

REGULAR MEETING
August 1, 2023

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

Roll Call: All Legislators were present, except Legislator Nellenback who was excused, and there were 20 other persons present.

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

Chairman Dolhof declared the July 5, 2023 meeting minutes approved by general consent.

REPORT OF THE FINANCE AND RULES COMMITTEE:

The Finance and Rules Committee had met and recommended to waive the rules to allow action on late resolutions.

Signed by: Thomas Osborne
Philip Hathway
Jessica Moser
Joshua Leviker

Dated: August 1, 2023

Legislator Virkler moved to waive the rules, seconded by Legislator Moroughan, and carried.

PRIVILEGE OF THE FLOOR:

Michelle Ledoux of Cornell Cooperative Extension shared a short video that is being used as a commercial to advertise for the First Annual Open Farm Day. This event is being held on Saturday, August 12th beginning at 10:00 a.m. and ending at 3:00 p.m. This event will highlight the many different types of agriculture in Lewis County with thirteen different stops. Any participant who goes to three or more stops and completes a survey form will receive a gift.

Leroy Mashaw of 6171 Pine Grove Road introduced himself as a 67-year-old, two-time cancer survivor who suffers from COPD. He has been a NYS Department of Transportation worker for 32 years and has lived here for over 40. He has a fence on his property that is 6 ½ feet off the blacktop that has too much stone on it to do any lawn work in that area. He can see that many residents' lawns are a mess from all the stone that has been put on the Pine Grove Road. He asked that someone clean this mess up for the residents before winter arrives.

Connie Peters of 6626 Pine Grove Road explained that she is 67 and has health problems, suffering from asthma and COPD. She closes her house up to prevent poor air from coming in, but since the beginning of the work on the Pine Grove Road it is seeping in and causes her to

have a terrible time with her breathing. She is here tonight in hopes that someone can take care of the Pine Grove Road mess.

CLERK OF THE BOARD REPORT:

A resolution was received from Cattaraugus County urging Governor Hochul and the New York State Legislature to properly fund New York State mandated local programs. Sealer of Weights & Measures, Brian Mooney submitted the June 2023 Summary of Field Service Report which has been placed on file.

REPORTS OF STANDING COMMITTEES:

Mr. Pepper, Mr. Nolan, and Mr. Timothy Hunt, Highway Superintendent were asked to come forward for a discussion on the Pine Grove Road. Chairman Dolhof asked them to speak on the dissatisfied and upset residents of the Pine Grove Road who have been dealing with this mess for over two months and what their resolution to the matter might be. Mr. Mike Nolan introduced himself as the President of Suite-Kote Corporation. It is a 102-year-old company, and they are very thankful for all their New York State customers and proud of the hundreds of thousands of miles of roads they have successfully taken care of.

The Pine Grove Road was deteriorated and rutted prior to the beginning of the sealing process which is why it was being taken care of. This process was to seal the road to preserve it enough until it could be re-paved a future date. Sealing requires a layer of emulsion to be laid on the road and then a layer of stone. As you can image stone is crucial to this process. To date Suite-Kote has spent over \$50,000.00 on the issue which was caused by massively out of spec stone and a large utility project which had large trucks going across this road at a rate of about 200 trucks per hour. Suite-Kote values its relationship with the county and have tried to mitigate this problem using several resources.

Legislator Hathway inquired what the \$50,000.00 was used on, Mr. Nolan responded that it was used on adding more clean stone, fine sand, magnesium chloride, steel drum roller, heavy duty wheeled roller, and having employees continuously checking on the road condition. He went on to explain his recommendation for resolution to this is to micro-pave the road. This would use a micro emulsion that is applied wet to the surface, and it hardens like asphalt. It would be a temporary fix until the road can be re-paved but should last 7 to 10 years and would be able to handle the truck traffic.

In response to a question about the loose stone on the road and along the roadside, Mr. Nolan stated that Suite-Kote would work with Highway Superintendent, Tim Hunt to use the county's sweeping equipment to take care of the roadside. The road wouldn't need to be swept prior to the micro-paving. Legislator Moroughan questioned why the stone wouldn't be swept before micro-paving, Mr. Nolan explained that this emulsion would cover the whole road and fill in any holes, he doesn't want to aggravate the road any further. There was further discussion on the massively out of spec stone that was used. It was tested prior to beginning the project but after the project was started it was tested again and failed by a large margin.

Joan McNichol, County Attorney explained that if the board approves moving forward with the micro-paving solution, will there be any assurance that the materials used will not come from V.S. Virkler. Mr. Nolan responded that the materials will not come from that vendor. Joan then asked if the material will be tested prior to starting this project, Mr. Nolan responded that the stockpile of material will be tested prior to the start. Tim Hunt was satisfied with the arrangement once he confirmed that both the stockpile and the job site pile will be tested. After the micro-paving any loose stone will be cleaned up. Suite-Kote will walk away once the project is completed having spent several hundred thousand dollars.

