SECOND DAY
ANNUAL SESSION
November 19, 2019

Chairman Lawrence Dolhof called the meeting to order at 5:11 p.m.

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

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

There were 22 persons present.

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: Bryan Moser
            Ronald Burns
            Richard Chartrand
            Thomas Osborne

Dated: November 19, 2019

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

Chairman Dolhof opened the public hearing at 5:13 p.m. for comments on the 2020 Tentative County Budget; and Local Law (Intro. No. 7-2019) “Rescinding Local Law No. 5 - 2019 To Override the Tax Levy Limit Established by General Municipal Law § 3-c (a/k/a 2% Tax Cap) for the Lewis County 2020 budget.

PRIVILEGE OF THE FLOOR:

Eileen Mathys, Croghan Free Library Director, also speaking on behalf of the North Country Library System, thanked the Board for past support of libraries. They strive to make Lewis County a better place to live and provide public access to resources to enhance informed public opinions. The primary goal is to collaborate with community organizations and other agencies to help eradicate illiteracy. In 2018, there were 7,687 residents who had an active library card; 55,544 people visited a Lewis County library; 8,071 persons attended library hosted programs, several of which focused on children; 169,832 items were collectively available; and over 18,000 new items were added during the past year. The North Country Library System encompasses 65 libraries, having 50 public access computers that were utilized over 10,000 times, with over 33,000 uses of free WiFi services. Several libraries have fiber optic connections to support even increasing use of wireless devices. The 10 public libraries in Lewis County employ 15 staff. Those libraries received $358,903 in 2018 and spent $671,778 back into the communities to support employment, library and program materials and technology services. Libraries were supported on school ballots for allocations that were invested to maximize return.
In closing, Ms. Mathys made a plea for additional County allocations for libraries to support their continuing efforts.

PRESENTATION OF COMMUNICATIONS AND NOTICES:

Clerk of the Board Teresa Clark informed of NYSAC’s upcoming annual conference in Albany and offered to register and arrange room accommodations for any interested Legislator.

REPORTS OF STANDING COMMITTEES:

Legislator Bryan Moser, Chairman of the Finance and Rules Committee, made a motion to authorize advertising for Deputy Clerk of the Board applications to fill an impending vacancy, seconded by Legislator LaChausse and carried.

Legislator Moser made a motion to authorize County Clerk Linda Hoskins to advertise for applications and refill an impending vacancy of full-time Sr. Keyboard Specialist effective December 2, 2019, seconded by Legislator King and carried.

Legislator Jerry King, Chairman of the General Services Committee, made a motion to authorize Supervisor of Buildings and Grounds Matt O’Connor to auction certain surplus County items with an authorized on-line auction company, after verifying that no other County Department or local Town or Village government is interested in the items. The motion was seconded by Legislator Chartrand and carried. Legislator King requested that Mr. O’Connor provide a list of auctioned items.

Legislator King made a motion to authorize purchase of a Solid Waste push-off open-top container for $80,000.00 that was on the Capital Equipment Plan for 2024, because the equipment is needed for current operations. The motion was seconded by Legislator Moser and carried.

RESOLUTIONS:
RESOLUTION NO. 417 - 2019
RESOLUTION TO AMEND 2020 TENTATIVE COUNTY BUDGET
TO TRANSFER/UNAPPROPRIATE FUNDS
ECONOMIC DEVELOPMENT

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

BE IT RESOLVED, as follows:

Section 1. That the following 2020 budget transfer/unappropriation take place in the Economic Development Accounts to Non-departmental IDA Contribution due to the impending change in department structure:

Decrease Expense:
A0641300 110100 Pers Serv $78,715.00
A0641300 801000 Ret $12,673.00
A0641300 803000 FICA $5,617.00
A0641300 804000 Work Comp $1,779.00
A0641300 806000 Health $9,797.00
A0641300 807000 Dental $727.00

Decrease Revenue:
A0641300 327070 LCIDA $55,000.00
A0641300 327071 LCDC $1,500.00

Increase Expense:
A0641200 499900 IDA Exp $52,808.00

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

Moved by Legislator Moser, seconded by Legislator King, and adopted.
RESOLUTION NO. 418 - 2019
RESOLUTION TO AMEND THE 2020 TENTATIVE COUNTY BUDGET
AMENDING COMPENSATION PLAN
WITH REFERENCE TO ECONOMIC DEVELOPMENT DEPARTMENT

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

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 Economic Development Department to ABOLISH the following position:

<table>
<thead>
<tr>
<th>TITLE</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Economic Development Director</td>
<td>Full-time</td>
</tr>
</tbody>
</table>

Section 2. That said position shall be ABOLISHED effective January 1, 2020.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator Moser, seconded by Legislator King, and adopted.
LOCAL LAW (INTRODUCTORY NO. 8 – 2019)
COUNTY OF LEWIS

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

LOCAL LAW AMENDING LOCAL LAW NO. 10-2005 PROVIDING FOR THE PARTIAL EXEMPTION OF CERTAIN REAL PROPERTY OWNED BY PERSONS 65 YEARS OF AGE OR OVER

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

Section 1. Legislative Findings.

(a) The Board of Legislators by Resolution No. 22-1989, as amended by Resolution No. 78-1997, enacted a partial exemption for persons 65 years of age or older, based upon certain income qualifications, pursuant to Real Property Tax Law 467.

(b) In 2005, the Board of Legislators found that it was prudent to memorialize its intent to enact partial tax exemption on property owned by persons 65 years or older by adoption of Local Law No. 10-2005.

(c) The Board of Legislators seeks to amend Local Law No. 10-2005 to the extent of adjustment to the income qualification levels to which the partial tax exemption percentage may be applied and granted under Section 3.

Section 2. Exemption Granted. Real property owned by one or more persons, each of whom is sixty-five years of age or over, or real property owned by husband and wife or by siblings, one of whom is sixty-five years of age or over, shall be exempt from taxation for county purposes up to a maximum of fifty per cent (50%) of the assessed value provided the owner(s) meet the qualifications set forth below. For the purposes of this local law, sibling shall mean a brother or a sister, whether related through half blood, whole blood or adoption.

Section 3. Income Qualifications.

(a) The exemption to be granted hereunder shall be determined by the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application (hereinafter referred to individually or collectively as “income”).

Where the income of the owner(s) is:
(b) Income tax year shall mean the twelve month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year.

(c) Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife is absent from the property as provided in subparagraph (c)[2] of Section 4 of this local law, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum.

(d) Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances, and such other forms of income which are excluded under Real Property Tax Law Section 467 (3)[a]. Any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance. The provisions of this paragraph notwithstanding, such income shall not include veteran’s disability compensation, as defined in Title 38 of the United States Code. In computing net rental income and net income from self-employment no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income;

Section 4. Additional Qualifications.

