



OFFICE OF THE BOARD OF LEGISLATORS
7660 North State Street
Lowville, NY 13367
P: 315-376-5355
F: 315-376-5445

Lawrence L. Dolhof
Chairman
larrydolhof@lewiscounty.ny.gov

Cassandra Moser
Clerk of the Board
cassandramoser@lewiscounty.ny.gov

TO: Media

FROM: Cassandra Moser, Clerk of the Board

DATE: June 30, 2023

The Board of Legislators will meet on **Wednesday, July 5, 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.

There will be hearings on the following unsafe structures:

- 7091 West Main Street, Village of Port Leyden, NY
- 6551 Number Four Road, Town of Watson, NY

The meetings will be streamed live on the YouTube channel "Lewis County" listed as:

<https://www.youtube.com/c/LewisCountyNY>

RESOLUTION NO. 117 - 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 \$3,437,845.15 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. 118 - 2023

RESOLUTION AUTHORIZING PROFESSIONAL ARCHITECTURAL AND ENGINEERING DESIGN AND COST ESTIMATES FOR RE-ORGANIZATION AND USE OF COUNTY'S COURTHOUSE OFFICES AND SPACE

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

WHEREAS, the Lewis County Board of Legislators, with various participants from county departments and other interested parties, have invested considerable time in review of THE County Courthouse offices, space needs and potential upgrades required to the existing HVAC, plumbing and electrical systems; and

WHEREAS, BCA Architects and Engineers (BCA) has submitted a proposal dated June 19, 2023 to the County Manager to provide the following services as a Phase 1 scope of services in assessing re-organization and best utilization of office spaces, upgrades to HVAC, plumbing and electrical systems:

- Prepare updated floor plans of the existing building including on-site verifications of the existing conditions.
- Prepare an updated assessment of the existing HVAC, Plumbing and Electrical systems including on-site verification of those systems.
- Prepare Schematic Space Plan options utilizing the information provided and our experience with office design.
- Meet with County Manager and team to review the space plan options.
- Review the HVAC assessment and recommendations with County.
- Prepare Budget Cost Estimates for the proposed options.
- Look at Clean Energy options as they relate to proposed work.

BCA proposes to provide this scope of work under Phase 1 at a lump sum fee of \$29,000, and provide the County with a \$20,000 credit toward a Phase 2 fee, to be negotiated for construction documents for bidding; and

WHEREAS, the Board of Legislators seeks to accept this professional service proposal and authorize an agreement with BCA for Phase 1 design of existing office space, system upgrades and cost estimate services as outlined in its proposal, with anticipated negotiation of a Phase 2 fee for preparation and services related to construction documents and bidding;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes and approves an Agreement with BCA Architects & Engineers, 15 Public Square, Watertown, NY 13601, to provide professional architectural/engineering schematic

concept design and cost estimates for re-organization and re-use of office space and system upgrades in the County Courthouse Building Elections, at a cost of \$29,000.00, as a Phase 1 scope of services as set forth in its proposal dated June 19,2023, with the County Manager and BCA to develop and negotiate a Phase 2 scope of services for construction and bidding documents services based upon the Phase 1 assessments and recommendations to be considered by the Board.

Section 2. That the Board of Legislators directs that this fee be paid from HAC Capital Reserve.

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. 119 – 2023

**RESOLUTION AUTHORIZING CHANGE ORDERS TO THE AGREEMENT WITH
BETTE & CRING FOR THE HIGHWAY GARAGE AND NEW MAINTENANCE
BUILDING PROJECTS**

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, which included the building of a new maintenance building on the Human Services Campus; and

WHEREAS, the project team recommends adding change orders to Bette & Cring's agreement including 1) concrete pads (aprons) at the new Highway Garage structures, at a cost of \$24,725, and 2) a water runoff drainage installation system at the New Maintenance Building on the Human Services Campus at a cost of \$26,315 since there was no drainage system in the design; 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 completion of the 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 to the agreement with Bette & Cring: 1) concrete pads (aprons) at the new Highway Garage structures, at a cost of \$24,725, and 2) a water runoff drainage installation system at the New Maintenance Building on the Human Services Campus at a cost of \$26,315 as outlined in accordance with the documentation submitted by the contractor.

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 Bette & Cring, 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. 120 - 2023

**RESOLUTION DIRECTING DEMOLITION, REMOVAL AND SITE CLEAN UP
OF AN UNSAFE BUILDING PURSUANT TO LOCAL LAW NO. 2-2007,
(VILLAGE OF PORT LEYDEN)**

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

WHEREAS, pursuant to Local Law No. 2-2007, entitled, "A LOCAL LAW PROVIDING FOR THE REPAIR OR REMOVAL OF UNSAFE BUILDINGS, UNSAFE EQUIPMENT AND COLLAPSED STRUCTURES," (herein "Unsafe Building Law"), the Board of Legislators is empowered to take certain actions in connection with the investigation and enforcement of buildings and structures that are deemed to be unsafe; and

WHEREAS, pursuant to Section 5 of the Law, a Lewis County Code Enforcement Officer conducted an investigation of the premises known as Tax Map No. 353.12-02-14.000, 7091 West Main Street, in the Village of Port Leyden, owned by Green Chip Investors LLC, who determined that the structure is unsafe, issued a Notice of Condemnation that it is structurally unsound, and submitted a comprehensive report to the Board of Legislators on December 12, 2022, with a recommendation, *inter alia*, that the structure be demolished and removed; and

