



OFFICE OF THE BOARD OF LEGISLATORS
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Cassandra Moser
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TO: Media

FROM: Cassandra Moser, Clerk of the Board

DATE: March 31, 2023

The Board of Legislators will meet on Tuesday, April 4, 2023 at 5:00 p.m. for the regular monthly meeting which will be held in the Legislative Board Chambers at the Courthouse in Lowville, NY. Enclosed are proposed resolutions for action. Any other business may be conducted.

The meetings will be streamed live on the YouTube channel "Lewis County" listed as:
https://www.youtube.com/c/LewisCountyNY

RESOLUTION NO. 61 - 2023

AUDITING AND ALLOWING CLAIMS

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

RESOLVED that the claims presented for payment in the total amount of \$ 2,941,976.39 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 ___, seconded by Legislator ___, and adopted pursuant to the following roll call vote:

AYES:

NAYS:

ABSENT:

RESOLUTION NO. 62 - 2023

RESOLUTION URGING THE US DEPARTMENT OF AGRICULTURE TO ALLOW FOR MORE FLEXIBILITY WITH RESPECT TO PACKAGE AND CONTAINER SIZES WITHIN CERTAIN FOOD CATEGORIES UNDER THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC)

Introduced by Legislator Ian Gilbert, Chair of the General Services Committee.

WHEREAS, the agriculture industry, and in particular, the milk and dairy industry are of critical importance to Lewis County residents and farmers who also understand the nutritional values of dairy products; and

WHEREAS, the US Department of Agriculture (USDA) intends to issue updated rulemaking with respect to supplemental food packages for the Special Supplemental Nutrition Program for Women, Infants, and Children, a/k/a "WIC". This program currently provides redemptions for allowed dairy, including milk, yogurt (added in 2015) and cheese products by participants; and

WHEREAS, under the USDA strict guidelines on WIC eligible dairy foods and the package sizes for same, participants were restricted in accessing popular options commonly stocked at retail stores, resulting in fewer benefits issued and fewer nutrients consumed by women, infants and children. Participants are required to purchase 32-ounce containers of yogurt as opposed to smaller, individual container sizes, which are more widely available and convenient to young children; and

WHEREAS, the WIC-specific package size restrictions are clearly arbitrary, since participants were able to have the flexibility to access different package sizes of eligible dairy products where State WIC waivers were obtain during the COVID-19 pandemic. These waivers allowed WIC participants to access foods that met WIC nutritional guidelines, but were more readily available and on store shelves in varieties in products and package size containers; and

WHEREAS, the USDA should enact rules which encourage and allow WIC participants to use their redemptions on more varieties and sizes of dairy products. This flexibility should apply to foods within the same food category that meet the supplemental nutritional profile, but that are otherwise in different package or container sizes. This flexibility will promote greater variety and accessibility, and allow for the essential nutrients which are a critical part of a healthy diet;

NOW, THEREFORE, be it resolved as follows:

Section 1. That the Lewis County Board of Legislators calls on the US Department of Agriculture to update its rules and regulations with respect to dairy

RESOLUTION NO. 63 - 2023

**RESOLUTION AUTHORIZING RENEWAL/EXTENSION OF LEASE AGREEMENT
BETWEEN THE COUNTY OF LEWIS AND
CORNELL COOPERATIVE EXTENSION OF LEWIS COUNTY**

Introduced by Legislator Ian Gilbert, Chair of the General Services Committee.

WHEREAS, Lewis County desires to renew the Lease Agreement with Cornell Cooperative Extension of Lewis County ("CCE LC") to lease 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 for another year upon the same terms and conditions.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. The Lewis County Board of Legislators hereby authorizes a renewal/extension agreement to the lease by and between the County of Lewis and Cornell Cooperative Extension of Lewis County, to lease space in the LC-JCCEC building located at 7395 East Road, Lowville, NY 13367, for the term commencing February 1, 2023 through January 31, 2024, at a monthly rental of \$2,450.00.

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

Section 3. That this resolution shall take effect immediately.

Moved by Legislator __, seconded by Legislator __, and adopted.

RESOLUTION NO. 64 – 2023

**RESOLUTION AUTHORIZING CHANGE ORDERS TO THE AGREEMENTS WITH
BETTE & CRING AND ENI FOR THE HIGHWAY GARAGE FACILITIES
IMPROVEMENT PROJECT**

Introduced by Legislator Ian Gilbert, Chair of the General Services Committee.