No exemption shall be granted hereunder unless
(a) the owner shall have held an exemption under this section for his previous residence or unless the title of the property shall have been vested in the owner or one of the owners of the property for at least twelve consecutive months prior to the date of making application for exemption, provided, however, that in the event of the death of either a husband or wife in whose name title of the property shall have been vested at the time of death and then becomes vested solely in the survivor by virtue of devise by or descent from the deceased husband or wife, the time of ownership of the property by the deceased husband or wife shall be deemed also a time of ownership by the survivor and such ownership shall be deemed continuous for the purposes of computing such period of twelve consecutive months. In the event of a transfer by either a husband or wife to the other spouse of all or part of the title to the property, the time of ownership of the property by the transferor spouse shall be deemed also a time of ownership by the transferee spouse and such ownership shall be deemed continuous for the purposes of computing such period of twelve consecutive months. Where property of the owner or owners has been acquired to replace property formerly owned by such owner or owners and taken by eminent domain or other involuntary proceeding, except a tax sale, the period of ownership of the former property shall be combined with the period of ownership of the property for which application is made for exemption and such periods of ownership shall be deemed to be consecutive for purposes of this section. Where a residence is sold and replaced with another within one year and both residences are within the state, the period of ownership of both properties shall be deemed consecutive for purposes of the exemption from taxation by a municipality within the state granting such exemption. Where the owner or owners transfer title to property which as of the date of transfer was exempt from taxation under the provisions of this section, the reacquisition of title by such owner or owners within nine months of the date of transfer shall be deemed to satisfy the requirement of this paragraph that the title of the property shall have been vested in the owner or one of the owners for such period of twelve consecutive months. Where, upon or subsequent to the death of an owner or owners, title to property which as of the date of such death was exempt from taxation under such provisions, becomes vested, by virtue of devise or descent from the deceased owner or owners, or by transfer by any other means within nine months after such death, solely in a person or persons who, at the time of such death, maintained such property as a primary residence, the requirement of this paragraph that the title of the property shall have been vested in the owner or one of the owners for such period of twelve consecutive months shall be deemed satisfied;

(b) the property is used exclusively for residential purposes, provided, however, that in the event any portion of such property is not so used exclusively for residential purposes but is used for other purposes, such
portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section;

(c) the real property is the legal residence of and is occupied in whole or in part by the owner or by all of the owners of the property: except where,

[1] an owner is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined in section twenty-eight hundred one of the public health law, provided that any income accruing to that person shall only be income only to the extent that it exceeds the amount paid by such owner, spouse, or co-owner for care in the facility, and provided further, that during such confinement such property is not occupied by other than the spouse or co-owner of such owner; or,

[2] the real property is owned by a husband and/or wife, or an ex-husband and/or an ex-wife, and either is absent from the residence due to divorce, legal separation or abandonment and all other provisions of this section are met provided that where an exemption was previously granted when both resided on the property, then the person remaining on the real property shall be sixty-two years of age or over.

(d) the real property otherwise meets the qualifications contained in Real Property Tax Law 467, as the same may be amended from time to time.

Section 5. Administration. Application for such exemption must be made by the owner, or all of the owners of the property upon such forms as may be prescribed from time to time by the NYS Office of Real Property Services. Such applications must be filed with the assessor of the town in which the real property is located on or before the taxable status date.

Section 6. This local law shall take effect immediately upon filing with the Secretary of State and upon all legal requirements being met.
RESOLUTION NO. 419 - 2019
FIXING DATE OF PUBLIC HEARING ON LOCAL LAW
(INTRODUCTORY NO. 8 - 2019), COUNTY OF LEWIS

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

WHEREAS, there will be presented and introduced at a meeting of this Board of Legislators to be held on November 19, 2019, a proposed Local Law entitled “LOCAL LAW AMENDING LOCAL LAW 10-2005 PROVIDING FOR THE PARTIAL EXEMPTION OF CERTAIN REAL PROPERTY OWNED BY PERSONS 65 YEARS OF AGE OR OVER .”

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That a public hearing will be held on December 3, 2019, from 5:00 p.m. to 5:30 p.m., before the Lewis County Board of Legislators in the second floor Board Room at the Lewis County Court House, 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 Moser, seconded by Legislator LaChausse, and adopted.
LOCAL LAW (INTRODUCTORY NO. 9 - 2019)
COUNTY OF LEWIS

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

A LOCAL LAW AMENDING AND REPLACING LOCAL LAW NO. 6-2017 -
THE COUNTY OF LEWIS JUNKYARD LAW

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

ARTICLE A. INTRODUCTION

Section 1. AUTHORITY

This law is adopted pursuant to the authority granted in the County in Articles 2 and 3 of the Municipal Home Rule Law.

Section 2. TITLE

This Local Law shall be known as the “County of Lewis Junkyard Law”.

Section 3. PURPOSE OF THE JUNKYARD LAW

By adoption of this Law, the County of Lewis declares its intent to regulate and control the storage or keeping of junk, and to regulate junkyards whether operated for commercial profit or otherwise. The Lewis County Legislature hereby declares that a clean, wholesome, and attractive environment is of vital importance to the continued general welfare of its citizens, and that junk and junkyards can constitute a hazard to property and persons and can be a public nuisance. Such materials may be highly flammable, sometimes explosive, and harmful to the environment. Junk and particularly junked vehicles can constitute attractive nuisances to children and certain adults. The presence of junk and junkyards is unsightly and tends to detract from the value of surrounding properties unless properly screened from view.

ARTICLE B: DEFINITIONS

For purposes of this Law, the following words and phrases shall have the meaning ascribed to them in this Article.

Code Enforcement Officer: Any County Building Codes Department officer or any person proposed by and approved by the Lewis County Board of Legislators to represent the Junkyard Review Board in particular matters pertaining to this Local Law.

Junk Items: Any vehicles, parts of vehicles or motors, appliances, parts of appliances, and scrap metals as hereinafter defined.

Junk Storage Area: The areas of any parcel of land or water used, or intended to be used
for the placement or storage of junk items.

Junk Vehicles: Any motor vehicle whether automobile, bus, trailer, truck, tractor-trailer, motor home, motor cycle, bicycle, mini-bicycle, snowmobile, or any other device originally intended for travel on the public highways which meets any of the following conditions:

1) One (1) or more is unlicensed,

2) Is either abandoned, wrecked, stored, discarded, dismantled, or partly dismantled; or

3) Is not in any condition for legal use upon the public highway.

4) With respect to any motor vehicle not required to be licensed, or any motor vehicle not usually used on public highways, the fact that such motor vehicle has remained unused for more than six (6) months and is not in condition to be removed under its own power shall be presumptive evidence that such motor vehicle is a junk vehicle.

Junk Appliance: A household appliance, including but not limited to, washing machine, dryer, dishwasher, stove, furnace, water heater, refrigerator, freezer, television, furniture, or computer that is stored outside of any residence or structure.

Scrap Junk: Any used, discarded, previously owned items such as ferrous metals, aluminum, brass, copper, lead chromium, tin, nickel or other alloys.

Junkyard: The outdoor storage or deposit of the following:

1) Two (2) or more junk vehicles; or

2) Three (3) or more junk appliances including, but not limited to washing machines, dryers, dishwashers, stoves, furnaces, refrigerators, freezers, televisions, computers; scrap parts of junk vehicles; and scrap metals; or

3) Any combination of the above that totals four (4) or more items.

Junkyard Review Board: Any board appointed or designated by the County Legislature to administer this Law. Also referred to herein as “JRB”.

Person: A person, firm, partnership, association, corporation, company, or organization of any kind.

Right-of-Way Line: Line forming boundary of the right of way of a street, road, or highway as dedicated by a deed of record. Where the width of the right-of-way is not established, the right-of-way line shall be considered to be twenty-five (25) feet from the center line of the road pavement.
Exempt Properties: This local law does not apply to Auto / Truck / Farm equipment dealers, registered auto repair stations/businesses, and active farm operations.

ARTICLE C: JUNKYARD REGULATIONS

Section 1. LOCATION

No junk storage area shall be located within:

A. Fifty (50) feet of any adjoining property line.

B. Five hundred (500) feet of any public park, church, educational facility, nursing home, public building, or other place of public gathering.