WHEREAS, by Resolution No. 95-2023, the Board of Legislators ordered that William Martin, sole member of Greenchip Investors LLC, and/or his legal representatives, appear before the Board of Legislators on July 5, 2023 at 5:00 p.m. to Show Cause why the Board should not Order said owner or his legal representative to: 1) immediately remove all violations and defects and secure said structure, and 2) demolish and remove the structure in question located on the parcel, in accordance with all laws and regulations, including any regulations required by the NYS Department of Environmental Conservation; and

WHEREAS, pursuant to Local Law No. 2-2007, the owner was served with due notice of the hearing. A Notice of the Hearing was securely affixed upon the unsafe building/structure; and

WHEREAS, on July 5, 2023, the Board of Legislators heard from the Code Enforcement Officer(s) on the status and condition of this property and any additional communication and actions taken by the owner, received the written documentation from the Code Enforcement Department on this property, and any other persons who appeared to be heard on the matter. The County Attorney spoke on behalf of the Lewis County Code Enforcement Department and read into the record a summary of the information and action taken by the Code Enforcement Department on this property, together with the procedural steps and notice requirements followed to provide the owner of record with this proceeding and lawful

remedies under the Local Law, and the final recommendation by Code Enforcement to the Board to find that this is an unsafe structure and requires an order for its demolition and removal, with the costs and expenses of same to be assessed against the property as additional taxes, if the owner does not demolish and properly remove the debris in accordance with Federal and State regulations for same, as more fully set forth in Local Law No. 2-2007;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby finds and determines in accordance with Local Law No. 2-2007, the report of the Lewis County Code Enforcement Officer, and after the opportunity of the owner or his representative to be heard at the hearing on July 5, 2023, that:

1. The herein described structure known as Tax Map No. 353.12-02-14.000, 7091 West Main Street, in the Village of Port Leyden, owned by Green Chip Investors LLC, has been condemned since October 4, 2021, is unsafe and unfit for human occupancy, is structurally unsound, and a danger to any who may enter it, and poses imminent danger to the public from total or partial collapse due to the visible bulging to the east wall of the structure, has a failing foundation, and that the building constitutes a public nuisance and a danger to the safety, health and welfare of the community; and
2. The structure has suffered from lack of repairs for an extended period of time. Windows have been broken, there is missing siding and possible roof leaks have caused the second floor system to fail. Nearly 20 months have passed since the structure was formally condemned, with no visible efforts shown to repair the structure, but with visible observations that the bulge in the wall has increased, with visible further deterioration of the structure causing continued danger to the public and causing blight within the Village; and
3. Notice as described in Section 7 of Local Law No. 2-2007 and copy of Resolution No. 95-2023 was duly served upon William Martin, sole member of Green Chip Investors LLC, the owner.
4. That consistent with the information contained in the Report of the Code Enforcement Officer, the Board finds and determines that the commercial structure located at 7091 West Main Street, in the Village of Port Leyden, NY is abandoned, unsecured, is open at doors and windows, has a partially collapsed roof and is unfit for its intended purpose and is unsafe, and therefore should be demolished and removed as set forth in Local Law No. 2-2007.

Section 2. That by reason of the Board's findings, and upon the Lewis County Board of Legislators authority, it is hereby:

ORDERED AND DECREED, that this building located at 67091 W. Main Street, Port Leyden, NY 13433 shall immediately be demolished and properly removed by the owner, William Martin, sole member of Greenchip Investors LLC and/or his contractors, pursuant to the regulations and requirements for such demolition and removal as required by the Lewis County Code Enforcement Department and all Federal, State and local regulations pertaining to said action on or before August 30, 2023; and it is further

ORDERED AND DECREED, that upon the owner's failure to demolish and remove the debris from said structure, the Code Enforcement Department is authorized to take all steps for its demolition and removal, with all costs and expenses of same to be assessed against the land on which it is located as additional assessed taxes as more fully set forth in Local Law No. 2-2007, with the right of the County to commence a special proceeding to collect the costs of demolition, including legal expenses, if necessary; and it is further

ORDERED AND DECREED that in the event the owner fails to take the required steps for demolition and removal of this structure, the Code Enforcement Officer shall cause such building to be demolished and removed either by County employees or by contract, provided that any contract for demolition and removal of a building in excess of \$20,000.00 shall be awarded through competitive bidding; and it is further

ORDERED AND DECREED that Notice of this Decision and Order shall be served upon the owner and/or any legal representative by mailing a certified copy of this Resolution to him, at any known addresses, including the last known address according to the records on the property.

Section 3. A copy of these Findings and Decision of the Board of Legislators shall be filed in the office of the County Clerk.

Section 4. That this Resolution shall take effect immediately.

