

REGULAR MEETING
February 1, 2022

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

Roll Call: All Legislators were present. There were 10 other persons present.

Chairman Dolhof asked Legislator Gilbert for the Invocation, followed by the Pledge of Allegiance to the Flag.

Chairman Dolhof declared the December 23, 2021 and January 4, 2022 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: Thomas Osborne
Phil Hathway
Ronald Burns
Jeffrey Nellenback
Joshua Leviker

Dated: February 1, 2022

Legislator Virkler made a motion to waive the rules, seconded by Legislator Leviker and carried.

PRIVILEGE OF THE FLOOR:

Chairman Dolhof opened the public hearing at 5:03 p.m. for Proposed issuance of bonds for the County of Lewis and Lewis County General Hospital.

Mr. Gerald Cayer, of 7785 N. State Street, Lowville, NY addressed the board and stated his opposition to the recent changes in the masking policy for County owned/leased buildings. There is still active transmission of covid-19 happening in Lewis County and it is impacting access to local health care services. He handed out information backing his opinion to each legislator. As the Chief Executive Officer for the only Health Care Facility in Lewis County, he felt it was important to share some statistics: Lewis County Health System is the largest employer in the county and creates an annual economic footprint of 115 million dollars.

PRESENTATION OF COMMUNICATIONS AND NOTICES:

A resolution was received from Putnam County Opposing Government Mandated COVID-19 Vaccination. There were emails received supporting the Board of Legislators for their statement regarding the improper use of county letterhead by the Lewis County Sheriff.

REPORTS OF COUNTY OFFICERS AND DEPARTMENTS:

All Legislators have received copies of the Treasurer's January 2022 report, the Highway and Solid Waste monthly audit reports. Real Property Tax Director, Candy Akin and County Treasurer, Eric Virkler have filed an approved application for 2021 corrected tax roll for Charles Skiff.

Legislators received a report of an unsafe structure at 4160 State Route 26 in the Town of Turin from Code Officer David Brown. Fire & Emergency Management Director, Robert Mackenzie reported that his Deputy Fire Coordinators for 2022 are Richard Ross, Gary Ashline, Bob Bellinger, Joseph Shue, Jeff Nellenback, and Ron Gingerich; as well as EMS Deputy Coordinators Jen Maracchion, Mark Tuttle, and David Kuhl.

The following Departments have submitted their 2021 Annual reports which have been placed on file with the Clerk of the Board: Board of Elections, Building Codes, Buildings & Grounds, Community Services, County Clerk, Emergency Management, Junkyards, Office For the Aging, Planning, Probation, Real Property, Recreation, Forestry & Parks, Solid Waste, Treasurer, Veterans Services Agency, and Workers' Compensation.

Sealer of Weights & Measures Director, Brian Mooney submitted the December 2021 activity report that was placed on file with the Clerk of the Board.

REPORTS OF STANDING COMMITTEES:

Legislator Osborne made a motion to authorize Information Technology Director, Connor Biolsi to send out an RFP for a new county website design and implementation, seconded by Legislator Gilbert and carried.

Legislator Gilbert made a motion to authorize Buildings & Grounds Supervisor, Matt O'Connor to send out an RFP for a new heated sidewalk for the new Courthouse addition, seconded by Legislator Virkler and carried.

Legislator Gilbert made a motion to authorize Buildings & Grounds Supervisor, Matt O'Connor to refill one (1) part-time Cleaner position effective immediately, seconded by Legislator Chartrand and carried.

Legislator Gilbert made a motion to authorize Sheriff Carpinelli to refill one (1) full-time Dispatcher/Corrections Officer position and all associated backfills effective immediately, seconded by Legislator Chartrand and carried.

Legislator Gilbert made a motion to authorize Planning Director, Casandra Buell to refill one (1) full-time Community Development Program Specialist position effective immediately, seconded by Legislator Moroughan and carried.

Legislator Virkler made a motion to authorize Community Services Director, Patricia Fralick to send out an RFP for technology website services, seconded by Legislator Osborne and carried.

Legislator Virkler made a motion to authorize Office For the Aging Director, Crystal Collette to refill one (1) full-time Administrative Assistant position effective immediately, seconded by Legislator Moroughan and carried.

Legislator Virkler made a motion to authorize Public Health Director, Ashley Waite to refill one (1) full-time Public Health Nurse or Registered Nurse position effective immediately, seconded by Legislator Chartrand and carried.

Legislator Virkler made a motion to authorize Public Health Director, Ashley Waite to refill one (1) full-time Early Intervention Services Coordinator position effective immediately, seconded by Legislator Leviker and carried.

Legislator Virkler made a motion to authorize Social Services Commissioner, Jennifer Jones to refill one (1) full-time Caseworker position effective immediately, seconded by Legislator Chartrand and carried.

