARKS DEPARTMENT

Introduced by Legislator Ronald Burns, Chairman of the Recreation, Forestry and Parks Committee.

WHEREAS, Bark Eater Events, LLC is a local Central New York owned and operated company specializing in unique outdoor athletic running events. The Peak-to-Brew Relay Race will be the staple event in the planned Bark Eater Race Series; and

WHEREAS, the goal of Bark Eater Events is to have a positive impact on the local health of New York State. The events will also be marketed and operated in a way to bring positive economic and tourism exposure to the local areas where the events are hosted; and

WHEREAS, the County of Lewis, by and through the Lewis County Recreation, Forestry and Parks Department wishes to enter into an Agreement with Bark Eater Events, LLC and allow the use of Lewis County reforestation property known as tax parcel number 355.00-02-27.110 located on the corner of the North South Road and the Moose River Road in the Town of Lyonsdale as a relay location/station.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes an Agreement between the County of Lewis, by and through the Lewis County Recreation, Forestry and Parks Department and Bark Eater Events, LLC for the Peak to Brew Relay Race to be held on August 10, 2018 through August 11, 2018 and allow the use of Lewis County reforestation property known as tax parcel number 355.00-02-27.110 located on the corner of the North South Road and the Moose River Road in the Town of Lyonsdale as a relay location/station.

Section 2. That the Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Agreement, pending approval by the County Attorney.

Section 3. That the within resolution shall take effect immediately.

Moved by Legislator Burns , seconded by Legislator King , and adopted.
RESOLUTION NO. 245 - 2018
RESOLUTION REGARDING SEQRA REVIEW OF A NEW TRAIL TO BE ADDED TO THE LEWIS COUNTY ATV TRAIL SYSTEM AND DECLARING NO SIGNIFICANT IMPACT (MWF ADIRONDACKS, LLC - c/o THE MOLPUS WOODLANDS GROUP, LLC)

Introduced by Legislator Ronald Burns, Chairman of the Recreation, Forestry and Parks Committee.

WHEREAS, the Board of Legislators has heretofore determined that the development of a county-wide trail system that can effectively and safely accommodate All Terrain Vehicles (hereafter, “ATVs”) in the public interest and will enhance the recreational use of the natural resources available in the County, as well as encourage tourism; and

WHEREAS, the Board of Legislators has heretofore conducted an extensive evaluation of the potential environmental impacts associated with the development of a county-wide ATV trail system pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and Title 6, Part 617 of the New York Codes, Rules and Regulations (“NYCRR”) implementing Article 8 (collectively referred to hereinafter as “SEQRA”); and

WHEREAS, in accordance with the procedures outlined in 6 NYCRR § 617.9, the Board of Legislators caused to be prepared a Draft Generic Environmental Impact Statement (“DGEIS”) and a Final GEIS (collectively the “GEIS”) and on December 18, 2008, the Board of Legislators accepted the GEIS as complete and on January 29, 2009, the Board of Legislators issued a written Statement of Findings setting forth the Board’s conclusions and determinations, based upon the facts and analysis contained in the GEIS; and

WHEREAS, upon completion of its SEQRA review, the Board of Legislators formally established the Lewis County Trail System (herein “Trail System”) by adopting Local Law No. 2–2009, “A LOCAL LAW ESTABLISHING THE LEWIS COUNTY TRAIL SYSTEM” (herein, “Local Law No. 2”); and

WHEREAS, both Local Law No. 2-2009 and the Statement of Findings contemplate future amendments to the Trail System through the addition of trails and/or the opening of interconnecting roads and set forth procedures for making such amendments, and in particular, the procedures for amending the GEIS in compliance with SEQRA prior to amending the Trail System; and

WHEREAS, the Director of Recreation, Forestry and Parks has presented the Board of Legislators with a request for a proposed addition to the Lewis County ATV Trail System pertaining to the property maintained by MWF Adirondacks, LLC, a Delaware Limited Liability Company with land holdings in Lewis County which are managed by the Company’s authorized agent, The Molpus Woodlands Group, LLC. The property is located in Northern Lewis County, from the Bryant’s Bridge Road in the Town of Diana along the abandoned Bald Mountain Road in the Town of Diana to the Oswegatchie Conservation Easement in the Town of Croghan; and
WHEREAS, as a consequence, the Board of Legislators caused a site-specific environmental review of the proposed trails and property, pursuant to Section 8.2 of the Statement of Findings issued by the Board of Legislators on January 29, 2009; and