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

RESOLUTION NO. 121 - 2023

**RESOLUTION DIRECTING DEMOLITION, REMOVAL AND SITE CLEAN UP
OF AN UNSAFE BUILDING PURSUANT TO LOCAL LAW NO. 2-2007,
(TOWN OF WATSON)**

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

WHEREAS, pursuant to Local Law No. 2-2007, entitled, "A LOCAL LAW PROVIDING FOR THE REPAIR OR REMOVAL OF UNSAFE BUILDINGS, UNSAFE EQUIPMENT AND COLLAPSED STRUCTURES," (herein "Unsafe Building Law"), the Board of Legislators is empowered to take certain actions in connection with the investigation and enforcement of buildings and structures that are deemed to be unsafe; and

WHEREAS, pursuant to Section 5 of the Law, a Lewis County Code Enforcement Officer conducted an investigation of the premises known as Tax Map No. 214.03-01-15.000, 6551 Number Four Road, in the Town of Watson, owned by Joseph P. Mathys, who determined that the structure is unsafe and issued a comprehensive report to the Board of Legislators on October 28, 2021, with status updates thereafter, including a recommendation, *inter alia*, that the structure be demolished and removed; and

WHEREAS, by Resolution No. 96-2023, the Board of Legislators ordered that Joseph P. Mathys and/or his legal representatives, appear before the Board of Legislators on July 5, 2023 at 5:00 p.m. to Show Cause why the Board should not Order said owner or his legal representative to: 1) immediately remove all violations and defects and secure said structure, and 2) demolish and remove the structure in question located on the parcel, in accordance with all laws and regulations, including any regulations required by the NYS Department of Environmental Conservation; and

WHEREAS, pursuant to Local Law No. 2-2007, the owner was served with due notice of the hearing, by personal service and by regular mail. A Notice of the Hearing was securely affixed upon the unsafe building/structure; and

WHEREAS, on July 5, 2023, the Board of Legislators heard from the Code Enforcement Officer(s) on the status and condition of this property and any additional communication and actions taken by the owner, received the written documentation from the Code Enforcement Department on this property, and any other persons who appeared to be heard on the matter. The County Attorney spoke on behalf of the Lewis County Code Enforcement Department and read into the record a summary of the information and action taken by the Code Enforcement Department on this property, together with the procedural steps and notice requirements followed to provide the owner of record with this proceeding and lawful remedies under the Local Law, and the final recommendation by Code Enforcement

to the Board to find that this is an unsafe structure and requires an order for its demolition and removal, with the costs and expenses of same to be assessed against the property as additional taxes, as more fully set forth in Local Law No. 2-2007, if the owner fails to demolish and properly remove the debris;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby finds and determines in accordance with Local Law No. 2-2007, the report of the Lewis County Code Enforcement Officer, and after the opportunity of the owner or her representative to be heard at the hearing on July 5, 2023, that:

1. The herein described structure at 6551 Number Four Road, Town of Watson, New York, Tax Map No. 214.03-01-15.000, is unsafe and unfit for human occupancy, and a danger to any who may enter it in its open state; is open and unsecured serving as an attractive nuisance and a place for rodent infestation creating a health menace; and that the building constitutes a public nuisance and a danger to the safety, health and welfare of the community; and
2. A Notice as described in Section 7 of Local Law No. 2-2007 and copy of Resolution No. 96-2023 was duly served upon Joseph P. Mathys, the owner.
3. That consistent with the information contained in the Report of the Code Enforcement Officer, the Board finds and determines that the residential structure located at 6551 Number Four Road, Town of Watson, NY is abandoned, unsecured, is open at doors and windows, has a partially collapsed roof and is unfit for its intended purpose and is unsafe, and therefore should be demolished and removed as set forth in Local Law No. 2-2007.
4. That the owner has applied for a demolition permit from the Code Enforcement Department.

Section 2. That by reason of the Board's findings, and upon the Lewis County Board of Legislators authority, it is hereby:

ORDERED AND DECREED, that this residential structure located at 6551 Number Four Road, Town of Watson, NY shall be demolished and properly removed by the owner, Joseph P. Mathys and/or his contractors, pursuant to the regulations and requirements for such demolition and removal as required by the Lewis County Code Enforcement Department and all Federal, State and local regulations pertaining to said action on or before August 30, 2023; and it is further:

ORDERED AND DECREED, that upon the owner's failure to demolish and remove the debris from said structure, the Code Enforcement Department is authorized to take all steps for its demolition and removal, with all costs and expenses of same to be assessed against the land on which it is located as additional assessed taxes as more fully set forth in Local Law No. 2-2007, with the right of the County to commence a special proceeding to collect the costs of demolition, including legal expenses, if necessary; and it is further

ORDERED AND DECREED that in the event the owner fails to take the required steps for demolition and removal of this structure, the Code Enforcement Officer shall cause such building to be demolished and removed either by County employees or by contract, provided that any contract for demolition and removal of a building in excess of \$20,000.00 shall be awarded through competitive bidding; and it is further

ORDERED AND DECREED that Notice of this Decision and Order shall be served upon the owner and/or any legal representative by mailing a certified copy of this Resolution to him, at any known address, including the last known address according to the records on the property.

Section 3. A copy of these Findings and Decision of the Board of Legislators shall be filed in the office of the County Clerk.

Section 4. That this Resolution shall take effect immediately.

