GENERAL SERVICES COMMITTEE MEETING  
November 19, 2019

Present: Legislators Jerry King, Andrea Moroughan, Randy LaChausse, Thomas Osborne and Ronald Burns

Others: Legislators Larry Dolhof and Greg Kulzer, County Manager Ryan Piche, Treasurer Patty O’Brien, County Attorney Joan McNichol, HR Director Caitlyn Smith,


Committee Chairman Legislator King called the meeting at 1:00 p.m.

Legislator LaChausse made a motion to approve the 10/22 and 11/5/19 committee meeting minutes, seconded by Legislator Moroughan and carried.

As a follow-up to the 11/5/19 enforcement hearing held before the Board of Legislators, at which Mr. Joseph L. Morczeck appeared and stated his intentions to clean up his Town of Lewis property, Chairman Dolhof referred the issue back to the committee for another opportunity for Mr. Morczeck to be heard. Mr. Morczeck was present and cited illness and the oncoming of winter weather as reasons for delayed clean up.

Code Enforcement Officer Tim Widrick illustrated recent pictures of Mr. Morczeck’s property showing three unregistered and unlicensed vehicles, several pieces of equipment and other debris. Committee Chairman Jerry King cited the same issues and offers to clean up the property have been ongoing for 12 years and the Code Enforcement officers have been contacting Mr. Morczeck and making efforts to address the issues for the past 10 years, to no avail.

Code Enforcement Officer Tim Widrick also illustrated recent pictures of Mr. John Rauscher’s Town of Lewis property showing a collapsed structure, which the County Board had cited as unsafe in 2016. In and around the structure are an estimated 12 unregistered and unlicensed vehicles, barrels with unknown contents and other debris. Mr. Rauscher had been informed several times to remove the items and the structure. There is a partial uncompleted fence. Mr. Rauscher is recuperating from recent back surgery and, again today, could not attend. Mr. Rauscher claims that some of the vehicles have value. He had submitted a junkyard license application and $150.00 fee, which he is requesting be reimbursed to him. These property
issues have been ongoing since 2014 and the structure collapsed in 2016. Mr. Widrick stated there have been no efforts to secure the building or remove any of the vehicles or other debris.

Legislator King reminded Mr. Morczek of his 11/5/19 statement to the Board that he would try to remove the vehicles by the following weekend. Mr. Morczek said he couldn’t start the dozer, had been vandalized, and was still disabled, otherwise had intended to get it done. He stated his entire front yard is torn up from the process of his efforts to clear the property.

In response to Legislator King, Mr. Morczek agreed the issues had been ongoing for a lengthy period of time, with no real effort to clean up the property. Board Chairman Larry Dolhof posited to extend the clean up date to 5/31/2020. Legislator King made a motion to impose that deadline date, and if the property was not cleared, the County would come in and clean it up and impose the respective cost onto Mr. Morczek’s property tax bill. The motion was seconded by Legislator Burns. Mr. Morczek understood and agreed that these terms were fair. The motion was unanimously carried. Mr. Morczek was thanked for appearing today.

Legislator Moroughan made a motion to impose a deadline of 5/31/2020 for Mr. Rauscher to clean up his property, and if the property was not cleared, the County would go in and clean it up and impose the respective cost onto Mr. Rauscher’s property tax bill. The motion was seconded by Legislator Burns and carried.

Atty. McNichol stated that each property owner would receive written notification of the Board’s directive that she would articulate into a resolution for Board consideration on 12/3/19.

Chairman Dolhof cited that potential environmental issues would have to be addressed with either of the properties, if the County ultimately has to do the clean up, he supposed the need to hire an independent contractor to conduct required soil borings and other tests.

Atty. McNichol and Sr. Code Enforcement Officer Ward Dailey then reviewed proposed changes to the Junkyard Law, to wit:
1-cleary define “Junk Items”. The committee agreed.

2-define a “Junkyard”. Ward stated that the State Law defines a junkyard as having “three (3) or more junk vehicles”, which allows storage of 2 unlicensed or unregistered vehicles without the need of a junkyard permit. The current County law defines a “Junkyard” as an outside storage or deposit of two (2) or more junk vehicles, or three (3) or more junk appliances and other specified items; or any combination of the above that totals four (4) or more items.

