REGULAR MEETING  
February 4, 2020

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

Roll Call: All Legislators were present, except Legislator Osborne who had been excused.

Chairman Dolhof offered the Invocation followed by the Pledge of Allegiance to the Flag.

There were 320 persons present.

Chairman Dolhof declared the January 7, 2020 meeting minutes approved by general consent.

REPORT OF THE FINANCE AND RULES COMMITTEE:

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

Signed by: Ronald Burns  
Ian Gilbert  
Gregory Kulzer  
Phil Hathway

Dated: February 4, 2020

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

PRIVILEGE OF THE FLOOR:

Mr. Beau Bailey from Lyons Falls introduced himself. Beau stated “Our Governments were designed of, by and for the people. We the people control the government, not the other way around. Our State’s government has systematically transcended the people’s control and we’re saying enough is enough! ” He is representing thousands of residents of the county who are fed up with this states government.

On January 4th 2020 a social media campaign was kicked off to make Lewis County a 2nd Amendment Sanctuary County. This group believes NYS Government is overstepping their bounds and recklessly violating liberties of the people guaranteed to us by the constitution of the United States. There was a petition that was circulated to adopt the 2nd Amendment Sanctuary Ordinance, also known as SASO, in Lewis County with 2,961 signatures garnered from all legislative districts in Lewis County. The petition was submitted to the Board of Legislators to be placed on file with the Clerk of the Board.
Beau stated that there would be opposition and that their right to voice concerns should be honored, but he cautioned that the data and statistics they provide can be misleading. The details of how data is collected and how the variables are defined can be used to mislead. For instance according to the Department for Criminal Justice in 2016, 2017, and 2018 there were 3 incidents of violent crimes in Lewis County using firearms however these statistics include suicides. Some would argue that a suicide using a personal firearm is not a malicious use of a firearm toward another individual and can hardly be categorized as a violent crime.

Residents have dealt with decades of misrepresentation and lack of representation in State government and as a result have become stoic while their liberties are continually attacked by the power in Albany. The group knows that this stand might come with consequences but that is a risk they are willing to take and are willing to deal with any repercussions. Beau concluded by stating “The right to keep and bear arms shall not be infringed!”

Patrick Morse of New Bremen introduced himself. The 2nd Amendment Sanctuary Ordinance would only affect New York State laws, the county would still abide by all federal laws. Gun owners are already heavily regulated and enough is enough. In New York State there are another 113 laws that deal with firearms, 24 of those are in penal law the most common one being the NYS Safe Act which is 52 pages long and deals with a multitude of regulations. This law was passed without input from gun owners and takes away many of their rights.

In 2019, 8 new gun laws were passed, one of them was the Safe Storage Act which was one page with two paragraphs. The first paragraph dealt with keeping guns out of the reach of children inside the home but the second paragraph dealt with guns outside of the home and took away all youth shooting activities. It wasn’t until Mr. Morse and Sheriff Carpinelli got on a NY Times article that the law was changed and by an overwhelming majority. In 2020 there are 56 gun laws that are proposed, these are not common sense gun laws. Lewis County is safe; 2016 crime data from the NYS Department of Criminal Justice ranked Lewis County 58th out of 62 counties for highest crime rate. Why is the County, which has many gun owners putting up with this, we do not need NYC laws and regulations up here.

Patrick went to various law enforcement officers throughout the county and all of them are against NYS gun laws & regulations. In 2013, this board along with 51 other counties and 335 municipalities sent resolutions opposing the NYS Safe Act, but it did nothing. There needs to be more action from this board. The Governor uses NYS resources to go against Federal laws all the time, so this group is asking for this board to do the same thing and not to be afraid of the Governor. Patrick concluded by stating “We can’t be bought and we are not afraid.”

Gordon Belair of Montague introduced himself as having 28 years in law enforcement. He believes that what is happening with gun control is a sin, it is only inhibiting good people. He quoted a sign that was on Harry Truman’s desk that said “the buck stops here” and that is why this issue was brought forward to the Legislators.

Matthew Meier from Watson introduced himself as originating from Kansas and having been a combat medic for the 10th Mountain Division overseas. He currently is an EMT in Lewis County. He is very familiar with gun violence, having dealt with war casualties. Himself as well
as others in the room took an oath to defend the Constitution of the United States from enemies foreign and Domestic, unfortunately we are facing a domestic enemy now who continues to impose on our rights that we were born with as Americans.

The Red Flag law is based on the assumption that someone “may” commit a crime, where is the due process in that. The 1st, 2nd, 4th, 5th, 6th, and 14th amendments are all violated by the Red Flag law. Saying something on social media can be used against a citizen causing them to be disarmed and their personal property taken from them. Then that person has to go before a judge and prove themselves innocent just to get their personal property back, as opposed to being innocent until proven guilty. Due to the lengthy process to prove your innocence the state sometimes destroys your firearms before you can get them back. Matthew concluded by stating “Our right to due process is real and so is our right to bear arms and it shall not be infringed.”

Judy Bentley from Lyonsdale introduced herself as a retired college professor and having just moved back to Lewis County for retirement because she felt this was a safe community. New York State has the second lowest gun homicide rate in all of the 50 states. The following statistics come from the Center for Disease Control: The US gun homicide rate is 25 times that of other high income countries; 100 Americans are killed with guns every day; the US rate of suicides with guns are 10 times that of other high income countries and tend to concentrate in states with higher rates of firearm ownership and broad access to firearms; 51% of suicides involve a firearm and access to guns triples the rate of suicide; and 1,500 children are shot and killed each year; 4 in .6 million kids live in homes where guns are loaded and accessible; Every year 600 women are shot to death by their intimate partners; gun violence costs the American economy $229 million a year and each American $700 a year. Judy concluded by stating “If the petition, which I have read, is allowed to pass then we will become statistics here in Lewis County”.

Mike Mastrogiovanni from Liverpool introduced himself as the president of Gun Owners of America New York. If you take out gang banging, suicides, and misuse of firearms by criminals from the statistics that were just reviewed and you will come down to .0005% of law abiding guns have committed a crime. The statistics are based on all shootings, not just criminal. The second amendment of the United State Constitution uses “shall not be infringed” and NYS Civil Liberties Law, which includes wording form the 2nd amendment uses “cannot be infringed”, and now New York State is trying to say that State law trumps Federal law. The new ammunition laws which are trying to take away ammunition will inhibit people from being able to bear arms, which is unconstitutional. Our Government is out of control, and somebody has to reign them in and stand up for what is right. This affects the kids who participate in trap teams and shooting clubs. We need to take back our rights and support the Sanctuary county movement. Mike concluded by stating “If everyone in this world were armed in our country it would be the most polite society in the world”.

Christine Mooney from Glenfield introduced herself. Felt the need to respond to the comments made about suicide, and feels they are a violent crime and something that needs to be reduced in our area. The problem with guns is that they are very effective when someone wants to commit suicides. There are four school districts in Lewis County that are in charge of the safety of our children and are now training teachers on how to apply tourniquets because 60% of
deaths from school shootings are due to bleeding out. There are many new regulations and rules to follow in the classrooms to try and save lives during school shootings. New York State is one of the safest states in the country. Christine is married to an avid hunter and he owns many guns but he has never complained about the process to buy a gun. She is concerned about the child safety aspect of it. Kids that have to go through lockdown drills and are afraid which can cause high anxiety and other side effects. Christine concluded by stating “We have a responsibility as leaders in their lives to make sure we are protecting our children number one…number one”.

Legislator Hathway clarified that he was only speaking for himself, not the board. He thanked everyone for coming and voicing their opinions on the matter. He doesn’t know what the answer is to the question, maybe a resolution or something in-between but there needs to be an answer, and clearly Albany doesn’t know the answer because they continue to pass laws that infringe upon our rights. The Safe Act is a hot button for us because it is taking away our heritage. We should all be able to work together and find some common ground, even with Albany. Legislator Hathway concluded with “Good things happen when people work together.”

Sheriff Carpinelli began by thanking everyone who showed up to show their feelings against the tyrant in Albany. Every time he goes to Albany he tries to have a positive attitude, but things are not good down there. He wants the politicians to start telling the truth, which is that Albany doesn’t care about our opinions. He wants more politicians to stand up for their constituents. When New York State can make it legal to kill a nine month old baby that is born, but then turn around and make laws that limit our freedom with guns that cause far less deaths than they do, it is a hypocrisy. Everyone should be heard but that isn’t happening in Albany. He will support the oath that he took to support the United States Constitution, way before he supports the State and before he supports county constitution or any other constitution. He does not fear the Governor and nobody should be in fear of their elected officials. This is the fight for your rights in a free republic. He concluded by stating that the Legislators need to listen to the people here tonight.

Rick Byer from West Martinsburg was allowed an opportunity to speak. He pointed out that Governor Cuomo is letting criminals out of prison that are murderers which goes to show that we need guns all the more to defend ourselves.

Chairman Dolhof assured everyone that the board supports the second amendment and understands the concerns and passion on this issue. The board will take under advisement all the opinions expressed here tonight. The board is aware that Wyoming County has moved forward with a resolution and will look into that further. The Safe Act is currently being challenged in court and may end up being repealed and the issue will be decided by the courts. The board moves slowly and deliberately and tries to do what is best for all residents in the county. They will need time to go through all the information and opinions that have been presented and respond accordingly. Chairman Dolhof concluded by thanking everyone for taking the time to come out and let their voices be heard.

