General Services Committee  
August 20, 2019

Legislative Committee Members present: Legislator King, Legislator Osborne, Legislator LaChausse, Legislator Burns and Legislator Moroughan. Other Legislators present: Legislative Chairman Dolhof, Legislator Kulzer and Legislator Chartrand.

Others present: County Manager Ryan Piche, County Attorney Joan McNichol, Building & Grounds Supervisor Matt O’Connor, Planning Director Frank Pace, Recreation, Forestry & Parks Director Jackie Mahoney, Fire & Emergency Management Director Robert Mackenzie III, Highway Superintendent Warren Shaw, Economic Development Director Eric Virkler, Probation Director Mary Jo Burkhard, Human Resources Director Caitlyn Smith, and media representatives Nick Altmire & Julie Abbass.

The meeting was called order at 2:00 p.m. by Legislator King.

**Discovery & Speedy Trial Reforms by District Attorney Leanne Moser**

There are three section to the new reform Discovery, Speedy Trial, and Bail. Discovery can be broken down into 21 categories which encompass all possible parts of items and information that relate to a case. It is now mandatory for all items/information to be in the possession of the defense within 15 days after arraignment on any form of accusatory instrument, including felony complaint. The Plea Process will be affected because even if a plea is offered the discovery would still need to be gathered for the original crime, this is not waivable.

The new Discovery CPL Article goes into effect on January 1, 2020. Prosecutors must now file a “certificate of compliance” once all discovery is completed/reviewed to declare readiness for trail. A court must then have a hearing to record “actual readiness”, in which all parties must agree on trial readiness in order to proceed. Sanctions for non-compliance on discovery can range from preclusion, to adverse jury instruction, to dismissal or reversal of a conviction.

Current Bail is set for qualifying offenses, at a Defendants’ voluntary request, and upon commission of certain conduct during liberty. Bail is now the least restrictive means to hold someone as the Court has the option of R.O.R., Pre Trial Services, and Electronic Monitoring (which is currently not offered in Lewis County). For Bail the Court must direct three mechanisms to post bail and they must now delay the issuance of a bench warrant for 48 hours. Appearance tickets are required on Misdemeanors and Class “E” Felonies and returnable in 20 days or less.

Legislator King asked about the Discovery items and if they are all a concern with the time constraint or if some of the items are already completed in a timely manner, to which Leanne responded that sometime paperwork gets submitted in 1 to 2 days but can be a concern if the arrest is made prior to the end of a deputies shift and then the deputy isn’t scheduled to work for a few days. It is also a big concern that some items might need to have redactions done to them which can be incredibly time consuming and would still need to be accomplished from the time the items are received from law enforcement but still before the 15 day limit.

It is imperative that the discovery be received by the Prosecutor’s office in less than 15 days because they still need to review it all in order to certify it. The impact to the budget has already begun with the Sheriff purchasing new electronic equipment to be able to have a paperless system to submit evidence/reports. In the 2020 budget there would be a need to increase funds for more
Grand Jury transcripts, more Town court appearances, and more staff in the District Attorneys’ office. Probation may need to increase their budget to cover Electronic Monitoring if it is deemed necessary. Legislator Chartrand questioned if this would have the outcome of fewer people in jail and Ryan responded that after looking into the numbers it won’t have much impact on those numbers in Lewis County.

**Energize NY P.A.C.E. Program by Economic Development Director Eric Virkler (attached)**

Property Assessed Clean Energy (P.A.C.E.) is a NYS managed program administered by a statewide local development corporation (Energy Improvement Corporation (E.I.C.). The County has the foreclosure authority and therefore, if interested in offering this program, would need to pass a local law. This program would allow for non-profit and commercial businesses to make energy upgrades to their buildings. It allows for up to 100% financing for these types of projects which some banks won’t entertain a loan for.

The E.I.C. does all the administrative work from obtaining the private financing, to placing the liens on the property which secures the financing, to handling the agreements between capital providers and business owners to collecting all payments and any other administration necessary. The County would be promoting Green Energy and this program could be used as a tool for Economic Development as an incentive for businesses.

Legislator Kulzer questioned what would happened to a business owner who participated in this program and then went out of business, to which Eric responded that the back taxes have to be paid by the capital provider before the lien can be enforced. Legislator King asked that a representative of this program be available at the Committee meeting next month to answer any questions such as the range of the loan and terms. Eric agreed to set that up.