WHEREAS, Bette & Cring was awarded the general construction contracts for the Highway Garage and DSS Renovation Projects; and

WHEREAS, the NYS Department of Transportation (DOT) is requiring that new guiderails be placed along the new highway garage access entrance approved by DOT on Route 812. The County is responsible for the cost and installation of the required guardrails, at a cost of \$40,683.00, and listed as Change Order No. 13 to the contract with Bette & Cring; and

WHEREAS, the project team recommends adding air conditioning to the mezzanine section of the new highway building for future use, at a cost of \$23,064.00, and considered as Change Order No. 4 to the contract with ENI. This change order cost will be covered under the current allowance under the ENI contract; and

WHEREAS, these PCOs have been fully reviewed and vetted by C&S and KT Consulting, who recommend the Board's approval of same in order to move forward with the highway campus projects;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes and approves the following change orders for the highway garage renovation project: 1) Change Order No. 13 to the Agreement with Bette & Cring, for the purchase and installation of the guiderails along the new highway garage entrance on Rte 812 as required by DOT at a cost of \$ 40,683.00; and 2) Change Order No. 4 to the Agreement with ENI for the purchase of equipment and installation required for adding AC to the mezzanine in the new highway building, at a cost of \$23,064.00, to be deducted from ENI's current allowance balance; all as outlined in accordance with the documentation submitted by the contractors, at a total cost of \$63,747.00.

Section 2. That the Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Change Orders as amendments to the Agreement with the above named contractors, upon review and approval by the County Attorney.

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

Moved by Legislator __, seconded by Legislator __, and adopted.

RESOLUTION NO. 65 - 2023

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN
THE COUNTY OF LEWIS AND C&S ENGINEERS, INC. TO PROVIDE
PROFESSIONAL CONSTRUCTION OBSERVATION AND INSPECTION SERVICES
OF ROADWAY IMPROVEMENTS FOR THE
HIGHWAY GARAGE RENOVATION PROJECT**

Introduced by Legislator Ian Gilbert, Chair of the General Services Committee.

WHEREAS, as part of the Highway Garage Renovations under the County's Facilities Improvement Project, the NYS DOT requires professional engineers to observe and inspect the roadway improvements being undertaken on Route 812;

WHEREAS, C&S Engineers, Inc., (C&S), submitted a proposal with a scope of services designed to provide the observations and inspections required by DOT, at a cost not to exceed \$29,000.00 for the services outlined for 44 working days as set forth in their proposal with any additional services requested to be performed payable in accordance with their fee schedule, upon written modification of the agreement; and

WHEREAS, the Board of Legislators seeks to accept this proposal for required consultant observations and inspections of the roadway improvements approved by NYS DOT at the highway garage campus;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes and approves an Agreement with C& S Engineers, Inc., 499 Col. Eileen Collins Blvd, Syracuse, NY 13212, to provide professional roadway improvement observation and inspection services at the highway garage renovation project, as required by the NYS DOT, and in accordance with the scope of services outlined by C&S in its proposal dated March 23, 2023, at a cost of \$29,000.00.

Section 2. That the cost of these services are payable under the County's Facilities Improvement Project account.

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

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

Moved by Legislator __, seconded by Legislator __, and adopted.

RESOLUTION NO. 66 - 2023

**RESOLUTION TO APPROPRIATE FUNDS
Community Services**

Introduced by Legislator Lisa Virkler, Chair of the Health & Human Services Committee.

BE IT RESOLVED, as follows:

Section 1. That the following budget appropriation for the 2023 budget take place in the Community Services Accounts to recognize the award of funds from NYS OASAS for funding related to the NYS opioid litigation settlements:

Increase Revenues:

A0431600 334905 Community Services State Opioid Revenue	\$162,808.00
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Increase Expenditures:

A0431600 488115 Community Services Opioid Expenses	\$162,808.00
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Section 2. That the Treasurer is hereby authorized to make any additional budget appropriation if and when additional opioid settlement funds are awarded to the Community Services Director as the Local Government Unit (LGU) for Lewis County.

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

Moved by Legislator __, seconded by Legislator __, and adopted.