WHEREAS, the Board of Legislators received a report from the Soil and Water Conservation District detailing their investigations and findings with respect to the proposed trail to the property maintained by MWF Adirondacks, LLC, managed by The Molpus Woodlands Group, LLC, and with the assistance from County staff and counsel, has reviewed the same and compared it with the GEIS and Statement of Findings.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. Based upon its review and analysis of the data contained in the Report and the Specific Environmental Review and Assessment Statement on the trails identified, the Board of Legislators hereby finds and determines that:

a. The Report adequately sets forth the relevant and material facts necessary for the Board of Legislators to make a decision;
b. The Report adequately describes the consultant’s investigations and analysis as to any significant adverse impacts and necessary mitigations for the specific sites;
c. The Report’s findings are consistent with the criteria identified and set forth in the GEIS and the Statement of Findings;
d. The investigation and analysis of the site described does not reveal any environmental impacts that were either not addressed or were not adequately addressed in the GEIS and the Statement of Findings.

Section 2. As a consequence of these determinations, the Board of Legislators hereby finds and declares that the addition of the property maintained by MWF Adirondacks, LLC, managed by the Company’s authorized agent, The Molpus Woodlands Group, LLC, to the Lewis County Trail System will not result in a significant environmental impact.

Section 3. The Board of Legislators further finds and declares that pursuant to 6 NYCRR Part 617.10(d), a Supplemental Findings Statement need not be filed, and no further action need be taken with regard to the County’s environmental review of the sites identified and therefore, the Board has completed its lead agency responsibilities under SEQRA with regard to these sites.

Section 4. That this Resolution shall take effect immediately.

Moved by Legislator Burns, seconded by Legislator Osborne.

In response to Legislator Chartrand, Recreation, Forestry & Parks Director Jackie Mahoney explained that approval of the instant action would connect the trail from the Harrisville Rod & Gun Club up to the Oswegatchie Conservation Easement. The eventual goal is to have ATV access through the Oswegatchie Easement to connect Harrisville and Belfort.

The resolution was then adopted.
RESOLUTION NO. 246 - 2018
RESOLUTION TO INCORPORATE AN ADDITION OF PROPERTY MAINTAINED BY MWF ADIRONDACKS, LLC (C/O THE MOLPUS WOODLANDS GROUP, LLC) INTO THE LEWIS COUNTY ATV TRAIL SYSTEM

Introduced by Legislator Ronald Burns, Chairman of the Recreation, Forestry and Parks Committee.

WHEREAS, the Board of Legislators has heretofore determined that the development of a county-wide trail system that can effectively and safely accommodate All Terrain Vehicles (hereafter, “ATVs”) is in the public interest and will enhance the recreational use of the natural resources available in the County, as well as encourage tourism; and

WHEREAS, the Board of Legislators has heretofore conducted an extensive evaluation of the potential environmental impacts associated with the development of a county-wide ATV trail system pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and Title 6, Part 617 of the New York Codes, Rules and Regulations (“NYCRR”) implementing Article 8 (collectively referred to hereinafter as “SEQRA”); and

WHEREAS, in accordance with the procedures outlined in 6 NYCRR § 617.9, the Board of Legislators caused to be prepared a Draft Generic Environmental Impact Statement (“DGEIS”) and a Final GEIS (collectively the “GEIS”) and on December 18, 2008, the Board of Legislators accepted the GEIS as complete and on January 29, 2009, the Board of Legislators issued a written Statement of Findings setting forth the Board’s conclusions and determinations, based upon the facts and analyses contained in the GEIS; and

WHEREAS, upon completion of its environmental review under SEQRA, the Board of Legislators formally established the Lewis County Trail System (herein “Trail System”) by adopting Local Law No. 2-2009, “A LOCAL LAW ESTABLISHING THE LEWIS COUNTY TRAIL SYSTEM” (herein, “Local Law No. 2”); and

WHEREAS, Local Law No. 2-2009 and the Statement of Findings contemplate future amendments to BOTH ATV Trail System through the addition of trails and/or the opening of interconnecting roads and set forth procedures for making such amendments and additions; and