At 5:40 p.m. Chairman Dolhof called a 5 minute recess to allow the audience to file out of the room before resuming the meeting.
REPORTS OF COUNTY OFFICERS AND DEPARTMENTS:

All Legislators have received copies of the Treasurer’s January report, the January 23rd and 24th Highway and Solid Waste Department audit reports, and the Youth Bureau Advisory Board meeting minutes from January 15th.

Legislators received copies of the 2019 annual reports from the following departments: County Clerk, Community Services, Emergency Management, Highway, Information Technology, Planning, Probation, Public Health, Office For the Aging, Recreation, Forestry & Parks, Real Property Tax Services, Solid Waste, Treasurer, and Veterans’ Service Agency which have all been placed on file with the Clerk of the Board.

REPORTS OF STANDING COMMITTEES:

Legislator Burns made a motion to fill the Information Technology Director position due to resignation effective immediately, seconded by Legislator Chartrand and carried.

Legislator King made a motion to authorize Buildings & Grounds Supervisor Matt O’Connor to put out an RFP for asbestos removal and window replacement project at the Highway Garage, seconded by Legislator Burns and carried.

Legislator King made a motion to authorize Buildings & Grounds Supervisor Matt O’Connor to put out an RFP for siding project at the Highway Garage, seconded by Legislator Moroughan. Legislator Kulzer asked for clarification if the windows were being removed, which Legislator King explained that there would be new windows, the motion was then carried.

Legislator King made a motion to fill the Probation Director position and any associated backfills in that department due to an impending retirement effective immediately seconded by Legislator Moroughan and carried.

Legislator LaChausse made a motion to authorize Public Health Director Ashley Waite to put out an RFP for transportation needs of children receiving preschool special education services due to upcoming contract expiration, seconded by Legislator Burns and carried.

Legislator LaChausse made a motion to authorize Social Services Commissioner Jenny Jones to refill a full-time Employment & Training Assistant due to a resignation effective immediately, seconded by Legislator Hathaway and carried.

Legislator Chartrand reported that the December 2019 Hospital Employee of the month was Tammy Thompson, LPN. The Hospital had a year-end gain of $191,662.00 which is a pleasure to report.

Jerry Cayer, CEO of Lewis County General Hospital pointed out the display boards with the final drawings for the Lewis County Health System. The project has to go through this board for approval and then through the certificate of need process. The project schedule, projected cost and bonding will be discussed more in depth at an upcoming meeting. The economic
impact of the hospital in the county is $115 million, generated 1,000 jobs, payroll expenditures were $49 million, and tax dollars generated by our employees were $11 million. This speaks to our important role in the economic vitality of Lewis County. There are two other hospitals besides Lewis County, possibly losing the critical access designation and they are Carthage and Gouverneur.

Critical Access was designated by CMS to improve access to health care in rural America. One of the criteria of this designation is the mileage between hospitals which needs to be 35 miles. In 2015 the designation of Route 26 changed to a primary road, instead of a secondary road, which now means that there are only 15.6 miles between Lewis County General Hospital and Carthage Area Hospital. There are 9 hospitals out of 18 with a critical access designation in New York State that are affected by the 2015 change which now designates certain roads as primary. This change was merely to define wording better, it was not meant to have this kind of an impact. Department of Health in Albany has been working on a resolution to this issue. Mr. Cayer is optimistic that when they go to re-certify in June that this will be taken care of, however with this upcoming capital project he wanted everyone to be aware of the situation. He will be working with several agencies in Albany to try and rectify the situation.

Legislator Hathaway asked if the new building project for Carthage Area Hospital would improve the situation with the new location. Jerry Cayer responded that the location should be a little further away but not enough to make a significant difference. Legislator Hathaway asked about the financial impact be if the designation was not re-certified, Jerry Cayer explained that it would be roughly $5.3 million a year which would impact the long term viability of the hospital.

COUNTY MANAGER REPORT:

Ryan reported that he and Legislator LaChausse attended the NYSAC meeting last week. The NYS Executive Budget was released and the major concern is Medicaid. Out of the $6 billion projected state deficit, $4 billion is due to Medicaid. The Governor proposes to partially reverse the Medicaid Cap, which currently equates to roughly $5 million for our Lewis County share each year, to a system that will hold counties responsible for any growth over 3%. The initial calculations show that in 2019 the county would have been responsible for an additional $419,000 in Medicaid costs which equates to a 4.6% tax increase. This amount may not seem like much but is difficult to come up with when the county faces a 2% tax cap on the annual budget. This topic is something that the county needs to fight and voice our opposition on, NYSAC is putting together an advocacy day on Wednesday, February 12th and all legislators are strongly encouraged to attend.

Another aspect of the proposed budget has the decriminalization of marijuana counted as a revenue source for the budget. One reason that this is not good is because counties will only be receiving 2% of the sales tax, which is far less than the 4% the county currently receives on other goods.

The Ag Sustainability Council has been meeting for the last 6 months and will be having a meeting coming up on Friday, February 14th at 9:00 a.m. in the Lewis County-JCC Education Center and anyone is welcome to attend. On February 18th they will be holding two meetings one
at 1:00 p.m. and another at 6:00 p.m. to discuss solar project information with farmers and landowners. March 3rd at 4:00 p.m. will be the Annual Community Survey presented by Jefferson Community College. The final candidate for Probation Director has been chosen but is waiting on a waiver due to our county having a small department with no supervisor position, this should be a quick process.

COUNTY TREASURER REPORT:

Treasurer Eric Virkler recited the balances of the Special Legislative Contingency Fund - $100,000.00; Contingency Fund - $190,000.00; Capital Data Processing Fund - $99,321.75 and Capital Equipment Fund - $783,400.00. Total 2019 sales tax receipts were $12,418,536.78 subject to final adjustment.

Effective 12/31/2019 the Internal Service Fund balance is $5,915,147.

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

To: The Honorable County Legislators

The Finance and Rules Committee reports that they have examined the claims presented for payment in the total amount of $1,471,898.65 and recommend that they be audited and allowed for the amounts claimed.

Thomas Osborne Chair
Ronald Burns Vice-Chair
Ian Gilbert Committee
Greg Kulzer Committee
Phil Hathway Committee

Dated: February 4, 2020

Approved on motion by Legislator LaChausse, seconded by Legislator Burns, and carried.
RESOLUTION NO. 16 – 2020
AUDITING AND ALLOWING CLAIMS

Introduced by Legislator Thomas Osborne, Chairman of the Finance and Rules Committee.

RESOLVED that the claims presented for payment in the total amount of $1,471,989.65 be and each is hereby audited and allowed for the amounts claimed, and that the Clerk is authorized and directed to draw checks for the County Treasurer for the amounts claimed, in favor of each of the claimants or their assigns.

Moved by Legislator _LaChausse_, seconded by Legislator _Kulzer_, and adopted by the following roll call vote:

YEAS: Hathway, Burns, Chartrand, Kulzer, LaChausse, Gilbert, Moroughan, King, Dolhof

NAYS:

ABSENT: Osborne
LOCAL LAW (INTRODUCTORY NO. 1 – 2020)
COUNTY OF LEWIS

Introduced by Legislator Thomas Osborne, Chairman of the Finance and Rules Committee.

LOCAL LAW AMENDING LOCAL LAW NO. 9-2019 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) In 2019, the Board of Legislators adopted Local Law No. 9-2019 (amending 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). The NYS Office of Real Property Tax Service (NYS ORPTS) advises that the maximum income limits set forth in Local Law 9-2019 at the 20, 25 and 30 income percentages exceed how the State calculates the maximum incomes allowable at those percentages under RPTL §467.

(d) By this amendment to Local Law No. 9-2019, the Board of Legislators seeks to correct the maximum income limits to which the exemption will apply at the 20, 25, and 30 income percentages set forth in the schedule under Section 3, so as to comply with the State’s accepted calculation of same.

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:

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(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. _17_ - 2020
FIXING DATE OF PUBLIC HEARING ON LOCAL LAW
(INTRODUCTORY LOCAL LAW NO. 1-2020), COUNTY OF LEWIS

Introduced by Legislator Thomas Osborne, 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 February 4, 2020, a proposed Local Law entitled "LOCAL LAW AMENDING LOCAL LAW 9-2019 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 March 3, 2020, from 5:00 p.m. to 5:30 p.m., before the Lewis County Board of Legislators on the Second Floor Board Room at the Lewis County Courthouse, New York, 7660 North State Street, Lowville, New York.

Section 2. That at least five (5) days notice of such hearing shall be given by the Clerk of this Board by the due posting thereof upon the bulletin board of the Lewis County Court House, Lowville, New York, and by publishing such notice at least once in the official newspaper of the County.

Moved by Legislator __Hathway__, seconded by Legislator __Kulzer__, and adopted.
LOCAL LAW (INTRODUCTORY NO. 2 - 2020)
COUNTY OF LEWIS

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

A LOCAL LAW REGULATING AND PERMITTING SPECIAL EVENTS ON COUNTY ROADS, TRAILS OR OTHER COUNTY PROPERTY

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

SECTION 1. TITLE

This Local Law shall be known as “A LOCAL LAW REGULATING AND PERMITTING SPECIAL EVENTS ON COUNTY ROADS, TRAILS OR OTHER COUNTY PROPERTY”.

SECTION 2. STATUTORY AUTHORITY

This local law is enacted pursuant to Municipal Home Rule Law ("MHL") § 10(1)(i), which provides that a county may adopt local laws relating to its property, affairs or government provided it is not inconsistent with the provisions of the constitution or any general law.