RESOLUTION NO. 67 – 2023

**RESOLUTION OPPOSING GOVERNOR HOCHUL'S
PROPOSED PART N OF the SFY 24 EXECUTIVE REVENUE BUDGET
PERTAINING TO RATIFICATION OF THE PRIOR SOLAR AND WIND ENERGY
SYSTEM APPRAISAL MODEL PUBLISHED BY THE
DEPARTMENT OF TAXATION AND FINANCE IN 2021**

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

WHEREAS, Governor Hochul's proposed budget includes a provision known as Part N of Article VII of the Executive Revenue Budget, which effects Real Property Tax law (RPTL) 575-b. Part N essentially ratifies the prior adoption of the solar and wind energy system appraisal model developed and published by the Department of Taxation and Finance (DTF) in 2021, and seeks to determine that the proposed appraisal models are not subject to the requirements under the State Administrative Procedure Act (SAPA); and

WHEREAS, Lewis County prides itself in being one of the first "green communities" in the North Country, with numerous actions taken by its villages, towns and county to decrease their carbon footprints while simultaneously providing vital services to its residents and businesses through its taxing authority and ability to negotiate PILOT agreements with solar and wind developers based upon reasonable and realistic assessments; and

WHEREAS, the establishment by DTF of mandated low "appraisal models" for all solar and wind energy systems across the state, was an action designed to assist developers to meet the State's green energy goals. This action however, essentially removes the right of the local municipalities to assess taxes for large-scale solar, wind and battery storage projects located within their jurisdictions and dismantles local municipalities' ability to govern; a clear violation of "Home Rule" authority; and

WHEREAS, Lewis County and its local municipalities and school districts have entered into numerous PILOT agreements with solar and wind developers, with those agreements setting forth negotiated PILOT payments upon which the municipalities and school districts depend in developing their annual budgets in order to reduce the property tax burdens. The mandated Part N model appraisals place all of these PILOTS and payments in jeopardy, with a serious, negative impact on the taxpayers in Lewis County; and

WHEREAS, the Lewis County and many of its towns have supported the efforts brought by the firm representing Town leaders in Schoharie County who challenged the implementation of DTF's state-mandated appraisal models for solar/wind projects in court. The law firm was successful in convincing the Court to issue a

TEMPORARY STAY of the model appraisal implementation, arguing in part that the failure to follow or apply SAPA requirements essentially deprives local governments and communities of the right to even question or challenge the new model's application. If enacted, Part N will render this lawsuit moot; and

WHEREAS, Part N simply serves to provide a financial benefit to solar and wind developers, and speeds up the process of the State approval of these projects which the local governments and communities are forced to host without any say or proper tax assessments; and

WHEREAS, Part N demonstrates, once again, Albany's inability to understand or to outrightly refuse to consider the effects of this state-wide mandate upon small, rural communities in upstate New York.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators vehemently opposes the Governor's proposed Part N to the SFY 24 Executive State Budget which seeks to ratify the prior adoption of the solar and wind energy system appraisal model and not make same subject to the State Administrative Procedure Act.

Section 2. That the Lewis County Board of Legislators urges the Governor and New York State Legislature to examine the financial impacts of this legislation upon the local municipalities and school districts who have successfully and fairly determined appraisals for large scale solar and wind energy systems hosted in their local communities, and negotiated PILOTS based upon these assessments and appraisals, while further eroding the right of Home Rule by local governments.

Section 3. That the Lewis County Board of Legislators calls upon the New York State Senate and Assembly to oppose Part N of the Governor's SFY 24 Executive State Budget for the reasons set forth above.

Section 4. That this Resolution shall take effect immediately.

Section 5. That the Clerk of the Board is directed to forward certified copies of this resolution to Governor Hochul, Senator Mark Walczyk, Assemblyperson Kenneth Blankenbush, the Majority and Minority leaders of the State Senate and Assembly, New York State Association of Counties, and any other party deemed necessary and proper.

Moved by Legislator __, seconded by Legislator __, and adopted.