WHEREAS, the Recreation, Forestry and Parks Director has presented the Board of Legislators with a request to add a proposed addition to the Lewis County ATV Trail System pertaining to the property maintained by MWF Adirondacks, LLC, a Delaware Limited Liability Company with land holdings in Lewis County which are managed by the Company’s authorized agent, The Molpus Woodlands Group, LLC. The property is located in Northern Lewis County, with the proposed trail being approximately 2 miles in length ranging from the Bryant’s Bridge Road in the Town of Diana along the abandoned Bald Mountain Road in the Town of Diana to the Oswegatchie Conservation Easement in the Town of Croghan; and
WHEREAS, as a consequence, the Board of Legislators caused a site-specific environmental review of the proposed property and trail, pursuant to Section 8.2 of the Statement of Findings issued by the Board of Legislators on January 29, 2009; and

WHEREAS, the Board of Legislators contemporaneously herewith completed its review under SEQRA with respect to the property and trails identified above, and based upon an investigation and analysis conducted by the Soil and Water Conservation District, has found and determined that adding this property and trail to the Lewis County ATV Trail System will not result in a significant environmental impact.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. The trail located on the above referenced property maintained by MWF Adirondacks, LLC, a Delaware Limited Liability Company with land holdings in Lewis County which are managed by the Company’s authorized agent, The Molpus Woodlands Group, LLC, and more fully described in the Statement prepared by the Soil and Water Conservation District, is deemed incorporated into and made a part of the Lewis County ATV Trail System, contingent upon final review and approval from the Adirondack Park Agency (APA).

Section 2. The Board of Legislators hereby authorizes the addition of the trail pertaining to the property maintained by MWF Adirondacks, LLC, managed by the Company’s authorized agent, The Molpus Woodlands Group, LLC, to the Lewis County ATV Trail System upon review and approval from the APA, and upon such approval, authorizes amendment to the maps of the Lewis County ATV Trail System as the same are published on the Lewis County website and elsewhere to include the trail described herein, together with such other and further actions as may be necessary to administer and maintain such trail consistent with the Lewis County ATV Trail Plan, the GEIS and Statement of Findings, and Local Law No. 2-2009.

Section 3. That the Director of Recreation, Parks and Forestry is hereby authorized to make, execute and deliver such additional Access Agreements for the aforesaid property, upon approval of the County Attorney as to form.

Section 4. That the within resolution shall take effect immediately.

Moved by Legislator Burns, seconded by Legislator King, and adopted.
RESOLUTION NO. 247 - 2018
RESOLUTION URGING THE NEW YORK STATE GOVERNOR AND LEGISLATURE TO ENACT STATE SALES TAX LAW REFORMS TO KEEP PACE WITH CURRENT CONSUMER MARKETPLACES AND TECHNOLOGY

Introduced by Legislator Lawrence L. Dolhof, Chairman of the Lewis County Board of Legislators.

WHEREAS, a recent US Supreme Court ruling in South Dakota v. Wayfair, et al, overturned a long-standing precedent in the Quill decision, which required a physical presence in the state to collect sales tax for on-line sales. The Court’s new decision permits states to require collection of sales tax for on-line sales without the vendor’s physical presence in the state. This new ruling clearly affirms a state’s sovereign power to enforce sales tax collection laws for Internet and catalogue mail order-based purchases within its borders; and

WHEREAS, New York State has an outdated tax code which has not kept pace with how consumers now shop. Under the State’s current sales tax laws, out of state businesses have a tax advantage over and at the expense of New York local businesses in our communities. Out of state vendors are allowed to sell their products through the Internet at a price advantage simply because they are not required to charge sales tax, whereas NYS businesses must; and

WHEREAS, enacting Internet fairness and tax conformity, especially now in light of the new US Supreme Court decision, does not create a new tax in New York State. These taxes are already owed under State law, but often go uncollected because our sales tax laws are outdated. Counties rely on sales tax and property tax to provide local services and to pay for the ever-increasing state mandated programs. If sales tax dollars are not available, the revenue required will come from a property tax levy, increasing the burden on local property taxpayers; and

