Present: Legislators Tom Osborne, Ron Burns, Greg Kulzer, Ian Gilbert, and Phil Hathway.

Others present: Legislators Larry Dolhof, Jerry King, Richard Chartrand; Randy LaChausse, and Andrea Moroughan; County Manager Ryan Piche; County Attorney Joan McNichol; Treasurer Eric Virkler; Human Resource Director Caitlyn Smith; and media representatives.

Committee Chairman Tom Osborne called the meeting at 3:38 p.m.

Legislator Burns made a motion to approve the 7/21/2020 committee meeting minutes, seconded by Legislator Kulzer and carried.

Lewis County 2019 Audit Summary – Thomas Smith, EFPR, Inc. (attached)

County Treasurer Eric Virkler handed out the 2019 Audit Summary and introduced Thomas Smith from EFPR, Inc who worked on completing the 2019 audit for Lewis County. Thomas reviewed his report noting that it was completed in April this year and due to not being able to be on premises due to the pandemic several pieces of information had to be sent to him which the county did in a timely manner. There were clear opinions with no findings or weaknesses on all of the Funds. The General Fund balance was reduced overall by $262,067.00 but the other Fund balances had an overall gain. Although our debt increased by $325,422.00, we remain well beneath our Debt limit of $146,454,353.00. Ryan pointed out that our debt limit is calculated by using the full valuation of taxable property which doesn’t account for the annual Hospital revenue, so we are actually lower than 5.2% of the debt limit. One item that was noted more as a broad level issue is cyber security and that it is recommended that our system be reviewed for any potential deficiencies.

Legislator Hathway inquired as to why it showed our Real Property Tax revenue as less than budgeted. Eric responded that he would look into that figure and find out. Legislator King asked about the GASB-45 and where we are sitting with that as a county. Thomas responded by stating that it is holding steady due to the new reporting regulations that require the county to book the full amount. Ryan asked Thomas his opinion on the financial state of the county, Thomas responded that the Lewis County is in a strong financial position, with 26% of our budget in Fund balance which is above the recommended 20% level. Joan asked Thomas his opinion of the county borrowing $33 million for our upcoming hospital project and he stated that it was definitely something the county can handle and now is the time to borrow with interest rates being at an all-time low.

Bonding Process – Charles Schachter (Bond Counsel) Harris Beach PLLC

Joan introduced Charles Schachter who joined the meeting by phone. Charles explained that the resolution that was prepared for the board authorizes up to $33 million in bonds, authorizes the project and states the finance plan. This resolution will need to be adopted by Legislative vote of at least 2/3rds of the board. It doesn’t disallow the use of other funds from different funding
sources to reduce the amount bonded but does set the maximum amount for the project and bonding.

It also sets the Period of Probable Use (PPU) which is up to 25 years, so the bonding can only be 25 years. The resolution also delegates authority to the County Treasurer to proceed with marketing the bonds, closing and signing certificates. Bond anticipation notes usually last up to a year and making sure they are issued on a tax-exempt basis is important. It also is important to comply with Federal Disclosure Laws. After adoption of the resolution it becomes necessary to publish an Estoppel Notice in the designated newspaper for the county and after a 20-day waiting period to make sure no legal claim is brought forward, it would then be appropriate to proceed with financing. Unlike some local municipalities a permissive referendum is not necessary. Joan McNichol asked about the limitation of the time frame from when you adopt the resolution to actually going out and obtaining the bonds, Charlie answers that it is a 10-year time limit.

Jerry Cayer stated that the next big step for the hospital after the resolution is done would be to submit the Certificate of Need, once that is approved by the State then the bonding process can continue, which should be the 1st or 2nd week in September. Charlie agreed that the county would not want to obtain the actual bonding certificates until after the Certificate of Need is approved. Legislator Dolhof inquired if we would need another resolution if we pass this resolution in September but don’t actual obtain bonding until in January 2021, Charlie responded that we wouldn’t because authority is delegated to the Treasurer in the resolution.

**Solar Land Use** – Ryan Piche, County Manager & Casandra Buell, Planning Director (attached)

There are several Towns being inundated with solar project requests and only 6 of them out of 17 have any type of solar regulation in place. Some of these projects are over 1,000 acres, which is why they are more prevalent in the North Country and not in highly populated cities or urban areas. One way to look at this is to be pro solar but in a smart way. Agricultural land has a lot of value in our community as we have many farmers. It is also what makes our community attractive as a recreational area because of the natural beauty. There is a need to be able to balance solar and agriculture and to grow solar in a smart way that doesn’t negatively affect our natural beauty or farmers.

