

REGULAR MEETING
July 2, 2019

Chairman Lawrence Dolhof called the meeting to order at 5 p.m.

Roll Call: All Legislators were present.

Chairman Dolhof offered the Invocation and led the Pledge of Allegiance to the Flag.

There were 32 persons present.

Chairman Dolhof declared the June 4, 2019 meeting minutes approved by general consent.

REPORT OF THE FINANCE AND RULES COMMITTEE:

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

Signed by: Ronald Burns
Richard Chartrand
John Lehman
Thomas Osborne

Dated: July 2, 2019

Legislator Kulzer made a motion to waive the rules, seconded by Legislator Moser, and carried.

Chairman Dolhof opened the public hearing for comments on Local Law Introductory No. 1-2019 "Providing For Installment Payment of Real Property Town and County Taxes in Lewis County". There were no comments at this time.

PRIVILEGE OF THE FLOOR:

County Manager Ryan Piche illustrated budget trends for the Sheriff's road patrol of \$3,296,894 up from 2015 at \$2,828,883 a 16% increase; and jail personnel appropriations of \$2,311,195 compared to 2015 at \$1,989,680. During this time full-time road patrol employees grew from 30 to 35; and jail employees from 18 to 23.

Road patrol personnel appropriations of \$1,296,451 were approved compared to the Sheriff's request of \$1,295,727 with year-to-date expenditures of \$592,753, including \$32,358 of the \$40,000 overtime allocation plus \$24,096 for temporary patrols. The budget accounted for the 3-year road settled union contract.

Jail personnel appropriations of \$1,302,332 were approved compared to the requested \$1,572,332 with year-to-date expenditures of \$587,802, including \$52,641 for 1,140.90 overtime hours plus \$32,514 for temporary help, both categories beyond annual allocations. According to

a consultant's 2017 jail personnel analysis and recommendation to address overtime, the Board approved hiring additional full-time correction officers and advised to utilize part-time officers to cover as necessary.

Recreation patrol appropriations of \$60,000 were approved as requested, well above the 2018 level of \$29,000 recognizing overtime for full-time deputy patrols. Year-to-date expenditures total \$32,763 including overtime of \$7,693 and \$16,470 for temporary help.

Dispatch personnel appropriations of \$566,458 exceed the requested \$551,458 with year-to-date expenditures of \$212,527 including \$10,256 overtime and \$16,073 temporary help hours.

School Resource Officer year-to-date \$49,480 expenditures are within the requested and approved \$123,770 budgetary appropriations, but well above the 2018 level of \$59,474 due to hiring an additional resource officer. It was agreed that the school resource officers would be utilized for recreation patrols when school was not in session.

Mr. Piche reported eligibility for \$37,500 State reimbursement for snowmobile patrols; a \$10,000 County ATV Fund allocation and a \$10,000 State naval patrol allocation. County department heads each present a budget request that is pared down to decided operational levels to remain within the State imposed 2% tax cap and prevent a large tax increase. The Sheriff's budget reflects a 16 percent increase over 2015 for 58 full-time-equivalents compared to 48 in 2016.

Deputy Sheriff Michael Leviker employed for the past 42 years, informed that boat patrols have existed since the 1960's and he has been involved since the 1991 inception of snowmobile patrols. He recognized former Senator Raymond Meier for securing funding for two reliable patrol boats. The ATV recreation program started in the late 1990's without a patrol budget. Boat storage equating \$6,400 over the past eight years has been provided at no cost. Recognizing the Legislature's venture to expand tourism, he urged them to address the patrol budget issues.

Mr. Leviker suggests daily boat patrols and the need for equipment maintenance funding. The department's snowmobile helmets should be replaced to replicate safety procedures taught to youths, he said, reporting being responsible for several years to submit snowmobile and marine patrol reimbursement requests. Citing construction of the new JCC education center even though the project was over budget by \$2 million, Mr. Leviker urged that the patrol budget issues be settled. "People are here on the lakes and trails and need protection", he concluded.

Town of Greig Supervisor Marilyn Patterson expressed understanding the challenges to remain within the 2% tax cap, considering consistent government operation costs that are further challenged by State cuts for Consolidated Highway Programs and Aid and Incentives for Municipalities. However, Legislators have encouraged municipalities to open recreation trails. Accordingly, enforcement patrols are needed for expanded recreational tourism opportunities, further exacerbated by prevalent alcohol and drug use. Ms. Patterson strongly encouraged searching for grant resources to finance enforcement patrols, if necessary, for the safety of our citizens.

Ms. Diane Miller of Brantingham referenced overwhelming expenditures for patrols, concerned the entire recreation program would be axed. Law enforcement is needed, she said, to dissuade illegal activity, which is inferred by many on social media. She cautioned that tourists concerned for safety may travel elsewhere, while making a plea to Legislators to find the money to keep everyone safe.

Mr. Robert Hindman of Brantingham expressed concern for all the people on ATV's, boats, pontoons, jet skis and speed boats witnessing people "out raising hell on the water today"! One boat had over 15 people and he was certain there weren't enough life jackets. He recalled one youth had previously been killed after striking a tree on the trails. Mr. Hindman relayed paying higher taxes for his Brantingham property than for his Chicago home, while making a plea for law enforcement patrols to caution people.

Mary Brown of Brantingham deems there have been fewer law enforcement patrols over the past 5 years. As a departure from the past, there are very large boats utilizing the lake. Patrols a couple of hours a day, she submits, would drastically reduce unsafe activity especially by those choosing to stay on the water late at night with lights out and partying with alcohol. Ms. Brown posed auxiliary patrols as a possible solution.

Chairman Dolhof thanked everyone for their comments, asserting the general consensus of the Board is to see more recreation patrols, adding the Board had approved a budget \$10,000 above the Sheriff's full budget request. Chairman Dolhof promotes further discussion with the Sheriff for a satisfactory solution for everyone.

Legislator King agreed with the Chairman's statements, reiterating an earlier suggestion for daily two-hour patrols. However, the board must consider county-wide operational expenses, reminding that 90 percent of the budget is attributable to State mandates. No one wants more tax increases, he said, while urging the Sheriff to figure out a way to balance budgetary appropriations to keep the recreation patrols.

At 5:39 p.m. Chairman Dolhof closed the public hearing when no one wished to comment on the proposed Local Law.

Sheriff Carpinelli purported he cannot assign recreation patrols unless the Board approves additional funding. There are four certified deputies and two must be assigned for each boat patrol, exclaiming that one deputy cannot safely patrol. Legislator Moser inquired the wisdom of losing certain State reimbursements if School Resource Officers were assigned to patrol in accordance with the agreement. In his opinion, allocating \$100,000 of the \$285,000 contingency fund balance would disadvantage the County to cover unknown operational expense for the remainder of the year.

Legislator King suggested patrols be assigned within budget appropriations at a lesser level to give a presence on both lakes rather than terminating all patrols, requesting the Sheriff to inform and work with the Board.

Sheriff Carpinelli invoked there would be ample appropriations to cover patrols if the Board had not reduced his 2019 budget request by \$179,000. Legislator Moser appreciated the Sheriff's efforts to operate within budgetary constraints, while predicting a double digit tax increase if all department appropriations were approved at requested levels.

Chairman Dolhof accused the Sheriff of using recreation patrol funding to cover other operational overages, citing the \$28,000 available balance. County Manager Ryan Piche clarified that only discretionary purchases were put "on hold" until fourth quarter budget balances were known. The Chairman requested the Sheriff meet for further discussion with the Board and County Manager.

In response to Legislator Kulzer for what school resource officers were currently doing, Sheriff Carpinelli stated they were assigned to road patrol. He stated there are vacant positions he cannot fill because of budget shortfall, admittedly using recreation patrol appropriations to cover personnel overtime expense.

In response to the Sheriff's contention that Hospital administration requests are unequivocally approved, Legislator Chartrand reported the facility's generated revenues offset appropriations as an enterprise fund.