WHEREAS, purchases made over the Internet continue to grow at a much faster rate than “brick and mortar” retail locations and sales. For many years, counties in the North Country have seen sluggish growth in sales tax revenues, with a general consensus that the dramatic rise in Internet shopping has contributed to that slow growth. NYS must immediately address and fix this problem by updating its sales tax laws to support our local economies and reduce pressure on property taxpayers; and

WHEREAS, the Lewis County Board of Legislators agrees with the New York State Association of Counties (“NYSAC”), that the Governor and State Legislature need more comprehensive, revised and modernized sales tax laws to conform to the current marketplace and growth in Internet and catalogue mail order-based shopping; and they need to take that action now.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby voices its support for the immediate enactment of New York State legislation to update and modernize the State’s sales tax
laws to reflect the growing on-line economy, in light of the recent US Supreme Court ruling in *South Dakota v. Wayfair, et al*, and in so doing, to protect these State sovereign powers for the benefit of New York State communities.

Section 2. That the Lewis County Board of Legislators calls upon the Governor and State Legislature to immediately enact comprehensive sales tax laws to include and accommodate Internet and catalogue mail order-based shopping that will result in an increase in sales tax revenues to the Counties, where such revenues have suffered sluggish growth for many years, causing more burden upon New York property taxpayers.

Section 3. That the Lewis County Board of Legislators urges Governor Cuomo to exercise his powers to convene the State Legislature into special session to submit a comprehensive Internet Sales Tax bill in line with the recent US Supreme Court decision.

Section 4. That the Lewis County Board of Legislators herby directs the Clerk of the Board to forward copies of this resolution to Governor Cuomo, Leaders of the State Senate and Assembly, New York State Senator Joseph A. Griffio, New York State Assemblyman Ken Blankenbush, the New York State Association of Counties (NYSAC), and the Inter-County Legislative Committee of the Adirondacks, and all others deemed necessary and proper.

Section 5. That this Resolution shall take effect immediately.

Moved by Legislator LaChausse, seconded by Legislator King, and adopted.
RESOLUTION NO. 248 - 2018
RESOLUTION AUTHORIZING AGREEMENT
BETWEEN DEPARTMENT OF SOCIAL SERVICES AND
BERKSHIRE FARM CENTER AND SERVICES FOR YOUTH

Introduced by Legislator John Lehman, Chairman of the Social Services Committee.

WHEREAS, Berkshire Farm Center and Services for Youth ("Agency") is a foster care agency authorized by the New York State Office of Children and Family Services to provide foster care services; and

WHEREAS, the Lewis County Department of Social Services wishes to enter into an agreement with this Agency to utilize their services of foster care.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes an agreement between the County of Lewis, by and through the Department of Social Services, and Berkshire Farm Center and Services for Youth for the provision of foster care services.

Section 2. That the term of this agreement shall be from January 1, 2019 through December 31, 2019 at per diem cost not to exceed the Maximum State Aid Rate established by the New York State Department of Health. There is no local share cost until costs exceed the foster care block grant and then the local share is 37.5% for residential/foster care and is based on the eligibility of the client.

Section 3. That the Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to make, execute, seal and deliver said Agreement, pending approval by the County Attorney.

Section 4. That the within Resolution shall take effect immediately.

Moved by Legislator Lehman, seconded by Legislator Osborne, and adopted.
RESOLUTION NO. 249 - 2018
RESOLUTION APPROVING STIPULATION OF SETTLEMENT WITH NORTHBROOK LYONS FALLS, LLC. ON TAX ASSESSMENT CHALLENGE, AUTHORIZING PAYMENT OF COUNTY TAX REFUNDS AND PROPORTIONATE SHARE OF TAXING JURISDICTIONS EXPERT APPRAISAL CONSULTANT FEE

Introduced by Legislator Lawrence Dolhof, Chairman of the Board of Legislators.