SECTION 3. LEGISLATIVE FINDINGS

The Board of Legislators makes the following findings in support of this Local Law:

A. Planned special events include but are not limited to sporting events, concerts, parades, walking & running events, bicycle races, motorized vehicle rallies, block parties, family ceremonies, etc. These types of events can have direct and indirect impacts on county properties, roads, trails. There are several events organized and held in Lewis County where county roads, county public rights-of-way, trails, parks, and lands are used for the event, or are adversely affected by the event because of road closure, traffic congestion, parking, etc.

B. The occurrence of such events as described and defined herein may place an unwarranted burden on the County resources related to the provision of emergency services, law enforcement, health and sanitary services, road and property repairs, and similar items, depending upon the special event, its size, and the conduct of participants.

C. The purpose of this law and the requirement for a permit and fee for same, is to enable the county to be able to anticipate the impacts posed by the event and to coordinate efforts of various departments and other municipalities which may be affected by the special event; to take appropriate steps and measures to provide for the safety of event participants and residents; to provide for the least impact on the county’s roads, trails, and lands.

D. When a person(s), corporation(s), organization(s), landowner(s), lessee(s) and others seek to conduct a special event on county roads and/or county property, provision must be made for adequate financial assurance to protect persons and property (both public and private) within the County. The Board of Legislators of Lewis County therefore finds and declares that it is
necessary for government protection, order, conduct, safety, health and well-being of persons and county property, that certain rules and regulations be established for special events involving county roads, trails, parks and other lands, and, further, that it is necessary to adopt under the police power of the County, a local law to regulate and license by permit the holding of such special events on or effecting access and use of County roads, trails, parks and other lands.

SECTION 4. DEFINITIONS

A. For purposes of this Local Law, the word “person” shall be deemed to include any person, persons, firm, company, corporation, partnership, association, club, limited liability company, limited liability partnership, joint venture, owner or lessee of real property, promoter, sponsor, or any other group or organization whether formalized or not.

B. For purposes of this Local Law, “special event on county roads and trails” shall mean any outdoor gathering of people and activities involving pedestrians, vehicles, bicycles, skateboards, motorcycles, ATVs, UTVs or other recreational equipment, or any combination thereof which involve:
   1. Any organized formation, parade, procession or other event taking place on County roads or trails which may interfere, impede or obstruct the flow of traffic or which do not comply with normal traffic regulations or controls; or
   2. Any organized event taking place on private property which may result in momentary traffic delays on County roads or trails, or which may cause safety concerns or damage to County roads, trails or other lands as a result of the event; or
   3. Any organized or special event requiring the placement of signage or pavement markings on County roads or trails.
   4. Any event intended to include and/or to take place on the Lewis County Off Highway Vehicle Trail System.

C. For purposes of this Local Law, “special event on other county lands” shall mean gatherings of people and activities (such as ceremonies, family reunions) on county-owned lands.

D. For purposes of this Local Law, a special event involving a gathering of people and activities involving snowmobiles shall mean such events which may:
   1. interfere, impede or obstruct the flow of traffic or which do not comply with normal traffic regulations or controls on County roads; or
   2. snowmobile activity or event on private property which may result in momentary traffic delays on County roads, or which may cause damage to County roads or other County lands as a result of the event; or
   3. snowmobile activity or event which requires placement of signage or pavement markings on County roads.

SECTION 5. PERMITS

A. No person may organize, operate, promote, or conduct a special event on a County road, trail, park or other land in Lewis County, nor may a person allow or permit the use of his, her or
their real property for the purpose of holding or conducting a special event where a County road, trail, park or other land is adversely impacted, without first obtaining a permit to do so from the Lewis County Director of Recreation, Forestry and Parks (DRFP).

B. The Director of Recreation, Forestry and Parks will consult with the County Superintendent of Highways, the Emergency Management Director, the Lewis County Sheriff and any other relevant County Department(s), as the event may warrant in processing the permit application.

SECTION 6. PERMIT APPLICATION PROCESS AND FEE

A. All applications shall be made to the Lewis County Director of Recreation, Forestry and Parks, by submission of three (3) copies to the DRFP, by the person(s) sponsoring or running the event involving County roads, trails, park or other lands, or by the duly authorized agent or attorney thereof. The appropriate application fee, as set forth in the fee schedule in effect for said event permit, must be submitted with the application along with all the other documentation required therein. No action will be taken upon any application until it is deemed complete by the Director of Recreation, Forestry & Parks, in consultation with the appropriate County Departments.

B. 1. The non-refundable application fee charged for a special event permit shall be in accordance with the fee schedule set forth under Section 10 of this Local Law. The fee schedule may be amended from time to time, by Resolution adopted by the Lewis County Board of Legislators.

2. A permit application fee shall not be required for any special event that is otherwise licensed, sponsored or organized in whole or in part by the County or any other municipal government located within the County; but said municipality shall submit an application for the event.

C. The application for a permit hereunder shall be made in writing upon such form or forms as may be crafted by the Director of Recreation, Forestry & Parks (DRFP), and shall be submitted to the DRFP at least ninety (90) or more days prior to the first day such special event is anticipated to be held. Such application shall include the following information:

1. The applicant’s name, age, and residence address; if the applicant is a corporation, partnership or association, the name of the entity, address for its principal office, together with the names and addresses of its directors, partners or associates. If the applicant is not a resident or have a place of business within Lewis County, the name of a natural person, over the age of eighteen (18) years of age who resides within Lewis County and who is authorized by the applicant and who shall agree by acknowledged statement to accept service of notices and summons on behalf of the applicant with respect to this application, the conduct of the outdoor public assembly or any other matter relating to the enforcement of this Local Law;

2. The name and address of the record owner of any real property(s), where the special event is to be staged and/or where participants will be gathering, (if it is an event on private property which will impact County roads/lands);
3. A description of the nature and interest the applicant has in the property (i.e., owner, lessee, licensee, etc.), if applicable;
4. The proposed dates and hours of operation for the proposed special event, and a description of the event;
5. The expected minimum and maximum number of persons and vehicles, if any, per day of the event to use the roads and/or property(s), if any, per day and collectively;
6. A description of the purpose for the special event and the activities to take place thereat, including without limitation, concessions, entertainment, vehicles, equipment, etc.;
7. The admission/participation fee to be charged, if any.

D. 1. After careful review and consultation with other Departments, the DRFP shall determine whether the permit application will be approved or denied. The DRFP shall communicate her decision on the application in writing, by issuing a permit with any and all conditions to which the applicant may be required to meet prior to and during the event. If denied, the DRFP shall indicate the reason for such denial.
2. Simultaneously with notification of approval/denial of a permit to the applicant, the DRFP shall notify the County Manager, Board of Legislators and any appropriate Departments of the special event permit issued, including any conditions and information on the type of event, date, location, estimated size, and any other relevant information.

E. 1. Depending upon the activities and estimated size of assembly of persons participating in the special event, the applicant shall be required to comply with any and all other applicable State and Local Laws, [including but not limited to NYS Department of Health rules and regulations pertaining to mass gatherings (assembly of 5,000 people or more), Public Health Law §225, and Lewis County Local Law No. 2- 1970 (mass assembly of 10,000 people or more)], with the application reviewed and approved by the Public Health Director, Emergency Management Director, Lewis County Sheriff, Superintendent of Highways, and any other relevant County Department(s) requested by the DRFP.
2. In such cases, the DRFP will notify the applicant of the additional review by relevant County Departments before the application will be deemed fully submitted. The preliminary application may then be reviewed and commented upon by the those appropriate Department Heads/ Directors to determine from the information supplied, the potential effect or impact the proposed special event and assembly will have upon the public health, safety, and welfare of the people and property of Lewis County.

F. The County, through the DRFP, shall have the right, in its sole discretion, at any time to terminate the permit, or any portion thereof, should it be necessary due to county operations, conditions, or other circumstances which may arise. Any termination of the permit shall not constitute a breach of the permit, and no liability shall be incurred by or arise against the County, its agents and employees for loss of profits or any other damages.

SECTION 7. CONDITIONS OF USE AND INSURANCE REQUIREMENTS

A. The County makes no affirmation that the county-owned road/trail/site/property to be used for the special event has been designed, constructed, or maintained for the purpose of the conduct of the event. The applicant and all its participants assume full risk and responsibility for
the event. The applicant and its participants assume full risk and responsibility for planning and conducting a safe and orderly event that does not expose participants or the public to any unreasonable hazards, with minimal disruption to normal uses of the county roads, trail system and properties. It shall be the sole obligation of the applicant to determine whether the county site(s) is suitable for the purpose of safely conducting the event.

B. The applicant shall exercise due care in its use of the county property and shall upon the expiration, termination or cancellation of the issued permit, surrender the county property/site in as good a condition as on the effective date of the permit. Depending upon the nature of the event and the anticipated number of participants, the issuance of a permit may be conditioned upon an undertaking, bond or guaranteed deposit, to guarantee restoration of the county property to its previous condition.

C. The applicant/permittee agrees to notify the DRFP about any hazardous or unsafe conditions, and about any accidents that occur during the event immediately upon the discovery of such condition or accident.