**Other Business**

Ryan reported that the Highway Fuel Depot project is moving forward and within the next month’s Warren should have more information to report back to the Committee. Harrisville Central School has agreed to pay the additional charge for having a sergeant as the SRO versus a deputy. Frank Pace asked for the Committee’s support in submitting an application in 3 days for additional ATC funds that the DOT has available. These funds are used for Capital Projects for the Public Transportation system. Frank also reported that due to the busy summer season none of the interested parties were able to submit an RFP for the Ag Protection Plan Consultant and therefore he would like the Committee’s support to send it out again with a new deadline of September 9th. Frank concluded by mentioning that the Rider’s Guide is finished and on the website and out for print.

Legislator Burns made a motion for Frank Pace to submit an application for the additional ATC funds to the Department of Transportation, seconded by Legislator Osborne. Motion carried.

Legislator LaChausse made a motion for Frank Pace to re-issue the RFP for an Ag Protection Plan Consultant with a new deadline of September 9, 2019, seconded by Legislator Moroughan. Motion carried.

Legislator LaChausse made a motion to accept the General Services Committee minutes from July 23, 2019 as recorded, seconded by Legislator Moroughan. Motion carried.

The following dockets were read and approved:
1. Ordered and decreed that Charles E. Orr, the Owner of the premises known as Tax Map No. 019.00-03-14.000, located at 7864 Marshey Road, Town of Diana, County of Lewis, or his designated lawful agent, shall immediately demolish and remove the building and debris located thereon in accordance with any and all required permits, regulations, codes and laws pertaining thereto; and it is further ordered and decreed that the Owner and/or his lawful agent shall immediately commence demolition and removal and complete the same on or before December 31, 2019; and it is further ordered and decreed, that in the event that the Owner fails or refuses to commence or to complete said demolition and removal in accordance with this Resolution, the Code Enforcement Officer shall cause such building and debris to be demolished and removed either by County employees or by contract, provided that any contract for demolition and removal of a building in excess of $20,000 shall be awarded through competitive bidding.

2. Resolution authorizing renewal Agreement between the County of Lewis, by and through the Buildings and Grounds Department, and the NYS Unified Court System, for the provision of cleaning services for the interior of the Lewis County Court House (“Court Facilities”), as well as minor and emergency repairs, and preventive building and property maintenance services for the facility, for the period retroactive to April 1, 2019 through March 31, 2020 in the amount of $111,643.

3. Resolution to appropriate insurance recovery funds in the Highway Department accounts for damage to the Plank Road in the amount of $126,430. When asked about the roads that were damaged by the Snirt Run, Warren Shaw responded that several of the Towns were working on the repairs.

4. Resolution authorizing inter-municipal agreements with Towns and Village in Lewis County for snow and ice removal and treatment for certain County roads and snowmobile parking facilities in their respective jurisdictions. Each jurisdiction shall perform such services over the next five (5) years in consideration of reimbursement at rates per mile as herein set forth: 2020 - $6,000/mile; 2021 - $6,180/mile; 2022 - $6,365/mile; 2023 - $6,555/mile; and 2024 - $6,752/mile. Towns plowing snowmobile parking lots pursuant to Resolution 402-2001: shall be increased from $0.022 to $0.06/sq. ft. up to a maximum of $3,600/year. Salt and Fuel reimbursement continues in accordance to 2020 contract prices established by NYS Office of General Services (OGS) for diesel fuel and salt at the base price, with the formula for adjustments in years 2021-2024, if any, as previously agreed. Responding to Legislator King’s question on the fuel and salt prices Ryan stated that it is the same formula that has been used over the last several years. If the prices go up the Towns would receive a bonus at the end of the year and if the prices go down then they would receive a lesser payment at the end.

5. Resolution authorizing extension agreement to Contract No. C000522 by and between the County of Lewis and New York State Office of Indigent Legal Services, which provided grant funds to assist the County in improving the quality of indigent legal service under Distribution # 4, for eligible expenses incurred in providing legal services under the Grant Work Plan through May 31, 2017 in the amount of $56,964. Ryan pointed out that NYS has ramped up the amount of money put towards Indigent Defense over the next few years but hasn’t put money into the Legislation that was passed for Discovery, Speedy Trial and Bail reform. Legislator Moroughan stated that in the past the forms filled out for individuals qualifying for Indigent Legal Services were never truly verified. Joan McNichol responded by stating that the NYS has expanded the eligibility requirements which allows for many more individuals to qualify.
6. Resolution to appropriate State grant funds in the Sheriff’s Department Accounts to support Operation moe.down 2019 FY16SHSP Grant in the amount of $6,400. Joan McNichol clarified for Legislator King that this was the grant that the Sheriff applied for but never advised anyone about it until after it was received.