WHEREAS, Northbrook Lyons Falls, LLC. ("Northbrook"), brought tax assessment challenges in the Supreme Court, Lewis County against the Towns of Lyonsdale and West Turin and County of Lewis, pertaining to their properties in the aforesaid Towns for tax assessment years 2016 and 2017; and

WHEREAS, the County, Towns and South Lewis School District had agreed to share the cost of an expert appraiser to assist in the review of the financial data and property values pertaining to Northbrook. The total fee charged by the appraiser is $3,300.00; and

WHEREAS, the attorney for the Towns has negotiated a settlement of the tax assessment challenges for 2016 and 2017, which provide Northbrook with a reduction in the total assessment of $1,500,000 for each year, with the taxing jurisdictions paying any refunds within ninety (90) days of entry of the Judgment, and with a waiver of any refund owing by the Village of Lyons Falls; and

WHEREAS, the Lewis County Board of Legislators seeks to approve the Stipulation of Settlement pertaining to the two (2) lawsuits brought against the Town of Lyonsdale and the Town of West Turin, respectively; to authorize the Treasurer to calculate and pay the County’s share of the refund owing for tax assessment years 2016 and 2017; and to authorize the Treasurer to pay the County’s proportionate share of the expert appraiser fee retained on behalf of the taxing jurisdictions.

NOW THEREFORE, BE IT RESOLVED as follows:

Section 1. The Board of Legislators hereby authorizes the County Treasurer to pay the County’s proportionate share of the $3,300.00 expert appraiser’s fee from the Board of Legislator Tax Aid Account.

Section 2. The Board of Legislators hereby approves the Stipulations of Settlement between Northbrook and the Town of Lyonsdale and Town of West Turin, respectively, wherein Northbrook will settle and discontinue with prejudice, its tax assessment lawsuits in consideration of receiving a $1,500,000 tax assessment reduction for tax assessment years 2016 and 2017, with refunds payable by the taxing jurisdictions at no interest, if paid within ninety (90) days of entry of the Judgment.

Section 3. The Board of Legislators authorizes the County Treasurer to calculate the refund and pay said amount as directed in the Settlement Agreements upon receipt of the Judgments with notice of entry.
Section 4. That the Chairman, or the Vice-Chairman, of the Board of Legislators be and the same is hereby authorized to make, execute, seal and deliver such documents or instruments as may be necessary to effectuate the above, subject to the approval of the County Attorney.

Section 5. That the within Resolution shall take effect immediately.

Moved by Legislator _King_, seconded by Legislator _LaChausse_.

In response to Legislator Chartrand, Chairman Dolhof stated the County had shared the cost of an attorney. Treasurer Patricia O'Brien stated the County's share of the expert appraiser cost was $3,300.00. She also responded that the final settlement concluded a greater assessment than that which was initially requested by the property owners.

The resolution was then adopted.
RESOLUTION NO. 250 - 2018
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
THE COUNTY OF LEWIS AND JEFFERSON COMMUNITY COLLEGE
TO LEASE ADVERTISING SPACE ON THE
LEWIS COUNTY PUBLIC TRANSPORTATION BUS

Introduced by Legislator Ronald Burns, Chairman of the Planning Committee.

WHEREAS, the Lewis County Public Transportation System commenced leasing space on the exterior of its two (2) County-owned buses. There are a total of eight (8) advertising opportunities between the two (2) buses and they include curb-side, street-side and rear showcase options; and

WHEREAS, Jefferson Community College desires to enter into an Agreement with the County of Lewis, acting by and through the Lewis County Planning Department, to lease one (1) 15” x 50” curb-side advertising space on a Lewis County Public Transportation bus.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes an Agreement between the County of Lewis, acting by and through the Lewis County Planning Department and Jefferson Community College to lease one (1) 15” x 50” curb-side advertising space on a Lewis County Public Transportation bus.

Section 2. That the term of this lease shall be effective through December 31, 2018, at a cost not to exceed $480.00 for the 15” x 50” curb-side advertising space.

Section 3. That the Chairman of the Board of Legislators or the Vice-Chairman be and the same is hereby authorized to execute, seal and deliver such Agreement upon such terms as may be approved by the Lewis County Attorney.

Section 4. That the within resolution shall take effect immediately.

Moved by Legislator Burns, seconded by Legislator Osborne, and adopted.
RESOLUTION NO. 251 - 2018
RESOLUTION AUTHORIZING APPLICATION TO
NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR APPROVAL OF
THE PURCHASE OF A WHEELCHAIR VAN FOR THE LEWIS COUNTY
TRANSPORTATION SYSTEM BY UTILIZATION OF THE COUNTY’S 2018
ACCELERATED TRANSIT CAPITAL FUND

Introduced by Ronald Burns, Chairman of the Planning Committee.