The long-term value of prime agricultural land is worth more as agricultural land than it is as a solar field. A solar field, which has a large footprint, will be in commission for at least 30 years tying up valuable agricultural land. There are three ways that we can encourage smart solar growth: Encourage Towns to adopt a solar land use policy; use the County Planning Board to oversee and encourage Smart Growth polices; and use tax policy to encourage sub-prime solar development.

The key element to the New Bremen Solar Law, which was developed by the Tug Hill Commission and DANC, then fine-tuned by Casandra Buell emphasizes the need for balance and guidelines to address countywide and community wide concerns. Legislator Kulzer took issue with protecting prime agricultural land because he feels the county should not tell a farmer what they can and cannot do with their land. Farmers are and have been suffering for quite some time and many would benefit from additional income because of the low milk prices. Casandra Buell explained that the New Bremen Solar law only states that it is preferred to use sub-prime
agricultural lands to the maximum extent possible but if that can’t happen then just an explanation form the developers to why will suffice.

There are farmers who are having issues with some solar developers who are being pushy about using the prime agricultural land because it has road frontage to connect to the grid instead of using the sub-prime acreage that can’t be used for much else. The language in this solar law was the best form both sides. Legislator King voiced his opinion that developers take the easiest path they can which is going to be prime agricultural land because it means saving them money running connections. Legislator Kulzer voiced his opinion that a farmer can make more from having solar on their prime-agricultural land than leasing it out to another farmer.

Solar projects will change the look of the county if not regulated and that is something, we should all be concerned with. The resolution being presented doesn’t adopt this as a county policy but rather encourages municipalities to adopt it as allow Lewis County Planning to consider the potential countywide impacts of utility scale solar projects. Casandra Buell stated that the Town of Croghan has already reached out for this solar law to be able to review and adopt it. Many of the local projects are smaller scale utility projects which can be regulated under Article 10 but larger projects under Article 23 have an option to opt out of local regulations to follow State regulations but through tax policy and PILOT agreements the IDA will be able to offer incentives to follow local regulations and solar law.

Legislator King had concerns about how these solar developers plan to get the power that is generated from solar fields our of the area as most of the windmill projects ran into this problem. Ryan thought that NYS will be putting more money into the issue to push for more green energy. Ryan concluded by stating that the windmill projects were lifesavers to some area farmers and the same can go for solar projects if hey are done in a smart way.

The following dockets were reviewed:
1. Introductory Law No. 7-2020 “A Local Law To Authorize Overriding The Tax Levy Limit Established By General Municipal Law § 3-c (A/K/A “2% Tax Cap”) For The Lewis County 2021 Budget” and Fixing the date of the public hearing for October 6, 2020.
   YEA 5 NAY 0

2. Resolution adopting the Retention and Disposition Schedule for New York Local Government Records, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law.
   YEA 5 NAY 0

3. Resolution to transfer $3,000.00 from Capital Data Processing to the County Clerk accounts for the purchase of various computer equipment.
   YEA 5 NAY 0

4. Resolution to approve bonding up to the amount of $33,000,000.00 for Lewis County General Hospital addition/renovation project.
   YEA 5 NAY 0

5. Resolution authorizing an agreement between the County of Lewis, by and through the Lewis County Human Resources Department, and Mountain View Prevention Services for the
The purpose of Employee Assistance Program services for the term of September 1, 2020 through August 31, 2021 at an annual cost of $5,670.00. Human Resource Director Caitlyn Smith said that the contract was previously with Pivot but Mountain View Prevention Services was less expensive.

YEA 5  NAY 0

6. Resolution authorizing an update of the agreement with Verizon Wireless for the county’s cellphones and other wireless devices to the newly upgraded NYS Contract pricing plan. County Attorney Joan McNichol said the savings would be roughly $3,000 a year.

YEA 5  NAY 0

7. Resolution in support of and recommendation for the Municipal Solar Development Law template developed by DANC and further customized for adoption by all other municipalities in Lewis County and for the Lewis County Planning Board to consider potential County-wide impacts of utility scale solar energy projects. Legislator Gilbert abstained.