In conclusion, Sheriff Carpinelli reportedly used road patrol appropriations to cover personnel expense for the narcotics unit, but did not explain why road patrol overtime was currently much higher compared to recent years when there were fewer deputies as posed by Legislator Moser.

PRESENTATION OF COMMUNICATIONS AND NOTICES:

A letter of thanks was received from Youth Bureau Director Penny Moser for the approved County appropriation to support the upcoming "Lewis County Night Out" event.

The U.S. Board on Geographic Names has officially named the waterfall on Black Creek in the Town of New Bremen as "Dicob Falls" in association with the nearby unincorporated community of Dicob's Corner, the historical Dicob School and for the Dicob family whom have lived in the area since 1861.

In response to the Sheriff's recent announcement to terminate recreational enforcement patrols, Brantingham Community Association Officers Philip Stark and Karen Murphy urge that as the Sheriff and Legislators work to solve the budget issues they avoid taking a clear shot at our tourism industry.

The Clerk acknowledged receipt of resolutions enacted by the Columbia and Livingston County Legislatures opposing NY State legislation that undermines the careful balance that exists for the tax foreclosure process by changing the order in which multiple tax liens are to be redeemed; and from the Essex County Legislature opposing enactment of the Farm Workers Fair Labor Practices Act that expands their benefits and rights.

REPORTS OF COUNTY OFFICERS AND DEPARTMENTS:

Legislators have received copies of the June Treasurer's report, the 2nd quarter Bed Tax Report; Highway and Solid Waste Department audit reports; and minutes of the 6/19/19 Youth Bureau Advisory Board meeting.

James Richmire had submitted the May Sealer of Weights and Measures activity report that was placed on file with the Clerk of the Board.

REPORTS OF STANDING COMMITTEES:

Legislator Bryan Moser, Chairman of the Finance and Rules Committee, reported the committee had interviewed candidates to refill the Director of Solid Waste and Director of Human Resources/Personnel Officer positions.

Legislator Moser made a motion to award SymQuest of Burlington, Vt. a 5-year agreement for multi-functional printer/copier equipment pursuant to their 6/8/2019 low bid proposal for an annual cost of \$31,098. The amount represents a 2% increase over the expiring agreement and is locked in for 5 years. The motion was seconded by Legislator Lehman and carried.

Legislator Jerry King, General Services Committee Chairman, made a motion to correct the dates in the agreement approved by Resolution No. 19-2019 with Bark Eater Events, LLC to use County reforestation lands in the Town of Lyonsdale for the annual "Peak to Brew Relay Race" to August 9th and 10th, 2019. The motion was seconded by Legislator Burns and carried.

Legislator King made a motion to reject the sole bid received for re-pointing the brick on the Court House and Public Safety Buildings; and authorize rebidding the project this fall, seconded by Legislator Osborne and carried.

Legislator King made a motion to authorize Highway Superintendent Warren Shaw to refill two mechanic/welder positions effective immediately, due to a retirement and a resignation, seconded by Legislator Moroughan and carried.

Legislator King made a motion to authorize District Attorney Leanne Moser to refill a full-time Assistant District Attorney position effective immediately, due to a resignation, seconded by Legislator Osborne and carried.

Legislator King made a motion to amend the Agreement amount previously approved for drilling the well at Singing Waters from \$8,850.00 to an amount not to exceed \$19,870.00, seconded by Legislator Kulzer. The price is subject to negotiation. Legislator King stated the increase was due to the much deeper 600' well that will provide good water quality. Recreation, Forestry & Parks Director Jackie Mahoney verified the need for the chosen well site at a 250' higher elevation, and that the project would be financed by the DASNY grant secured through Senator Joseph Griffo. The motion then carried.

Legislator Gregory Kulzer, Health and Human Services Committee Chairman, made a motion to authorize Public Health Director Ashley Waite to refill a full-time Public Health Nurse due to a retirement, seconded by Legislator Chartrand and carried.

Legislator Kulzer made a motion to authorize refilling a Per Diem Registered Professional Nurse, seconded by Legislator Osborne and carried.

Legislator Richard Chartrand, Hospital Board of Managers' representative, announced the May employee-of-the-month was certified nurse assistant Wesley Brown. Personnel worked overtime to implement the action plan approved by the NYS Dept. of Health to conduct a "deep clean" of nursing home floors 2, 3 and 4, to launder all residents' clothing and belongings for health and safety efforts in response to a scabies outbreak. Visitor restrictions were adhered.

Legislator Chartrand reported a May surplus of \$38,063 and that all bills had been paid on time. The Hospital Foundation-sponsored golf tournament garnered contributions of \$26,000.

Legislator Kulzer took exception to the inconvenience caused by blocking off the hospital's circled driveway entrance to replace the sidewalk, suggesting it could have been done in sections to keep the entrance open. CEO Gerald Cayer cited safety as a primary reason and expects project completion by mid-July.

Mr. Cayer also reported that emergency department personnel have been briefed about probable increased facility utilization due to high attendance for the upcoming moe.down concert event.

COUNTY TREASURER REPORT:

Treasurer Patricia O'Brien recited the balances of the Special Legislative Contingency Fund - \$96,942.00; Contingency Fund-\$189,475.00; Capital Data Processing Fund- \$61,844.91 and Capital Equipment Fund - \$359,128.14, of which \$61,351.30 is the Highway portion; sales tax receipts of \$4,796,586.14 thru 5/31/19; and an Internal Service Fund balance of \$4,577,219.83 as of 4/30/2019.

Legislator Kulzer expressed surprise for lower comparative April sales tax revenue than the previous year, citing the SNIRT Run.

In response to Legislator Chartrand, Mrs. O'Brien reported there were no critical delinquencies for businesses that submit bed tax.

SPEICAL REPORTS:

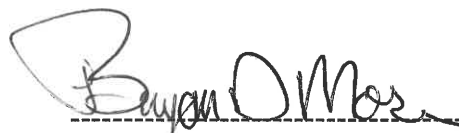
In response to Sheriff Carpinelli's earlier inferences, Hospital CEO Gerald Cayer reported facility employment of over 700 having a \$114 million economic impact, and being the largest provider of healthcare in the County.

REPORT OF THE FINANCE AND RULES COMMITTEE:


**REPORT OF
FINANCE AND RULES COMMITTEE
ON THE EXAMINATION OF CLAIMS**

To: The Honorable County Legislators

The Finance and Rules Committee reports that they have examined the claims presented for payment in the total amount of \$ 814,922.80 and recommend that they be audited and allowed for the amounts claimed.



Bryan Moser Chair




Ronald Burns Committee



Richard Chartrand Committee



John Lehman Committee



Thomas Osborne Committee

Dated: July 2, 2019

Approved on motion by Legislator Burns, seconded by
Legislator Lehman, and carried.

**RESOLUTION NO. 212 – 2019
AUDITING AND ALLOWING CLAIMS**

Introduced by Legislator Bryan Moser, Chairman of the Finance and Rules Committee.

RESOLVED that the claims presented for payment in the total amount of \$ 814,922.80 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 King, seconded by Legislator Moser, and adopted by the following roll call vote:

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

NAYS: None

ABSENT: None

**LOCAL LAW (INTRODUCTORY NO. 1 - 2019)
COUNTY OF LEWIS**

Introduced by Legislator Bryan Moser, Chair of the Finance and Rules Committee.

**A LOCAL LAW PROVIDING FOR THE INSTALLMENT PAYMENT OF REAL
PROPERTY TOWN AND COUNTY TAXES IN LEWIS COUNTY**

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 the LOCAL LAW PROVIDING FOR THE INSTALLMENT PAYMENT OF REAL PROPERTY TOWN AND COUNTY TAXES IN LEWIS COUNTY.