WHEREAS, the Accelerated Transit Capital (ATC) program administered by the New York State Department of Transportation (NYSDOT), provides state capital funding for upstate public transportation sponsors to rehabilitate, restore and modernize public transit assets; and

WHEREAS, under the Lewis County Transportation System, the Planning Department seeks to submit an application to NYSDOT for ATC funding for the purchase of a wheelchair van. It is proposed that this cost be paid out of 2018 ATC funds.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby approves and authorizes an application to the NYSDOT for use of 2018 Accelerated Transit Capital funds for the purchase of a wheelchair van under the Lewis County Public Transportation System.

Section 2. That upon the NYSDOT approval of this application, the Lewis County Board of Legislators hereby authorizes the purchase of said wheelchair van with funds from the 2018 ATC account, not to exceed $53,551.00

Section 3. That the Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Application and other required agreements for this funding, upon such form as may be approved by the County Attorney.

Section 4. That a certified copy of this Resolution shall be filed with the New York State Department of Transportation by attaching it to the Application.

Section 5. That the within Resolution shall take effect immediately.

Moved by Legislator Burns, seconded by Legislator Morey, and adopted.
RESOLUTION NO. 252 - 2018
RESOLUTION TO APPROPRIATE FUNDS
YOUTH BUREAU

Introduced by Legislator John Lehman, Chairman of the Youth Bureau Committee.

BE IT RESOLVED, as follows:

Section 1. That the following budget appropriation is hereby approved for the increase in State Aid funding:

Revenue
A0731100 338201 Youth Bureau $2,284.00

Expense
A0731100 490100 National Night Out $2,284.00

Section 2. That the within resolution shall take effect immediately.

Moved by Legislator _Lehman_, seconded by Legislator _Burns_, and adopted.
RESOLUTION NO. 253 - 2018
RESOLUTION AUTHORIZING AN INCREASE FOR THE
2018 RESOURCE ALLOCATION PLAN
WITH NYS OFFICE OF CHILDREN AND FAMILY SERVICES

Introduced by Legislator John Lehman, Chairman of the Lewis County Youth Bureau Committee.

WHEREAS, execution of the Resource Allocation Plan qualifies the County for State reimbursement in accordance with NYS Office of Children and Family Services’ allocation of funds appropriated for counties engaged in comprehensive planning for youth services; and

WHEREAS, the NYS Office of Children and Family Services has informed their approval of an increased allocation for the 2018 Resource Allocation Plan.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby approves the 2017 Resource Allocation Plan between the County of Lewis and the New York State Office of Children and Family Services (“OCFS”) for an increased allocation of $2,284.00 for the 2018 program year for a total amount of $23,399.00.

Section 2. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to execute, seal and deliver said amended Resource Allocation Plan.

Section 3. That the within resolution shall take effect immediately.

Moved by Legislator Lehman, seconded by Legislator Burns, and adopted.
RESOLUTION NO. 254 - 2018
RESOLUTION TO TRANSFER FUNDS
SHERIFF’S DEPARTMENT

Introduced by Legislator Gregory Kulzer, Chairman of the Courts & Law Enforcement Committee.

BE IT RESOLVED, as follows:

Section 1. That the following transfer of funds is hereby approved in the Sheriff’s Department account from Contingency to cover the cost of ballistic vests:

From: A0199000 499900 Contingency $8,100.00
To: A0315000 493100 Uniforms $8,100.00

Section 2. That the within resolution shall take effect immediately.

Moved by Legislator King, seconded by Legislator Burns, and adopted.
OTHER BUSINESS:

The Clerk read a Proclamation commending retiring Supervisor of Buildings and Grounds Frank Archer for his exemplary performance over 30 years of service.

Legislator Chartrand made a motion to change the meeting time of the August 7, 2018 Board meeting to 9:00 a.m. to accommodate the employee appreciation picnic to be held at the fairgrounds, seconded by Legislator Osborne and carried. Legislators have volunteered to assist with cooking and to serve employees.

There being no other business to come before the Board, the meeting adjourned on motion by Legislator LaChausse at 6:09 p.m., seconded by Legislator Lehman and carried.