

**GENERAL SERVICES COMMITTEE**  
**June 20, 2023**

Present: Ian Gilbert, Chair; Richard Chartrand, Vice-Chair; Phil Hathway; and Andrea Moroughan. Legislator Leviker had been excused.

Others present: Legislators Larry Dolhof, Thomas Osborne, Lisa Virkler, Jessica Moser, and Jeffrey Nellenback; County Manager, Ryan Piche; County Treasurer, Eric Virkler; and County Attorney, Joan McNichol.

Committee Chair, Ian Gilbert, called the meeting to order at 1:00 p.m.

Legislator Moroughan moved to approve the May 16, 2023 committee meeting minutes, seconded by Legislator Chartrand, and carried.

**Lobbying Efforts – Kevin Bronner, Park Strategies, LLC**

Kevin Bronner of Park Strategies, LLC introduced himself and explained that Park Strategies, LLC was retained to focus lobbying efforts on some local issues. One of the issues was tourism and ATVs. Over the last year and a half, they have been working in Albany to address some of the issues with ATVs and the importance they have here in Lewis County, especially on economic development. One item was specifically to increase the weight limit from 1,000 lbs. up to 2,000 lbs. This was quite a process, not only complicated but unique. The first year was spent just educating people in Albany on the issue and finding out what was holding this change back. They found out that there are many moving parts to this issue.

In the past, Billy Jones has been supportive and now they are working with John Manion to be able to introduce the bill. Mr. Manion even went on an ATV ride in Oswego County. There needs to be someone in each house to support the bill for it to go further and despite some environmental concerns it looks like the majority members are supportive. In 2016, there were roadblocks that the county ran into, but things have changed enough to try again. During the summer, when no one is in session, they will continue discussion with key people to keep things moving.

The traffic safety component and environmental component need to be addressed which will require engagement with DEC. Legislator Gilbert questioned if the State liked the financial side of it, as currently there are over 1,000 UTVs that are not able to be registered in New York State, Kevin responded that he believes they will. He stated that Senator Walczyk is working on the sales tax piece of the revenue.

The closing of the Biomass Energy facility on Fort Drum was another issue that they took the lead on and teamed up with the Public Service Commission. The last-minute efforts to save the facility didn't work but through the process they were able to make many connections. They also worked on the snowmobile trail fund

increase for grooming that passed last year and will go into effect in 2024. This is the first increase since in 22 years. They have worked on the Wind and Solar Assessment Methodology which is in the State budget to change the assessment calculations to make projects more cost effective for developers. The County already has PILOTs with the green energy companies, then litigation happened which put the new changes on hold, but now the litigation has been resolved which means the changes will be implemented.

Other bills that have passed are the tax extender and even year elections. Ryan Piche pointed out that it is not good that local elected officials must campaign in the same time period as the Presidential Election year. There will be higher voter turnout, but the residents may look at national politics and positions on issues rather than local issues. There will still be some odd year elections for judges and District Attorney's.

### **Town Bridges – Tim Hunt, Lewis County Highway Superintendent**

Tim Hunt began by defining what a bridge is, it is anything that spans at least 20 feet in New York State. The New York State Inspection history began in the 1930's and stayed relatively the same until 1970. The bridges back then were inspected by the state regional personnel who did not always have a structural background, they most often had limited or no training, there were no standardized procedures, the value of the inspection process was not realized or appreciated, and the local bridge owners were responsible for their own bridges. In the early 1970's the inspection of bridges was assigned to Structures Division, which in turn created an Inventory and Inspections unit. To have better inventory data collection BIIS emerged. There were element level inspections with rating collected in every inspection cycle.

In the late 1970's, New York State became responsible for inspections of local bridges thru 1977 based on state legislation. In 1978 through 1979 consultants were hired for inspection, inventory, and load rating of local bridges. In 1987 the devastating Schoharie Creek Collapse took place on the NYS Thruway causing 5 vehicles to fall into the water which resulted in 10 fatalities. In 1988 legislative action created the Graber Bill which created uniform code of Bridge inspection, which is the current program used. This created higher standards than those imposed by the FHWA, with inspector qualifications, load rating, structural integrity evaluations, database establishment, and bridge safety assurance program. It also began the implementation of the flagging procedure.

The ownership of bridges was defined by NYS law. Section 230 of Highway Law, Chapter 25, article 9 clearly defines that every bridge that is 25 feet or longer belongs to the County, but any bridge that is between 20 to 25 feet stays with the Towns. In Lewis County the County owns 249 miles of road and 89 bridges that are 25 feet or more. The Towns, all 17 of them, own a total of 879 miles of road and 30

bridges that are 20 to 25 feet. Several other counties own all the bridges, three counties own any span over 5 feet, Hamilton County owns any span over 12 feet, and Madison and Lewis own anything that is 25 feet plus.