C. One hundred (100) feet of any stream, lake, pond, wetland, or other body of water.

D. One hundred (100) feet from the right-of-way line of any public street, road, or highway.

Section 2. SCREENING

A. Where a junkyard is or would be visible from a public highway or from neighboring properties, there shall be erected and maintained an eight (8) foot high opaque fence to screen the junk storage area. All junkyard items dealt with by the operation of the junkyard shall be kept within such screening at all times so that the junkyard items are not visible from the public highway or from neighboring properties. The applicant may secure waivers from any and all neighboring property owners with respect to requirement of the eight (8) foot high fence to screen. However, if the Junkyard is still visible from a public highway, the eight (8) foot high screening is still required.

B. The fence provided for in this section shall be of wood or other materials as required by the Junkyard Review Board to totally screen the junk storage area from view.

C. As an alternative, the Junkyard Review Board may permit or require such other screening by adequate planting of evergreen trees and shrubbery in place of or in addition to an eight (8) foot high fence. The following requirements shall apply in those cases where this alternative is permitted or required:

1) The applicant shall provide evidence that within four (4) years of the issuance of the initial license the proposed method of screening will provide a year-round opaque screen of the junk storage area from public highways and from neighboring properties.

2) The screening shall be opaque, and remain opaque. If the screening is live, planted growth/shrubbery, the plant growth/shrubbery must attain a height of five (5) feet within four (4) years of the issuance of the initial license. If such
requirement is not met within four (4) years of the issuance of the initial license, the applicant shall be required to install an eight (8) foot high fence approved by the Junkyard Review Board, or as the JRB may otherwise require, pursuant to this Section.

3) Prior to the Junkyard Review Board approval of the license or of a license renewal, the junkyard owner shall be required to provide evidence of compliance with this section of the law. In addition, the junkyard owner shall be required to provide evidence that all dead trees and shrubbery constituting the screen have been replaced with flora of the same species as the approved screen. Such replacements shall be planted at a height sufficient to maintain an opaque screen. Replacements shall be planted prior to application for renewal.

Section 3. BURNING

No materials shall be burned in a junkyard except in compliance with the New York State Outdoor Burning Law (see 6 NYCRR 215).

Section 4. BURYING

No junkyard items shall be buried in a junkyard except in compliance with the New York State Solid Waste Disposal Law (see 6 NYCRR 360).

Section 5. APPROVED JUNKYARD ITEMS

No junkyard items shall be stored in any junk storage area other than those items specified on a junkyard license approved by the Junkyard Review Board pursuant to this Law.

ARTICLE D: JUNKYARD LICENSE

Section 1. LICENSE REQUIRED

A. No person shall establish or maintain a junkyard within the County of Lewis unless a license has first been issued for such junkyard pursuant to this Law.

B. No person owning, having any right to, or any interest in any real property within the County of Lewis shall license, rent, lease, or otherwise permit the use of such real property or any part thereof to be used for a junkyard unless a license has first been issued for such junkyard pursuant to this Law.

C. All licenses shall be issued for a period of four (4) years, after which time, renewal shall be required.

D. Any modification to an existing license requires a new application.

ARTICLE E: APPLICATION PROCEDURE

Section 1. APPLICATION
The applicant for a junkyard license shall obtain application from the County Code Enforcement Officer. The completed forms, along with one copy of the proposed site plan, and the appropriate fees, shall be returned to the County Clerk. The County Clerk shall notify and provide the application materials to the Code Enforcement Officer. The Code Enforcement Officer shall submit the application materials to the Junkyard Review Board.

Section 2. SITE PLAN CONTENTS

The site plan shall be drawn to scale or indicate all dimensions and show:

A. All existing and proposed structures, including fences;
B. All property lines including the names of owners of adjacent property;
C. All streams, lakes, wetlands, floodplains, and other water bodies;
D. All wells and sanitary facilities;
E. All roads and easements;
F. All existing and proposed junk storage areas;
G. All existing and proposed access ways, and parking and loading areas.

Section 3. ENVIRONMENTAL IMPACT STATEMENT

An Environmental Assessment Form (EAF) shall be completed and submitted with all applications pursuant to the provisions of the State Environmental Quality Review Act (SEQRA) (see 6 NYCRR 617). If the EAF indicates that the proposed activity may have significant environmental consequences, the Junkyard Review Board shall require that a Draft Environmental Impact Statement (DEIS) be submitted with the application. The application shall not be considered complete until the DEIS has been accepted by the Junkyard Review Board.

Section 4. FEES

The application fee shall be in the minimum amount of ONE HUNDRED DOLLARS ($100.00) and must accompany all applications. A license fee shall be in the minimum amount of FIFTY DOLLARS ($50.00). The Junkyard Review Board is, in its discretion, empowered to set a higher application fee and license fee, and may also set such other fees and charges as it shall determine appropriate. All fees shall be collected by the Lewis County Clerk for and on behalf of the Lewis County Junkyard Review Board.

Section 5. PUBLIC HEARING

The Junkyard Review Board shall conduct a public hearing within forty-five (45) days of
the date a complete application is received by the Review Board. Notice of the hearing shall be made in the official newspaper of the County at least five (5) days prior to the date thereof. At the hearing, the Junkyard Review Board shall hear the applicant and all other persons wishing to be heard on the application for a junkyard license.

Section 6. JUNKYARD REVIEW BOARD ACTION

Within forty-five (45) days of said hearing, the Junkyard Review Board shall render a decision to approve, to approve with conditions, or to disapprove the application for a junkyard license. The forty-five (45) day period may be extended by mutual consent of the applicant and the Junkyard Review Board. All findings of the Junkyard Review Board shall be entered into the Junkyard Review Board minutes. The decision of the Junkyard Review Board shall immediately be filed in the office of the County Clerk. The applicant shall be notified of the decision and the reasons for such decision within ten (10) days of the decision of the Board. Upon approval of the site plan and application, and payment of all fees and reimbursable costs due the County, the Junkyard Review Board shall endorse its approval upon a copy of the final site plan and application.

Section 7. ISSUANCE OF LICENSE

A. If the application is approved by the Junkyard Review Board, a Junkyard License shall be issued by the Enforcement Officer upon presentation of a paid receipt from the County Clerk with respect to payment of the license fee.

B. If the application is approved with conditions by the Junkyard Review Board, the Enforcement Officer shall issue a Junkyard License only upon completion of an on-site inspection verifying conditions at the proposed site are compliant with the Board's conditions and this law, and upon presentation of a paid receipt from the County Clerk with respect to payment of the license fee.

C. If the application is approved with conditions and if the Enforcement Officer determines that the conditions have not been met, the Enforcement Officer shall issue a report to the Junkyard Review Board describing how the conditions are not compliant and that the Enforcement Officer did not issue a license. The Junkyard Review Board shall notify the applicant, in writing, of non-compliance with the conditions and provide up to thirty (30) days for the applicant to meet the conditions. The JRB may, in its sole discretion, extend the period of time for compliance upon written request of the applicant for good cause shown. The JRB will provide the applicant with further Notice that if after said time there is no compliance with the conditions, the application is deemed denied and the applicant is deemed to be in violation of this Law, with the right of the JRB to pursue further legal action and proceedings hereinafter set forth for said violation.