Legislator Burns made a motion to change the definition of a “Junkyard” to simulate State Law, as having three (3) or more junk vehicles, seconded by Legislator LaChausse and carried.

3- The committee recommends to add “Active agricultural operations” to the list of Exempt Properties.
4-Reduce the number from five (5) to within four (4) years of issuance of junkyard license to
coincide with license renewal intervals, to provide screening from public highways or neighboring properties, to include naturally grown barriers.

Ryan Piche asked the Committee’s consideration to amend Article G, Section 4. A.[Criminal Proceeding and Penalties] to increase the punitive fines for non-compliance, currently set at not more than $250.00 for the first conviction or imprisonment up to 15 days; for a second conviction within 36 months not more than $500.00 or imprisonment up to 45 days; and for a third conviction within 36 months of the first conviction a fine of no more than $1,000.00 or up to 90 days imprisonment. Atty. McNichol explained that criminal fines may be imposed in addition to the initial process and procedures. Legislator King asserted that the process should not drag on for 10 years. Legislator Moroughan exclaimed that the process is not working, stating that when one ticket is adjudicated the process starts all over.

Atty. McNichol explained that criminal charges should have a minimum and maximum amount set. Chairman Dolhof proposed to change the words for a first conviction to read “a minimum of $250.00 and if a second conviction within 36 months the process should move to an “Order for Removal of Junk and Assessment of Expenses”.

Ward Dailey said that locating the responsible parties to serve paperwork is time consuming, suggesting that if there was a third offense, the offender would appear before the Board of Legislators.

Legislator King cited weather conditions that may be an issue, proposing to set a length of time for compliance.

Ward reported the Junkyard Review Board meets bi-monthly, and have had 48 persons appear before them this year, with 90% compliancy.

Legislator King proposed having non-compliant persons appear before the Junkyard Review Board twice, but after that appear before the Board of Legislators. Ryan Piche suggests that increased fines may encourage compliance by the second appearance. Legislator Moroughan insists that one appearance ticket should be ample. Atty. McNichol reminded these are property owners and the County heretofore has not wanted the responsibility of cleaning up properties.

Atty. McNichol submits that if the criminal process were followed, the issue would come before the Board of Legislators more timely. Legislator Osborne suggests reducing the 36 months between the first and second offense to 12 months, although Legislator King reminded of the winter weather that may impede clean up. Chairman Dolhof favors setting minimum fine rates and regardless of the lapse of time, a second conviction would move the process to an “Order for Removal of Junk and Assessment of Expenses”.
Ryan Piche urged focus on encouraging property clean up instead of fines. Legislator Moroughian would favor the process timely moving to an “Order for Removal of Junk and Assessment of Expenses”.

Legislator Osborne made a motion to amend the language to set the fines to “not less than $250.00 for the first conviction, seconded by Legislator Burns and carried.

Legislator Moroughian made a motion to amend the language to set the fine for a second and third conviction at “not less than $500.00, and “not less than $1,000.00 respectively, seconded by Legislator LaChausse and carried.

Legislator King stated that if there is a conviction and fine imposed, the number of days should be set to clean up the respective property.

Ryan Piche explained the proposed Local Law to establish a municipal lien on fire insurance proceeds is allowed pursuant to General Municipal Law and Insurance Law, so that the County may recover the amount of property taxes owed on the burnt property. Those funds may be used to clean up the property, or renovate the property if the County were to ultimately take possession.

He also explained the proposed policy for the County Codes Department to enter Inter-municipal agreements with Towns or Villages for property maintenance code enforcement. Some municipalities currently have more stringent regulations/restrictions. Any municipality wanting the County Codes Department enforcement would be required to adopt the State Code for continuity. Ward stated that a related summons would be served by the law enforcement civil processor.

Solid Waste Director Kip Turck and Ryan Piche reviewed the tabulated listing of consultant engineer firms to devise a scope-of-work for the building project. Barton & Loguidice rates are comparable to others and are exclusively utilized by the Development Authority, and are recommended by DANC. After a consensus expressed by committee members, Legislator Moroughian made a motion to retain Barton & Loguidice for the professional services, seconded by Legislator Burns and carried. Legislator King asked for an informational meeting with the engineers to determine the scope of work.