D. At the time a permit is issued, the DRFP shall provide the applicant/permittee with a statement of responsibilities and obligations of the Applicant/Permittee. Said statement shall be signed by the applicant/permittee and returned to the DRFP forthwith. The statement of responsibilities and obligations shall include the insurance requirements of this local law together with such other itemized responsibilities the DRFP may deem appropriate for the event. The applicant/permittee shall provide the DRFP with proof of insurance prior to the commencement of the event, i.e., a certificate of insurance is required to be in full force and effect prior to and during the event, and shall include but not be limited to the following coverage, if applicable:

1. Workers’ Compensation and Disability Insurance as required by New York State for any and all employees.

2. Commercial General Liability Insurance. The applicant shall maintain an occurrence form of commercial liability policy or policies insurance against liability from premises, personal injury or death, advertising injury, liability under an insured contract, negligence, occurring on or in any way related to the premises or occasioned by reason of the operations of the applicant. Such coverage shall be written on an ISO occurrence form (CG 0001 12 07 or equivalent) in an amount not less than $1,000,000.00 per occurrence and not less than $2,000,000.00 aggregate. The insurance must be endorsed to provide primary insured coverage to the County of Lewis and all of its Departments, and any other local municipality in which the event is conducted.

3. Automobile and/or other motorized vehicle insurance. The applicant shall maintain automobile, other vehicle and equipment policy(s) insurance against liability for bodily injury, death, damage to property and other coverages relating to the use, operation, loading or unloading of any automobiles, motorized vehicles and other equipment on an around the event site, in an amount not less than $1,000,000.00. If the event involves participants’ use of motorized vehicles (autos, ATVs, UTVs, motorcycles, motorbikes, snowmobiles, etc.) it is the applicant/permittees’ responsibility to assure that all participants motorized vehicles are properly licensed, registered and insured, as may be required under the law.

E. In addition to the protection afforded to the County by the insurance provisions hereinabove set forth, the County shall not be liable for any damage or injury to the applicant,
employees, event organizers, volunteers, participants, or any other person, or to any property, occurring on the event site covered by the permit. The applicant/permittee agrees to defend, indemnify and hold harmless the County of Lewis, and its agents from and against all claims, damages, losses and expenses including but not limited to attorneys’ fees, arising out of any claim for personal injuries, property damage or wrongful death associated in any way with the applicant’s or participants’ use of the permitted site/property, or in any way related to the event, no matter how caused.

F. The DRFP, upon prior consultation with and approval of the County Attorney, may adjust the required insurance coverages and amounts, depending upon the nature of the event, i.e., activities, size, duration.

SECTION 8. PENALTIES FOR NON-COMPLIANCE AND ENFORCEMENT

A. If after a permit is issued (but prior to the actual event), the County determines, through its lawful agent(s), i.e., the DRFP, Highway Superintendent, etc., that any of the items required as a condition under the permit is not adhered to or accomplished within the required time limits, then the permit may be immediately terminated by action of the DRFP, after notification to the County Board of Legislators. Notice of such termination shall be in writing and delivered to the applicant at the mail address and e-mail address set forth on the application.

B. 1. Any person (as defined in this Local Law) who shall organize, promote, conduct or cause to be conducted a special event on County roads, trails, or other county property as defined in this Local Law, without having a written permit in accordance with the provisions of this law shall be deemed to have violated this Local Law.

2. Any person violating this Local Law shall be subject to a civil penalty, enforceable and collectible by the County of Lewis, in the amount of $250.00 to $750.00, depending upon the violation, the nature and size of the special event which was or is being held without issuance of or compliance with a permit as herein required. Said violation shall be enforced in any Court of competent jurisdiction within the County of Lewis.

3. In addition to the above penalty, the County of Lewis may maintain an action or proceeding in the name of the County in a Court of competent jurisdiction to compel compliance with or to restrain by injunction, the violation(s) of such local law.

SECTION 9. SEPARABILITY

If any clause, sentence, paragraph, section or part 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 part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 10. FEE SCHEDULE

The following permit application fee schedule shall apply unless and until amended and acted upon by the Lewis County Board of Legislators by an adopted Resolution.
<table>
<thead>
<tr>
<th>Application Fee Amount</th>
<th>Event Estimated Size (estimate of attendees)</th>
</tr>
</thead>
<tbody>
<tr>
<td>$10.00</td>
<td>Up to 100 participants/attendees</td>
</tr>
<tr>
<td>$20.00</td>
<td>101 up to 500 participants/attendees</td>
</tr>
<tr>
<td>$50.00</td>
<td>501 up to 1,000 participants/attendees</td>
</tr>
<tr>
<td>$100.00</td>
<td>1001 or greater participants/attendees**</td>
</tr>
</tbody>
</table>

** If the event involves 10,000 or more, applicant is subject to additional permit fees under Local Law No. 2-1970.

**SECTION 11. EFFECTIVE DATE**

This Local Law shall become effective immediately after filing with the office of the New York Secretary of State.
RESOLUTION NO. 18 - 2020
FIXING DATE OF PUBLIC HEARING ON LOCAL LAW
(INTRODUCTORY LOCAL LAW NO. 2-2020), 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 February 4, 2020, a proposed Local Law entitled "A LOCAL LAW REGULATING AND PERMITTING SPECIAL EVENTS ON COUNTY ROADS, TRAILS OR OTHER COUNTY PROPERTY".

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That a public hearing will be held on March 3, 2020, from 5:00 p.m. to 5:30 p.m., before the Lewis County Board of Legislators on the Second Floor Board Room at the Lewis County Courthouse, New York, 7660 North State Street, Lowville, New York.

Section 2. That at least five (5) days notice of such hearing shall be given by the Clerk of this Board by the due posting thereof upon the bulletin board of the Lewis County Court House, Lowville, New York, and by publishing such notice at least once in the official newspaper of the County.

Moved by Legislator _King_, seconded by Legislator _Burns_, and adopted.
RESOLUTION NO. 19 - 2020
RESOLUTION TO APPROPRIATE FUNDS
Capital Buildings & Grounds

Introduced by Legislator Thomas Osborne, Chairman of the Finance & Rules Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget appropriation take place to the Capital Buildings & Grounds account, balance of $323,372.48, funds transferred from A0990100 992300 (To Capital Buildings & Grounds):

Increase Revenue:
H0162000 350310 $100,000.00
Project HAC

Increase Expense:
H0990100 499900 $100,000.00
Project HAC

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

Moved by Legislator __Moroughan__, seconded by Legislator __Kulzer__, and adopted.
RESOLUTION NO. 20 - 2020
RESOLUTION TO APPROPRIATE FUNDS
Capital County Road Striping

Introduced by Legislator Thomas Osborne, Chairman of the Finance & Rules Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget appropriation take place to the Capital County Road Striping account, balance of $168.69, funds transferred from A0990100 992600 (To Capital Hwy):

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

Increase Revenue
H0512000 350310 $65,100.00
Project HAI

Increase Expense
H0512000 499900 $65,100.00
Project HAI

Moved by Legislator LaChausse, seconded by Legislator Kulzer, and adopted.
RESOLUTION NO. 21 - 2020
RESOLUTION TO TRANSFER & APPROPRIATE FUNDS
Capital Data Processing

Introduced by Legislator Thomas Osborne, Chairman of the Finance & Rules Committee:

BE IT RESOLVED, as follows:

Section 1. That the following budget changes take place in Interfund Transfers for Capital Data Processing, funds from Fund Balance:

Transfer from:
A0 005990 (fund balance) $50,000.00

Transfer to:
A0990100 994000 (To Cap DP) $50,000.00

Section 2. That the following budget appropriation take place to the Capital Data Processing account, balance of $49,313.37, funds transferred from A0990100 994000 (To Capital DP):

Increase Revenue:
H0990100 350310 $50,000.00
Project HAE

Increase Expense:
H0990100 499900 $50,000.00
Project HAE

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

Moved by Legislator _King_, seconded by Legislator _Burns_, and adopted.
RESOLUTION NO. 22 - 2020
RESOLUTION TO APPROPRIATE FUNDS
Capital Equipment

Introduced by Legislator Thomas Osborne, Chairman of the Finance & Rules Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget appropriation take place to the Capital Equipment account, balance of $41,689.62, funds transferred from A0990100 992500 (To Capital Equipment):

Increase Revenue:
H0990100 350310 $523,000.00
Project HAD

Increase Expense:
H0990100 499900 $523,000.00
Project HAD

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

Moved by Legislator LaChausse, seconded by Legislator King, and adopted.
RESOLUTION NO. 23 - 2020
RESOLUTION AUTHORIZING RENEWAL OF LEASE AGREEMENT BETWEEN THE COUNTY OF LEWIS AND CORNELL COOPERATIVE EXTENSION OF LEWIS COUNTY

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

WHEREAS, Lewis County desires to renew the Lease Agreement with Cornell Cooperative Extension of Lewis County ("CCE LC") for lease of 2,000 square feet of office space and approximately 380 square feet of storage space for exclusive use in the Lewis County-Jefferson Community College Education Center ("LC-JCC-EC") building located at 7395 East Road, Lowville, NY, at a monthly rental of $2,450.00, ($29,400.00 per year); said lease agreement to provide for the County to furnish heating, electric, plumbing, parking, cleaning service, and general maintenance and repair as part of the rental fee; and

WHEREAS, the Board of Legislators wishes to renew the lease agreement with CCE LC for the use of this space.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. The Board of Legislators hereby authorizes to renew the lease agreement by and between the County of Lewis and Cornell Cooperative Extension of Lewis County, to provide CCE LC with 2,000 square feet of exclusive office space and approximately 380 square feet of storage space, and with access to classroom, conference and laboratory space through coordination with the primary lessor of the building, i.e., Jefferson Community College, as described in the Memorandum of Understanding entered into between the parties, in the newly constructed building located at 7395 East Road, Lowville, NY 13367, for a term commencing February 1, 2020 through January 31, 2021, with annual renewals, at a monthly rental of $2,450.00.