Section 8. LICENSE RENEWAL

Applications for renewal shall be approved by the Junkyard Review Board upon
notification by the Code Enforcement Officer that the junkyard remains in compliance with this Law. Upon receipt of a copy of the Board's approval, and presentation of a paid receipt from the County Clerk with respect to payment of the application and license fees, the Code Enforcement Officer shall issue the Junkyard License Renewal.

Section 9. BY-LAWS, RULES, DIRECTIVES, AND REGULATIONS

There is hereby delegated to the Junkyard Review Board, full power and authority to adopt and enact any and all by-laws, rules, directives, and regulations necessary or appropriate in furtherance of carrying out its duties and responsibilities under this Local Law.

ARTICLE F: GENERAL CONSIDERATIONS

Section 1. AESTHETIC CONSIDERATIONS

In granting or denying a license, the Junkyard Review Board shall take the following aesthetic factors into consideration:

A. Type of road servicing the junkyard or from which the junkyard can be seen.

B. Natural or artificial barriers protecting the junkyard from view.

C. Proximity of the site to established residential or recreational areas or main access routes thereto.

Section 2. LOCATIONAL CONSIDERATIONS

In granting or denying a license, the Junkyard Review Board shall take the following locational factors into consideration:

A. The nature and development of surrounding property, such as the proximity of public parks, churches, educational facilities, nursing homes, public buildings, or places of public gathering.

B. Whether or not the proposed location can be reasonably protected from affecting the public health and safety by reason of offensive or unhealthy noise, odors, smoke, or of other causes.

C. The proximity of streams, lakes, wetlands, flood plains, groundwater supplies, and public water supplies.

D. Local drainage patterns.

E. Long range comprehensive plans for the County or local municipality.

F. Proximity of the site to established residential or recreational areas.
G. Availability of other suitable sites for the junkyard.

ARTICLE G. ADMINISTRATION AND ENFORCEMENT

Section 1. WAIVERS

Where a Junkyard Review Board finds that due to special circumstances of a particular case, a waiver of certain requirements as stated in Article C herein is justified, a waiver may be granted. No waiver shall be granted, however, unless the Junkyard Review Board finds and records in its minutes that:

A. Granting the waiver would be in keeping with the intent and spirit of this law, does not violate the granting of a variance (which is the domain of the local Planning and/or Zoning Boards), and is in the best interest of the community.

B. There are special circumstances in the particular application, which the JRB shall set forth in its decision to grant the waiver.

C. Denial of a waiver would result in undue hardship to the applicant, provided that such hardship has not been self-imposed by the applicant and/or based upon circumstances known to the applicant.

D. The waiver is the minimum necessary to accomplish the purpose, without violation of any local Planning or Zoning Board requirements.

Section 2. ENFORCEMENT OFFICER DUTIES AND RIGHTS

A. The Enforcement Officer shall make inspections of any junkyard for which application for a license has been made, or any other readily or commonly observed existing property within the County which appears to constitute a junkyard as defined in this local law. The enforcement officer shall report to the Junkyard Review Board on the conditions of such junkyard.

B. The Enforcement Officer shall conduct annual inspections of licensed junkyard properties in the County to ensure compliance with the law and the license issued for same. Any observed violations shall be reported to the Junkyard Review Board together with the Enforcement Officer’s recommendation(s) for compliance.

C. The Enforcement Officer shall have the right to enter onto a property which is the subject of this Local Law as an invitee. It shall be the responsibility of an applicant or license holder to arrange for any additional access by the enforcement officer to inspect the premises prior to license issuance and during the licensing process, during a license renewal period, and for other reasonable periodic inspections, including but not limited to the annual inspection. By submission of an application for a license or renewal license, the applicant is deemed to have consented to the enforcement officer’s access to his/her property to inspect the premises in the licensing process. In addition, if the JRB grants a license, the
license holder is deemed to have consented to the enforcement officer’s right of access to the property in order to conduct the annual inspection and for inspections pertaining to any reported complaints with respect to this Local Law.

D. The Enforcement Officer shall investigate and report to the Junkyard Review Board, with respect to properties to which the officer has received any written complaints of any alleged violation of this law, as well as to any commonly and readily observed properties within the County alleged to be in violation of this law.

Section 3. DIRECTIVES BY JUNKYARD REVIEW BOARD & REVOCATIONS

A. If the Enforcement Officer reports a violation of this law to the Junkyard Review Board, and the Review Board determines that a violation is present, the Review Board shall direct the Enforcement Officer to issue a Notice of Violation(s) and Compliance Order to the property owner, setting forth the following:

1) address of the property;

2) specific statements and particulars of the violation(s);

3) a compliance order outlining specific steps or actions to be taken to remedy the violation(s) for the property to be in compliance with the law;

4) statement setting forth that the steps or actions to remedy the violations shall commence within thirty (30) days of service of the Notice, and shall be completed within sixty (60) days thereafter, unless otherwise extended by the Junkyard Review Board for good cause shown;

5) issuance of an appearance ticket to the property owner/license holder, containing a date, time and location for the property owner/license holder to appear before the Junkyard Review Board to answer the alleged violations set forth in the Notice of Violation(s) and Compliance Order.

B. The aforesaid Notice of Violation(s) and Compliance Order and Appearance Ticket shall be served:

1) by delivering a copy of the Notice & Order and Appearance Ticket by regular mail and by certified mail- return receipt requested directed to the property owner(s), his executor, administrator or agent’s last known address as shown on the records of the receiver of taxes, and any other address which may be known to the enforcement officer as the owner’s address. If regular mail is returned undeliverable and if certified mail -RRR is returned unsigned, the enforcement officer shall effect service by nail and mail posting of a copy of the documents on the property, and shall attempt personal service upon the property owner(s) with due diligence (at least three (3) separate attempts).
2) In addition, service by certified mail and regular mail upon any other person having a vested interest in the property as shown by the records of the receiver of taxes (for example, a mortgage lender) shall be undertaken.

C. After a Notice of Violation and Compliance Order and Appearance Ticket have been issued, and close to the date that the matter is to appear before the JRB, the Enforcement Officer shall reinspect and/or observe the property so that the Enforcement Officer may report an update on the condition of the property to the Junkyard Review Board for further action and direction.

D. Where there is an existing license, the Junkyard Review Board may revoke a Junkyard License upon reasonable cause, should the applicant/license holder fail to comply with any provision of this law. Before a license may be revoked, a public hearing shall be held by the Junkyard Review Board. Notice of the hearing shall be made in the official newspaper of the County at least five (5) days prior to the date thereof. Service of a copy of the Notice of the Hearing shall be mailed to the license holder/applicant by certified mail and regular mail at least fourteen (14) days prior to the hearing. At the hearing, the Junkyard Review Board shall hear the license holder and all other persons wishing to be heard on the revocation of the junkyard license. Should the Junkyard Review Board decide to revoke a license, the reasons for such revocation shall be stated in the Junkyard Review Board minutes. The license holder shall be notified of the revocation and the reasons for same, by certified mail and regular mail within ten (10) days of the completion of the hearing.

A copy of the Notices served upon an applicant or property owner as hereinabove set forth shall be filed in the office of the County Clerk of Lewis County.