YEA 4  NAY 0

8. Resolution to set the computation for the 2021 Workers’ Compensation participant assessments for the Lewis County Self-Insurance Plan.

YEA 5  NAY 0

9. Resolution to amend the Compensation Plan with reference to the Sheriff’s Department to Abolish a permanent FT Jail Nurse at a salary Grade 34 and Create a permanent FT Jail Nurse at a salary Grade 35 and to authorize a MOA between the County and CSEA with respect to the grade change and compensation.

YEA 5  NAY 0

10. Resolution to amend the Compensation Plan with reference to the Public Health Department to Abolish a permanent PT Administrative Assistant at a salary Grade 15 and Create a permanent FT Administrative Assistant at a salary Grade 15.

YEA 5  NAY 0

11. Resolution to amend the Compensation Plan with reference to the Public Health Department to Create a permanent FT Public Health Nurse at a salary Grade 35.

YEA 5  NAY 0

12. Resolution to amend the Compensation Plan with reference to Lewis County General Hospital to Abolish One (1) FT Health Management Transcriptionist and One (1) PT Health Information Management Clerk; and to Create One (1) PT Patient Access Clerk, One (1) FT Patient Account Clerk, One (1) FT Health Information Coder and One (1) FT Health Information Clerk.

YEA 5  NAY 0

13. Resolution to transfer funds in the amount of $28,248.00 from Legislative Contingency to Real Property accounts for expense of new countywide tax collection system approved in Resolution 265-2019. Ryan clarified that this was discussed back in 2019 that the County
would pay these fees in order to get as many Towns as possible on board, but it was never decided which Department the funds would come out of.

YEA_5_ NAY_0_

Motions:
1. Legislator Burns made a motion to authorize Highway Superintendent Warren Shaw to refill a Mechanic Welder position effective immediately due to resignation, seconded by Legislator Gilbert and carried.

2. Legislator Kulzer made a motion to authorize Solid Waste Director Kip Turck to refill a MEO position and all associated backfills effective immediately due to resignation, seconded by Legislator Hathway and carried.

Legislator Burns made a motion at 4:53 p.m. to enter into executive session on personnel and labor negotiations, seconded by Legislator Kulzer and carried.

Legislator Burns made a motion at 5:26 p.m. to enter back into regular session, seconded by Legislator Hathway and carried.

Legislator King began discussion on the resolution that Rev. David Mahayli had presented to the board. Legislator King feels that in the past the Sheriff has went way over budget but recently has made progress and tried to keep costs in check. He doesn’t feel it would be right or legal to reduce the Sheriff’s salary.

Joan suggested that if services aren’t being provided it is addressed at budget time not mid-way through the year. Legislator Moroughan reminded everyone of the gun situation where the Sheriff didn’t follow purchasing protocols and did his own thing. Legislator Hathway felt that Rev. Mahayli’s original issue that was brought up was that the Sheriff selectively chooses what laws to enforce and which ones he doesn’t want to. Legislator King voiced his opinion that maybe the Legislative Body as a whole should address the Sheriff with any concerns they have.

Ryan shared with everyone that he had met earlier in the day with the Sheriff about his 2021 budget and was presently surprised that there were no major budget increases. Legislator Gilbert discussed the NYS executive Order that requires counties to review their law enforcements policies and procedures by April 1, 2021. Legislator Gilbert went on to explain that maybe it would be best to have the Sheriff go through the process and check the boxes to keep state funding rather than have this executive order blow up into something bigger.

Ryan felt that the executive order is an opportunity to make sure as a county we have all our ducks in a row but to try and keep the county out of the spotlight through the process. Ryan felt that for the most part our Road Patrol and overall Sheriff’s Department dos a good job. Legislator Dolhof voiced his opinion that this is an opportunity for us to make sure the Sheriff has all the correct policies in place for legal purposes and that we need to follow the guidelines put out by the Governor in the timeline provided.

Human Resource Director Caitlyn Smith responded to Legislator King that she believes they have all of their training up to date. Legislator King reminded everyone to look at this whole
situation over a longer window of time because the policies in place were there prior to our current Sheriff and things haven’t been changed much. Ryan stated that he would look into the executive order more through the updates he receives from NYSAC. Legislator Chartrand suggested the committee that they meet with the Sheriff to discuss things further.

Joan McNichol suggested putting a letter together for Rev. Mahayli but Legislator Dolhof said he would just talk to him.