RESOLUTION NO. 68 - 2023

**RESOLUTION TO REQUEST NYS HOME RULE LEGISLATION
TO CONTINUE SALES TAX INCREASE**

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

WHEREAS, Tax Law §1210 (36), as added by Chapter 47 of the Laws of 2004 and as further amended by Chapter 251 of the Laws of 2011, authorized and empowered the County of Lewis to adopt and amend local laws, ordinances or resolutions imposing an additional one percent (1%) sales and compensating use tax for the period ending November 30, 2023; and

WHEREAS, by Resolution No. 197-2020, the Board of Legislators implemented such additional sales tax, which pursuant to §1210 (36) of the Tax Law, will expire on November 30, 2023; and

WHEREAS, such additional sales tax revenue has enabled the Board of Legislators to mitigate the need for increased property taxes and the County of Lewis continues to experience such budgetary pressures as would justify an extension of the time in which it may impose such additional sales tax.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby finds and determines that:

- a) The Board of Legislators has worked diligently over the last several years to cut expenses in its budget wherever possible to contain both short term and long term expenses and reduce the burdens placed upon the local taxpayer. Despite such efforts, the Board finds that it must also look to increase revenues, if and when possible.
- b) That the Board is anticipating significant increases in capital expenditures over the next few years in order to repair, replace, and in some cases upgrade its infrastructure. The County is also anticipating other community projects to benefit the residents, businesses and visitors to the County which will require financial investment .
- c) That an increase of the allowable sales tax imposed by the County of Lewis of one percent (1%) will enhance County revenues while spreading the burden thereof over a greater portion of the populace, and therefore reduce the budgetary pressures that are placed upon the real property tax warrant.

Section 2. Therefore, the Lewis County Board of Legislators respectfully requests that the New York State Legislature pass such necessary and appropriate

“Home Rule Legislation” as would allow the County of Lewis to impose an additional one percent (1%) local sales tax for the period beginning December 1, 2023 and ending November 30, 2025.

Section 3. That the Board of Legislators respectfully requests that the New York State Legislature adopt such Home Rule Legislation at its earliest convenience to allow the Lewis County Board of Legislators sufficient time to plan for the 2024 budget year.

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

Moved by Legislator __, seconded by Legislator __, and adopted.

RESOLUTION NO. 69 - 2023

RESOLUTION URGING GOVERNOR HOCHUL AND THE NYS PUBLIC SERVICE COMMISSION TO DISMISS NYSEG AND RG&E RATE HIKE REQUESTS AND TO CORRECT THE BILLING PROBLEMS BEFORE RATE HIKEs ARE CONSIDERED

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

WHEREAS, Lewis County residents are served by NYSEG (with other Counties served by RG&E); and

WHEREAS, NYSEG has requested a 34.9% rate increase for electric and 14.9% for gas customers which together would result in an annual bill increase of approximately \$240 for the average residential customer;, and RG&E seeks a 21% rate increase for electric and 18.8% for gas customers, which combined would result in an annual bill increase of nearly \$260 for an average residential customer, and

WHEREAS, Governor Hochul called NYSEG and RG&E's rate hike request "outrageous and unacceptable" and urged her Department of Public Service (DPS) to "scrutinize every number and word of this proposal to protect New York families from unjustified and unfair rate increases"; and

WHEREAS, DPS staff experts have reviewed the NYSEG and RG&E rate filings, and as documented in public records, testified to the many deficiencies and errors contained in those filings. Staff further stated that the Companies have been vague and non-responsive to their questions, that this is the second successive rate filing in which these issues have occurred, with similar issues and concerns noted in a 2016 management audit as well; and

WHEREAS, State regulations governing rate proceedings (16 NYCRR §61) require the companies to provide "competent testimony" with detailed financial justification that is "neither speculative or conjectural" to support their rate requests, but these companies have failed to do so; and

WHEREAS, the NYS Public Service Commission is undertaking an investigation into the billing practices of NYSEG and RG&E because of the number of consumer complaints filed, to more than 4,700 in 2022; a 60% increase from the two previous years combined; and

WHEREAS, the billing problems as well as the inadequacies of the rate filings cause the Board of Legislators to call into question the administrative competence of these monopoly utilities and their claims for the necessity of such large rate increases;

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators calls on the Public Service Commission and Governor Hochul to dismiss the NYSEG and RG&E rate increase requests and to protect the public interest by making sure these companies get their billing straightened out and submit proper, detailed rate filing data before substantive rate hikes are even considered.

Section 2. That the NYS PSC be mindful of the number of increased complaints by the end users of these utilities as well as the daily impacts of any rate increases on the consumers.