Section 4. FAILURE TO COMPLY, ENFORCEMENT AND PENALTY OPTIONS

In the event of the failure or refusal of the property owner(s)/responsible person(s) so notified to comply with a Compliance Order or other directive of the Junkyard Review Board through its Enforcement Officer, either for noncompliance with the application and licensing process or for a violation of this Local Law, the Junkyard Review Board may recommend and direct that the matter be turned over to the County to initiate any and all of the following enforcement proceedings:

A. Criminal Proceeding and Penalties: Any person who shall violate any provisions of this law may be subject to criminal prosecution, and if convicted of a criminal violation for failure to comply with this Local Law shall, for a first conviction thereof, be punished by a fine of not more than TWO HUNDRED FIFTY ($250.00), or by imprisonment for not more than fifteen (15) days, or by both such fine and imprisonment; for a second such conviction within thirty-six (36) months thereafter, such person shall be punished by a fine of not more than FIVE HUNDRED DOLLARS ($500.00), or by imprisonment for not more than forty-five (45) days or by both such fine and imprisonment; upon a third or subsequent conviction within thirty-six (36) months after the first conviction, such person shall be punished by a fine of not more than ONE THOUSAND DOLLARS
($1,000.00), or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Every such person shall be deemed guilty of a separate violation for each week such violation, disobedience, omission, neglect, or refusal shall continue. Any reference for legal assistance in connection with criminal enforcement or prosecution herein shall be made to the District Attorney of the County of Lewis, or by delegation from the District Attorney to County Attorney of Lewis County for prosecution.

B. Civil Proceeding and Penalties: Any person who shall violate any of the provisions of this Local Law may be subject to a civil action to be found guilty of a violation of this law, and if so found shall be subject to a civil penalty of FIVE HUNDRED DOLLARS ($500.00), to be recovered by the County in the civil action. Every such person shall be deemed guilty of a separate violation for each week such violation, disobedience, omission, neglect, or refusal shall continue. Any reference for legal assistance in connection with enforcement (assistance) or prosecution herein shall be made to the County Attorney of the County of Lewis.

C. Order for Removal of Junk and Assessment of Expenses: In addition to the above proceedings and penalties, in the event of the refusal or neglect of the property owner so notified to comply with the directives and orders of the Junkyard Review Board as hereinabove set forth, the JRB shall refer the matter to the Lewis County Board of Legislators for further and additional action to be taken in the name of the County, including but not limited to the removal of said Junk either by County employees or by contract, upon the following procedure:

1) The Enforcement Officer, in consultation with the County Attorney, shall gather all information from his/her investigation and the steps followed with the Junkyard Review Board as hereinabove set forth, and report in writing to the Board of Legislators his documentation of the procedures and steps taken, his findings and recommendations to the Board of Legislators as to whether removal of the Junk should be undertaken. In the report, the Enforcement Officer is to advise the Board of any known hazardous materials, and confirm that the NYS Department of Environmental Conservation ("NYS DEC") has been contacted for input on taking appropriate action if hazardous materials were found;

2) The Enforcement Officer shall provide the property owner(s) with a copy of the Report and any other documents he/she provides to the Board of Legislators. In addition, the Enforcement Officer will provide the property owner(s) with Notice of the monthly Board of Legislators meeting when the Board will consider such report and take any action by Resolution.

3) The Board of Legislators shall, at a public meeting, consider such report and by resolution, determine:

   i. If in its opinion such property is a junkyard under the provisions of this Law;
ii. If in its opinion the Enforcement Officer and Junkyard Review Board followed the steps and procedures outlined in this Law to provide the property owner with the ability to address the matter and remedy the matter with and before the Junkyard Review Board;

iii. Whether to order the removal of the Junk and assess expenses against the violator; and

iv. Direct that a notice of its decision be served upon the property owner(s) and any other persons with interest in the property by the methods set forth in Article G Section 3 above.

4) Notice of the Board’s Decision shall be given as set forth in Article G, Section 3 (B) above, and contain the following:

i. a description of the property;

ii. a statement of the particulars in which the property is deemed to be a junkyard and in violation of this Local Law;

iii. an order outlining the manner in which the property is to be made compliant with the law, or its removal together with a date as to such steps are to be completed;

iv. a statement that in the event of neglect or failure to comply with the order of the Board of Legislators to comply with the Law or remove the Junk, the Board of Legislators is authorized to access the premises to provide for removal of the Junk, to assess all expenses thereof against the land on which it is located, and in addition, to institute a special proceeding to collect the costs of removal and enforcement, including legal expenses;

v. a date, time and place for a final hearing before the Board of Legislators in relation to such violations of this Local Law and the remedies the Board may order. Said hearing shall be scheduled not less than seven (7) business days from the date of service of the Notice.

vi. A copy of the Notice served shall be filed with the Lewis County Clerk.

ARTICLE H: REFUSAL TO COMPLY AND ASSESSMENT OF EXPENSES

A. In the event of the refusal or neglect of the property owner so notified to comply with said order(s) of the Board of Legislators and after final hearing, the Board of Legislators shall provide for the removal of such Junk either by County or Town employees (or a combination of said employees as they may agree), or by private contract. Any private contract for removal of Junk in excess of $20,000.00 shall be awarded through competitive bidding.

B. All expenses incurred by the County in connection with the proceedings to remove the Junk, and all reasonable and necessary legal expenses incidental thereto, shall, at the option of the Board of Legislators, either

(1) Be assessed against the land on which such Junk is located and shall be
levied and collected in the same manner as provided in Section 270 of the County Law for the levy and collection of a special ad valorem levy, or

(2) Be collected by commencement of a special proceeding against the owner(s) of said property in the Supreme Court, County of Lewis.

**ARTICLE I: REMEDIES AT LAW**

Notwithstanding the above administrative procedures, the County may maintain an appropriate action or proceeding in a court of competent jurisdiction for enforcement and to recover costs and expenses incurred by the Junkyard Review Board and County to remedy a violation and to compel compliance with the law, or to restrain by injunction the violation of any article of this Local Law.

The appropriate remedy for an applicant who disputes a finding and decision of the Junkyard Review Board or the Board of Legislators is an action brought in a court of competent jurisdiction at the applicant’s sole cost and expense.

**ARTICLE J: APPLICABILITY**

This Local Law shall not apply to any city, village, or town during such time as such city, village, or town is regulating or licensing junkyards.

**ARTICLE K: SEVERABILITY**

If any clause, sentence, paragraph, section or article of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the controversy in which such judgment shall have been rendered.

**ARTICLE L: EFFECTIVE DATE**

This Local Law shall be effective immediately upon all legal requirements being met.

**ARTICLE M: PRIOR JUNKYARD LAWS**

This Local Law replaces Local Law No. 6- 2017, which amended and repealed all former Junkyard Laws (Local Law No. 3-2001, No. 3-2011, No. 7-2014, and No. 2-2015).
RESOLUTION NO. 420 - 2019
FIXING DATE OF PUBLIC HEARING ON LOCAL LAW
(INTRODUCTORY NO. 9 - 2019), COUNTY OF LEWIS

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

WHEREAS, there will be presented and introduced at a meeting of this Board of Legislators to be held on November 19, 2019, a proposed Local Law entitled “A LOCAL LAW AMENDING AND REPLACING LOCAL LAW NO. 6-2017-THE COUNTY OF LEWIS JUNKYARD LAW”.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That a public hearing will be held on December 3, 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 Court House, 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 LaChausse, seconded by Legislator King.

Clerk of the Board Teresa Clark reported that the proposed amendments to Local Law (Intro. No. 9-2019) by the General Services Committee at their meeting earlier today would be incorporated into the document and the final draft would be timely forwarded to Legislators as required by law prior to the 12/3/2019 public hearing date.