In response to the question of a timeline, Mr. Nolan explained that once the micro-paving has been done within a couple of weeks the cleanup of any loose stone will happen. Legislator Moroughan voiced her concern again about not understanding why the loose stone would remain on the road prior to micro-paving. Mr. Nolan stated that he will work with Tim Hunt to let the utility company know that there will be work on the road but this time it should just be a lane closure as the micro-paving hardens very quickly. This should get the county the desired results and resolution to the issue.

Legislator Gilbert moved to enter into an agreement with Suite-Kote to micro-pave the Pine Grove Road from the Number Four Road to Burdick's Crossing for an approximate amount of \$370,000.00, with the County paying 50% and Suite-Kote paying the other 50%, seconded by Legislator Chartrand.

Legislator Moroughan stated that this wasn't the county's fault, Mr. Nolan responded that Suit-Kote agreed to pay 50% of the solution but never asked the County to pay 50%. If there are other entities who are willing to participate in the cost, then they should. Legislator Moser felt that something should be done now but then the issue should be taken up with V.S. Virkler through litigation. Joan McNichol agreed that this agreement is just to get the final fix now and then the county can work with other parties for reimbursement. Ryan Piche, County Manager stated that the utility company had New York State approval to use that route for their project so the county didn't have a choice, but the company is likely to contribute but we should wait until next year when the utility project is finished.

In response to Legislator Chartrand, Mr. Nolan stated that Suit-Kote, no matter what the final cost is, will keep their 50% share.

The motion was then carried.

Legislator Gilbert reported that the Office of Building & Fire Codes, to-date, have issued 488 permits totaling \$18,477,692.00 in project values. They have conducted 192 State mandated Life Safety and Property Maintenance inspections of commercial properties, responded to 6 chimney fires, and responded to 37 complaints. To-date the office has issued 232 Certificates of Completion/Occupancy and researched 7 record requests. They continue to remain busy throughout the summer months with all the economic activity it is good to see the expansion made in that department.

Legislator Osborne reported that the Planning and Community Development Department is working with the Village of Lowville, LaBella, and Naturally Lewis to complete a Master Plan for developing the Trinity Ave./Forest Ave./Shady Ave. corridor. Barton & Loguidice has finished the PER for the Village of Turin and the Town of Turin and is assisting on a WIIA grant application. Bernier Carr Associates (BCA) is beginning to work with the Village of Copenhagen water district in preparation for various grant applications. The office is in the process of developing four CFA grant applications: two NYMS projects; one CDBG Public Facilities project; and one Smart Growth Comprehensive Planning project, as well as continuing to work on several existing broadband projects throughout Lewis County.

Legislator Virkler reported that Community Services has moved to the new Human Services building on Outer Stowe Street and is enjoying the space and AC. The 2024 Local Services plan was granted an extension, and the search for a Mental Health Program Coordinator continues. The Request for Proposal (RFP) for OASAS Prevention is being reviewed prior to publication. Transitional Living Services (TLS) has recently recruited a psychiatric nurse practitioner for the ACT team, which is a vital position and very hard to recruit for. Credo is making leadership adjustments within the organization. The Office of Mental Health and OASA have facilitated regular meetings with Credo, TLS, Tim Ruetten and Patricia Fralick to monitor the merging process of TLS and Credo.

Legislator Chartrand reported that Heather Bates, Surgical Technician, was the April Employee of the Month and Emily Paulsen, Staff Development Coordinator, was the May Employee of the Month. If you see these employees around, please congratulate them on a job well done.

Mr. Jerry Cayer, LCHS CEO, reported that at the last Board of Managers meeting Dr. Harney gave a report on the overview of Medical Practices. The hospital is actively recruiting for two Primary Care Physicians, they will be identifying a Family Nurse Practitioner for the Copenhagen Health Center and appointed two Family Nurse Practitioners for the Beaver River Health Center. Considering Legislator Hathway's insistence they will likely be looking for a Family Nurse Practitioner for the Harrisville Health Center. On the operations side they did have the Joint Commission 3-year re-accreditation survey completed. On the finance side, inpatient revenue was higher in ICU, OR, Medical Surgical Supply, CatScan, and MRI. Outpatient gross revenue was higher in ER, OR, Lab, Radiology, Ultrasound, CatScan, and Sleep Lab. Total OR cases are the highest they have been in the last 1.5 years and Surgical services have the highest number of visits in the last 7 years.