Section 2. That the Chairman of the Board of Legislators or the Vice-Chairman be and the same is hereby authorized to execute and deliver such Lease Agreement, upon such terms and conditions approved by the County Attorney.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator __Gilbert__, seconded by Legislator __LaChausse__, and adopted.
RESOLUTION NO. 24 - 2020
RESOLUTION APPOINTING MEMBER TO DEVELOPMENT AUTHORITY OF THE NORTH COUNTRY

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

BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby re-appoints Dennis Mastascusa of 7646 Collins Street, Lowville, New York 13367, to the Development Authority of the North Country.

Section 2. That the term of said appointment shall be for a period of four (4) years effective from February 1, 2020 to February 1, 2024.

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

Moved by Legislator Kulzer, seconded by Legislator Chartrand, and adopted.
RESOLUTION NO. 25 - 2020
RESOLUTION AMENDING COMPENSATION PLAN OF COUNTY OF LEWIS
WITH REFERENCE TO DISTRICT ATTORNEY OFFICE

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

WHEREAS, as a result of changes to the New York State Bail Reform Law effective January 1, 2020, the District Attorney’s Office is tasked with discovery compliance demands at the outset of all criminal matters requiring and causing additional, immediate workloads necessitating part-time assistance;

NOW, THEREFORE, 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 District Attorney’s office to create the following temporary position, effective and retroactive to December 1, 2019 through December 31, 2020 with compensation not to exceed $8,000:

<table>
<thead>
<tr>
<th>TITLE</th>
<th>STATUS</th>
<th>SALARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intern</td>
<td>Temporary</td>
<td>$16.00/hour</td>
</tr>
</tbody>
</table>

Section 2. That the Board of Legislators hereby declares that no additional funding for this temporary intern position will be authorized in 2020.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator __Kulzer__, seconded by Legislator __King__, and adopted. Legislator Gilbert abstained.
RESOLUTION NO. 26 - 2020
RESOLUTION AMENDING COMPENSATION PLAN OF COUNTY OF LEWIS
WITH REFERENCE TO DISTRICT ATTORNEY OFFICE

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

WHEREAS, as a result of changes to the New York State Bail Reform Law effective January 1, 2020, the District Attorney’s Office is tasked with discovery compliance demands at the outset of all criminal matters requiring and causing additional, immediate workloads necessitating part-time legal assistance;

NOW, THEREFORE, 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 District Attorney’s office to create the following temporary position, effective and retroactive to January 1, 2020 through December 31, 2020 with compensation not to exceed $20,000:

<table>
<thead>
<tr>
<th>TITLE</th>
<th>STATUS</th>
<th>SALARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part-Time Assistant District Attorney</td>
<td>Temporary</td>
<td>$50.00/hour</td>
</tr>
</tbody>
</table>

Section 2. That the Board of Legislators hereby declares that no additional funding for this part-time, temporary position will be authorized in 2020.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator __Kulzer__, seconded by Legislator __Burns__, and adopted. Legislator Gilbert abstained.
RESOLUTION NO. 27 - 2020
RESOLUTION TO TRANSFER FUNDS
District Attorney

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

BE IT RESOLVED as follows:

Section 1. That the following 2020 budget changes take place in the District Attorney Department for computer equipment related to new discovery legislation, funds to come from Project HAE Capital Equipment H0990100 499900 balance $49,313.37:

Increase Revenue:
A0100000 350310 Interfund transfers $3,459.39

Increase Expense:
A0116500 221700 Computers $3,459.39

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

Moved by Leglsiator __Kulzer__, seconded by Leglsiator __King__, and adopted. Leglsiator Gilbert abstained.
RESOLUTION NO. 28 - 2020
RESOLUTION AUTHORIZING SUPPLEMENTAL AGREEMENT NO. 1
BETWEEN LEWIS COUNTY HIGHWAY DEPARTMENT
AND ENGINEERING SERVICES OF BARTON & LOGUIDICE
(HIGHMARKET ROAD OVER NORTH BRANCH SUGAR RIVER)

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

WHEREAS, the Lewis County Board of Legislators adopted Resolution No. 372-2017 authorizing a Project for the Bridge Replacement on Highmarket Road over North Branch Sugar River (PIN 775374; BIN 3340360) in the Town of West Turin, County of Lewis for the Preliminary Engineering/Design and Right Of Way Incidentals Phases of the Project; and

WHEREAS, the Lewis County Board of Legislators adopted Resolution No. 79-2018 authorizing professional engineering and design services with Barton & Loguidice ("B&L"), who are approved by New York State Department of Transportation professional engineers on state bridge projects, for the Preliminary Engineering/Design and Right of Way Incidentals Phases for the bridge project in the amount of $179,000; and

WHEREAS, the Lewis County Highway Department desires to have B&L provide additional professional engineering and design services required for the project and as set forth in the Supplemental Agreement No. 1, including the Preliminary Engineering/Design and Construction Phases, of this bridge project (PIN 775374; BIN 3340360); and

WHEREAS, the Board of Legislators wishes to accept such services; and

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes a Supplemental Agreement No. 1 between the County of Lewis by and through the Lewis County Highway Department and Barton & Loguidice to provide additional professional engineering and design services required in the amount of $166,000 for the Preliminary Engineering/Design and the Construction Phases for the bridge replacement project identified as Highmarket Road over North Branch Sugar River (PIN 775374; BIN 3340360).

Section 2. That the term of this Agreement shall be from December 23, 2019 through December 31, 2021, with a revised maximum amount not to exceed $345,000.00 (80% eligible for federal funds, 15% state funds and 5% local share cost).

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

Section 4. That $345,000.00 shall be appropriated in the Capital Bridge Program to facilitate the Supplemental Agreement No. 1 for the PE/Design and Constructions Phases for the Bridge Replacement on Highmarket Road over North Branch Sugar River (PIN 775374; BIN
3340360) in the Town of West Turin. The following accounts shall be recognized to facilitate the funding of this project:

**Increase Revenues:**
- H0512000 345970 FEDERAL $132,800.00
- H0512000 335910 STATE $24,900.00
- H0512000 350310 LOCAL $8,300.00
- Project HAO

**Increase Expenses:**
- H0512000 499900 $166,000.00
- Project HAO

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

Moved by Legislator Hathway, seconded by Legislator Burns, and adopted.
RESOLUTION NO. 29 - 2020
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
THE COUNTY OF LEWIS AND STANTEC CONSULTING SERVICES INC. TO PROVIDE PROFESSIONAL ENGINEERING, DESIGN, CONSTRUCTION MANAGEMENT AND ADMINISTRATION FOR A NEW ABOVEGROUND FUEL STORAGE SYSTEM AT THE LEWIS COUNTY HIGHWAY DEPARTMENT

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

WHEREAS, the Lewis County Highway Department recently sent out a Request for Qualifications for Engineering, Environmental and Construction Services for Fueling Facilities under the County’s plan to replace and remove two underground petroleum storage tanks at the Highway Garage, which are nearing their useful life; and

WHEREAS, the General Services Committee, along with the County Manager and Highway Superintendent considered the responses to the RFQ and approved Stantec Consulting Services Inc., ("Stantec") to submit a proposal to provide professional engineering evaluations and initial conceptual designs for the replacement of the diesel fueling system at the Highway Garage; that is, removal and replacement of the two underground diesel tanks, to be replaced with either one or two aboveground or underground tanks with a total capacity of 20,000 gallons, and with analysis of potential design alternatives of the foregoing based upon site planning constraints, costs, operational factors, regulatory requirements, and environmental considerations; and

WHEREAS, Stantec provided conceptual fuel system designs, with detailed analysis of costs and other factors for each concept. The General Services committee considered each conceptual design; their pros/cons and costs, and recommend that the County retain Stantec Consulting Services to provide professional engineering final design, construction plans, management and administrative services in accordance with conceptual design identified as Concept # 3 (B); and

WHEREAS, Concept #3 (B) includes, but is not limited to purchase and installation of two-10,000 gallon aboveground diesel fuel storage tanks (overflow protected), on concrete foundation pads, gravel, piping, dispensers, preparation for heating apparatus and other tank accessories for the system; pressurized pumping system; electrical; repaving; bollards; updated software for the monitoring system; all on the east side location, with removal of the existing tanks. In addition, Stantec will prepare contract bid documents, assistance during bidding, construction administration, oversight of removal of existing underground tanks, soil testing and report required by NYS DEC, for an estimated costs of $52,912 total Design and Bidding/Construction Administration fees, $14,323 in geotechnical fees and $7,842 in UST Closure Report; all as more fully set forth in their revised Proposal with scope of services dated January 16, 2020, with construction to commence in Summer/Fall, 2020;

WHEREAS, the Board of Legislators seeks to authorize this professional services contract with Stantec.

NOW, THEREFORE, BE IT RESOLVED, as follows:
Section 1. That the Lewis County Board of Legislators hereby authorizes and approves an Agreement with Stantec Consulting Services Inc., 61 Commerce Street, Ste 100, Rochester, NY, 14614, to provide professional engineering, consulting, final design, construction management and administrative services for a new diesel fueling system at the Highway Garage (Ease Side Location), for above ground tanks with a total capacity of 20,000 gallons (two - 10,000 tanks) and related accessories required, plus removal of the existing underground tanks at the site, as described in their design proposals dated 10/14/19 and identified as Concept #3 (B); and with the fees and scope of services set forth in their revised professional services proposal dated January 16, 2020.