7. Resolution authorizing a five-year (5 yr.) Agreement (January 1, 2020 through December 31, 2024) with Valley Snow Travelers of Lewis County, Inc., for snow removal at its parking facility on the Rector Road, part of parcel no. 225.00-01-11.200, during the snowmobile season, in consideration for the County reimbursing VST at the rate of $0.06 per square foot, up to a maximum of $3,600/year.

Legislator Moroughan asked Ward Dailey to explain the situation on the Number Four Road. There is an individual that has a used car lot on his property and believes the DMV law states he can store them anywhere. He has recently moved several of these vehicles to a property his daughter owns on the Number Four Road. The neighbor to the daughter has filed a complaint and now the matter will be handled in court on August 27th a 2:00 p.m.

Legislator King expressed his concern that the two properties in the Town of Lewis still remain unresolved and an eye sore. Joan McNichol stated that each property has been fined multiple times under the local law and the next step would be to have the County clean it up and add the cost to the property taxes on the property. Legislator Kind believes it needs to go to the next step because they are not being cleaned up. Ward Dailey informed the Committee that there are 8 properties with long term violations spanning several years. Legislator Dolhof questioned if there would have to be an environmental study done before clean up could commence, which could reveal contamination. Legislator King stated that there needs to be forward progress on cleaning these properties up.

Legislator LaChausse made a motion for the County Attorney to take the next steps necessary to remedy the 8 properties with long term junkyard violations, seconded by Legislator Moroughan. Motion carried.

Legislator King asked Ryan to compile a list of all the DMV expenses pertaining to the new location for him to review.

Legislator Osborne made a motion to adjourn the meeting at 3:38 p.m., seconded by Legislator LaChausse. Motion carried.

Respectfully submitted,
Cassandra Moser, Deputy Clerk to the Board of Legislators
Energize NY Open C-PACE channels private capital to commercial and non-profit building owners to make energy upgrades to their buildings, enabling them to improve their properties, lower operating expenses and positively impact their communities.

Property Assessed Clean Energy (PACE) financing is a public benefit authorized by state and local law, with repayment secured through a benefit assessment lien on the improved property.

The Energy Improvement Corporation (EIC), a non-profit, statewide local development corporation, administers Energize NY Open C-PACE on behalf of its member municipalities.

Energize NY Open C-PACE differs from traditional bank loans:

- Financing is available for up to 100% of the project cost, or can be combined with other financing

- Competitive private financing from EIC-approved capital providers

- Customizable loan terms up to the expected life of the improvement(s) (generally 20-30 years)

- Benefit assessment lien is subordinate to municipal taxes and senior to other liens (consent from mortgage holder is required)

- Automatically transfers to new owner upon sale of property

- Available for energy efficiency and renewable energy measures (Projects are qualified according to NYSERDA’s C-PACE Guidelines)

Open C-PACE paves the way for higher levels of energy efficiency or renewable energy to be included as part of a building’s redevelopment or rehabilitation – and might be the pivotal element needed to move the project forward.

Visit www.EnergizeNY.org or Call (914) 302-7300 x8105
Enabling Open C-PACE in your community

- Municipalities must pass a local law and sign an EIC municipal agreement to offer Energize NY Open C-PACE. EIC provides template documents.

- Any New York State municipality with tax lien authority is eligible.

- Open C-PACE is available to all local municipalities within a member county except for cities (and towns in Westchester County) that have tax lien authority, which must join separately.

Benefits to member municipalities:

- No fees to join
- No responsibility for program administration
- No financial exposure for the municipality

Once Open C-PACE is enabled, the member municipality provides the public benefit of PACE and EIC administers the program.

- EIC records the lien on the land record.
- EIC bills the property owner directly and administers collection of the payment.
- The capital provider enforces the PACE lien only after paying any delinquent municipal taxes owed by the property owner to the municipality.

Questions? Visit www.EnergizeNY.org or call (914) 302-7300 x8105