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

RESOLUTION NO. 122 - 2023

**RESOLUTION AUTHORIZING AGREEMENT FOR PER DIEM NURSING SERVICES
UNDER THE MEDICATION-ASSISTED TREATMENT (MAT) PLAN FOR
INCARCERATED INDIVIDUALS SUFFERING FROM
SUBSTANCE ABUSE DISORDERS**

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

WHEREAS, the Lewis County Director of Community Services sent out a Request for Proposals for qualified entities to provide services outlined in chapter 432 of the 2021 Laws of New York, which require the County to develop a medication-assisted treatment and transition services plan for incarcerated persons (IP) who suffer from substance abuse disorders as defined under the law; and

WHEREAS, pursuant to Resolution No. 34- 2023, the Board of Legislators authorized agreements with Credo for MAT counseling, inmate assessment, treatment planning, and prescribing and monitoring of methadone to IPs in that program; and

WHEREAS, pursuant to Resolution No. 98 - 2023, the Board of Legislators authorized an agreement with the Lewis County Health System (LCHS) to provide nurses from its staff who volunteer their nursing services at the Lewis County Jail under the MAT program, on a per diem basis, to dispense and monitor medications prescribed to IPs. It is anticipated that each session will be from 2-6 hours, with request for coverage generally on weekends, holidays, and on days during the week when the jail nurse is on benefit time; and

WHEREAS, depending upon the availability of LCHS nurses to provide these volunteer services, the County seeks to contract with other outside per diem nurse services to do all that it can to have qualified nursing professionals available to dispense and monitor medications prescribed to lps; and

WHEREAS, WorkFit Medical Staffing, PLLC (WFMS), with offices at 1160 Chili Avenue, Rochester, NY 14624, can offer such backup per diem RN services for this particular service at the Lewis County Jail, at a minimum hourly rate of \$75.00 (depending upon particular candidates skill and experience level, plus travel and over time on holidays and any work over 40 hours per week, as more fully set forth in their proposal;

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. The Lewis County Board of Legislators hereby authorizes an agreement with WorkFit Medical Staffing, PLLC, of Rochester, NY and the County of

Lewis o/b/o the Lewis County Sheriff's Department to provide registered nurses from its nursing staff to provide per diem sessions at the Lewis County Jail (from 3-6 hours as needed), and monitor and dispense medications prescribed to IPs under the MAT program. The expected need for these nurses are for weekends, holidays and on days during the week when the jail nurse is on benefit time.

Section 2. That the agreement for these per diem nursing services shall provide for the County to pay to WFMS at the minimum rate of \$75.00 per hour for the registered nurses services, at an estimate of 3-6 hours per session, and with rates determined by the experience of the per diem worker, whether it is a holiday, and whether the person has worked over 40 hours that week, plus mileage for travel to and from the jail, as more fully set forth in the agreement.

Section 3. That the Chair, or Vice-Chair of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Agreement and any amendments thereto, together with execution of the Agreement(s) by the Lewis County Sheriff, upon such terms and conditions as may be recommended by the County Attorney and as may be required under the MAT program.

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

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

RESOLUTION NO. 123 - 2023

**RESOLUTION AUTHORIZING SUPPLEMENTAL AGREEMENT NO. 2 TO
CONTRACT NO. D0403994 BETWEEN NEW YORK STATE DEPARTMENT OF
TRANSPORTATION AND LEWIS COUNTY FOR THE TRANSPORTATION
FEDERAL-AID BRIDGE REPLACEMENT PROJECT
(PIN 775399) KNOWN AS MARSHEY ROAD
OVER WEST BRANCH OSWEGATCHIE RIVER**

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

WHEREAS, a Project for the Bridge Replacement known as Marshey Road over West Branch Oswegatchie River (PIN 775399; BIN 3339960) (the "Project") in the Town of Diana, County of Lewis, is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such a program to be borne at the ratio of 80% federal funds and 20% non-federal funds; and

WHEREAS, as provided for in the Agreement with NYS DOT, PE and/or ROW Incidental or ROW acquisition work performed by the municipality for the federal aid-eligible construction project covered by the agreement, the costs of such work that are approved in writing by DOT, applicable to the federal aid and Marchiselli aid construction work (excluding costs applicable to non-federally eligible or non-Marchiselli eligible project elements) shall be credited following FHWA's construction phase closeout audit of the Project costs that are eligible for federal aid and Marchiselli aid; and

WHEREAS, the County of Lewis advanced the Project by its commitment of 100% of the federal and non-federal share of project costs. NYSDOT now requires Supplemental Agreement No. 2 to incorporate additional cost of \$26,000.00 for the Preliminary Engineering phase and to include SPHO/MOA processes funds to the project; and

WHEREAS, pursuant to this Supplemental Agreement, the Preliminary Engineering costs are increased by \$26,000.00 (\$20,800 Federal Share; \$3,900.00 State Share; \$1,300.00 County Share).

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby approves and authorizes the Chair of the Board of Legislators to execute Supplemental Agreement No. 2 to the Agreement with NYS DOT for Bridge Contract No. D040399, known as Marshey Road over West Branch Oswegatchie River, PIN 775399/BIN3339960, to add funding to the Preliminary Engineering design to cover SHPO/MOA processes.

Section 2. That the total estimated Preliminary Engineering costs is now \$216,000.00 (Federal share of \$172,800; State Marchiselli share of \$32,400; and County local share cost of \$10,800).

Section 3. That the Lewis County Board of Legislators hereby authorizes the Treasurer to appropriate the additional cost of \$26,000.00 for this project, and directs the Treasurer to make the proper adjustments to the accounts pertaining to the Federal, State and Local share costs for these phases of the project.

Section 4. That in the event the full federal and non-federal share costs of the project exceed the amount appropriated, the Chair shall convene the Lewis County Board of Legislators as soon as possible to appropriate said excess amount upon notification from the NYS DOT.

Section 5. That the Chair, or in his absence, the Vice-Chair of the Lewis County Board of Legislators, is authorized to execute Supplemental Agreement No. 2 and all necessary agreements, certifications or reimbursement requests with the NYSDOT in connection with this Project.

Section 6. That a certified copy of this Resolution shall be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project.

Section 7. That the within Resolution shall take effect immediately.