Legislator Virkler made a motion to authorize Social Services Commissioner, Jennifer Jones to refill one (1) full-time Employment & Training Specialist position and all associated backfills effective immediately, seconded by Legislator Osborne and carried.

Legislator Chartrand reported that long time employee Ms. Sue Solman, RN retired on January 21, 2022 after 19½ years of dedicated service in many facets at Lewis County Health System. It is a pleasure to recognize such a dedicated long-term employee. In Risk Management the lowest number of reportable incidents to date were reported in the fourth quarter. The Financials for December showed a loss of \$57,807.00 compared to a budgeted loss of \$172,159.00. The Hospital received \$331,000.00 in grant funding and has applied for another grant for up to 1 million dollars.

There are currently 100 open positions which are being advertised. Several team members were rewarded with salary increases due to the increase in minimum wage. Kerry Herbine is the new Chief Operating Officer for the hospital and his first day was January 24th. Legislator Chartrand was on the interviewing committee and was impressed by Mr. Herbine. The Hospital project RFP was sent out on January 7th with a bid opening date of February 14th. Legislator Chartrand concluded by stating that there is a covid-19 booster requirement forthcoming with a deadline later in this month. He then asked Hospital CEO, Jerry Cayer to speak further on that.

Mr. Cayer stated that on January 21, 2022, an amendment adding a booster requirement to 10 NYCRR Section 2.61 became effective. The amended regulation states, "Covered entities shall continuously require personnel to be fully vaccinated against Covid-19, and to have received any booster or supplemental dose as recommended by the CDC, absent receipt of medical exemption." Covered entities must ensure personnel who are currently eligible for Covid-19 booster dose have documentation of compliance with the emergency regulation by February 21, and that personnel not currently eligible for boosters receive their boosters within 30 days of becoming eligible.

What that means is if you received your second vaccine shot in September you can't get the booster for 5 months, which puts you on January 27th 2022, then on top of that you have a 30-day grace period. This puts the deadline for those individuals on February 27th. They would have to show proof of the booster, or they won't be eligible to come to work the next day. Those individuals who are unable to show proof will be put on a two week leave in an effort to try to convince them to get the booster. Mr. Cayer handed out documents that further explain the requirements of the booster.

As of this morning roughly 33% of the hospital's workforce has received their booster dose. Anyone who the hospital contracts with must also show proof of the booster. Building Contractors and Volunteers, such as the Board of managers must also show proof of vaccination and that they have received the booster dose. To date they have received one resignation over the booster and have heard that another one is forthcoming. Mr. Cayer estimates that this requirement could lead to another 3% to 5% of the current workforce leaving.

COUNTY MANAGER REPORT:

Ryan Piche reported that since meeting with Committees in January there has been steady work on some of the goals for the year with many meetings being had or planned. The 2022 Facilities Improvement Project walk through took place yesterday evening with 23 contractors attending, hopefully a sign of competitive bids. The Broadband Ad Hoc Committee will be meeting again soon once they hear back on the NTIA grant funding. The Rails to Trails idea is being worked on. There has been a meeting with the Lobbyist group the county contracted where they learned about the many aspects of OHV and are realizing it isn't as simple as they once thought.

The Central Lewis County Water Study met and discussed the counties' role going forward. The EMS issue was discussed with Robert Mackenzie and Jen Maracchion as well as Legislator Nellenback, which brought to light the many complications with this issue. Ryan will meet with Social Services Commissioner Jennifer Jones to discuss more options for homelessness in the county. Unfortunately, the Glenfield Elementary School was sold to a private entity, which means the county is looking at other options for housing our Health & Human Service Departments while the renovations are underway.

There are new Congressional, Senate and Assembly Districts. The 21st Congressional District of Congresswoman Elise Stefanik, will split Jefferson County and Fort Drum off into a new District. The Senate map which is being voted on today will change our representative from Senator Griffo to Senator Richie. Lastly, Ryan reported that his mentor and College Professor Robert McEvoy passed away on Monday, January 31st. He had a profound impact on Ryan and many of his students have gone on to be leaders in local government because of his stellar reputation and long-term career in Schenectady County government.

Legislator Hathway questioned if there was anything more on the wood burning ban being talked about in the Assembly, Ryan responded that he had learned that the DEC isn't even considering eliminating wood burning as a source of heating. Legislator Chartrand asked for an

update on the SNIRT run, Ryan responded that it is set for April 9th and Snow Pals have been very cooperative with the county. There are several routes planned, depending on the weather at the time of the event in an effort to be thoughtful and forward thinking as much as possible. There will be a meeting prior to the event with Town Highway Superintendents to double check the conditions of the different routes/roads.