The resolution was then adopted.
LOCAL LAW (INTRODUCTORY NO. 10-2019)  
COUNTY OF LEWIS

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

A LOCAL LAW AUTHORIZING A MUNICIPAL LIEN IN FAVOR OF THE COUNTY OF LEWIS ON FIRE INSURANCE PROCEEDS IN ACCORDANCE WITH GENERAL MUNICIPAL LAW § 22 AND INSURANCE LAW §331.

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 AUTHORIZING A MUNICIPAL LIEN IN FAVOR OF THE COUNTY OF LEWIS ON FIRE INSURANCE PROCEEDS.

SECTION 2. PURPOSE:

A. In response to increases in insurance fraud and arson, especially commercial properties which oftentimes left abandoned, burned structures and properties with unpaid property taxes, the state legislature enacted NY General Municipal Law §22 and Insurance Law §331. Under GML §22, every tax district (county, city, town or village) having the power to enforce the collection of taxes, special ad valorem levies, special assessments or other municipal charges imposed upon real property by or on behalf of a municipal corporation or special district, is authorized and empowered to claim against the proceeds of a policy of fire insurance insuring the interest of an owner and issued on real property located therein (except a one or two family residential structure), when made and perfected in the manner set forth under the statute.

B. In order to become eligible for the attachment process set forth in GML §22, the taxing district must first enact a local law which provides for the release or return to the insured of any amounts to which it would otherwise be entitled to claim, provided that the insured agrees in writing to restore the affected premises to the same or improved condition that it was in prior to the time that the lien of such district against proceeds arose, or agrees to demolish and remove the damaged structure, if warranted, and subject to such conditions as such County Resolution shall provide to guarantee performance of such obligation(s), including but not limited to, an agreement to deposit such proceeds in an escrow account or to obtain a performance bond.

SECTION 3. DEFINITIONS:

As used in this law, any inconsistent provision of law notwithstanding, the following terms shall have the following meanings:

Lien: Any lien including liens for taxes, special ad valorem levies, special assessments and municipal charges arising by operation of law against property in favor of the County and remaining undischarged for a period of one (1) year or more.

Real Property: Property upon which there is erected any residence, commercial or industrial building or structure, except not a one or two family residence structure.
Special Lien: A lien upon fire insurance proceeds pursuant to this Law and New York General Municipal Law §22 and Insurance Law §§331 and 3410, as they may be amended from time to time.

SECTION 4. TREASURER’S RESPONSIBILITIES AND PROCEDURE:

A. Filing with State Superintendent of Financial Services.

Pursuant to the provisions of §22 of the General Municipal Law and subsequent to the adoption of a resolution by the County Board of Legislators providing therefor, the County Treasurer shall file a notice of intention to claim against the proceeds of fire insurance policies with the State Superintendent of Financial Services. Said notice shall be entered in the index of liens maintained by the State Superintendent of Financial Services as provided in §331 of the Insurance Law. Said notice shall constitute constructive notice to each insurer of real property of the County’s claim against any proceeds payable under the provisions of any fire insurance policy.

B. Service of Certificate of Lien by County Treasurer.

Prior to the payment of any proceeds of a policy of insurance for damages caused by fire to real property situated within the County of Lewis, each insurer shall notify the County Treasurer that a loss has been sustained and demand that the Treasurer’s Certificate indicating the amount of all liens of the County against said property, including interest and penalties to the date of the Certificate, be served, at a specified address, in person or by certified mail, upon the insurer, within twenty (20) days from the date of mailing such demand. Within ten (10) days of receipt of such Certificate of Lien and a final determination of the insurer’s obligation to pay such proceeds, the insurer shall pay therefrom the amounts specified in the Certificate to the County Treasurer. Notice of the filing of the Certificate shall be given to the insured by the County Treasurer by certified mail to the address identified by the insured on the real property tax records.

C. Special Lien.

The claim filed by the County Treasurer shall constitute a special lien against the proceeds of a fire insurance policy on real property and shall be prior to all other liens and claims against said proceeds, except the claim of a mortgagee of record named in the fire insurance policy.

D. Lien not to Impair Other Rights.

The provisions of this law shall not be deemed or construed to alter or impair the right of the County to acquire or enforce any lien against real property, but shall be in addition to any other power provided by law to acquire or enforce such right.

E. Release of Return of Proceeds to Property Owner.

All or part of the proceeds of a policy of fire insurance paid or to be paid to the County of Lewis, as set forth hereinabove, may be paid or released to the insured by the County, if the insured satisfies the County, in consultation with its Code Enforcement Department Official, that repairs or restoration of the affected premises are in the public interest, have been or will be made by the insured, or that the damaged structure is beyond repair and will be properly
demolished and removed in accordance with all applicable laws and regulations. To secure such payment or release of proceeds, the insured must notify the County Treasurer that he/she intends to restore or repair the affected premises to the same or improved condition it was in prior to the time the lien against the property arose, or intends to demolish and remove the debris and structure. Such notification must be filed with the County Treasurer within forty-five (45) days of the mailing by the County to the insured of the notice of the filing of the Special Lien. The County Treasurer shall advise the County Manager and the Code Enforcement Official of such filing.

SECTION 5. CODE ENFORCEMENT OFFICIAL’S RESPONSIBILITIES AND CONDITIONS/ DOCUMENTATION FOR TREASURER’S RELEASE OF PROCEEDS:

The release or return of the fire insurance proceeds by the County Treasurer to the insured shall be subject to the following conditions:

A. Such release or return shall be subject to the repair or restoration of the affected premises, in accordance with applicable building and zoning codes and other regulations, to the condition it was in prior to the time the lien of the County arose, or to an improved condition; or it shall be properly demolished and removed in accordance with all applicable laws and regulations.

B. The insured shall file with the County Code Enforcement Official, an application, in affidavit form, with such supporting documentation as he/she shall require, containing the following: a complete description of the nature and extent of the damage to the insured premises and of the condition of the premises prior to the lien held by the County against the property; a complete description of the nature of the repairs or restoration or demolition to be undertaken and the cost thereof; a statement as to the source of funds needed to complete such repairs or restoration or demolition and removal, if the insurance proceeds are not sufficient; the name and address of each contractor who will effect such repairs or restoration or demolition/removal; an estimated time schedule showing how long the repairs or restoration or demolition/removal, and each phase, will take; and such other information as may be required by the County Code Enforcement Official to enable him/her to determine whether the repairs or restoration or demolition/removal are in the public interest and will be or have been timely and properly made.

C. Upon preliminary approval by the Code Enforcement Official of an application, as set forth in Subsection B of this section, the Code Enforcement Official shall notify the County Treasurer and County Manager and the applicant, in writing, evidencing the right of release to the insured of part or all of the insurance proceeds, upon such conditions as may be set forth therein.

D. The repairs or restoration or demolition/removal required by the Code Enforcement Official shall be completed in compliance with the terms and conditions set forth in said notification prior to the release or return of any part of the insurance proceeds unless the Code Enforcement Official, upon the written request of the insured and in the discretion of the Code Enforcement Official in consultation with the County Manager and County Treasurer, approves a prior release of such proceeds or a portion thereof. The Code Enforcement Official may not approve such prior release unless the insured certifies and demonstrates that such release is necessary to permit the repairs or restoration to go forward. The Code Enforcement Official shall require a guarantee from the insured of performance of such obligation including, but not limited to, an agreement to deposit such proceeds in an escrow account maintained by the
County Treasurer, or that the insured shall obtain a performance bond. Any said insurance proceeds or portion thereof released or returned prior to the completion of the repairs or restoration or demolition/removal required by the County, may be paid directly to the contractor or contractors responsible for making such repairs or restoration or demolition/removal. Such payment shall, to the extent thereof, release the County, its Treasurer, County Manager, Code Enforcement Official and any other County official and/or employee from liability to the insured.