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

RESOLUTION NO. 124 - 2023

RESOLUTION TO APPROPRIATE FUNDS

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

BE IT RESOLVED, as follows:

Section 1. That the following budget appropriation takes place utilizing fund balance into Legislative Contingency to support the recommendations of the Ad Hoc Committee for Emergency Medical Services and authorizes the Treasurer to transfer these funds from Legislative Special Contingency into the specific expense accounts to process payments.

Decrease:

A0 005990 Fund balance \$ 345,000.00

Increase:

A0101000 419900 Legislators Special Contingency \$ 345,000.00

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

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

RESOLUTION NO. 125 - 2023

**RESOLUTION URGING THE GOVERNOR TO VETO A.04282B/S.3505B
(To Move Certain Local Elections to Even-Numbered Years)**

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

WHEREAS, the Lewis County Board of Legislators believes that increasing participation in the election process and reducing costs of government operations is good for our republic; and

WHEREAS, Assembly Member Amy Paulin and State Senator James Skoufis reintroduced legislation that would move **local** elections to even-number years during the 2023 legislative session; and

WHEREAS, versions of this legislation were introduced in previous years and failed to reach the floor for a vote due to lack of support; and

WHEREAS, after the 2022 session concluded, the bill sponsor indicated that hearings would be held on the proposal through the Election Committee process; however, there were no hearings held; and

WHEREAS, the legislation passed in the middle of the night on the last days of the legislative session which is counter to the idea of an open and transparent government; and

WHEREAS, the Lewis County Board of Legislators has several concerns with this bill, including the following:

- 1) this legislation usurps the Home Rule powers reserved by local governments and protected by the Constitution of the State of New York, raising questions of legality and constitutional authority;
- 2) local municipalities have had the ability to change their elections to even-number years for decades, and chose not to do so;
- 3) establishing the schedule of local elections is the right of the local government, and has been for more than 100 years;
- 4) the Assembly Bill sponsor indicated that she had not received any messages of support for this proposal from any of the 57 Counties and 933 Towns across New York State impacted by this legislation; and yet, the legislative bodies circumvented their own legislative committee process during this session, limiting public input and understanding of the impacts before pushing through this legislation;

- 5) this legislation excludes more than half of all New Yorkers who vote in cities and villages from the changes to election law, as well as certain offices within all counties and towns;
- 6) there has been no financial analysis or operational analysis of the impacts on local Boards of Elections by this proposed change;
- 7) this will create confusion amongst voters in towns and counties across New York State. Separating the elections affords voters more time and focus to better understand important local issues and provides candidates the appropriate platforms to explain their stance on issues without having to compete against national and state level campaigns;
- 8) moving local elections to even-numbered years would increase the cost of campaigns for local office, reducing the number of candidates willing to invest funds into their own campaign, because the cost of media will increase to compete with national and state level campaign advertisements; and
- 9) there are significant legal and constitutional questions regarding the legality of this measure that have not been adequately vetted and addressed;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. The Lewis County Board of Legislators urges the Governor to oppose this legislation and utilize her veto authority to reject it.

Section 2. This Resolution shall take effect immediately.

Section 3. The Clerk of the Board is directed to forward copies of this resolution to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart Cousins, Assembly Speaker Carl Heastie, Senate Minority Leader Robert Ort, Assembly Minority Leader William Barclay, Assembly Bill Sponsor Amy Paulin, Senate Bill Sponsor James Skoufis, and all others the Board deems appropriate to receive same.

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

RESOLUTION NO. 126 - 2023

**RESOLUTION APPOINTING
OFFICE FOR THE AGING DIRECTOR**

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

WHEREAS, the Human Resources Director, County Manager and Health & Human Services Legislative Committee members conducted interviews of potential qualified candidates to fill the open position of Office for the Aging Director, and recommend the appointment of Carla M. Hellinger by the Board of Legislators;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby appoints Carla M. Hellinger of Lowville, NY as the Lewis County Office for the Aging Director, retroactive to June 26, 2023.

Section 2. That the annual salary for the appointee to this position is hereby established at \$70,027.25.

Section 3. That this resolution shall take effect immediately.

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

RESOLUTION NO. 127 - 2023

**RESOLUTION APPROVING COUNTY'S COMMITMENT
TO COMPLETE STREETS PLAN AND POLICY**

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

WHEREAS, "Complete Streets" are defined as streets that are safe, convenient and comfortable for all ages and abilities using any mode of transportation (motor vehicle, public transportation, foot, bicycle, etc); and

WHEREAS, Complete Streets design features and practices include, but are not limited to sidewalks, paved shoulders suitable for cycling, designated bike lanes, lane striping, share the road signage, crosswalks, curb ramps, audible pedestrian signals, pedestrian crossing signage, traffic calming measures such as curb bump-outs, center islands and pavement markings, sidewalk snow removal and routine shoulder and bike lane maintenance; and

WHEREAS, Complete Streets has been recognized and adopted as policy and law at federal, state, county, town, village and city levels in the interest of improving multi-modal transportation options, safety and accessibility for all users; and

WHEREAS, Lewis County recognizes that Complete Streets will increase improved transportation options, limit greenhouse gas emissions, improve rates of physical activity and related health outcomes, improve neighborhood vitality, social interaction and economic development, and improve the general quality of life for people in the community; and

WHEREAS, the Lewis County has the ability to work with the local municipalities to explore the maintenance and enhancement of pedestrian, bicycle and trail connections within hamlet centers and address issues of these amenities as needed; and

WHEREAS, Lewis County has the ability to work with the local municipalities and other community partners to educate the community about the rules of roads and paths for all users including laws, safety, and courtesy.