Section 2. That the Lewis County Board of Legislators authorizes said agreement to include Final Design Phase Services, Bidding/Construction and Tank Closure Phases scope of services, with construction to commence in the Summer/Fall of 2020, at a cost not to exceed $52912 for Design, Bidding and Construction Administration, $14,323, for Geotechnical costs and services, and $7,842 for Underground tank removal, closure and required reporting.

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

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

Moved by Legislator ___Moroughan___, seconded by Legislator ___King___, and adopted.
RESOLUTION NO. 30 - 2020
RESOLUTION APPOINTING MEMBER TO PLANNING BOARD

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

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby appoints John Lehman of 11036 State Route 812, Croghan, New York 13327 as a member of the Lewis County Planning Board.

Section 2. That the term of said appointment shall be effective from February 1, 2020 through December 31, 2022.

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

Moved by Legislator Hathway, seconded by Legislator Kulzer, and adopted.
RESOLUTION NO. 31 - 2020
RESOLUTION TO APPROPRIATE FUNDS
Planning Department

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

BE IT RESOLVED, as follows:

Section 1. That the following appropriation is hereby approved for payback funds in the CDBG account (CL 069100) to Planning Department for various community projects:

Increase Revenue:
A0100000 327010 Ref of Prior Years $10,000.00

Increase Expense:
A0802000 495500 Planning Projects $10,000.00

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

Moved by Legislator [Gilbert], seconded by Legislator [LaChausse]. In response to Legislator Kulzer, Planning Director Frank Pace explained that these funds haven’t been earmarked for any certain project yet however, there are some ideas that have been brought forward.

The resolution was then adopted.
RESOLUTION NO. __32__ - 2020
RESOLUTION AUTHORIZING A RENEWAL AGREEMENT
BETWEEN THE COUNTY OF LEWIS, ON BEHALF OF THE
LEWIS COUNTY PROBATION DEPARTMENT AND
CAPITAL DISTRICT YOUTH CENTER, INC.

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

WHEREAS, Capital District Youth Center, Inc. ("Facility") is a not-for-profit corporation organized and existing under the laws of the State of New York, with its principal offices located at One Park Place, Albany, New York 12205. The Facility operates a regional secure detention facility known as the Capital District Juvenile Secure Detention Facility located at 838 Albany-Shaker Road, Albany, New York 12211-1088; and

WHEREAS, new laws and regulations commonly referred to as “Raise The Age” became effective October 1, 2018, which require the County to have a contract in place for access to a secure, certified detention facility for eligible juvenile delinquents, juvenile offenders and adolescent offenders pursuant to County Law § 218-1; and

WHEREAS, the New York State Office of Children and Family Services ("OCFS") has certified said Facility as a secured detention facility and, OCFS and the New York State Commission of Correction has certified the Facility as a specialized secured detention facility, which is co-administered with the Albany County Sheriff; and

WHEREAS, the County of Lewis, on behalf of the Lewis County Probation Department, wishes to utilize this Facility as needed for its eligible juvenile delinquents, as defined in the NYS Family Court Act ("JD"), juvenile offenders, as defined in the NYS Criminal Procedure Law ("JO") and adolescent offenders, as defined in the NYS Criminal Procedure Law ("AO", and collectively with JD and JO, "Youth"); and

WHEREAS, the Board of Legislators wishes to accept such services;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes an agreement between the County of Lewis, by and through the Lewis County Probation Department, and Capital District Youth Center, Inc. to utilize their services for the provision of secured detention of juvenile delinquents, juvenile offenders and adolescent offenders if needed, pursuant to and in accordance with County Law § 218-1.

Section 2. That this is for the term beginning January 1, 2020 through December 31, 2020 at a rate determined by OCFS based upon actual costs of care at the Facility. Probation will receive 49% reimbursement from the Department of Criminal Justice Services ("DCJS") if this service is required.
Section 3. That the Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Agreement, pending approval by the County Attorney.

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

Moved by Legislator __King__, seconded by Legislator __Burns__, and adopted.
RESOLUTION NO. 33 - 2020
RESOLUTION TO APPROPRIATE FUNDS
Public Health Department

Introduced by Legislator Randall LaChausse, Chairman of the Health & Human Services Committee.

BE IT RESOLVED, as follows:

Section 1. That the following budget appropriation is hereby approved in the Public Health Department to appropriate grant funds received.

Increase Revenue
A0401300 327000 Public Health General $404.23

Increase Expense
A0401500 450300 EI Education Material $404.23

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

Moved by Legislator Hathway, seconded by Legislator Moroughan, and adopted.
RESOLUTION NO. 34 - 2020
RESOLUTION AUTHORIZING AN AGREEMENT WITH
FORT DRUM REGIONAL HEALTH PLANNING ORGANIZATION
AND LEWIS COUNTY PUBLIC HEALTH TO ACCEPT A GRANT AWARD
FOR PREVENTION AND MANAGEMENT OF CHRONIC DISEASE

Introduced by Legislator Randy LaChausse, Chairman of the Health and Human Services Committee.

WHEREAS, Fort Drum Regional Health Planning Organization ("FDRHPO") works to address the health needs of Jefferson, Lewis and St. Lawrence Counties to include prevention and management of chronic disease, recruitment and retention of healthcare workforce and the social determinants of health facing our community members; and

WHEREAS, on December 16, 2019, FDRHPO entered into the Statewide Grant Agreement Mother Cabrini Health Foundation award for the project “Impacting Drivers of Health Care Utilization” for the term January 1, 2020 through December 31, 2020; and

WHEREAS, under this grant award, Lewis County Public Health (“Agency”) will receive $6,250.00 in funds in consideration of assigning at least one representative from its agency to participate on the grant’s action team, to include participation in and execution of action team deliverables; and

WHEREAS, the deliverables that Lewis County Public Health will commit to are (1) identifying and implementing innovative strategies to bring awareness of chronic disease prevention programs to the dual-eligible beneficiaries participating in the Medicare Shared Savings Program (2) tracking program referrals, attendance, and patient survey data for these beneficiaries (3) develop and implement an approach to identifying and addressing the unmet needs (social determinants of health) for these beneficiaries, and (4) record patient success stories and facilitate collaboration among other chronic disease prevention programs to demonstrate project impact/potential for replication; and

WHEREAS, the Board of Legislators desires to authorize an agreement with FDRHPO and Lewis County Public Health to participate in the project and receive said funding;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes an agreement with Fort Drum Regional Health Planning Organization and Lewis County Public Health to receive grant funds in the amount of $6,250.00 to participate on the grant’s action team and execute team deliverables for prevention and management of chronic disease in the community.

Section 2. That the term of the contract period is from January 1, 2020 through December 31, 2020.
Section 3. That the Director of Public Health is hereby authorized to execute any agreements or other documents which may be required to give effect to receipt of these Grant funds.

Section 4. That the following budget appropriation is hereby approved in the Public Health accounts for prevention and management of chronic disease:

Increase Revenue:
A04013000 327000 Public Health General $6,250.00

Increase Expense:
A0409300 490900 Chronic Disease Miscellaneous $6,250.00

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

Moved by Legislator King, seconded by Legislator Burns, and adopted.
RESOLUTION NO. 35 - 2020
RESOLUTION TO URGE DELAY OF NEW LEAD POISONING REGULATIONS DUE TO AN UNWORKABLE TIMELINE AND EXORBITANT COST

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

WHEREAS, protecting children from exposure to lead is a key public health priority. Even low levels of lead in blood have been shown to affect IQ, ability to pay attention, and academic achievement; there is no safe level of lead exposure and the neurological and behavioral effects of lead are believed to be irreversible; and

WHEREAS, New York State has lowered the definition of elevated blood lead level (EBLL) to five micrograms per deciliter to address the long-term health and economic impact that lead poisoning has on individual children and families and our communities as a whole; and

WHEREAS, the change in the law was not accompanied with the resources needed to assure swift and effective implementation; in their recent regulatory impact statement, the New York State Department of Health indicates that lowering the elevated blood lead level will result in a six-fold increase in children requiring public health intervention Statewide; and

WHEREAS, counties anticipate that the statutory change will result in renewed efforts to assure compliance with current lead testing requirements on the part of physicians, which may further increase the number of reported cases; and

WHEREAS, the regulatory impact statement provides an average nursing cost of $713.00 per case and an average environmental management cost of $2,123.00 per case; and

WHEREAS, based on the average projected number of cases and the average costs provided, the NYS 2019-20 fiscal year investment of $9.4 million for local health department services leaves approximately $36.6 million - or 80% - of the costs to be paid by local governments; and

WHEREAS, local health departments report that they will incur additional personnel and non-personnel costs relative to the increased number of lead cases; and

WHEREAS, Article Six State aid reimbursement does not allow for reimbursement of fringe or indirect costs, which are a 100% county cost; and

WHEREAS, the cost associated with this expanded mandate may affect the ability of local governments to stay within the State enacted property tax cap, thus placing a greater tax burden on communities; and

WHEREAS, securing the necessary resources could result in either significant reductions in other critical public health services and staff or the inability to comply with the new requirements.
NOW, THEREFORE, BE IT RESOLVED, that the Lewis County Legislature requests that the New York State Department of Health extend the implementation of the deadline to at least April 1st, 2020 in recognition of the time needs related to budgeting, hiring and purchasing; and

BE IT FURTHER RESOLVED, that the Governor and the New York State Legislature identify and provide additional revenue sufficient to cover the full costs of this expanded mandate to local governments; and

BE IT FURTHER RESOLVED, that this funding be provided through grant mechanisms to allow the needed flexibility to support hiring and non-personnel expenses; and

BE IT FURTHER RESOLVED, that the Lewis County Legislature urges that future savings to government programs from this statutory change be allocated to support primary lead poisoning prevention activities and other public health services; and

BE IT FURTHER RESOLVED, that the Clerk of the Legislature shall forward copies of this resolution to Governor Andrew M. Cuomo, Assemblyman Kenneth Blankenbush, Senator Joseph Griffo and the New York State Association of Counties.