Section 3. That the Clerk of the Board is directed to send a certified copy of this resolution be sent to Governor Kathy Hochul, State Senator Mark Walczyk, State Assemblymember Kenneth Blankenbush, PSC Chair Rory Christian, and to Michelle Phillips, Secretary, Public Service Commission, with a request to file this resolution in each of the following Cases: 22-E-0317, 22-G-0318, 22-E-0319, 22-G-0320.

Section 4. That this Resolution shall take effect immediately.

Moved by Legislator __, Seconded by Legislator __, and adopted.

RESOLUTION NO. 70 - 2023

**RESOLUTION APPOINTING MEMBER TO
OFFICE FOR THE AGING ADVISORY COUNCIL**

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

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby appoints Celia Bango of Harrisville, NY to fill the vacancy of District No. 1 representative on the Lewis County Office For Aging Advisory Council.

Section 2. The term of said appointment shall be effective from April 5, 2023 through December 31, 2025.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator __, seconded by Legislator __, and adopted.

RESOLUTION NO. 71 - 2023

**RESOLUTION TO SET PUBLIC HEARING FOR LEWIS COUNTY
MICROENTERPRISE ASSISTANCE PROGRAM, NYS CDBG PROJECT #636ME980-
21 ADMINISTERED BY THE LEWIS COUNTY IDA, HOMEOWNERSHIP PROGRAM,
NYS CDBG PROJECT #636H0133-20 ADMINISTERED BY SNOW BELT HOUSING,
AND HOUSING REHABILITATION PROGRAM, NYS CDBG PROJECT #636HR134-
20 ADMINISTERED BY SNOW BELT HOUSING**

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

WHEREAS, All recipients of NYS Community Development Block Grant (CDBG) funds must meet the citizen participation requirements at 24 CFR 570.486 and New York State's Citizen Participation Plan, as amended, which require recipients to follow a citizen participation plan for one public hearing prior to the submission of an application for funding, and one public hearing, if awarded to be held during the administration of the grant to solicit comments on the effectiveness of the program's administration; and

WHEREAS, the Board of Legislators duly held a public hearing on the 2nd day of March 2021, regarding a CDBG application for \$200,000 to be administered by the County of Lewis Industrial Development Agency ("IDA"), under the microenterprise program for small business grant activities in Lewis County; and

WHEREAS, the Board of Legislators duly held a public hearing on the 6th day of April, 2021, regarding community development housing needs and other possible development activities in preparation of a CDBG Application (Project # 636HR134-20 AND 636H0133-20) to be administered by Snow Belt Housing; and

WHEREAS, in 2021, the County, through the IDA as sub-recipient, received the CDBG Microenterprise award of \$200,000 and now seeks to hold the second public hearing to provide residents with the opportunity to offer any comments on the accomplishments and activities pertaining to the CDBG Project # 636ME980-21: the Microenterprise grant program for small business activities in Lewis County; and

WHEREAS, the County, through Snow Belt Housing as the sub-recipient, received an award of \$377,239 in Lewis County Homeownership Program funds and the Board of Legislators of Lewis County seeks to hold a second public hearing to provide residents with the opportunity to offer any comments on the accomplishments of the current Lewis County Homeownership Program; and

WHEREAS, the County, through Snow Belt Housing as the sub-recipient, received an award of \$610,064 in Lewis County Housing Rehabilitation Program funds and the Board of Legislators of Lewis County seeks to hold a second public

hearing to provide residents with the opportunity to offer any comments on the accomplishments of the current Lewis County Housing Rehabilitation Program;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators authorizes a public hearing to be held and set for May 2nd, 2023 at 5:00 p.m. at the Lewis County Courthouse, Board of Legislators Chambers, 7660 North State Street, Lowville, New York, 13367 to provide residents of Lewis County with the opportunity to offer any comments on the accomplishments of the current CDBG Project # 636ME980-21, Lewis County Microenterprise Program, CDBG Project # 636HO133-20, Lewis County Homeownership Program, and CDBG Project # 636HR134-20, Lewis County Housing Rehabilitation Program.

Section 2. That the Chairman or Vice-Chairman of the Board of Legislators, be and the same is hereby authorized to make, execute, seal and deliver any documents or writings as may be necessary to carry out the terms of this Resolution, pending approval of the County Attorney.

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

Moved by Legislator __, seconded by Legislator __, and adopted.