Lewis County has a 3-person bridge crew who are devoted to primarily maintenance. This crew assists Towns with repairs and maintenance. If a bridge is flagged a licensed engineer must inspect the repair to remove the flag, currently the county calls their engineer for the Towns who have flags. The bridge process of how we fund them or get them replaced is through STIP (State Transportation Improvement Program) which is a federal aid process and is very complicated, making it difficult for Towns to apply. Bridge NY came out about 5 years ago to make the process easier, but it isn't, it is just federal aid coming through the state. This funding usually covers the design and then the County shops for construction money through STIP or Bridge NY. There is a local priority discussion annually called Bridges Master which puts in order the priority of the bridges to be repaired or replaced.

The Federal Aid Process is a lot of paperwork and is a reimbursement program, meaning the county or Town must have the money up front to spend then can apply for reimbursement up to 95% for STIP. Under the Bridge NY program, it usually reimburses 100% but is capped at the original award amount. This can be a problem if costs change from time of award to time of repair or construction.

The Bridge NY Culvert Applications are Woodbottle Road – funded for design phase; Marshey Road – funded for design phase; West Road over Whetstone Gulf – Right of Way issue, already been designed; East Road over Moose Creek – designed and pending construction funding through Bridge NY; Whitesville Road over Gulf Stream – pending construction funding through Bridge NY; West Road by Snow Ridge – funded through County and will be bidding soon; West Road by Main Street Turin – funded through County and will be bidding soon; Gardner Road – funded and ready to go to bid; Obrien Road – funded and ready to go to bid, but cost went up because it now has to be a bridge based on the 23 foot length and funding is capped at original award; Crowfoot Hill Road – funded and ready to go to bid, but cost went up to \$1,000,000 and funding is capped at original award of \$820,000.00; and Bailey Road – design partially completed.

In the Town of Greig, River Road over Fish Creek is estimated at \$1,427,370.00 and is required to be a bridge; Town of New Bremen, Erie Canal over Black Creek is estimated at \$1,979,123.00; Town of West Turin, Michigan Mills over Sucker Brook is estimated at \$1,345,807.00; Town of Watson, Kotel Road over Crystal Creek is estimated at \$1,012,787.00 which was a bridge but the road was straightened out so now if can be a culvert pipe; Town of Lowville, Patten Road over Nelots Creek is estimated at \$1,117,491.00; Town of Montague, Flat Rock Road over Edick Creek is estimated at \$938,133.00; Town of New Bremen, Erie Canal Road over Murmur Creek is estimated at \$1,405,949.00; and Town of New Bremen, Lomber Road over

Crystal Creek is estimated at \$2,097,431.00 which was a 4 foot culvert and is now required to be a 26 foot bridge due to the water backing up and creating head pressure.

This presentation came around because Tim Hunt was trying to get an accurate inventory of all bridges in Lewis County. A list was sent out to all Towns with their bridges listed. The Town of Croghan had a bridge that the County rebuilt but it is clearly under 25 feet, which is the Town's responsibility. The Long Pond Road over the West Branch of the Oswegatchie is 58 feet span and has had no maintenance since 2006. There is no way around that bridge, as there are residences on both sides.

Tim recommended forming a working group of a Legislator, Town Supervisor, Town Highway Superintendent and himself to discuss bridges, suggest trades, and ultimately find the best way to allow the county to maintain and own the bridges. The working group would then make town specific recommendations for legislative action.

In the Town of Watson, there is only one bridge. The County submitted a Bridge NY application on their behalf for the Bailey Road bridge and received 100% funding in the amount of \$675,540.00. The County is doing all administration and providing upfront cash for construction. The true total is unknown as the final design has not yet been approved. The rough estimate at this point is an additional \$250,000.00 in construction costs. If this was part of the county inventory, it would not have been submitted as there is only a hunting club and horse trails, no year-round residences. The Town of Watson doesn't want to go forward now due to the additional \$250,000 cost, so they may have to pay the State back for the initial design costs.

There was discussion on what happens if a bridge gets flagged and there is a Town Road on the other side that needs to be maintained. Tim gave an example of the bridge on Moose River Road which is estimated at a cost of \$5,000,000.00 to replace with only 2 properties on the other side. The bridge is in poor condition, so what happens when the bridge gets flagged. The County must legally block the bridge at that time. There would be no way across except by boat.

The Town of Watson would like the County to help with the \$250,000 additional cost. Legislator Hathway questioned if the Town could borrow money from the County with repayment over several years, Ryan responded that he suggested bonding which there was no appetite for. Tim said there are other options out there but not any the Town likes. Legislator Moroughan thought there was another way to the properties on the other side of the bridge. Legislator Gilbert would like Joan McNichol to investigate legal options of landowners when a bridge is closed. Legislator Dolhof liked the idea of setting up an Ad Hoc with the Legislator being whoever represents the Town being discussed.