NOW, THEREFORE IT BE RESOLVED, as follows:

Section 1. The Lewis County Board of Legislators hereby recognizes the importance of creating and engaging in the "Complete Streets" Plan developed by the Planning and Community Development Department , including but not limited to practices through the planning, design and construction of new streets and streets reconstruction undertaken by and participating with local municipalities to enable

safe travel by all users including pedestrians, bicyclists, public transportation riders, and drivers, and for people of all ages and abilities, including children, families, older adults and individuals with disabilities.

Section 2. The Lewis County Board of Legislators hereby approves and adopted the attached Complete Streets Plan and Policy developed by the Planning and Community Development Department.

Section 3. The Lewis County Board of Legislators will attempt to draw upon all possible funding sources to plan and implement Complete Streets elements to make implementation economically feasible and will approach every transportation project and program as an opportunity to improve public (and private) streets and the transportation network for all users, and will work in coordination with other departments, agencies and municipalities to achieve Complete Streets.

Section 4. That this resolution shall take effect immediately.

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

Lewis County Complete Streets Plan

Complete Streets Policy

Lewis County is developing a county-wide Complete Streets Plan and seeks to adopt the policy of "Complete Streets" as a guiding principle for County infrastructure development. Complete Streets are defined as facilities that are designed and operated to enable safe access for all users including, but not limited to, pedestrians, bicyclists, motorists, and users of public transportation. Complete Streets enable safe access for users of all ages and abilities to safely move along and across a complete street.

The Complete Streets Policy advocates transportation facility design with all users in mind utilizing practical transportation planning methods and traffic control measures as appropriate.

Lewis County and its participating local municipalities support the development of a complete system of bikeways, pedestrian facilities and shared use paths, bicycles parking and safe crossings connecting residences, businesses, and public places. Lewis County promotes bicycling and walking for health, environmental sustainability, exercise, transportation, and recreation.

Bicycle and pedestrian facilities shall be considered in all new construction, reconstruction, and maintenance projects in the County unless:

- Bicyclists and pedestrians are prohibited by law from using the roadway.
- The cost of establishing bikeways or walkways would be prohibitive.

In cases where the existing right-of-way does not allow for sidewalks, bike lanes, paths or other improvements, potential alternatives will be examined including the appropriate use of paved shoulders, signage, traffic calming and/or enhanced education and enforcement.

New bicycle and pedestrian facilities will be constructed and maintained in accordance with guidelines adopted by the United States Department of Transportation (USDOT), New York State Department of Transportation (NYSDOT) and the American Association of State Highway & Transportation Officials (AASHTO). Such facilities will be considered in the County's site plan review and GML-239m review process as appropriate.

RESOLUTION NO. 128 - 2023

RESOLUTION AUTHORIZING 2023 PROGRAM YEAR CDBG APPLICATIONS, APPOINTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR AS THE CERTIFYING OFFICER FOR ALL COMMUNITY DEVELOPMENT BLOCK GRANTS, AND DECLARING PROPOSED PROJECTS AS TYPE II ACTIONS WITH NO SIGNIFICANT ENVIRONMENTAL IMPACTS

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

WHEREAS, Board of Legislators has heretofore duly advertised and held a public hearing on the 3rd day of January 2023 and has considered the comments presented thereat regarding housing, economic development, microenterprise, community planning, public infrastructure, and public facilities needs; and

WHEREAS, the County of Lewis is submitting several Community Development Block Grant (CDBG) Applications; and

WHEREAS, these projects are subject to environmental review under the National Environmental Policy Act (NEPA) and State Environmental Quality Review Act (SEQRA); and

WHEREAS, the designation of a Certifying Officer to sign the Environmental Review is required; and

WHEREAS, the Lewis County Board of Legislators seeks to designate the Director of Planning and Community Development as the Certifying Officer for all Community Development Block Grants; and

WHEREAS, the Director of Planning and Community Development, as the designated Certifying Officer, is responsible for the environmental review process for all NYS CDBG applications outlined in the program year 2023 CDBG application guidelines. The Director recommends that the Board conclude that the projects submitted within the applications will not have a significant environmental impact and that as Type II actions, no further procedure under SEQRA is required.

NOW, THEREFORE, BE IT RESOLVED,

Section 1. That the Lewis County Board of Legislators hereby authorizes, by and through the Planning and Community Development Department, the filing of a 2023 Program Year CDBG applications that include housing rehabilitation and microenterprise programs within Lewis County in amounts not to exceed \$1,000,000 and \$200,000 respectively and other such related activities, such as small business and economic development programs, and amounts as may be determined.

Section 2. That the Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to make, execute, seal and deliver such applications and, if awarded, to accept the funding, sign contract documents, and appropriate the funding to the appropriate account.

Section 3. That the Board of Legislators hereby declares and appoints the Lewis County Director of Planning and Community Development as the Certifying Officer for all CDBG applications and awarded programs in which the Director will sign the Environmental Review documents, as required by the administrating agency, New York State Office of Community Renewal.

Section 4. That the Director of Planning and Community Development is herein designated as the Certifying Officer and is authorized to execute any required documents as the Certifying Officer in order to advance each CDBG application and secure the release of Grant Funds for each project.