Moved by Legislator Chartrand, seconded by Legislator Hathway, and adopted.
RESOLUTION NO. 36 - 2020
URGING NEW YORK STATE DEPARTMENT OF HEALTH AND NEW YORK STATE DIVISION OF BUDGET TO REQUIRE PROVIDERS TO MAXIMIZE REIMBURSEMENT FROM ALL THIRD-PARTY PAYERS

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

WHEREAS, prior to 2013, counties funded 100% of the cost of the State's Early Intervention Program and then sought reimbursement beginning in the following county fiscal year as required under State law; and

WHEREAS, the State implemented a State Fiscal Agent Administrative Model in April, 2013 that centralized billing and contracting at the State level, rather than at the county level; and

WHEREAS, the State Fiscal Agent used their own administrative and reimbursement information technology system to collect funds from counties and make payments to providers due to limitations with the New York State Department of Health's (NYSDOH's) Early Intervention System (NYEIS); and

WHEREAS, recent problems have arisen under the State Fiscal Agent platform related to the lack of follow through by some service providers when they file for payment from insurance companies in the first instance as the law requires and insurers ask for more information; and

WHEREAS, any extensive delay in providing such information can result in a denial by the insurance company due to untimely filing, causing these claims to fall to the State and counties, forcing both to pay more than they should under the law; and

WHEREAS, we continue to support proposals from the Governor that prioritize and require providers to enforce current insurance regulations regarding payment of Early Intervention service claims in an attempt to increase commercial insurance collections; and

WHEREAS, we also ask that as part of these systems enhancement proposals, Medicaid revisit the retro re-billing process where the State identifies all claims that the counties and State pay, including, but not limited to, waivered services, and resubmit those to Medicaid to identify if a child's coverage changed; and

WHEREAS, the State has implemented health insurance benefit changes in its Child Health Plus program that will likely reduce third party billing opportunities, resulting in higher county costs for the Early Intervention Program; and

WHEREAS, under the Statewide fiscal agent model, counties remain concerned about program integrity efforts pursued by the fiscal agent and the NYSDOH through audits, and believe that third party collections are not being maximized based on the increasing drawdown of funds out of the escrow for many counties, far in excess of budget allocations or caseload changes suggest should be the case; and
WHEREAS, while counties have been advised by NYSDOH that they may pursue their own audits and collections to ensure program integrity, counties have no effective mechanism under the law, or leverage with providers, to recoup any audit findings as counties do not hold the provider contracts or have the ability to withhold payments as a way to recoup funds.

NOW, THEREFORE, BE IT RESOLVED, that the Lewis County Legislature calls upon the Governor, the New York State Legislature, Assemblyman Kenneth Blankenbush and Senator Joseph Griffio to implement policies and procedures to ensure that initial provider claims, and follow-up response, are filed in a timely manner to commercial insurance providers and Medicaid; and

BE IT FURTHER RESOLVED, that the State require all providers to enroll in 835 electronic remits and a timely filing requirement; and

BE IT FURTHER RESOLVED, that the State Fiscal Agent must implement systematic changes to the billing system to track claims and ensure providers exhaust all appeals in a timely manner before moving on to the next payer of record; and

BE IT FURTHER RESOLVED, that we ask, instead, that Medicaid pay the claims in the first instance, so that counties don't have to pay upfront and then receive these monies many years later; and

BE IF FURTHER RESOLVED, that the State should carefully review all benefit changes in State supported public health insurance programs such as Medicaid and Child Health Plus to ensure new costs are not shifted onto county public health programs when current benefits are eliminated or modified; and

BE IT FURTHER RESOLVED, that the Clerk of the Legislature shall forward copies of this resolution to Governor Andrew M. Cuomo, Assemblyman Kenneth Blankenbush, Senator Joseph Griffio and the New York Association of Counties.

Moved by Legislator _King_, seconded by Legislator _Kulzer_, and adopted.
RESOLUTION NO. 37 - 2020
URGING GOVERNOR ANDREW M. CUOMO AND NEW YORK STATE LEGISLATURE TO IMPROVE EARLY INTERVENTION PROGRAM TO BETTER SERVE CHILDREN AND FAMILIES THROUGH REFORMS TO ADDRESS LACK OF AVAILABLE PROVIDERS IN MANY AREAS OF THE STATE

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

WHEREAS, the Early Intervention Program in New York State is still in need of comprehensive reform to address the concerning issue of provider capacity since the transition to State administered provider agreements in April, 2013; and

WHEREAS, counties are responsible to ensure that services developed in an Individualized Family Service Plan (IFSP) begin within a timely fashion, i.e. within thirty (30) days from the date of the authorizing IFSP; and

WHEREAS, counties must assign providers to a child's IFSP that have current provider agreements with the New York State Bureau of Early Intervention and are listed per county in the New York Early Intervention System (NYEIS) database; and

WHEREAS, the existing number of providers are inadequate to meet the needs of the currently enrolled EIP children and their families; and

WHEREAS, providers listed in the NYEIS database are frequently unavailable to service a child due to factors including the area in which the child resides, the provider is only accepting referrals for one (1) or two (2) children enrolled in the Early Intervention Program (EIP) due to other commitments outside of the EIP, provider case load is full and/or the provider no longer works for the EIP although remains listed in the NYEIS; and

WHEREAS, there are many children not receiving the EIP services they are entitled to, and are instead placed on wait lists pending an available provider; and

WHEREAS, some regions of the State don't have providers available that specialize in certain service categories; and

WHEREAS, there is little evidence that the centralization of provider agreements and billing, through the Statewide fiscal agent model, has improved the overall rate of collections from third party private insurance or Medicaid, but may be contributing to a decline in the number of providers willing to participate in the Early Intervention Program.

NOW, THEREFORE, BE IT RESOLVED, that the Lewis County Legislature calls upon the Governor and the New York State Legislature, Assemblyman Kenneth Blankenbush and Senator Joseph Griffo to consider reforms to the Early Intervention Program to ensure sufficient provider capacity is available and that counties will be held harmless for any delays due to a lack of adequate and timely availability of providers; and
BE IT FURTHER RESOLVED, that the State Department of Health should operationalize a robust system of service delivery options for counties to utilize, including teletherapy, to address the lack of available providers in many areas of the State; and

BE IT FURTHER RESOLVED, that the State should adjust the Early Intervention rate structure to improve access to these services for children who live in poverty, via no less than a 5% rate increase for services provided to children in zip codes where the percentage of the population below poverty is 15% or higher; and

BE IT FURTHER RESOLVED, that the State should cap county costs, ensuring that the counties are held harmless by any increase in provider rates; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, that the Clerk of the Legislature shall forward copies of this resolution to Governor Andrew M. Cuomo, Assemblyman Kenneth Blankenbush, Senator Joseph Griffo and the New York Association of Counties.

Moved by Legislator ___King___, seconded by Legislator ___Kulzer___, and adopted.
RESOLUTION NO. 38 - 2020
RESOLUTION TO TRANSFER FUNDS
Trails Maintenance

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

BE IT RESOLVED as follows:

Section 1. That the following 2020 budget changes take place in the Recreation Forestry and Parks Department for a computer for Recreational Trails office, funds to come from Project HAE Capital Equipment H0990100 499900 balance $ 49,313.37:

Increase Revenue:
A0100000 350310 Interfund transfers $1,951.80

Increase Expense:
A0798900 221700 Computers $1,951.80

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

Moved by Legislator ___Burns___, seconded by Legislator ___Moroughan___, and adopted.
RESOLUTION NO. 39 - 2020
RESOLUTION TO APPROPRIATE FUNDS
E911

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

BE IT RESOLVED, as follows:

Section 1. That the following appropriation take place in the E911 accounts from additional Radio Grant funds for operation costs:

Increase Revenue:
A0302000 331800 Radio Grant $170,830.00

Increase Expense:
A0302000 292100 Equip $170,830.00

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

Moved by Legislator Kulzer, seconded by Legislator King, and adopted.
RESOLUTION NO. 40 - 2020
RESOLUTION TO TRANSFER FUNDS
E911

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

BE IT RESOLVED, as follows:

Section 1. That the following transfer take place in the E911 accounts to correct error in budget line:

From:
A0302000 803000 FICA $45,000.00

To:
A0302000 496600 PSAP Prof serv $45,000.00

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

Moved by Legislator Burns, seconded by Legislator Gilbert, and adopted.
RESOLUTION NO. 41 - 2020
RESOLUTION TO APPROPRIATE FUNDS FOR
Social Services Department

Introduced by Legislator Randall LaChausse, Chairman of the Health & Human Services Committee:

WHEREAS, DSS has received an allocation in the amount of $20,000 to support Code Blue funding from October 2019 thru September 2020:

THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the following appropriations are hereby approved for 2020 DSS Budget:

Increase Revenue:
A0614000 336400 Safety Net State Revenue $20,000.00

Increase Expenses:
A0614000 499900 Safety NetExpense $20,000.00

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

Moved by Legislator __LaChausse__, seconded by Legislator __Kulzer__, and adopted.
RESOLUTION NO. 42 - 2020
RESOLUTION TO APPROPRIATE FUNDS
Social Services Department

Introduced by Legislator Randall LaChausse, Chairman of the Health and Human Services Committee.