E. Whenever the Code Enforcement Official approves a release of all or part of the insurance proceeds prior to compliance with the terms and conditions of the agreement, the Code Enforcement Official may require the insured to post an undertaking in an amount sufficient to assume the restoration, improvement or demolition of the property, obtain a performance bond or deposit such proceeds in an escrow account.

F. If the insured fails to notify the County Treasurer of his intention to repair or restore or demolish the affected premises as hereinbefore set forth, or fails to file a completed application, or fails to supply the Code enforcement Official with specified documentation as required, or fails to obtain the approval of the Code Enforcement Official to the repairs or restoration or demolition/removal within the time set forth, the right of the insured to assert a claim against the insurance proceeds, except to the extent said proceeds exceed the amount of the County’s Special Lien, shall terminate.

G. The Code Enforcement Official shall promulgate such proposed forms and additional regulations to be used by the applicant, subject to County Board of Legislators review and approval.

SECTION 6. ESTABLISHMENT OF SPECIAL FUND:

A. Any insurance proceeds received by the County of Lewis pursuant to this law shall be deposited in a special fund by the County Treasurer designated as the fund for the deposit of fire insurance proceeds, and retained and applied in accordance with this law. Such funds shall not be held together with the general tax levies in the general fund.

B. Upon termination of the insured’s right to claim against the proceeds, the proceeds and any interest accrued thereon remaining, shall be applied to the liens affecting the premises in a manner determined by the County Treasurer, and may be transferred to the general fund.

C. The lien or liens against the affected premises upon which the special lien against proceeds is based shall continue in full force and effect, except to the extent that such lien or liens are or have been paid.

SECTION 7. EFFECTIVE DATE:

This local law shall take effect immediately upon filing with the Secretary of State and upon all legal requirements being met.
RESOLUTION NO. 421 - 2019
FIXING DATE OF PUBLIC HEARING ON LOCAL LAW
(INTRODUCTORY NO. 10 - 2019), COUNTY OF LEWIS

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

WHEREAS, there will be presented and introduced at a meeting of this Board of Legislators to be held on November 19, 2019, a proposed Local Law entitled “A LOCAL LAW AUTHORIZING A MUNICIPAL LIEN IN FAVOR OF THE COUNTY OF LEWIS ON FIRE INSURANCE PROCEEDS IN ACCORDANCE WITH GENERAL MUNICIPAL LAW § 22 AND INSURANCE LAW §331”.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That a public hearing will be held on December 3, 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 Court House, 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 _Kulzer_ and adopted.
RESOLUTION NO. 422 - 2019
RESOLUTION AMENDING LEWIS COUNTY ON-LINE AUCTION
OF SURPLUS EQUIPMENT POLICY TO ADD
CONSTABLEVILLE AUCTION HALL, LLC AND
ABSOLUTE AUCTION & REALTY, INC.
AS AUTHORIZED BUSINESSES

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

WHEREAS, pursuant to Resolution No. 325 – 2017, the Board of Legislators adopted
the County’s “ON-LINE AUCTION OF SURPLUS EQUIPMENT POLICY, wherein the Board
authorized the County Manager to execute any on-line auction contract which is approved by
motion by a Legislative Committee as set forth in the policy’s procedures; and

WHEREAS, the Director of Buildings and Grounds seeks to offer a number of surplus
vehicles, equipment and other items by on-line auction, and recommends adding Constableville
Auction Hall, LLC, 3132 Main Street, Constableville, NY 13325, and their partnered company,
Absolute Auctions & Realty, Inc, 45 South Avenue, Pleasant Valley, NY 12569, to the on-line
approved list of companies under the County policy.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby adopts and approves the addition of
Constableville Auction Hall, LLC, 3132 Main Street, Constableville, NY 13325, and their
partnered company, Absolute Auctions & Realty, Inc., 45 South Avenue, Pleasant Valley, NY
12569, as additional on-line approved companies pursuant to the County’s ON-LINE AUCTION
OF SURPLUS EQUIPMENT POLICY.

Section 2. That the Clerk of the Board is hereby directed to amend and revise the Lewis
County On-Line Auction of Surplus Equipment Policy by adding the above named companies to
the approved list of businesses for surplus county equipment, and distribute the same to all
Department Heads.

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

Moved by Legislator Osborne, seconded by Legislator Burns.

Legislator Kulzer inquired whether all auction companies would be used. County
Manager Ryan Piche explained that any one of the three companies would be chosen for any
auction, but multiple companies could not be used simultaneously. Vehicles are sold through
one of the companies that has typically resulted higher proceeds, and other items would be sold
through one of the other companies.

The resolution was then adopted.
RESOLUTION NO. 423 - 2019
RESOLUTION TO SET A PUBLIC HEARING TO OBTAIN PUBLIC INPUT WITH REFERENCE TO COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

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

WHEREAS, the County of Lewis is eligible to apply to the New York State Small Cities Community Development Block Grant (CDBG) Program; and

WHEREAS, the Board of Legislators wishes to obtain the views of citizens on community development, housing needs and possible other activities, prior to the preparation of a CDBG application; and

WHEREAS, citizen participation requirements of the program require that the County must conduct public hearings for the purpose of obtaining citizens’ views and responding to proposals and questions. The hearings must cover community development, housing needs, development of proposed activities and a review of the CDBG program; and

WHEREAS, the public hearing must be held prior to submission of an application.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby sets a public hearing to solicit the views of County of Lewis citizens, regarding community development and housing needs, to be held on Tuesday, December 3, 2019 at 5:00 p.m. at its regular monthly meeting to be held at the Lewis County Board of Legislators meeting room, Lewis County Court House, Lowville, NY 13367.

Section 2. That public notice of the hearing shall be advertised in accordance with law at least 10 days prior to the hearing date.

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

Moved by Legislator _King_, seconded by Legislator _Kulzer_, and adopted.
RESOLUTION NO. 424 - 2019
RESOLUTION AUTHORIZING AGREEMENT WITH
NYS DIVISION OF CRIMINAL JUSTICE SERVICES
DISTRICT ATTORNEY AID-TO-PROSECUTION

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

WHEREAS, the NYS Division of Criminal Justice Services has approved an Aid-To-Prosecution grant application, to provide vital resources to District Attorney’s Offices to support the enhanced prosecution of violent and serious felony offenders by maintaining increased levels of experienced prosecution personnel.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby authorizes a grant Agreement between the County of Lewis, by and through the District Attorney, and the New York State Division of Criminal Justice Services, for Aid-to-Prosecution funds to enhance the retention of experienced prosecution personnel.

Section 2. The term of said Agreement is from October 1, 2019 through September 30, 2020, in the amount of $30,200.00, with no local match required.

Section 3. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to execute said Agreement.