Section 5. The Lewis County Board of Legislators hereby determines that the proposed CDBG funding applications, which include housing, microenterprise, small business and economic development, public facilities, and public infrastructure projects, constitute Type II actions as defined by the regulations promulgated under the State Environmental Quality Review Act (SEQRA) of the State of New York; that the projects will not have significant impacts upon the environment; and there is no further procedure required under SEQRA.

Section 6. That this Resolution shall take effect immediately.

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

RESOLUTION NO. 129 - 2023

**RESOLUTION AUTHORIZING GRANT APPLICATION FOR
2023 OFFICE OF COMMUNITY RENEWAL
NY MAIN STREET GRANT FUNDING TO CREATE AND ESTABLISH
COUNTY-WIDE DESIGN GUIDELINES**

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

WHEREAS, the County of Lewis through the Planning Department, desires to apply for up to \$20,000 in financial assistance through the 2023 Consolidated Funding Application (CFA) under the New York State Office of Community Renewal New York Main Street Program; and

WHEREAS, if awarded, the grant requires a commitment of a 5% match from the County which will be provided by the Planning Department through its Community Development line item; and

WHEREAS, the application proposes funding to develop “Lewis County Design Guidelines” that can be implemented in each of the villages and hamlets throughout the County; and

WHEREAS, the proposed funding will contribute to ongoing community revitalization efforts; and

WHEREAS, the grant application requires that the applicant obtain the approval and endorsement of the governing body of the municipality in which the project will be located.

NOW, THEREFORE, BE IT RESOLVED,

Section 1. The Lewis County Board of Legislators hereby authorizes the Planning Department to submit the online application to the New York State Office of Community Renewal for up to \$20,000.00 in 2023 New York Main Street funding for a Technical Assistance project to develop county-wide design guidelines.

Section 2. The Director of Planning, the Chairman or Vice Chairman of the Board of Legislators be and the same is hereby authorized to sign and submit the application prepared by the Planning Department for the above-named project.

Section 3. In in the event the County is awarded grant funds, the Board of Legislators hereby authorizes acceptance of the award, authorizes the Chairman or Vice-Chairman to execute any grant agreement and other documents required to

accept the award upon review and approval of the County Attorney; and directs the Treasurer to appropriate the awarded funds into the correct accounts.

Section 4. That this Resolution shall take effect immediately.

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

RESOLUTION NO. 130 - 2023

RESOLUTION AUTHORIZING LEWIS COUNTY TO APPLY FOR 2023 OFFICE OF COMMUNITY RENEWAL NEW YORK MAIN STREET (NYMS) PROGRAM GRANT DOWNTOWN STABILIZATION PROJECT FUNDING

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

WHEREAS, the County of Lewis, by and through the Planning and Community Development Department, desires to apply for 75% of project costs or up to \$500,000 including administrative expenses in financial assistance through the 2023 Consolidated Funding Application (CFA) under the New York State Office of Community Renewal, New York Main Street (NYMS) Program; and

WHEREAS, the application proposes funding to assist property owners to complete building renovations to downtown “main street” buildings on North State Street between Parkway Drive and Dayan Street in the Village of Lowville; and

WHEREAS, the proposed funding will contribute to ongoing community revitalization efforts. The grant application requires that the applicant obtain the approval and endorsement of the governing body of the municipality in which the project will be located; and

WHEREAS, the Lewis County Board of Legislators seeks to authorize this application;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. The Lewis County Board of Legislators hereby authorizes the Planning and Community Development Department to submit the online application to the New York State Office of Community Renewal for up to \$500,000 in 2023 New York Main Street funding for a Downtown Stabilization project located at 7623 North State Street in the Village of Lowville.

Section 2. That the Chairman or Vice Chairman of the Board of Legislators be and the same is hereby authorized to sign and submit the application and, if awarded, to accept the funding, sign contract documents, and appropriate the funding to the Lewis County Planning and Community Development Department.

Section 3. That this resolution shall take effect immediately.

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

RESOLUTION NO. 131 - 2023

RESOLUTION AUTHORIZING LEWIS COUNTY TO APPLY FOR 2023-2024 SMART GROWTH COMMUNITY PLANNING AND ZONING GRANT PROGRAM FUNDS TO ADVANCE THE PREPARATION AND ADOPTION OF UPDATED ZONING REGULATIONS ON BEHALF OF THE TOWN OF DIANA

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

WHEREAS, the Lewis County Planning and Community Development Department, on behalf of the Town of Diana, desires to apply for up to \$100,000 in financial assistance to update the Town's current zoning laws through the 2023 Consolidated Funding Application (CFA) under the New York State Office of Planning, Development & Community Infrastructure; and

WHEREAS, if awarded, the grant requires a commitment of a 10% match from the County and Town, not to exceed \$10,000; a portion of which will be provided by the Planning and Community Development Department through its Land Use Planning Policies line item; and

WHEREAS, the application allows for up to 15% of the award amount to be attributed toward grant administration; and

WHEREAS, the County of Lewis, as lead applicant, will include eligible grant administration costs in the application for Planning and Community Development Department reimbursable expenses; and

WHEREAS, the Lewis County Board of Legislators sees to authorize this application;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. The Lewis county Board of Legislators hereby authorizes the Lewis County Planning and Community Development Department to submit the online Consolidated Funding Application through the Smart Growth Community Planning and Zoning Grant Funds Program, on behalf of the Town of Diana for updated land use and zoning regulations with the County and Town of Diana to be responsible for each entity's portion of the local share match requirement.