Ryan Piche referenced the 5-year capital plan, requesting to amend it to expend $80,000 in 2020 for a new recycling truck and trailer that is needed now for operations. The Development Authority is recommending the purchase for specific equipment that is compatible with theirs and for which DANC would reimburse 50% or $40,000. Legislator Moroughian made a motion to authorize amending the Capital Plan to purchase the aforementioned Solid Waste truck and trailer for $80,000 in 2020, seconded by Legislator Osborne and carried.
Kip Turck cited the proposed 100-yard system, requesting authorization to purchase a new backhoe to be used for loading tires. If the building is prospectively renovated/constructed for an open-top system, the new backhoe could be used into the future. Also, the existing building would accommodate the proposed 10-Ton backhoe with a purchase price of $130,000. Legislator Osborne made a motion to authorize utilizing Solid Waste fund balance to purchase the afore-stated new backhoe, seconded by Legislator Burns and carried. There was no clear answer to Legislator King as to whether the old equipment would be sold or continue to be used.

Warren Shaw recommends selling to JCC a 2011 Dump Truck; 1998 Ford Tractor and 1988 large dump trailer for the price of $20,000.00, to be utilized at the Lewis-JCC Education Center for educational CDL training courses. Ryan Piche reported the equipment is appraised for $20,000-$30,000 if sold at auction. He submits the CDL classes are educational and serve the public good. JCC had obtained a $20,000 grant and would store the equipment at the center. There are three distinct CDL classification classes offered for a registration fee of $8 to $30. Legislator King confirmed that JCC would finance replacement equipment when necessary. Legislator Burns made a motion to authorize selling the stated equipment to JCC for CDL classes for a price of $20,000, seconded by Legislator Osborne and carried. The proceeds would be deposited into the County General Equipment fund account upon receipt.

Warren requested permission to purchase a 50-Ton low-bed trailer for a price of $84,670.48 from Tracey Road Equipment. Ryan Piche reported the equipment was not in the Capital Plan, but was critical for operations. He recommends utilizing contingency funds. Incremental amounts at times determined feasible shall be reimbursed by the Highway Department to the County. The committee agreed to put forth the purchase for Board consideration.

Legislator King offered the floor for a limit of 5 minutes to Rose McKenna, owner of the old Brick Block property in Turin. Ms. McKenna indicated that adjacent property owners are destroying her property, which she has reported to law enforcement, to no avail. She has replaced damaged windows in the past. She reported that Peter Harris holds the mortgage on the property. She reports having replaced windows in the past. There has also been a great deal of damage to toilets and wiring, and she admittedly has fallen behind on taxes. Ms. McKenna purports that adjacent property owners have stolen fuel tanks, even though she had installed a fence around the perimeter. She recognizes the building is unsafe, proclaiming to have attempted to make it safe. She reports that Treasurer’s office records would show she has made tax payments, but cannot pay the entire amount that is due in a short period of time.

Board Chairman Dolhof had a short conversation with Ms. McKenna outside of the meeting room, and announced he had offered for her to appear at the next board meeting to present her plans to rehab/renovate the building and a proposed timeline to accomplish.

The below list of dockets were discussed and approved:
Dockets:

Chairman Dolhof proposes:
[A]his reappointment (2 yrs.) to Fish & Wildlife Mngmt. Board;
[B] reappointment of John Jones (2 yrs.) Fish & Wildlife Mngmt, Board;
[C] reappointment of John Jones (5 yrs.) to Junkyard Review Board; and
[D] reappoint (3 yrs.) Don Mattimore, Jennifer Maracchion and Bob MacKenzie to Traffic Safety Board

YEA 5  NAY 0

1. Resolution to authorize Memorandum of Understanding between the County and the Town of Watson to set forth the terms and conditions of the leased space on the County’s tower and its equipment shelter for radio repeater equipment at this site, including but not limited to payment of a monthly fee of $5.00 commencing December 4, 2019, with specific terms and requirements as the County Attorney may deem to protect the County’s interests.