RESOLUTION NO. 72 - 2023

RESOLUTION IN SUPPORT OF AMENDING THE VEHICLE AND TRAFFIC LAW TO RAISE THE MAXIMUM WEIGHT FOR ALL-TERRAIN VEHICLES TO INCLUDE SIDE-BY-SIDES/UTVs

Introduced by Legislator Ian Gilbert, Chair of the General Services Committee.

WHEREAS, outdoor recreation, including ATV/UTV recreational trail riding, is a vital part of the Lewis County economy; and

WHEREAS, New York State's definition of an all-terrain vehicle under the Vehicle and Traffic Law (VTL), which does not include UTV's/side-by-sides and restricts the weight limit to 1,000 pounds, is sorely obsolete and counter-productive in realizing the financial revenues which can be generated by lifting these limitations. Advances in technology and design have resulted in these vehicles being of greater weight, but not posing any greater negative environmental impact by same. The primary causes of environmental damage from ATVs or UTVs or any off-highway vehicle are poor driving habits, riding in unsuitable areas and recklessness. Lewis County, working with its ATV club partners, has created an extensive, safe, and environmentally sound ATV trail system that is constantly repaired, maintained and inspected to eliminate environmental damage; and

WHEREAS, these simple definition changes will actually afford other populations, such as the elderly, families with young children, and the infirm to have the ability to ride safely as a passenger in a side-by-side/UTV and experience our beautiful trails, forests and wilderness. Further, these changes will increase sales revenue for both the State (sale of new vehicles in New York) and in our local economies. Because of NY's archaic definition and unrealistic weight restriction on these off highway vehicles, many UTV enthusiasts are purchasing and registering these vehicles out of state; a tremendous loss of sales tax revenue and registration fees to NYS. Increasing the weight limit to include UTVs/side-by-sides will allow users to register their vehicles in New York and generate more revenue to the State, and allow the numerous current owners of UTVs to register their vehicles and legally operate them on our safe trail systems; and

WHEREAS, all-terrain vehicles regardless of weight, are both a working tool and a means of recreation in Lewis County. ATV trail riding is a positive financial activity for both the State and local economies; and their legal use should be fully supported by the State regulatory structure; and

WHEREAS, the Board of Legislators seeks to support and grow its local economy, so dependent upon outdoor recreational activities, by urging the State to take the steps necessary for this recreational activity to prosper in New York State; and

WHEREAS, the first and simple step in growing this vital recreational activity (which is already taking place in New York), is for the State Legislature to change to

the definition of an ATV under the Vehicle and Traffic Law (§2281) to include ATV, UTV or side-by-side vehicles up to seventy inches in width and a weight of at least 2,000 pounds. This simple step will result in increased State revenue from registration and insurance fees and sales tax from purchases of these UTVs from New York dealerships and retailers;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby acknowledges its continued support for increasing the weight limit on the definition of an ATV under the VTL to include UTVs and/or Side-By-Sides with weights of 2,000 pounds, and encourages the State Senate, Assembly and Governor to act on this request with all due haste.

Section 2. That the Lewis County Board of Legislators directs that a copy of this resolution be forwarded to Governor Kathleen Hochul, Senator Mark Walczak, Assemblyman Ken Blankenbush, the NYS Senate Majority and Minority Leaders, NYS Assembly Majority and Minority Leaders, NYSAC and any other State or Local Agencies or Municipalities the Chairman deems appropriate.

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

Moved by Legislator __, seconded by Legislator __, and adopted.

RESOLUTION NO. 73 - 2023

**RESOLUTION APPROVING
2023 RESOURCE ALLOCATION PLAN
WITH NYS OFFICE OF CHILDREN AND FAMILY SERVICES**

Introduced by Legislator Lisa Virkler, Chair of the Health & Human Services Committee.

WHEREAS, execution of a Resource Allocation Plan qualifies the County for State reimbursement in accordance with NYS Office of Children and Family Services allocation of funds appropriated for counties engaged in comprehensive planning for youth services; and

WHEREAS, the Commissioner of Lewis County Social Services Department has developed a plan for youth services in accordance with NYS OCFS Resource Allocation Program, and requests that the Board of Legislators approves same;

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby approves the 2023 Resource Allocation Plan between the County of Lewis and the New York State Office of Children and Family Services ("OCFS") for the 2023 program year in the amount of \$ 29,610.00, and any additional funding which may subsequently awarded for this program year for comprehensive planning for youth services.