SECTION 2. PURPOSE:

A. The purpose of this Local Law is to designate the County of Lewis, or its designees, as the tax collection agency for the purpose of collecting taxes in installments as prescribed by Title 4-A of Article 9 of the Real Property Tax Law (RPTL §§ 972 – 976), in order to establish a coordinated system for the collection of County and Town taxes by installment.

B. The County of Lewis prepares all tax bills, creates and executes tax warrants for all Towns, and is the designated collection agent for all delinquent property taxes. In so doing, the County makes each Town whole in order for each Town to meet its annual budget.

C. The Towns collect county and town property taxes. The intent of installment payments is to allow each Town to opt into this Local Law, as procedurally described and set forth in Section 4, and thereby afford taxpayers the ability to pay their county and town property taxes timely and not fall into delinquency status.

SECTION 3. INSTALLMENT PAYMENTS:

A. On and after the effective date of this local law and until repealed, the County and Town real property taxes may be paid in two (2) installments, for each Town that opts into this Local law by Resolution. The two (2) installment payments are to be approximately equal (without factoring in the service charge on the first installment as hereinafter set forth).

B. The taxpayer is not obligated to pay by installment and may pay the entire tax bill in whole by January 31st without penalty, interest or other charges as set forth in the Real Property Tax Law of the State of New York.

C. If any installment is not paid on or before the date it is due, additional interest shall be added as provided by §§ 975 and 924-a of the Real property Tax Law for each month or part thereof until paid. No such installment may be paid unless all prior installments, including service charges and interest shall have been paid or shall be paid at the same time.

D. If paying by installment, the first installment shall be due and payable to the Collecting Officer of the Town no later than January 31st, with no interest, but with a two (2%) service charge. Failure or neglect by an owner of real property to pay the first installment on time and as herein provided shall be construed as an election by such owner to pay the total amount of taxes in one payment in the manner provided by law, and shall thereby disqualify the Taxpayer from the installment payment option. Such failure and neglect to pay timely will result in the standard interest, penalties and other charges set forth in the RPTL to be incurred.

E. The second installment shall be due and payable to the Collecting Officer of the Town on or before May 31st, without interest. Failure or neglect to make this second installment payment timely will result in the standard interest, penalties and other charges set forth in the RPTL to be incurred.

F. Taxes which are paid through a real property tax escrow account may not be paid in installments pursuant to this Local Law.

G. As used in the Local Law, the term “taxes” shall include special assessments which are levied by the Lewis County Legislature at the time and in the manner provided by law for the levy of town and county taxes.

H. The 2% service charge as set forth in subparagraph “D” of this section is to be the Town’s revenue. Any interest/penalties collected for late payment(s) shall belong to the Town if collected by the Town, and then to the County on or after June 1st.

SECTION 4. TOWN PARTICIPATION PROCEDURE:

A. Pursuant to RPTL §§972 & 973, upon the enactment of this Local Law by the Lewis County Legislature, each Town in Lewis County may decide, by affirmative vote of a majority of its Board by Resolution, to permit the installment payment of current taxes. A certified copy of said Resolution by the town clerk to the clerk of the county board of legislators must be received on or before the first day of October.

B. The decision to permit and opt for installment payment of taxes as herein set forth requires the local Town and its Tax Collector to collect and receipt for taxes on the same collection system used by the County Treasurer and Real Property Director. The local Tax Collectors must use the County's computer billing and collection system.

C. In order to assist the Towns in opting for installment payments pursuant to this Local Law, the County agrees to pay the cost of the software program/system for the Town for the first two (2) years of operation, and for such additional year(s) the County may, in its sole discretion, offer to pay on behalf of the Town.

D. The Service Charge fee for installment payment option is to be the Town's revenue in exercising the option to allow for installment payments.

SECTION 5. ADMINISTRATION & GENERAL POWERS OF THE COUNTY TREASURER:

A. In addition to the powers granted to the County Treasurer in this Local law, she/he is hereby authorized and empowered:

1). To promulgate and amend suitable rules and regulations appropriate to the carrying out of this Local Law and the purposes thereof, upon consultation with the Lewis County Director of Real Property and the Legislative Finance and Rules Committee;

2). In consultation with the Lewis County Director of Real Property and the Legislative Finance and Rules Committee, to annually review the service charge fees, program/system costs and expenses, and to make recommendations on increases/decreases to cover costs associated with the installment payment of taxes to the County Board of Legislators;

3). To delegate her/his functions hereunder to the Deputy County Treasurer or any employee or employees of the Office of the County Treasurer.

SECTION 6. EFFECTIVE DATE:

This Local law shall take effect immediately.

Town Boards that decide to permit Installment Payment of current year Town/County taxes as set forth in this Local law must so notify the Clerk of the County Board of Legislators by copy of the official Town Board Resolution on or before October 1, preceding the January Town/County Tax levy. The decision to permit Installment Payment of current year Town/County taxes will remain in force until revoked by a Town Board Resolution, a copy of which must be delivered to the Clerk of the County Board of Legislators on or before October 1, preceding the January Town/County Tax Levy.

**RESOLUTION NO. 213 - 2019
RESOLUTION ADOPTING AND OTHERWISE TREATING
LOCAL LAW NO. 2 – 2019, COUNTY OF LEWIS**

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

WHEREAS, a resolution was duly adopted by the Board of Legislators on June 4, 2019, directing that a public hearing be held by said Board on July 2, 2019 from 5:00 p.m. to 5:30 p.m. at the Second Floor Board Room of the Courthouse, 7660 North State Street, Lowville, New York 13367, to hear all interested parties on Local Law (Introductory No. 1-2019) entitled "A LOCAL LAW PROVIDING FOR THE INSTALLMENT PAYMENT OF REAL PROPERTY TOWN AND COUNTY TAXES IN LEWIS COUNTY"; and

WHEREAS, notice of said public hearing was duly advertised in the *Watertown Daily Times*, the official newspaper designated by the County, on June 26, 2019, and posted on the bulletin board of the Lewis County Courthouse, 7660 North State Street, Lowville, New York, at least five (5) days prior to such public hearing; and

WHEREAS, said public hearing was duly held at such location at such time and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, the Board of Legislators wishes to make certain determinations based upon the information heretofore submitted to the Board, as well as received during the public hearing.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. This Local Law (Introductory No. 1 – 2019), County of Lewis, being "A LOCAL LAW PROVIDING FOR THE INSTALLMENT PAYMENT OF REAL PROPERTY TOWN AND COUNTY TAXES IN LEWIS COUNTY", be and the same hereby is designated as Local Law No. 2–2019, County of Lewis.

Section 2. That Local Law No. 2–2019, County of Lewis, with designation stated above, be and the same is hereby enacted, waiving any and all defects and informalities in the adoption thereof and shall take effect immediately upon filing with the Secretary of State.

Moved by Legislator Moser, seconded by Legislator King, and adopted pursuant to the following roll call vote:

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

NAYS: None

ABSENT: None

**RESOLUTION NO. 214 - 2019
FIXING DATE OF PUBLIC HEARING ON LOCAL LAW
(INTRODUCTORY LOCAL LAW NO. 2 - 2019), COUNTY OF LEWIS**

Introduced by Legislator Jerry King, Chair of the General Services Committee.

WHEREAS, there will be presented and introduced at a meeting of this Board of Legislators to be held on July 2, 2019, a proposed Local Law entitled "A LOCAL LAW AMENDING AND RESTATING THE ESTABLISHMENT OF THE LEWIS COUNTY TRAIL SYSTEM."

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That a public hearing will be held on August 6, 2019, 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.

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 LaChausse, and adopted.

RESOLUTION NO. 215 - 2019
RESOLUTION TO AMEND AND ADOPT THE STANDING RULES
OF THE BOARD OF LEGISLATORS OF LEWIS COUNTY

Introduced by Legislator Bryan Moser, Chairman of the Finance and Rules Committee.