YEA    5       NAY 0

2. Resolution authorizing contract supplemental Agreement between NYSDOT and Lewis County for transportation federal-aid bridge replacement project (Highmarket Road) Over North Branch Sugar River. The County advanced the Project by committing 100% of the non-federal share of the costs of the Preliminary Engineering/Design and Right Of Way Incidents Phases of the Project. The County will receive an additional $312,000.00 for the PE/design phase and $32,000.00 for the Right-of-Way phase (total of $344,000.00 additional Marchiselli funding).

YEA 5  NAY 0

3. Resolution authorizing contract between NYSDOT and Lewis County for bridge replacement project (West Road) Over Whetstone Creek. The County advanced the Project by committing 100% of the non-federal share of the costs of the Preliminary Engineering/Design and Right Of Way Incidents Phases of the Project.

YEA 5  NAY 0
4. Resolution to appropriate Solid Waste Department funds to cover additional recycling and refuse expenses. Amount: $225,000.00

YEA 5 NAY 0

5. Resolution authorizing an agreement through the Lewis County Probation Department, and Children’s Home of Jefferson County for non-secure detention services for the temporary boarding and care of juveniles placed into the custody of the Lewis County Probation Department by the Family Court, for the term beginning January 1, 2020 through December 31, 2020, at a cost of $450.00 per day. Upon submission of a voucher, the State may reimburse up to 49% of the cost.

YEA 5 NAY 0

6. Resolution authorizes an Agreement through the Lewis County Probation Department, and the Resolution Center of Jefferson and Lewis Counties, Inc. to provide diversion service programs for youth referred by Lewis County Probation, as outlined in Resolution Center’s 2018 service description and fee schedule. Term from January 1, 2020 through December 31, 2020 for an amount not to exceed $16,000.00. The approximate local share is 38% and the state/federal share is 62%.

YEA 5 NAY 0

7. Resolution to appoint Probation Officer Matthew Morrow as Lewis County STOP-DWI Coordinator effective 1/1/2020 and set the salary at $50,000.

YEA 5 NAY 0

8. Resolution authorizing the Chairman of the Board to execute any and all agreements between the County of Lewis, acting by and through the Lewis County Planning Department and entities who lease advertising space on a Lewis County Public Transportation bus for 1/1-12/31/2020 in accordance with the described space and rental fee schedule set forth below:

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<tr>
<th>QUANTITY</th>
<th>LEASING SPACE</th>
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<tr>
<td>1</td>
<td>18” x 60” Curb-side or Street-side</td>
<td>$480.00</td>
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<tr>
<td>2+</td>
<td>18” x 60” Curb-side or Street-side</td>
<td>$400.00 for each additional sign</td>
</tr>
<tr>
<td>1</td>
<td>15” x 50” Curb-side</td>
<td>$480.00</td>
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OFFICE OF LEWIS COUNTY BOARD OF LEGISLATORS
7660 North State Street
Lowville, New York 13367
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Fax: (315) 376-5445

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Teresa L. Clark
Clerk
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<th>Number</th>
<th>Sign Description</th>
<th>Cost</th>
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<td>12” x 22” Rear Showcase</td>
<td>$360.00</td>
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<tr>
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<tr>
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<td>10.25” x 30” Interior Showcase</td>
<td>$360.00</td>
</tr>
<tr>
<td>2+</td>
<td>10.25” x 30” Interior Showcase</td>
<td>$300.00 for each additional sign</td>
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YEA _______ 5 _______ NAY ____________________________

9. Resolution appropriating NYS Division of Criminal Justice Services Edward Byrne grant funds into the Sheriff’s Department accounts for purchase of a patrol vehicle. Amount: $20,000.00

YEA _______ 5 _______ NAY ____________________________

10. Resolution to appropriate funds received through Lewis County Employment & Training for the Pratt Northam Careers Here Program into the Trail Maintenance accounts for Amount: $1,194.92

YEA _______ 5 _______ NAY ____________________________

11. Resolution authorizing grant Agreement between 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. 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. [WOULD COMMITTEE APPROVE TO MOVE FORWARD AS LATE RESOLUTION FOR 11/19/19 BOL MTG]