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

Moved by Legislator King, seconded by Legislator Osborne, and adopted.
RESOLUTION NO. 425 - 2019
RESOLUTION AUTHORIZING MORTGAGE SUBORDINATION AGREEMENT
(COUNTY OF LEWIS TO JUDY K. ROY, F/K/A JUDY K. STEWART)

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

WHEREAS, Judy K. Roy, f/k/a Judy K. Stewart (the "Borrower") received a housing
Grant under the County CDBG program in the amount of $21,750.00, secured by a mortgage for
the benefit of the County of Lewis, recorded in the Lewis County Clerk’s Office on September
14, 2015 as Instrument Number 2015-004391. The mortgage provides for recapture obligations,
pursuant to a program administered by Snow Belt Housing Company, Inc. and it is subject to the
lien of the first mortgage held by Community Bank, N.A. recorded in the Lewis County Clerk’s
Office on December 18, 2013 as Instrument Number 2013-008356; and

WHEREAS, the borrower is refinancing with Community Bank, N.A., by executing a
new mortgage in the amount of $57,000.00, and simultaneously satisfying the existing mortgage
with Community Bank. Community Bank requests a new subordination agreement by the
County on this refinance and new mortgage of $57,000.00; and

WHEREAS, a recent appraisal of the property indicates that the County’s interest is
secured by the value of the property.

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 execute a Mortgage Subordination Agreement in favor of Community
Bank’s new mortgage of $57,000.00, upon such terms as may be acceptable to the County
Attorney.

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

Moved by Legislator __King__, seconded by Legislator __Kulzer__, and adopted.
RESOLUTION NO. 426 - 2019
RESOLUTION ADOPTING AND OTHERWISE TREATING
LOCAL LAW NO. 8–2019, COUNTY OF LEWIS

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

WHEREAS, a resolution was duly adopted by the Board of Legislators on November 5, 2019, directing that a public hearing be held by said Board on November 19, 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 a proposed Local Law entitled, “A LOCAL LAW RESCINDING LOCAL LAW NO. 5-2019 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW § 3-C (A/K/A 2% TAX CAP) FOR THE LEWIS COUNTY 2020 BUDGET.” and

WHEREAS, notice of said public hearing was duly advertised in the Watertown Daily Times, the official newspaper designated by the County, on November 13, 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 and 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 FURTHER RESOLVED, as follows:

Section 1. This Local Law (Introductory No. 7 – 2019), County of Lewis, being “A LOCAL LAW RESCINDING LOCAL LAW NO. 5-2019 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW § 3-C (A/K/A 2% TAX CAP) FOR THE LEWIS COUNTY 2020 BUDGET”, be and the same hereby is designated as Local Law No. 8–2019, County of Lewis.

Section 2. That Local Law No. 8–2019, 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, Moroughan, Moser, Osborne, Dolhof

NAYS: None

ABSENT: Lehman
Chairman Dolhof declared a short recess at 5:29 p.m.

The meeting resumed at 5:44 p.m., at which time Chairman Dolhof closed the public hearing for comments on the 2020 Tentative County Budget and the proposed Local Law.

RESOLUTIONS (Cont’d)
RESOLUTION NO. 427 - 2019
RESOLUTION TO AMEND THE 2020 TENTATIVE COUNTY BUDGET
AMENDING COMPENSATION PLAN WITH REFERENCE TO
LEWIS COUNTY TREASURER AND LEWIS COUNTY CLERK

Introduced by Legislator Jerry King, Member of the Board of Legislators.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby amends the 2020 Tentative Lewis County Budget to amend the Compensation Plan of the County of Lewis to set the salary of the Lewis County Treasurer at $77,822 and for the County Clerk at $61,009, equivalent to the respective 2019 salaries of the current officials.

Section 2. That said annual salaries shall be in effect for four (4) years.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator King, seconded by Legislator Moroughan.

In response to Legislator Kulzer, Budget Officer Ryan Piche explained his proposed County Treasurer salary level considered the qualifications and experience, and expressed his objection to reduce the salary of an existing County employee.

Legislator Moser left the meeting room citing a conflict that the County Clerk salary in question would be for his brother Jake Moser.

The resolution was ultimately defeated by the following roll call vote:

YEAS: King, Kulzer, LaChausse, Moroughan, Osborne

NAYS: Burns, Chartrand, Dolhof

ABSENT: Moser, Lehman
RESOLUTION NO.  428 - 2019
RESOLUTION TO AMEND THE 2020 TENTATIVE COUNTY BUDGET
AMENDING COMPENSATION PLAN WITH REFERENCE TO
LEWIS COUNTY CLERK

Introduced by Legislator Jerry King, Member of the Board of Legislators.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby amends the 2020 Tentative Lewis County Budget to amend the Compensation Plan of the County of Lewis to set the salary of the Lewis County Clerk at $62,229, which equates the 2019 salary of the current County Clerk, plus the standard 2% increase.

Chairman Dolhof distinguished the current procedure to that of customarily establishing elected officials’ salaries timely so that interested individuals may consider the salary prior to their candidacy and election campaign.

Section 2. That this resolution shall take effect immediately.

Moved by Legislator King, seconded by Legislator Moroughan.

The resolution was adopted by the following roll call vote:

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

NAYS: None

ABSENT: Lehman

ABSTENTION: Moser
RESOLUTION NO. 429 - 2019
RESOLUTION TO AMEND THE 2020 TENTATIVE COUNTY BUDGET
AMENDING COMPENSATION PLAN WITH REFERENCE TO
BOARD OF LEGISLATORS

Introduced by Legislator Richard Chartrand, Member of the Board of Legislators.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby amends the 2020 Tentative Lewis County Budget to amend the Compensation Plan of the County of Lewis to establish the salary of each Legislator at the 2019 level of $8,500 and the Chairman of the Board at the 2019 level of $10,000. Chairman Chartrand recalled a previous discussion with the Board that was not favorable toward increasing Legislator salaries.

Section 2. That this resolution shall take effect immediately.

Moved by Legislator Chartrand, seconded by Legislator Kulzer.

The resolution was adopted by the following roll call vote:

YEAS: Burns, Chartrand, King, Kulzer, LaChausse, Moroughan, Moser

NAYS: Osborne, Dolhof

ABSENT: Lehman
RESOLUTION NO. 430 - 2019
RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2020 MAKING APPROPRIATIONS FOR THE CONDUCT OF COUNTY GOVERNMENT AND ESTABLISHING RATES OF COMPENSATION FOR OFFICERS AND EMPLOYEES FOR FISCAL YEAR 2020

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

WHEREAS, the governing body has met and considered the 2020 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, 2020.

Moved by Legislator King, seconded by Legislator Moser.

The resolution to adopt the 2020 County Budget as duly amended was then adopted by the following roll call vote:

YEAS: Burns, Chartrand, King, Kulzer, LaChausse, Moroughan, Moser, Dolhof

NAYS: Osborne

ABSENT: Lehman
RESOLUTION NO. 431 - 2019
ASSESSING AND LEVYING AMOUNT OF TAX CALLED FOR
UNDER THE COUNTY BUDGET AS ADOPTED BY THE BOARD OF
LEGISLATORS ON THE 19th DAY OF NOVEMBER 2019
AS PROVIDED FOR UNDER COUNTY LAW

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

WHEREAS, the Board of Legislators of the County of Lewis by Resolution No. 430 - 2019 adopted on the 19th day of November 2019, has adopted a County Budget for fiscal year 2020; and

WHEREAS, the said Board of Legislators by Resolution No. 430 - 2019 adopted on the 19th day of November 2019, has made appropriations for the conduct of Lewis County Government for fiscal year 2020.

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 $17,033,788.

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

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

NAYS: None

ABSENT: Lehman
OTHER BUSINESS:

There being no other business to come before the Board, the meeting adjourned at 6:20 p.m. on motion by Legislator Moser, seconded by Legislator Chartrand and carried.