WHEREAS, the Standing Rules of the Board of Legislators were last amended and adopted pursuant to Resolution No. 2-2019 on January 8, 2019; and

WHEREAS, said amendments to the Standing Rules of the Board of Legislators with respect to the Powers and Duties of Committees reflect desired changes to County organization and functions and evoke a more effective business process; and

WHEREAS, said amendments are effective through June 30, 2019 subject to further review and amendment; and

WHEREAS, the Finance and Rules Committee proposes the following amendments to the Standing Rules to further clarify and reflect changes to County organization and functions.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That this Board of Legislators hereby amends the Standing Rules of the Board of Legislators of Lewis County by changing the following sections:

Amend Rule I MEETINGS: Section 3 to read the Board may, by motion at any regular meeting, adjourned regular meeting or special meeting, change the date and/or time, and/or place herein fixed for the next succeeding regular meeting.

Amend Rule II PROCEDURE: Section 2 (Subd. 5) to read Report of the Finance and Rules Committee under Rule VI

Amend Rule II PROCEDURE: Section 7 to read Any Legislator upon the meeting being called to order shall take his/her seat.....

Amend Rule IV CLERK: Section 3 to read the Clerk shall immediately provide

Amend Rule V COMMITTEES: Section 1 to remove or specialcommittee shall consist of five members

Amend Rule VII AUDIT OF CLAIMS: Section 10 to readout of funds in his/her hands appropriated for the purpose therefor.....

Amend Rule VIII GENERAL PROVISIONS: Subsection “Organization of the Board” (Subd. 1) to read his/her last known post office address, or by electronic notification generally accepted, at least forty-eight hours before the date of the meeting

Amend Rule XII POWERS AND DUTIES OF COMMITTEES:

GENERAL SERVICES COMMITTEE:

“Jurisdictional Oversight”: Add Agriculture and Junkyards

“Additional County Representation”: Delete the entire section.

“Committee Description”: Change to correct the title in the sixth paragraph to ...County Director of Fire and Emergency Management.....

Change the wording in the eleventh paragraph to readThis committee shall have general supervisory and advisory jurisdiction regarding all matters relating to recycling materials, solid waste and all related issues within the County and shall confer with the Solid Waste Administrator concerning such matters,

HEALTH AND HUMAN SERVICES COMMITTEE:

“Additional County Representation”: Delete the entire section.

FINANCE AND RULES COMMITTEE:

“Additional County Representation”: Delete the entire section.

“Committee Description”: Change the wording in the first paragraph to read.. This committee shall have general supervisory and advisory jurisdiction over all matters pertaining to Civil Service within the County. This Committee shall also have general

supervisory and advisory jurisdiction over all matters pertaining to the Human Resources Department and of all relations between the Board and the Director of Human Resources/Personnel Director. This committee shall also have supervision of all matters relating to compensation of county officers and employees and of matters arising out of the County's membership in the State Retirement System, and shall act as the bargaining committee for the Board with the County Civil Service Employee's Association (CSEA).

Change the wording in the fifth paragraph to readproper execution of tax warrants; and recommend new or changed forms for tax purposes...

Change the wording in the sixth paragraph to read....over all matters related to the Office of Director of Information Technology and all matters.....

Section 2. That the Sub-section entitled "Committee Rules for Legislators" shall be amended to set the time of the Legislative Committee meetings as follows:

Amend Section 6 to read General Services Committee shall meet the 3rd Tuesday of each month at 1 p.m.

Amend Section 7 to read Health and Human Services Committee shall meet the 3rd Tuesday of each month at 3 p.m.

Amend Section 8 to read Finance and Rules Committee shall meet the 3rd Tuesday of each month at 4 p.m.

Section 3. That the Sub-section entitled "Committee Rules for Staff" Subd. 2 shall be amended to read.. Dates and times of these pre-agenda meetings shall be set by the County Manager.

Section 4. The Standing Rules of the Board of Legislators of Lewis County as specifically amended herein are hereby adopted effective for the period July 1, 2019 through December 31, 2019, and shall remain in full force and effect.

Section 5. That this resolution shall take effect immediately.

Moved by Legislator Moroughan, seconded by Legislator Lehman, and adopted.

RESOLUTION NO. 216 - 2019
RESOLUTION SETTING ENFORCEMENT HEARING DATE
PURSUANT TO LOCAL LAW NO. 2-2007, UNSAFE BUILDINGS LAW
(7864 MARSHEY ROAD, TOWN OF DIANA)

Introduced by Legislator Jerry King, Chair of the General Services 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 where the local town or village has relinquished to the County the responsibility of enforcing and administering Section 1202 of the Uniform Code; and

WHEREAS, pursuant to Section 5 of such Local Law, the Lewis County Code Enforcement Officer (“CEO”) conducted an investigation of the premises known as Tax Map No. 019.00-03-14.000, currently owned by Charles E. Orr and Roxy M. Orr (herein the “Owners”). The CEO observed in his report that a manufactured home located at 7864 Marshey Road, Town of Diana, County of Lewis, was destroyed by a fire on October 14, 2017. There was a fatality as a result of the fire. At that time the property was an active crime scene being investigated by the Lewis County Sheriff’s Department. Upon investigation completion, the CEO advised the committee that the partial, remaining structure is unsafe and issued a report to the Board of Legislators indicating same, with a recommendation that the County take the necessary steps to demolish and remove what remains of the charred structure and remediate the site; and

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/remaining structure is unsafe and that such building/structure 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 remaining building/structure 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 Charles E. Orr, (“the Owner”) of said building appear before this Board of Legislators (in person or by teleconference) on the 6th day of August, 2019 at 5:00 p.m., and to Show Cause before this Board why it should not Order said Owner to immediately demolish and remove the remaining building/structure and remediate the site located on the parcel identified as Tax Map No. 019.00-03-14.000; and that in the event the Owner or his designated agent 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 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 King, seconded by Legislator LaChausse, and adopted.

**RESOLUTION NO. 217 - 2019
RESOLUTION AUTHORIZING COUNTY OF LEWIS**

**TO ENTER AGREEMENT WITH ABJ FIRE PROTECTION CO.
FOR SPRINKLERS AND BACKFLOW PREVENTER INSPECTIONS AT
COURTHOUSE, PUBLIC SAFETY BUILDING AND
DEPARTMENT OF SOCIAL SERVICES**

Introduced by Legislator Jerry King, Chair of the General Services Committee.

WHEREAS, ABJ Fire Protection Co., with offices located at 6500 New Venture Gear Dr., E. Syracuse, NY 13057, is a full-service alarm and sprinkler company with extensive expertise in the design and installation in the life safety sector; and

WHEREAS, the County of Lewis desires to enter into an Agreement with ABJ Fire Protection Co. to perform sprinkler and backflow preventer inspections at the Lewis County Court House, Public Safety Building and Department of Social Services; and

WHEREAS, the inspections for the sprinkler system and backflow preventer will be performed quarterly at the Lewis County Court House and Public Safety Building and an inspection of the backflow preventer will be performed annually at the Department of Social Services.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes an agreement between the County of Lewis and ABJ Fire Protection Co. to perform sprinkler and backflow preventer inspections at the Lewis County Court House, Public Safety Building and the Department of Social Services.

Section 2. That the term of this agreement shall be in effect from July 1, 2019 through June 30, 2020 with quarterly installments of \$325.00 for the Lewis County Court House; quarterly installments of \$400.00 for the Lewis County Public Safety Building and one annual payment of \$110.00 for the Lewis County Department of Social Services, for a total cost of \$3,010.00.

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

Section 4. That this Resolution shall take effect immediately.

Moved by Legislator King, seconded by Legislator Moroughan, and adopted.

**RESOLUTION NO. 218 – 2019
RESOLUTION INCREASING DISTRICT ATTORNEY SALARY PURSUANT TO
NEW YORK STATE BUDGET MANDATE AND JUDICIARY LAW**

Introduced by Jerry King, Chairman of the General Services Committee and Bryan Moser, Chair of the Finance and Rules Committee.