Section 2. The Chairman or Vice Chairman of the Board of Legislators be and the same is hereby authorized to sign and submit the application and, if awarded, to accept the funding, sign contract documents, and appropriate the funding to the Lewis County Planning and Community Development Department.

Section 3. If awarded, the Board of Legislators authorizes the Lewis County Planning and Community Development Department to create and post an RFP for a consultant to complete the zoning update and work with the Town of Diana to complete the zoning updates and determine the Town of Diana's portion of the required 10% local match; and submit grant administrative reimbursement requests to the NYS Office of Planning, Development & Community Infrastructure throughout the process.

Section 4. That this resolution shall take effect immediately.

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

RESOLUTION NO. 132 - 2023

**RESOLUTION AUTHORIZING SNOWMOBILE TRAIL 2023-2024
GRANT-IN-AID APPLICATION TO THE OFFICE OF PARKS, RECREATION &
HISTORIC PRESERVATION FOR TRAIL MAINTENANCE
EXPENSES IN LEWIS COUNTY**

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

WHEREAS, the NYS Office of Parks, Recreation & Historic Preservation (OPRHP) provides grant-in-aid financial assistance in maintaining snowmobile trails included in the statewide trail system upon submission of an application by the Local Sponsor/Authorized Local Official; and

WHEREAS, under this grant program, if funds are sufficient (accumulated in the Statewide Trail Fund based upon projected registrations), the County, as the Local Sponsor Applicant, may receive a sum not to exceed the prorated amount based upon total trail mileage in the County previously established by OPRHP; and

WHEREAS, the application requires that the authorized Official for the County of Lewis execute the application and certify that grant funds received will be managed and expended in accordance with the applicable laws, regulations and program guidelines for submission to the OPRHP Director of the program. The Director of Recreation, Forestry and Parks has filled out the grant application and requests the Board authorize the Chairman to execute same and submit the application;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators authorizes submission of the 2023-2024 Snowmobile Trails Grant-In-Aid Application through the Director of Recreation, Forestry & Parks.

Section 2. That the Board of Legislators authorizes the Chair of the Board to execute the Local Sponsor Signature Form Application and any other agreements related to same. If awarded grant funds, the Board hereby authorizes the Treasurer as the County's Chief Fiscal Officer, to execute the state aid voucher required to accept and receive such funding and to disburse the funds in accordance with the grant program requirements.

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

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

RESOLUTION NO. 133 - 2023

**RESOLUTION TO AWARD BID AND AUTHORIZE
CONTRACT WITH PRENTISS AND CARLISLE MANAGEMENT COMPANY, INC.**

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

WHEREAS, the County through the Recreation, Forestry, & Parks Department has commenced the Lewis County Timber Sale, No. 2023-106 for the sale of forest products located on the Lewis County reforestation area at 601 Cronk Road in the Town of Pinckney, Tax Map Parcel No. 137.00-01-22.000 by sending out a request for bids; and

WHEREAS, three (3) sealed bids received were publicly opened on June 8, 2023 at 10:00 a.m. on the Second Floor Board Room at the Lewis County Courthouse, 7660 North State Street, Lowville, New York; and

WHEREAS, the Director of Recreation, Forestry & Parks recommends that the County award the bid to Prentiss and Carlisle Management Company, Inc., 9866 Starr Hill Road, Remsen, NY 13438 the highest qualified bidder for the Lewis County Timber Sale, No. 2023-106 for the sale of forest products located at 601 Cronk Road in the Town of Pinckney, Tax Map Parcel No. 137.00-01-22.00 outlined in the bid specifications in the total amount of \$142,300.00; and

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. The Lewis County Board of Legislators hereby awards the bid and authorizes a contract with Prentiss and Carlisle Management Company, Inc., Remsen, NY for the term of July 6, 2023 through September 1, 2025, and in the amount of \$142,300.00 payable to the county, for the harvesting of timber at 601 Cronk Road, in the Town of Pinckney, Tax Map Parcel No. 137.00-01-22.00.

Section 2. That the Chair or Vice-Chair of the Lewis County Board of Legislators is hereby authorized to make, execute, seal and deliver such Agreement, any related and necessary documents or instruments, and amendments thereto pending 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. 134 - 2023

**RESOLUTION TO TRANSFER FUNDS
I Love NY - Tourism**

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

BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators authorizes the following 2023 budget transfer from regular contingency to the I Love NY Tourism account line. This is to provide the necessary level of funding agreed upon in 2022, but the amount was budgeted incorrectly:

<u>From:</u> A0199000 499900 Contingency	\$10,000.00
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<u>To:</u> A0641000 441100 I Love NY	\$10,000.00
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Section 2. That the within resolution shall take effect immediately.

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

RESOLUTION NO. 135 - 2023

**RE-APPOINTING MEMBERS TO
LEWIS COUNTY YOUTH BUREAU ADVISORY BOARD**

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

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby re-appoints the following individuals to a two-year term on the Lewis County Youth Bureau Advisory Board:

John Exford
4010 Edgewood Drive
Lyons Falls, NY 13368

Michael Leviker
7538 Cascade Street
Lowville, NY 13367

Lisa Rennie
2400 County Route 194
Copenhagen, NY 13626

Cassie Forbus
5437 Stowe Street
Lowville, NY 13367

Section 2. That the term of said appointments shall be effective July 1, 2023 through June 30, 2025.

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

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