YEA _______ 5 _______ NAY ____________________________

12. Resolution to amend the County On-Line Auction Policy to incorporate Constableville Auction Hall and Absolute Auctions & Realty as authorized on-line companies for auction of County surplus items. [WOULD COMMITTEE APPROVE TO MOVE FORWARD AS LATE RESOLUTION FOR 11/19/19 BOL MTG]

Lewis County is an equal opportunity provider and employer. Complaints of discrimination should be made known to The Lewis County Board of Legislators
13. Resolution authorizing Agreement with Birnie Bus Tours to administer the Lewis County Transportation System at renewable rates attached for period 1/1-12/31/2020

YEA 5  NAY 0

14. Resolution appropriation is hereby approved for payback funds in the CDBG account to Planning Department for various community projects. Amount: $11,553.63

YEA 5  NAY 0

15. Resolution to set 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. [WOULD COMMITTEE APPROVE TO MOVE FORWARD AS LATE RESOLUTION FOR 11/19/19 BOL MTG]

YEA 5  NAY 0

16. Local Law (Intro. No. 9-2019) Junkyard Law; and Resolution to set public hearing for December 3, 2019. [WOULD COMMITTEE APPROVE TO MOVE FORWARD AS LATE RESOLUTION FOR 11/19/19 BOL MTG]

YEA 5  NAY 0

17. Local Law (Intro. No. 10-2019) Municipal Lien in Favor of County of Lewis on Fire Insurance Proceeds in Accordance With GML and Insurance Law Section; and Resolution to set public hearing for December 3, 2019. [WOULD COMMITTEE APPROVE TO MOVE FORWARD AS LATE RESOLUTION FOR 11/19/19 BOL MTG]

YEA 5  NAY 0
18. Resolution authorizing Agreement with United Radio, Inc. for maintenance on equipment for the Public Safety Radio System for the Emergency Communications System for the term commencing January 15, 2020 through December 31, 2024 at a cost not to exceed $87,080.00 for the first year, with yearly extensions up to five (5) years. The cost for years two (2) through five (5) would increase by 5% over the previous year. The coverage includes 24 hours a day, 7 days a week response for fixed equipment issues and includes all labor and parts or replacement costs.

YEA 5 NAY 0

19. Resolution to establish and approve Inter-Municipal Policy for Code Enforcement policy for the Lewis County Code Enforcement Department to follow in determining whether to offer its services to towns and villages in administration and enforcement of property maintenance code enforcement matters.

YEA 5 NAY 0

20. Resolution authorizing mortgage subordination agreement (County of Lewis to Judy K. Roy a.k.a. Judy K. Stewart) WOULD COMMITTEE APPROVE TO MOVE FORWARD 11/19/19 BOL MTGJ

YEA 5 NAY 0
MOTIONS:

1-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.  
[WOULD COMMITTEE APPROVE TO MOVE FORWARD 11/19/19 BOL MTG]  

YEA ___________ 5 ___________ NAY ___________ 0 ___________

2-Authorize the sale of Highway Equipment (Truck, Trailer and ?) to JCC for the price of $ 20,000, to be utilized for the Lewis-JCC Education Center CDL training courses.  

YEA ___________ 4 ___________ NAY ___________ 1 ___________ LaChausse

3-Authorize the purchase of a low-bed trailer for the Highway Department for the price of $84,670.48 from Tracey Road Equipment, utilizing contingency funds.  

YEA ___________ 5 ___________ NAY ___________ 0 ___________
Legislator Kulzer requested whether there had been any follow-up to the Board’s previous request for State Legislation to allow financial payments to landowners who allow snowmobile trails across their property. The NYS Snowmobile Association had also urged legislation, but upstate is outnumbered by the majority Democratic Senate blocking the legislation in favor of NYC and downstate interests. Jackie Mahoney reported that she has talked with other County Trail Coordinators who are supportive, but is unsure whether their County Legislatures had enacted supporting resolutions. Atty. McNichol would research.

Legislator Moroughan made a motion to adjourn at 2:55 p.m., seconded by Legislator Burns and carried.

Respectfully submitted,

Terry Clark, Clerk of the Board