WHEREAS, on December 24, 2015, the New York State Commission on Legislative, Judicial, and Executive Compensation voted to recommend increases to the salaries of state judges in 2016 and 2018, and to place New York State Supreme Court justice salaries on par with those of federal district court judges by March 31, 2018. NYS has confirmed that the annual salary for a NYS Supreme Court Justice as of April 1, 2019 is \$210,900 (an increase from \$208,000 in 2018) based upon a Cost of Living Adjustment granted to Federal Court District Judges to which NYS Supreme Court Justices salaries are tied. County Court Judges' salaries are set at 95% of a Supreme Court Justice's salary (\$200,355 in 2019); and

WHEREAS, State Judiciary Law 183-a links judicial salaries with full-time county district attorneys' (DA) salaries. In Lewis County, the effect of this law results in the full-time DA salary being equal to the County Court Judge's salary; and

WHEREAS, for over 50 years in prior times, the State paid for every mandated DA salary increase through the State Budget. On April 1, 2016 the State adopted a budget and failed to include the costs to counties to fund these significant DA salary increases, once again shifting another unfunded, mandated cost to the counties. Since 2014, the State has reimbursed the County only \$72,189 toward the DA salary increases; and

WHEREAS, since this unfunded mandated increase in 2016, the County has incurred \$47,855 in increases to the DA salary (over a 31% increase), while the State kept the annual reimbursement amount at \$72,189:

<u>Budgeted Salary</u>	<u>Mandated Salary as of April 1</u>	<u>Increase</u>
2016: \$152,500	\$183,350	\$30,850
2017: \$183,350	\$185,200	\$ 1,850
2018: \$185,200	\$197,600	\$12,400
2019: \$197,600	\$200,355	\$ 2,755

; and

WHEREAS, these unfunded mandated increases to the DA salary negatively impact the County's allowable tax cap growth under the state-imposed 2% property tax cap year after year; and

WHEREAS, in 2016, 2017 and 2018, the Lewis County Board of Legislators recorded its opposition to the State's budgets which included this unfunded mandate of a raise in the salary of the full-time DA without a chapter amendment to the State budget to rectify this unfair financial burden to the County; and again renews its opposition to this mandatory salary increase burden; and

WHEREAS, the Governor can rectify this unfunded, mandated expense to the County by approving a chapter amendment to the budget for the State to reimburse the counties for any pay

increases, effective and retroactive to April, 2016 and thereafter. The Governor's failure to do so will show, once again, that he has reneged on numerous promises made not to subject the counties to any unfunded mandates; and

WHEREAS, the Board of Legislators renews its opposition to this unfunded, mandated additional increase to the DA salary effective April 1, 2019. By the Governor's failure to properly act to rectify this matter, the Board is again placed in an untenable position of being forced to abide by the current obligations under State Judiciary Law §183-a, unless and until amended by the Governor and State Legislature to provide this specific financial relief to the counties.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby records its continued opposition and disappointment with the Governor and the State Legislature in allowing this on-going unfunded state mandated financial burden to be placed upon the County and its taxpayers for the additional increase to the full-time DA salary effective April 1, 2019; a cost the State had always previously paid and funded for over fifty (50) years. The Board of Legislators reminds the Governor that he can rectify this matter by signing a chapter amendment to the State Budget to require the State to pay the costs of mandated District Attorney pay increases as set forth in Judiciary Law § 183-a; and require the State to reimburse the counties for any amounts it pays and has paid under the law effective and retroactive to April 1, 2016.

Section 2. That the Lewis County Board of Legislators reluctantly authorizes the State mandated District Attorney annual salary of \$200,355 (an increase from \$197,600), effective April 1, 2019, and directs that the Chairman of the Board of Legislators take any and all continued action to secure reimbursement from the State for this unfunded, mandated increase payment.

Section 3. That the Lewis County Board of Legislators directs the Treasurer to adjust the payroll and pay any unbudgeted amount for this increase from the contingency fund.

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

Moved by Legislator King, seconded by Legislator Osborne, and adopted. Legislators LaChausse and Moroughan were opposed.

RESOLUTION NO. 219 - 2019
RESOLUTION TO TRANSFER FUNDS
ELECTIONS

Introduced by Legislator Bryan Moser, Chairman of the Finance & Rules Committee.

BE IT RESOLVED, as follows:

Section 1. That the following transfer is hereby approved in the Elections Department from Contingency for the additional amount needed to purchase voting machines:

<u>From:</u>	<u>Amount</u>
A0199000 499900 Contingency	\$7,500.00
<u>To:</u>	
A0145100 221100 Equipment	\$7,500.00

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

Moved by Legislator Chartrand, seconded by Legislator Moser, and adopted.

RESOLUTION NO. 220 - 2019
RESOLUTION CALLING ON GOVERNOR ANDREW M. CUOMO AND THE
DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY SERVICES,
OFFICE OF INTEROPERABLE COMMUNICATIONS TO SET ASIDE SUFFICIENT
911 FUNDING TO COUNTIES IN ORDER TO PROPERLY MAINTAIN EXISTING
SYSTEMS AND BECOME COMPLIANT WITH FEDERAL FCC FUNDING OPTIONS

Introduced by Legislator Jerry King, Chair of the General Services Committee.

WHEREAS, the funding mechanism that New York State counties use to help operate, maintain and upgrade 911 system capability and performance is out of date and does not correspond well to recent technology and marketplace changes; and

WHEREAS, the FCC found that in 2017, New York State diverted \$170.9 million (90.35%) of E911 consumer fees generated for non-911-related programs, thus shifting the bulk of Next Generation 911 (NG911) readiness financing to counties and other local governments PSAPs in New York State; and

WHEREAS, the diversion of E911 funds results in a system that does not direct sufficient revenue to allow counties to properly maintain existing systems, while also preparing to implement NG911 technology required under federal law; and

WHEREAS, under current law, for the last two budget years, \$10 million was authorized and targeted directly to PSAPs and up to \$65 million was set aside for the provision of grants and reimbursements to counties administered by the State Interoperable Communications Grants (SICG) program and the Division of Homeland Security; and

WHEREAS, due to the designation of said E911 fees by New York State for non-911-related expenses, New York State PSAPs are not eligible for any of the \$115 million federal grant funding for E911 and NG911 enhancements and IP based advanced networks; and

WHEREAS, the goal of upgraded NG911 systems is to make sure that all devices capable of connecting to the system can do so using voice, text, video images and other data formats to better inform the emergency responders to the situation they will be entering; and

WHEREAS, NG911 upgraded systems will be able to better pinpoint an emergency call in a remote area of the state or in a multi-storied building in one of our communities; and

WHEREAS, recognizing a more precise location of those needing emergency services will improve outcomes and save lives, but this cannot be accomplished without consistent and timely funding from the State.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators calls upon Governor Andrew M. Cuomo and the Department of Homeland Security and Emergency Services, Office of Interoperable Communications to release all funds authorized to ensure eligibility for Federal FCC E911/Next Generation 911 (NG911) resources and to ensure that future authorizations are released in full in the budget year they are appropriated.

Section 2. That releasing these funding obligations on a regular schedule will provide certainty and build continuity as counties upgrade and maintain existing systems and prepare for NG911 development and implementation.

Section 3. That the Clerk of the Board shall forward copies of this Resolution to Governor Andrew M. Cuomo, the Commissioner of the Division of Homeland Security and Emergency Services; Senate Majority Leader Andrea Stewart-Cousins; Senate Minority Leader John J. Flanagan; Senator Michael Ranzenhofer; Speaker of the Assembly Carl E. Heastie; Assembly Majority Leader Crystal Peoples-Stokes; Assembly Minority Leader Brian M. Kolb; Member of the Assembly Steve M. Hawley and all others deemed necessary and proper.