COUNTY TREASURER REPORT:

Eric Virkler reported that the total sales tax received from 2021 was \$15,141,000, which is 1.8 million higher than 2020 and 3.3 million higher than budgeted. His office is working on closing out 2021 and plan on the auditors arriving at the end of March. Legislator Chartrand questioned if Eric had heard anything about the state putting a temporary hold on sales tax on gasoline, Eric Responded that he hadn't but he would look into it. A temporary hold on sales tax for gasoline or any other goods could impact our sales tax revenue. Legislator Chartrand suggested the county send a resolution to the state if this moves forward.

REPORT OF THE FINANCE AND RULES COMMITTEE:

OTHER BUSINESS:

At 5:39 p.m. Chairman Dolhof closed the public hearing.

Legislator Burns made a motion to rescind the County Mask Policy, seconded by Legislator Osborne. Legislator Chartrand questioned how rescinding the County Mask Policy would affect local businesses, Ryan responded that this is only for County owned or leased buildings so local businesses would still have to abide by the state mandate. They would need to follow the guidelines necessary to meet their license requirements. The signs on the County buildings will be changed to indicate that mask wearing is no longer required but still strongly recommended. There was discussion on helping local business out by giving them masks to hand out. Legislator Virkler felt that the county should supply local business with KN95 masks, which are the best at eliminating the spread of covid-19. Legislator Chartrand mentioned the masks that the state is supplying are rather small and maybe a different size could be requested. Ryan thought that it is more of a one size fits all and having the mask tight means that it is fitting correctly. The motion was then carried.

Chairman Dolhof announced that there would be a Special Board meeting on Thursday, February 24th at 5:00 p.m. to award the contracts for the 2022 Facilities Improvement Project, Approve the Bond, and SEQRA.

Ryan Piche explained that he would like to move the March Committee meetings to Thursday, March 17th due to the NYSC Spring Conference. Legislator Chartrand made the motion to move the March 2022 Legislative Committee meetings to Thursday, March 17th beginning at 1:00 p.m., seconded by Legislator Virkler and carried.

Chairman Dolhof reported that the incident with the Sheriff using official letterhead for an unofficial purpose was forwarded on to the Ethics Board and the county has received their response on the matter on January 31st. County Attorney Joan McNichol read their response as follows:

“The Lewis County Board of Legislators requested the Board of Ethics to weigh in on the following matter: The Lewis County Sheriff’s use of Official Lewis County Sheriff’s Department stationary/letterhead for unofficial and personal correspondence.

The Ethics Board convened and considered the matter pursuant to its responsibilities and duties as set forth in the Lewis County Ethics Law (LL No. 5-2005, Article 18 of the General Municipal Law and general codes of conduct for government officials) and makes the following observations and statement pertaining to the above.

Although a provision address to the prohibition of use of official letterhead by a County Official for private purposes is not specifically set forth in the local law, we recognize that not every unethical behavior or misconduct by a government official is set forth. Indeed, we would argue that the misuse of a county resource such as official letterhead by an elected official for private purposes is so common-sense as not to require a specific provision in the local law. This misuse is reference in Lewis County Sheriff’s Department policies.

As an elected official and leader of a county law enforcement department, and one who should be a role model for exemplary standards, including avoidance of the appearance of conflicts, we would expect the Sheriff to strive to set the example for others and not misuse his county office and county resources for personal matters.

The Sheriff misused his position and county resources, i.e., Official Lewis County Sheriff Department letterhead for personal interests which had nothing to do with the operations of the Lewis County Sheriff's Department. This misuse of county letterhead gives the appearance that the views expressed by the Sheriff on official county stationary are shared or sanctioned by Lewis County government. It is improper and unethical for any county employee – elected or appointed to use county property for such personal use.

If any additional action is sought, the members of the Board of Ethics recommend an admonishment of the Sheriff for this misconduct, with the expectation that no further misuse of the official letterhead would be undertaken. Respectfully submitted, Lewis County Ethics Board; Dennis M. Mastascusa, Chair; Charles W. Truax, JR.; and John Scott Markham.”

At 5:50 p.m. Legislator Osborne made a motion to enter executive session for discussion on a litigation matter following a 5-minute break, seconded by Legislator Burns and carried.

At 6:30 p.m. Legislator Osborne made a motion to re-enter regular session, seconded by Legislator Nellenback and carried.

Legislator Gilbert made a motion to send a letter of admonishment to Sheriff Carpinelli and adopt the Lewis County Ethics Board position, seconded by Legislator Burns and carried.

There being no other business to come before the Board, Legislator Hathway made a motion to adjourn the meeting at 6:32 p.m., seconded by Legislator Chartrand and carried.