Section 2. That the Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to execute, seal and deliver said Resource Allocation Plan, agreement, and any modifications or amendments thereto upon review by the County Attorney.

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

Moved by Legislator __, seconded by Legislator __, and adopted.

RESOLUTION NO. 74 - 2023

**RESOLUTION AWARDING BID AND AUTHORIZING AGREEMENT WITH
ABSOLUTE AUCTIONS & REALTY, INC. FOR PROFESSIONAL AUCTIONEER
SERVICES FOR THE COUNTY'S IN REM TAX FORECLOSURE AUCTIONS**

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

WHEREAS, the Lewis County Treasurer and Purchasing Director sent out a Request for Proposals (RFP) for professional auctioneer services pertaining to the County's In Rem Tax Foreclosure sales of foreclosed properties; and

WHEREAS, the Clerk of the Board, Treasurer, Purchasing Director and other county employees were present on January 26, 2023 at 2:00 pm to open the four (4) bids received in response to the RFP; and

WHEREAS, after careful review and consideration of the proposals, in accordance with the specifications and professional scope of work set forth in the RFP, the Treasurer recommends awarding the bid to Absolute Auctions & Realty, Inc., (AAR) of 45 South Ave, PO Box 1739, Pleasant Valley, NY 12569, with all of the professional certifications, experience, and competitive pricing which is in the best interest of the County's in rem auctions proceedings; said bid including a 7% buyers premium, 9% buyers premium and 10% Redemption fee as more fully set forth and described in its bid dated January 23, 2023; and

WHEREAS, the Board of Legislators seeks to award the bid to AAR and authorizes a three (3) year agreement for the specified auction services to be provided in accordance with the RFP;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby awards the bid and authorizes an Agreement with Absolute Auctions & Realty, Inc., (AAR) of 45 South Ave, PO Box 1739, Pleasant Valley, NY 12569 for the professional auctioneer services related to the County's In Rem tax foreclosure auction sales as described in the RFP.

Section 2. That the Lewis County Board of Legislators authorizes a three year agreement with AAR to include all conditions and requirements set forth in the RFP together with inclusion of fee terms including 7% buyers premium (on line only), 9 % buyers premium (live with online bidding and 10% Redemption fee), together with any additional terms and conditions recommended by the County Attorney.

Section 3. That the Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to make, execute, seal and deliver said Agreement and any amendments thereto, upon review and approval by the County Attorney.

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

Moved by Legislator __, seconded by Legislator __, and adopted.

RESOLUTION NO. 75 - 2023

**RESOLUTION IN MEMORIAM OF
GARY F. BUCKINGHAM SR.**

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

WHEREAS, **Gary F. Buckingham, Sr.** of Lomber Road, New Bremen, New York, has recently departed this life on March 15, 2023; and

WHEREAS, **Gary F. Buckingham, Sr.** was chosen by the electorate to serve on the Lewis County Board of Legislators effective January 1, 1970 through February 2, 1989, as the District No. 1 representative; and

WHEREAS, during his tenure he served as Chairman of various Board committees, including Taxation, Transportation, and County Officers & Employees. He also represented the Board as Chairman of the Regional Planning Board, Chairman of the Regional Forest Practice Board, and President of the New York State Supervisors and County Legislators Association; and

WHEREAS, on February 7, 1989, he was appointed as Lewis County's first Solid Waste Coordinator and was responsible for developing the Lewis County Solid Waste and Recycling Program. In 1990, he was appointed Deputy County Highway Superintendent, then Highway Superintendent/Solid Waste Coordinator upon the retirement of Robert Archer.

WHEREAS, it is proper for us as friends, acquaintances and members of this Board of Legislators to record our recognition and appreciation for the sincere, generous and valuable services rendered by our former colleague **Gary F. Buckingham, Sr.**

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That as an enduring record and mark of respect to the memory of **Gary F. Buckingham, Sr.**, a true friend and honorable public official, this resolution shall be printed in the official record of the proceedings of the Board of Legislators of the County of Lewis with a copy thereof forwarded to the family of **Gary F. Buckingham, Sr.**

Moved by Legislator __, seconded by Legislator __, and unanimously adopted.