### **New Indigent Defense Council rates and expectations –**

Joan McNichol reported that the legislation was passed that raised the rate of Indigent Defense from \$75.00 per hour up to \$158 per hour retroactive to April 1, 2023. The counties Local Law will need to be amended to adjust the rates and the cap from \$4,400.00 up to \$10,000.00 per case. She will work on the Local law for next month. The increased rate will hopefully make attorney's more prepared for court. The 2023 budget will likely need more funding for indigent expenses as the expenditures to date are \$44,000 and the budgeted amount is \$80,500. Legislator Gilbert clarified that this cost adjustment is only for 18b expenses, Joan agreed. Treasurer Eric Virkler stated that he would work on the additional funding when needed.

### **District Attorney staffing -**

Ryan Piche began by reporting that there is a huge need for Assistant District Attorney's (ADA's) and several counties have multiple openings right now. The Lewis County posting has been up for over 6 months without even a nibble. The current wage range is \$66,607 up to \$83,587. The New York State average is \$71,721 up to \$99,412. Ryan stated that he would like to see if increasing our salary range would bring in more applicants. This would require listing a higher starting salary on the job posting, perhaps \$76,000 instead of \$66,000.

The 18b rate being moved up to \$158 per hour is going to make it even harder to recruit. Legislator Moser indicated that even a starting salary of \$76,000 would not interest her at all, especially knowing you have to cover night court. Lewis County will be competing with Jefferson County for younger lawyers who might be interested in the \$76,000 starting point. Legislator Gilbert sees this as a problem for many professional positions and the county needs a game plan. These positions are much less competitive than they used to be. Most attorneys would view this position as a stepping stone to better opportunities. Legislator Gilbert asked where the position has been marketed, Ryan stated that it has been listed on websites like NYSAC, NYS Prosecutors Association, several Law Schools for graduating classes.

Leanne Moser explained that both recruitment and retention are a statewide problem. She believes that if a local person who wants to go into the profession could begin with interning it might convince them to stay long term. Her ideas for recruitment are getting kids interested in law, which could be a decade program; work with colleges like Syracuse University, to work on interning positions for students to recruit them. This is likely a conference topic for in the future. There is a large discrepancy in salaries across the state, morale collapse, and all law departments fighting for the advanced degree positions make recruitment difficult, not to mention the educational loans that will burden the individual. If you look at

the 18b rate of \$158 per hour, even with overhead that is much more than \$66,000 a year.

There was further discussion on increasing the advertised starting wage, which is higher than Jefferson County. Legislator Hathway felt that the range is for people who think they are worth more to negotiate their starting salary. Legislator Dolhof agrees with Legislator Moser that changing the starting salary up to \$76,000 isn't going to make a difference and what affects would it have on similar positions. There was further discussion on the level of education needed and Legislator Dolhof asked that someone look into the impact of moving it up to \$76,000 would have on other positions.

The following dockets were reviewed:

1. Transferring funds in the amount of \$10,000.00 from regular contingency to the I Love NY Tourism account line to provide the necessary level of funding agreed upon in 2022.  
AYE 4            NAY 0
2. Directing demolition, removal, and site clean-up of an unsafe building pursuant to Local Law No. 2-2007, located at 7091 West Main Street, Village of Port Leyden.  
AYE 4            NAY 0
3. Directing demolition, removal, and site clean-up of an unsafe building pursuant to Local Law No. 2-2007, located at 6551 Number Four Road, Town of Watson.  
AYE 4            NAY 0
4. Authorizing snowmobile trail 2023-2024 grant-in-aid application to the Office of Parks, Recreation & Historic Preservation for trail maintenance expenses in Lewis County.  
AYE 4            NAY 0
5. Awarding bid and authorizing contract with Prentiss & Carlisle Management Company, Inc. for the timber harvesting at 601 Cronk Road, Town of Pinckney for a payment to Lewis County in the amount of \$142,300.00 for the term of July 2023 through September 1, 2025.  
AYE 4            NAY 0
6. Authorizing supplemental agreement #2 to contract #D0403994 between New York State Department of Transportation and Lewis County for the Transportation Federal-Aid Bridge replacement project known as Marshey Road over West Branch Oswegatchie River to add additional preliminary design to cover SHPO/MOA processes in the amount of \$26,000.00.  
AYE 4            NAY 0

There being no other business to come before the committee, Legislator Chartrand moved to adjourn at 2:27 p.m., seconded by Legislator Hathway, and carried.

Respectfully submitted,  
Cassandra Moser, Clerk of the Board