Moved by Legislator King, seconded by Legislator Burns, and adopted.

RESOLUTION NO. 221 - 2019
RESOLUTION AUTHORIZING THE IMPLEMENTATION AND
FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL AID AND STATE
“MARCHISELLI” PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION
FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS FOR
BRIDGE REPLACEMENT PROJECT (PIN 775389)
KNOWN AS CR 43 (EAST ROAD) OVER MOOSE CREEK

Introduced by Legislator Jerry King, Chair of the General Services Committee.

WHEREAS, a Project for the Bridge Replacement known as CR 43 (East Road) over Moose Creek (PIN 775389; BIN 3339700) (the “Project”) in the Town of Leyden, County of Lewis, is eligible for funding under Title 23 U.S. Code, as amended, that calls for the

apportionment of the costs of such a program to be borne at the ratio of 80% federal funds and 20% non-federal funds; and

WHEREAS, the County of Lewis desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Preliminary Engineering/Design and Right-Of-Way (ROW) Incidentals Phases of the Project; and

WHEREAS, pursuant to Highway Law § 10 (34-a) and section 15 of Chapter 329 of the Laws of 1991 as amended by section 9 of Chapter 330 of the Laws of 1991, as further amended by chapter 57 of the Laws of New York of 2014, the State has established the “Marchiselli” Program, which provides certain State-aid for Federal aid highway projects not on the State highway system with project eligibility for Marchiselli Program funds determined by NYS DOT and upon its approval (if approved) will be applied to the appropriate phases by means of a supplemental agreement.

NOW, THEREFORE, BE IT RESOLVED by the Lewis County Board of Legislators, duly convened, as follows:

Section 1. That the Lewis County Board of Legislators hereby approves the above-subject Project.

Section 2. That the Lewis County Board of Legislators hereby authorizes the Chairman of the Lewis County Board of Legislators, to pay in the first instance 100% of the federal and non-federal share of the cost of the Preliminary Engineering/Design and Right-Of-Way (ROW) Incidentals Phases work for the Project or portions thereof.

Section 3. That the sum of \$158,000.00 is hereby appropriated from County general funds, and made available to cover the cost of participation in the above Preliminary Engineering/Design Phase (\$150,000.00) and the Right-Of-Way (ROW) Incidentals Phase (\$8,000.00); with the local share cost being \$31,600.00 if no other state-aid is approved/applied.

Section 4. That in the event the full federal and non-federal share costs of the project exceed the amount appropriated above, the Lewis County Board of Legislators shall convene as soon as possible to appropriate said excess amount immediately upon the notification to the Chairman of the Board of Legislators.

Section 5. That the Chairman of the Lewis County Board of Legislators, be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Lewis County Board of Legislators, with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality’s first instance funding of the Project costs, and permanent funding of the local share of federal-aid and state-aid eligible Project costs, and all Project costs within appropriations therefore that are not so eligible.

Section 6. That the Lewis County Highway Superintendent, or in his absence the deputy superintendent, be and the same is hereby authorized to execute all necessary consultant agreements, right-of-way certifications, reimbursement requests for Federal Aid on behalf of Lewis County, and any other document, not including the Agreement with NYS DOT, that may be necessary to carry out the terms of this Resolution.

Section 7. That a certified copy of this Resolution shall be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project.

Section 8. That the within Resolution shall take effect immediately.

Moved by Legislator LaChausse, seconded by Legislator Osborne, and adopted.

**RESOLUTION NO. 222 – 2019
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO
LEWIS COUNTY GENERAL HOSPITAL**

Introduced by Legislator Richard Chartrand, Hospital Board of Managers' representative.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby amends the Compensation Plan of the County of Lewis, with reference to the Lewis County General Hospital, to create the following position:

<u>TITLE</u>	<u>STATUS</u>
Director of Quality Assurance (1)	Full-time

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

Moved by Legislator King, seconded by Legislator Moroughan, and adopted.

**RESOLUTION NO. 223 - 2019
RESOLUTION AMENDING COMPENSATION PLAN
TO AUTHORIZE POSITION RECLASSIFICATION IN
OFFICE FOR THE AGING DEPARTMENT**

Introduced by Legislator Gregory Kulzer, Chair of the Health and Human Services Committee.

WHEREAS, the Office for the Aging has determined nutritional services that were provided by county staff can now be provided contractually; and

WHEREAS, the resulting transfer of nutritional functions has caused a reorganization of the internal department staff; and

WHEREAS, the Human Resources Director has conducted a classification review and recommends the reclassification of an existing position of Nutritional Services Coordinator; and

WHEREAS, the Human Resources Director has identified duties and responsibilities that support the reclassification of said position to Meals Program Coordinator.

NOW, THEREFORE, BE IT RESOLVED

Section 1. That the Board of Legislators hereby amends the Compensation Plan of the County of Lewis by authorizing the following reclassification:

ABOLISH

Nutrition Services Coordinator (Grade 34)	\$52,125
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CREATE

Meals Program Coordinator (Grade 20)	\$34,871
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Section 2. That the Director of the Office for the Aging is hereby authorized to fill a vacant Aging Services Examiner as a result of this reorganization.

Section 3. This Resolution shall take effect July 8, 2019.

Moved by Legislator Lehman, seconded by Legislator Osborne, and adopted.

**RESOLUTION NO. 224 - 2019
RESOLUTION TO APPROPRIATE FUNDS
OFFICE FOR THE AGING**

Introduced by Legislator Gregory Kulzer, Chairman of the Health & Human Services Committee.

BE IT RESOLVED, as follows:

Section 1. That the following budget appropriation is hereby approved representing additional State Aid for Unmet Needs for Office For the Aging Programs:

Revenue

A0677200 337722 OFA Unmet Need	\$36,650.00
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Expense

A0677200 483000 OFA Unmet Need	\$36,650.00
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Section 2. That the within resolution shall take effect immediately.

Moved by Legislator LaChausse, signed by Legislator Osborne, and adopted.

RESOLUTION NO. 225 - 2019
RESOLUTION AUTHORIZING AGREEMENT AND ACCEPTANCE OF GRANT
AWARD FROM NYS DEPARTMENT OF AGRICULTURE AND MARKETS TO
DEVELOP COUNTY AGRICULTURAL AND FARMLAND PROTECTION PLAN

Introduced by Legislator Jerry King, Chairman of the General Services Committee.

WHEREAS, the Agricultural and Farmland Protection Program was formed under Article 25-AAA of the Agriculture and Markets Law in an effort to encourage further development of agriculture and farmland as part of the NYS Legislature's constitutional mandate to provide for the protection of agricultural lands. These programs, at the initial stage, help counties and municipalities plan for the future of agriculture in their communities. In later stages, it funds programs to implement those plans to keep agriculture strong and farmland in production; and

WHEREAS, the NYS Department of Agriculture and Markets ("Department") has awarded Lewis County \$50,000.00 in grant funds to develop a County Agricultural and Farmland Protection Plan; and

WHEREAS, the grant will assist the County in conducting agricultural inventories, determining ways to change zoning regulations to be more farm friendly, and in creating recommendations for agricultural economic development projects; and

WHEREAS, the Board of Legislators desires to authorize an agreement between the Department and the County of Lewis in order to accept the funding.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. The Board of Legislators hereby approves the Grant Agreement between the County of Lewis and the New York State Department of Agriculture and Markets, pursuant to which the County of Lewis shall receive \$50,000.00 in funds to develop a County Agricultural and Farmland Protection Plan.

Section 2. The Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to execute, seal and deliver said Grant Agreement and all related and necessary documents required, including any amendments thereto, pending approval of the County Attorney.

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

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

RESOLUTION NO. 226 - 2019
RESOLUTION TO APPROPRIATE FUNDS
PLANNING DEPARTMENT

Introduced by Legislator Jerry King, Chairman of the General Services Committee.