At 5:48 p.m. Legislator Burns made a motion to adjourn, seconded by Legislator Kulzer and carried.

Respectfully submitted,
Cassandra Moser, Clerk of the Board
Financial Statements and Auditors’ Reports were reviewed with the County’s management.

Unmodified (i.e. unqualified or “clean”) opinions are expected to be issued on the County’s financial statements.

No material weaknesses or significant deficiencies were noted in the County’s internal controls over financial reporting or in the County’s compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts.

Management provided everything we asked for in a timely manner.

General Fund Highlights:
- Fund balance decreased by $262,067 to a total of $12,935,635.
- Actual revenue and other financing sources $1,238,043 less than budgeted. Real property taxes less than budgeted by $2,683,097.
- Actual expenditures, encumbrances and other financing uses $2,208,710 less than budgeted.
- 2020 budget is $50,115,660 – fund balance at December 31, 2019 is 26% of 2020 budget, County is financially healthy for potential shortfalls due to COVID-19.
- Sales tax revenue was $12,908,223. 2020 budgeted sales tax for $11,850,000. Sales tax down across the state for 2020 due to COVID-19. Conservative budgeting should help with the effects of this issue.

Other Funds’ Highlights:
- County Road fund balance decreased by $186,442 to $595,887.
- Road Machinery fund balance increased by $220,781 to $239,166.
- Capital Projects fund balance increased by $2,120,596 to $2,664,060.
- Solid Waste net position increased by $28,041 to a deficit of $917,145.
- Internal Service (health insurance) net position increased by $964,803 to $5,226,351.
- Hospital net position increased by $4,283,769 to a deficit of $76,137,020. Audited by other auditors.

Other Discussion Items:
- Long-term scheduled debt increased by $325,422 which consisted of serial bond payments of $345,000 and capital lease payments of $327,965 offset by new capital leases of $998,387. New capital leases consisted of buildings and equipment/trucks.
- Current debt limit is $146,454,353. This represents how much debt the county can incur. It is calculated using a 5 year average of the full valuation of taxable property
multiplied by 7%. At December 31, 2019, County general obligation is $7,685,000. This is 5.2% of the limit.

- Cyber Security issues noted across the state. We recommend that cyber security be reviewed for potential deficiencies.

- Single Audit – we conducted an audit of compliance on federal expenditures. As part of that audit HEAP and Medicaid were tested. No non-compliance or internal control issues noted.

- New York State Department of Transportation Audit – we conducted an audit of compliance on state transportation expenditures. As part of that audit CHIPS, PaveNY and Extreme Winter Recovery were tested. No non-compliance or internal control issues noted.
WHY ARE WE TALKING ABOUT SOLAR?

• Currently over 2,800 acres of proposed Solar Development in Lewis County.

• No land use policy = no control on development.

• Ag land has high economic value in our community.

• We can be PRO SOLAR DEVELOPMENT while also being PRO SMART SOLAR DEVELOPMENT
FROM THIS...
TO THIS...
OR... SMART GROWTH SOLAR
WE SHOULD BE THINKING ABOUT LONG TERM LAND VALUE

• Solar Value/Acre - $1,493
• Ag Value/Acre - $6,687

• Solar takes ag land out of productivity for 30+ years.
• How many spin-off businesses are Agriculture-Dependent?
• Source: Tug Hill Commission
HOW CAN WE SMARTLY EMBRACE SOLAR?

• Encourage towns to adopt solar land use policies (e.g. New Bremen)
• Use the County Planning Board to encourage Smart Growth Policies
• Use Tax Policy to encourage sub-prime solar development (IDA to present next month)
NEW BREMEN SOLAR LAW

- Developed by Tug Hill Commission, DANC, & Lewis County Planning Dept.

- Key Elements
  - **Prime Ag Land is being protected** “to the maximum extent practicable”
  - **Screening** so project doesn’t interfere with viewshed
  - **Decommissioning** so project is cleaned-up after useful life
  - Requires **neighbors to be notified** of project
  - **Stormwater** calculations so a project doesn’t flood a neighboring field
  - **Property maintenance** plans submitted by developer
  - **Anti-Glare** requirements so development doesn’t interfere with Fort Drum
  - **Fencing** so solar projects are protected from public tampering
  - **Noise** analysis to determine potential adverse impacts to neighboring properties
QUESTIONS & DISCUSSION?