

**SECOND DAY
ANNUAL SESSION
November 20, 2018**

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

Roll Call: All Legislators were present, except Legislator Moser.

Legislator Dolhof led the Pledge of Allegiance to the Flag.

There were 10 person present.

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: November 20, 2018

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

Chairman Dolhof opened the public hearing for comments on the 2019 Lewis County Tentative Budget.

STANDING COMMITTEE REPORTS:

Legislator Osborne made a motion to authorize Human Resources Director Christopher Boulio to fill the Director of Public Health position effective immediately due to the pending retirement of the current Public Health Director in February 2019, seconded by Legislator Burns and carried.

Legislator Chartrand asked how many responses for the Lewis County Hospital Board of Managers position had been received to date and County Manger Ryan Piche responded that there have been three responses. Legislator Chartrand asked to meet with Legislators Burns and Osborne after the meeting briefly.

Legislator Moroughan thanked Warren Shaw and his Highway Department for all the hard work they have done on the Mill Creek project expressing gratitude from the many property owners along the creek, specifically noting that Michael Dolan of the Highway Department is an excellent equipment operator. Legislator Lehman also commended the Highway Department for their assistance in the Town of Diana.

COUNTY MANAGER REPORT:

County Manager Ryan Piche reported that he would like to get the Legislators together to start working on a Capital Planning for the county. He would like to set up workshop sessions starting in January 2019 to discuss further the Bernier & Carr space study and use that to form a Capital Plan for the next few years.

Legislator Kulzer asked about the contractor who was working on the outside of the courthouse, he was less than impressed with the condition of the job site. County Manager Ryan Piche pointed out that the weather hasn't cooperated and so they have had to work around that. The Front roof should be done next week and then the contractor has agreed to come back in the spring and fix and ruts from the equipment in the front and side lawns.

Legislator Dolhof declared a short recess at 5:10 p.m. and asked that everyone come back at 5:30 p.m. to continue with the meeting as the public hearing needed to remain open for a full 30 minutes before moving on to resolutions.

Legislator Dolhof declared the meeting back in session at 5:30 p.m. and asked if anyone wanted to speak before the public hearing was closed. Town Supervisor Randall Schell asked, on behalf of the Town Supervisors & Village Majors in Lewis County, that in this season of giving the Legislators please consider sharing some of the anticipated excess sales tax revenue at the end of the 2018 year with the Towns and Villages in the County. He cited that in 2015 and 2016 this occurred and it was appreciated by all Towns and Villages. Legislator Dolhof declared the public hearing on the Tentative 2019 Lewis County Budget closed.

RESOLUTIONS:

**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 King, seconded by Legislator Kulzer, 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 Burns, seconded by Legislator King, 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 Lehman, seconded by Legislator Osborne, and adopted by the following roll call vote:

YEAS: Burns, Chartrand, King, Kulzer, Lehman, Moroughan, Osborne, and King.

NAYS: LaChausse.

ABSENT: Moser.

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 Burns, seconded by Legislator King, and adopted by the following roll call vote:

YEAS: Burns, Chartrand, King, Kulzer, Lehman, Moroughan, Osborne, and King.

NAYS: LaChausse.

ABSENT: Moser.

RESOLUTION NO. 416 - 2018
RESOLUTION TO APPROPRIATE FUNDS
BUS OPERATIONS

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

BE IT RESOLVED, as follows:

Section 1. That the following budget appropriation is hereby approved due to the receipt of excess advertising funds in Bus Operations:

<u>Revenue</u>	
A0563000 327074	\$640.00
<u>Expense</u>	
A0563000 490700	\$640.00

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

Moved by Legislator King, signed by Legislator Lehman, and adopted.

OTHER BUSINESS:

At 5:40 p.m., Legislator Chartrand made a motion to adjourn, seconded by Legislator Lehman and carried.