BE IT RESOLVED, as follows:

Section 1. That the following appropriation is hereby approved in the Planning Department accounts for a NYS Department of Agriculture and Markets grant for the purpose of developing a Lewis County Agricultural and Farmland Protection Plan:

Increase Revenue:

A0802000 339016 Pl Ag Enhancement	\$50,000.00
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Increase Expense:

A0802000 473000 Pl Ag Enhancement	\$50,000.00
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Section 2. That the within resolution shall take effect immediately.

Moved by Legislator King , seconded by Legislator LaChausse , and adopted.

RESOLUTION NO. 227 - 2019
RESOLUTION AUTHORIZING
MEMORANDUM OF UNDERSTANDING BETWEEN
LEWIS COUNTY DEPARTMENT OF RECREATION, FORESTRY & PARKS
AND BOARD OF COOPERATIVE EDUCATIONAL SERVICES (BOCES) FOR
ACCESS TO COUNTY PROPERTY FOR FORESTRY STUDENTS AND
AUTHORIZATION FOR RECREATION, FORESTRY AND PARKS DEPARTMENT
TO PARTICIPATE IN BOCES INTERNSHIP PROGRAM

Introduced by Legislator Jerry King, Chair of the General Services Committee.

WHEREAS, the Lewis County Department of Recreation, Forestry and Parks (“LCRFP”) is responsible for all Lewis County reforestation property; and

WHEREAS, the Board of Cooperative Educational Services (“BOCES”) provides an Internship Program for their students who are in a program in the field of natural resource management, conservation and forestry. The forests, fields and streams serve as their primary classrooms as they gain practical hands-on experience in the forest industry; and

WHEREAS, LCRFP desires to partner with the BOCES program by having LCRFP participate in the BOCES Internship Program for projects, including but not limited to various building, maintenance and forestry activities, under the terms and conditions of BOCES Internship Program. In addition, the LCRFP desires to grant BOCES access to the County's reforestation property in order to provide its students with forests, fields, and streams to gain practical hands-on experience in the forest industry. Some of the projects may consist of building lean-to's, building trails, and creating signs.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes a Memorandum of Understanding between the Lewis County Department of Recreation, Forestry and Parks and the Board of Cooperative Educational Services to enable its students to gain hands-on field experience by providing access to County reforestation property to BOCES for management, conservation and educational experiences and activities by its students. The Director of LCRFP shall be provided with prior notice and shall authorize all dates, locations and scheduled activities by the students, who must be properly supervised by BOCES teachers and/or administrators at all times.

Section 2. That the term of this Agreement shall be from September 1, 2019 and continue through August 31, 2020.

Section 3. That the LCRFP Department is authorized to participate in the Internship Program, provided there is no cost to the County.

Section 4. That the Chairman or Vice-Chairman of the Board of Legislators together with the Director of Recreation, Forestry and Parks are hereby authorized to make, execute, seal and deliver such Agreement, upon approval by the County Attorney as to form and content.

Section 5. That this Resolution shall take effect immediately.

Moved by Legislator Osborne, seconded by Legislator Moser, and adopted.

RESOLUTION NO. 228 - 2019
RESOLUTION AUTHORIZING CLOSE OUT AGREEMENTS AND
FINAL PAYMENTS BETWEEN THE COUNTY OF LEWIS AND
E. F. JOHNSON TECHNOLOGIES, INC. FOR THE
EMERGENCY COMMUNICATIONS RADIO SYSTEM PROJECT

Introduced by Legislator Jerry King, Chair of the General Services Committee.

WHEREAS, in March, 2014, the County of Lewis entered into an agreement with EF Johnson Technologies, Inc., to construct and install equipment and software for the purpose of an upgraded integrated Voice, Alert Paging And Dispatch Monitor Radio System (collectively,

"Radio System") that meets New York State and local government requirements. The proposed system replaced the County's outdated and spotty system; and

WHEREAS, the agreement provided for EF Johnson to guarantee 95% coverage and to address a number of issues at various towers. Final inspections with repairs and corrections were carried out by EF Johnson through May 10, 2019. Final coverage testing results showed 97.36% portable coverage. With various change order credits to the County, the total balance owing to EF Johnson for final payment under this contract is \$191,033.20; and

WHEREAS, in 2018, the Board of Legislators authorized an additional agreement with EF Johnson to purchase and install software and equipment for Interoperability Base Stations to be added to the system. That system is also now complete, with final payment under the contract being \$78,166.97, payable from the Radio Grant FY SICFG funding; and

WHEREAS, the Board of Legislators seeks to execute the final close out documents with EF Johnson under these two (2) contracts and authorize the final payment of \$191,033.20 under the upgraded integrated Radio System contract from the Radio Capital Fund, and the final payment of \$78,166.97 under the Interoperability Base Stations contract from Radio Grant FY SICG funding;

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. The Board of Legislators hereby determines that the contracts with E. F. Johnson Technologies, Inc. for a turn-key implementation of an integrated Voice, Alert Paging, and Dispatch Monitor Radio System and Interoperability Base Stations for the Lewis County Emergency Communications Center are satisfactorily completed and that Close Out Documents pertaining to same with EF Johnson are hereby authorized.

Section 2. That the Board of Legislators hereby authorizes and directs that a payment of \$191,033.20 be made from the Radio Capital Fund to EF Johnson in full satisfaction of any and all amounts owing to EF Johnson pursuant to the original upgraded integrated Radio System contract and all modifications and extensions thereto. Said payment represents the final payment after credits to the County for any and all change orders and price adjustments.

Section 3. That the Board of Legislators further authorizes and directs that a payment of \$78,166.97 be made from the Radio Grant FY SICG funding to EF Johnson in full satisfaction of any and all amounts owing pursuant to the 2018 Interoperability Base Stations contract and all modifications and extensions thereto.

Section 4. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Close Out Agreements, upon such form(s) as may be approved by the County Attorney.

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

Moved by Legislator Kulzer, seconded by Legislator Chartrand, and adopted

RESOLUTION NO. 229 - 2019
RESOLUTION AUTHORIZING DISCHARGE OF MORTGAGE
(COUNTY OF LEWIS TO SUSAN BIELECKI)

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

WHEREAS, Susan Bielecki executed a Mortgage in favor of the County of Lewis dated November 20, 1991, and recorded in the Lewis County Clerk's Office on December 20, 1991, in Liber 354 on Page 329 to secure payment of a loan in the amount of \$10,000.00 pursuant to a program administered by Snow Belt Housing Company, Inc.; and

WHEREAS, said loan has been paid in full and a Discharge of Mortgage is now warranted.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Chairman of the Lewis County Board of Legislators is hereby authorized and directed to issue and sign a Discharge of Mortgage for the aforescribed Mortgage.

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

Moved by Legislator Osborne, seconded by Legislator LaChausse, and adopted.

RESOLUTION NO. 230 - 2019
RESOLUTION TO APPROPRIATE FUNDS FOR
SOCIAL SERVICES

Introduced by Legislator Gregory Kulzer, Chairman of the Health and Human Services Committee.

WHEREAS, the Department of Social Services has received allocations in the amount of \$20,000 to support Code Blue funding from October 2018 thru September 2019; and

WHEREAS, the Department of Social Services has received an allocation in the amount of \$30,000 to support Family First funding from April 2019 thru March 2020.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the following appropriations are hereby approved in the 2019 Social Services Budget:

Increase Revenue:

A0614000 336400 Safety Net State Revenue	\$20,000.00
A0601000 336100 State Admin Revenue	\$30,000.00

Increase Expense:

A0614000 499900 Safety NetExpense	\$20,000.00
A0601000 490900 DSS Misc Expense	\$30,000.00

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

Moved by Legislator Chartrand, seconded by Legislator King, and adopted.