BE IT RESOLVED, as follows:

Section 1. That the following appropriations are hereby approved in the Social Services accounts for the increase in funds of Medicaid funding for Community First Choice Options meals:

Increase Revenue
A060100 336100 State $11,500.00

Increase Expense
A0610100 471800 CFCO $11,500.00

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

Moved by Legislator Burns, seconded by Legislator Hathway, and adopted.
RESOLUTION NO. _43_ - 2020
RESOLUTION TO APPROPRIATE FUNDS
Social Services Department

Introduced by Legislator Randall LaChausse, Chairman of the Health and Human Services Committee.

BE IT RESOLVED, as follows:

Section 1. That the following appropriation is hereby approved to increase FFY19-20 TANF Non Residential Domestic Violence Services Program funding for Lewis County Opportunities:

Increase Revenue
A0610900 346090 Fed Aid $25,000.00

Increase Expense
A0610900 460900 Non- Res DV $25,000.00

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

Moved by Legislator _Kulzer_, seconded by Legislator _LaChausse_, and adopted.
RESOLUTION NO. 44 - 2020
RESOLUTION TO APPROPRIATE FUNDS
Solid Waste Department

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

BE IT RESOLVED as follows:

Section 1. That the following 2020 budget appropriation take place in the Solid Waste accounts to fund the Capital Plan purchase of equipment.

Increase Revenue:
ES816000 321302 Invoiced Revenue $350,000.00

Increase Expense:
ES816000 223300 Equip - Vehicles $350,000.00

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

Moved by Legislator _Burns_, seconded by Legislator _Kulzer_, and adopted.
RESOLUTION NO. 45 - 2020
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY SOLID WASTE DEPARTMENT
AND BARTON & LOGUIDICE

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

WHEREAS, Lewis County Solid Waste seeks to make improvements to the transfer station on Route 26, to accommodate a change from the current method of a stationary compactor (50 cubic yard roll-off container) to direct-placed waste into 100 cubic yard push-off trailers, designed for better efficiency; and

WHEREAS, the Lewis County Solid Waste Department desires to enter into an agreement with Barton & Loguidice (“B&L”), professional engineers and architectural firm, to provide design and cost options for the proposed changes; and

WHEREAS, B&L will provide two (2) improvement design options with estimated costs. The first option would be to modify and continue using the existing facility; the second option would be to construct a new facility on the site. For each option, B&L will be tasked with 1) providing conceptual site plans with cost estimates; 2) design development and site subsurface investigation; 3) assist with SEQRA compliance; and 4) submit the site plan, along with the registration application to NYS DEC for approval; and

WHEREAS, after review and discussion with the committee on the two options, and upon the committee’s option choice, the scope of services proposed under tasks two (2) through four (4) will be determined, but in no event shall the costs exceed $105,500.00 if the option for construction of a new facility is chosen; and

WHEREAS, the Board of Legislators wishes to accept such services;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes an Agreement between the County of Lewis by and through the Lewis County Solid Waste Department and Barton & Loguidice to provide professional engineering, planning, and architectural services with respect to proposed changes to the Lowville Transfer Station located at 7652 State Route 26, Lowville, New York, at a cost not to exceed $105,500.00, as set forth in their proposal.

Section 2. That the Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Agreement and any amendment to the scope of services depending upon the option chosen, pending approval by the County Attorney.

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

Moved by Legislator ___Moroughan___, seconded by Legislator ___Burns___, and adopted.
RESOLUTION NO. 46 – 2020
RESOLUTION APPOINTING ADMINISTRATOR OF
LEWIS COUNTY SELF-INSURANCE PLAN

Introduced by Legislator Thomas Osborne, Chairman of the Finance and Rules Committee.

BE IT RESOLVED as follows:

Section 1. That this Board of Legislators hereby appoints Cassandra Moser, as Administrator of the Lewis County Self-Insurance Plan, retroactive to January 1, 2020.

Section 2. That CASSANDRA MOSER, shall be paid an annual salary of $10,000.00, in her position as said Administrator of the Lewis County Self-Insurance Plan.

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

Moved by Legislator Kulzer, seconded by Legislator Chartrand, and adopted.
RESOLUTION NO. 47 - 2020
RESOLUTION TO TRANSFER FUNDS
DSS - WIOA

Introduced by Legislator Randy LaChausse, Chairman of the Health and Human Services Committee.

BE IT RESOLVED as follows:

Section 1. That the following 2020 budget transfer takes place in the Department of Social Services to reallocate funds for WIOA accounts:

Increase Expense:
CD629200 499900 Adult $16,000.00
CD629200 110100 Adult Wages $ 8,000.00

Decrease Expense:
CD629100 499900 Dislocated Worker $24,000.00

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

Moved by Legislator _King_, seconded by Legislator _LaChausse_, and adopted.
RESOLUTION NO. 48 - 2020
RESOLUTION TO APPROPRIATE FUNDS FOR
Youth Bureau

Introduced by Legislator Randall LaChausse, Chairman of the Health & Human Services Committee:

BE IT RESOLVED, as follows:

Section 1. That the following appropriations take place in the Youth Bureau accounts for new State funds for Safe Harbour program:

Increase Revenue:
A0731100 338203 State Safe $30,000.00

Increase Expenses:
A0731100 453000 Safe Harbour $30,000.00

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

Moved by Legislator Chartrand, seconded by Legislator LaChausse, and adopted.
RESOLUTION NO. 49 - 2020
RESOLUTION IN SUPPORT OF FORT DRUM’S
DESIGNATION AS A FOURTH ARMY CORPS HEADQUARTERS

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

WHEREAS, the County of Lewis is a member of the Fort Drum Regional Liaison Organization; and

WHEREAS, the County of Lewis is aware that Fort Drum is one of thirty-one military bases being considered for stationing and activation of a Fourth Army Corps Headquarters by the US Army to fulfill requirements under the National Defense Strategy. A Fourth Corps Army Headquarters at Fort Drum with its planned Operational Command Post (OCP) would bring approximately 630 soldiers and their families to the North Country (with an additional 200 soldiers in Europe), to conduct operational planning, rotational and permanently-stationed tactical units, and provide mission command of initial combat operations to increase flexibility in support of other theater combatant commands as needed; and

WHEREAS, the Army’s stationing criteria, requirements and operational/corps mission considerations as outlined in its January 21, 2020 information paper suggest that Fort Drum is the ideal facility and location, with the necessary space, equipment and capabilities for this important mission and stationing and the ability to support this growth. In addition, the North Country communities, inclusive of Lewis County, have the highest level of community support and effective communication between the installation and its civilian neighbors; and provides unwavering solidarity and commitment to and for Fort Drum operations and expansion; and

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators of the County of Lewis extends its support for Fort Drum being designated as a Fourth Army Corps Headquarters to fulfill the Army’s requirements under its National Defense Strategy.

Section 2. That the Board of Legislators of the County of Lewis, to the best of its ability, pledges to participate in such activities and assessments of Fort Drum’s capabilities to be designated as a Fourth Army Corps Headquarters, as the decision-makers deem appropriate.

Section 3. That the Chairman of the Board is authorized to immediately submit a FRDRLO member letter in support of this effort together with a certified copy of this Resolution to Nancy Datoush, Administrative Assistant, Advocate Drum, Fort Drum Regional Liaison Organization for distribution to all appropriate military individuals in the decision process.

Section 4. That the Clerk of the Board is directed to forward certified copies of the this Resolution to New York State Senators Charles Schumer and Kirsten Gillibrand; to US Congresswoman Elise Stefanik, and to Mr. Theodore C. Williams, Senior Liaison, Policy & Readiness, Department of the Army, OCLL 16385, and all others deemed appropriate by the Board of Legislators.
Section 5. That this Resolution shall take effect immediately.

Moved by Legislator Burns, seconded by Legislator Chartrand, and adopted.
RESOLUTION NO. 50 – 2020
RESOLUTION APPOINTING MEMBER TO LEWIS COUNTY INDUSTRIAL DEVELOPMENT AGENCY BOARD OF DIRECTORS

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

WHEREAS, pursuant to Section 856 of the General Municipal Law, an Industrial Development Agency shall be a corporate government agency constituting a public benefit corporation; and

WHEREAS, the Industrial Development Agency Board of Directors shall consist of not less than three nor more than seven members, who shall be appointed by the governing Board of Legislators; and

WHEREAS, said members shall serve at the pleasure of the Board of Legislators.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That this Board of Legislators hereby appoints Darlene Rowsam of 9804 Number Three Road, Copenhagen, New York to the Lewis County Industrial Development Agency Board of Directors, to serve at the pleasure of the Board of Legislators.

Section 2. That said appointment shall be effective February 4, 2020 for an indefinite term.

Section 3. That the within resolution shall be effective immediately.

Moved by Legislator ______Moroughan_____, seconded by Legislator ______LaChausse_____, and adopted.
OTHER BUSINESS:

Chairman Dolhof announced that the JCC Center for Community Studies will present their 2019 Lewis County Survey results to Legislators at 4:00 p.m. prior to the next Board meeting on Tuesday, March 3rd. Legislator Chartrand reminded everyone to visit the advocate Drum website and sign the petition to support Fort Drum becoming the Army Corps Headquarters.

There being no other business to come before the Board, Legislator Chartrand made a motion to adjourn the meeting at 6:38 p.m., seconded by Legislator LaChausse and carried.