RESOLUTION NO. 231 - 2019
RESOLUTION ESTABLISHING AND ADOPTING PAYMENT AND CREDIT
POLICIES FOR LEWIS COUNTY SOLID WASTE/RECYCLING
AND TRANSFER STATIONS

Introduced by Legislator Jerry King, Chair of the General Services Committee.

WHEREAS, the Lewis County Solid Waste/Recycling billing cycle is monthly. Most customers adhere to the thirty-day payment cycle, but some who do not and become severely delinquent cause additional expense and time to be unnecessarily expended while causing financial burden to the Department; and

WHEREAS, the Director of Solid Waste/Recycling proposes the adoption of the attached payment and credit policy by the Lewis County Board of Legislators to become effective immediately. This proposed policy is similar to that in effect by the Development Authority of the North Country (“DANC”), with whom Lewis County Solid Waste works closely; and

WHEREAS, the Board of Legislators wishes to accept and adopt said policy;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby approves and adopts the attached Lewis County Solid Waste/Recycling Payment and Credit Policy as presented to the Board of Legislators by the Director of Lewis County Solid Waste/Recycling.

Section 2. That the Clerk of the Board is hereby directed to add the policy to the Administrative Manual, and any other appropriate manual, upon such form as may be approved by the County Attorney and distribute the same to all Department Heads, Appointed Officials, Board members and any other appropriate agencies of the County.

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

Moved by Legislator Lehman, seconded by Legislator Osborne, and adopted.

RESOLUTION NO. 232 - 2019
RESOLUTION TO APPROPRIATE FUNDS
STOP DWI

Introduced by Legislator Jerry King, Chairman of the General Services Committee.

BE IT RESOLVED, as follows:

Section 1. That the following appropriation is hereby approved in the DWI accounts for additional NYS STOP-DWI 2018-2019 “Crackdown” grant funds for enforcement during the moe.down concert event; and rollover of the 2017-2018 grant of \$4,200.91:

Increase Revenue:

A0331500 333110 Traffic Safety Grant	\$3,000.00
A0331500 333110 Traffic Safety Grant	\$4,200.91

Increase Expense:

A0331500 492400 DWI Safety Grant	\$3,000.00
A0331500 492400 DWI Safety Grant	\$4,200.91

Section 2. . That the following appropriation is hereby approved in the DWI accounts for NYS STOP-DWI Grant Special Traffic Options funds:

Increase Revenue:

A0331500 333111(DWI Grant)	\$6,465.52
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Increase Expense:

A0331500 496200(DWI Grant)	\$6,465.52
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Section 3. That the within resolution shall take effect immediately.

Moved by Legislator King, seconded by Legislator Burns, and adopted.

RESOLUTION NO. 233 - 2019
RESOLUTION AUTHORIZING AGREEMENT
BETWEEN THE COUNTY OF LEWIS AND EFPR GROUP, CPA, PLLC
FOR AUDITING SERVICES FOR THE COUNTY OF LEWIS

Introduced by Legislator Bryan Moser, Chairman of the Finance and Rules Committee.

WHEREAS, the County of Lewis, by and through the Lewis County Treasurer’s Department, desires to enter into an Agreement with EFPR Group, CPA, PLLC, (formerly Toski & Company, P.C.) for auditing and related services for the County of Lewis; and

WHEREAS, the audit will consist of the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of the County for years ending December 31, 2019, 2020 and 2021.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby approves the auditing plan as outlined in the letter dated June 11, 2019 from EFPR Group, CPA, PLLC for County audit and related services.

Section 2. That the auditing services shall be at a cost of \$47,000 for the year ending December 31, 2019; \$48,000 for the year ending December 31, 2020; and \$49,000 for the year ending December 31, 2021.

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 Moser, seconded by Legislator King, and adopted.

**RESOLUTION NO. 234 - 2019
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO
LEWIS COUNTY GENERAL HOSPITAL**

Introduced by Legislator Richard Chartrand, Hospital Board of Managers' representative.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby amends the Compensation Plan of the County of Lewis, with reference to the Lewis County General Hospital, to create the following position:

<u>TITLE</u>	<u>STATUS</u>
Athletic Trainer (1)	Full-time

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

Moved by Legislator Chartrand, seconded by Legislator Osborne, and adopted.

RESOLUTION NO. 235 - 2019
RESOLUTION AUTHORIZING AGREEMENT BETWEEN LEWIS COUNTY
OFFICE FOR THE AGING AND OPEN SKY WELLNESS, LLC
FOR NUTRITION CONSULTANT SERVICES

Introduced by Legislator Gregory Kulzer, Chair of the Health and Human Resources Committee.

WHEREAS, the County sent out a Request For Proposals (RFP) to obtain the services of a Nutrition Consultant, either a Registered Dietitian Nutritionist (RDN) or a Certified Nutrition Specialist (CNS), capable of providing professional nutrition consultant services as outlined in the RFP for the Lewis County Office for the Aging (OFA); and

WHEREAS, the County received one bid, opened on June 18, 2019; and

WHEREAS, after consideration and review of the bid, the County seeks to award the bid and contract with Open Sky Wellness, LLC, for its owner, Megan Kraeger, a licensed CNS to provide nutrition consultant services on behalf of the Lewis County OFA, at the rate of \$38.00 per hour, up to sixteen (16) hours per week as may be authorized and directed by the Director of OFA.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. The Board of Legislators hereby awards the bid to Open Sky Wellness, LLC and authorizes a contract with the company to have its owner, Megan Kraeger, a licensed CNS to provide professional nutrition consultant services on behalf of the Lewis County Office for the Aging, at an hourly compensation rate of \$38.00, for up to sixteen (16) hours per week as may be authorized and directed by the Director of OFA.

Section 2. That the term of this agreement shall be from July 8, 2019 through December 31, 2019, with the option of the County to extend same for two (2) additional one-year periods.

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

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

Moved by Legislator Moroughan, seconded by Legislator King, and adopted. Legislator Dolhof abstained.

RESOLUTION NO. 236 - 2019
RESOLUTION APPOINTING DIRECTOR OF
LEWIS COUNTY SOLID WASTE MANAGEMENT

Introduced by Legislator Jerry King, Chairman of the General Services Committee.

WHEREAS, the current Director of Solid Waste Management and Recycling Department retired effective June 28, 2019; and

WHEREAS, the Board of Legislators wishes to make an appointment to fill that position.

NOW THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby appoints Kip M. Turck as Director of Solid Waste Management and Recycling, with an annual salary of \$53,060, effective July 8, 2019.

Section 2. That this resolution shall take effect immediately.

Moved by Legislator Moroughan, seconded by Legislator King, and adopted.

OTHER BUSINESS:

At 6:30 p.m. Legislator Chartrand made a motion to enter executive session to discuss specific personnel, seconded by Legislator King and carried. The session began at 6:35 p.m. following a short recess. At 6:43 p.m. Legislator Lehman made a motion to re-enter regular session, seconded by Legislator Moser and carried.

The following resolution was then adopted:

**RESOLUTION NO. 237 - 2019
RESOLUTION AMENDING COMPENSATION PLAN TO
CREATE TEMPORARY POSITION
PUBLIC HEALTH DEPARTMENT**

Introduced by Legislator Gregory Kulzer, Chairman of the Health and Human Services Committee.

WHEREAS, the extended leave of a current employee invokes the need to create a temporary Coordinator of Children With Special Needs.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators of the County of Lewis hereby amends the Compensation Plan of the County of Lewis, with reference to the Public Health Department to create the following position:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Coordinator of Children With Special Needs	Temporary Full-Time	\$20.51/hour

Section 2. That Public Health Director Ashley Waite is hereby authorized to fill said temporary position effective immediately.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator Lehman, seconded by Legislator Burns, and adopted.

There being no other business to come before the Board, the meeting adjourned on motion by Legislator Lehman at 6:45 p.m., seconded by Legislator Chartrand and carried.