Employee Benefits were over budget due to the increase in health insurance premiums as well as an adjustment to the workers comp reserve totaling \$174,000.00. Purchased services were over budget due to traveling nursing staff totaling \$127,000.00. The Fiscal Year 2024 Budget is almost completed, which will likely have \$3.5 million in Capital requests. The FTD Budgets are being reviewed tomorrow, and the volume projections are almost complete which show some projected increases for 2024. The current thought is not to raise the rates in the Nursing Home or the Hospital, but possible reduce a few of the rates for certain Hospital services if possible. Mr. Cayer concluded by stating he left a copy of the Lewis County Health Systems annual report for each of them.

PROJECT MANAGERS REPORT:

Mr. Jim Garito thanked the County Manager and the Board of allowing him the opportunity to report. Progress is happening, maybe not quite as fast as he would like. He has handled many projects and reported to their boards, but this is the first time he has had the opportunity to work with both of his sons and truly appreciates that.

Mr. Anthony Garito reported that he has learned quite a bit on the ups and downs of the projects. He realizes the importance of informative meetings, having a good working relationship with contractors, and being on the job site. He finished by stating how thankful he is for the opportunity to learn on this project and to get the hands-on experience.

Mr. Nick Garito reported that the Human Services building, and Maintenance Garage only have minor things left outside to do. The DMV is moving along nicely. The Highway site is taking shape and currently is having the floor grinded, sheetrock hung, and electrical run.

COUNTY MANAGER REPORT:

Mr. Ryan Piche reported that the NYSAC Fall Conference is September 13th through the 15th in Oneida County. He always feels like he gets great take aways from the NYSAC conferences. Budget season has officially kicked off with all departments who have capital requests meeting with Brian Hanno, personnel requests meeting with Caitlyn Smith, and I.T. requests meeting with Conner Biolsi. Over the next month each department will meet with himself and Treasurer Eric Virkler to go over all their budget requests. The initial reports of assessed value in Lewis County have increased significantly so that allows an opportunity to lower taxes and not have to cut any programs.

COUNTY TREASURER REPORT:

Mr. Eric Virkler referenced his written report on sales tax and reserve balances which had been handed out earlier to board members, if there are any questions, please feel free to contact him. On August 24th the tax auction will be held online. He will be required to hold the proceeds. There are twelve properties as of now to be included in the auction, however any property owner can pay their balance up until 5 days prior to the auction. Health insurance claims have settled down a bit and the county did receive a stop loss payment which has helped the balance.

REPORT OF THE FINANCE AND RULES COMMITTEE:

RESOLUTION NO. 136 – 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 \$3,076,276.00 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 Virkler, seconded by Legislator Leviker. Legislator Moser recused herself from any payments that pertain to her job as an attorney.

The resolution was then adopted on the 1st day of August, 2023, pursuant to the following roll call vote:

AYES: Moser, Chartrand, Gilbert, Hathway, Leviker, Moroughan, Osborne, Virkler, and Dolhof.

NAYS: None.

ABSENT: Nellenback.

RESOLUTION NO. 137 - 2023
RESOLUTION APPOINTING MEMBER TO
COMMUNITY SERVICES BOARD

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

WHEREAS, the Lewis County Community Services Board shall have nine members appointed by the Board of Legislators pursuant to Mental Hygiene Law § 41.11;

WHEREAS, a seat became open upon the early resignation of Scott Mathys; and

WHEREAS, the Community Services Board recommends Mark Waterhouse due to his experience in the field of mental hygiene, including mental health, alcohol and substance abuse, and developmental disabilities to fill the unexpired term of Scott Mathys;

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby appoints Mark Waterhouse, as a member of the Lewis County Community Services Board to fill the un-expired term of Scott Mathys.

Section 2. That the term of said appointment shall be effective August 1, 2023 through December 31, 2024.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator Hathway, seconded by Legislator Osborne, and adopted on the 1st day of August, 2023.

RESOLUTION NO. 138 - 2023
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO THE HIGHWAY DEPARTMENT

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

BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby amends the Compensation Plan of the County of Lewis with reference to the Highway department for the following:

<u>ABOLISH</u> Carpenter	<u>STATUS</u> Full-time	<u>SALARY</u> Grade 21 (\$21.10 - \$24.65)
<u>CREATE</u> Heavy Equipment Operator (HEO)	<u>STATUS</u> Full-Time	<u>SALARY</u> Grade 21 (\$21.10 - \$24.65)

Section 2. That this resolution shall take effect immediately.

Moved by Legislator Hathway , seconded by Legislator Osborne , and adopted on the 1st day of August, 2023.

RESOLUTION NO. 139 - 2023
RESOLUTION TO TRANSFER FUNDS
Human Resources Department

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

BE IT RESOLVED, as follows:

Section 1. That the following budget transfer is hereby approved to transfer funds in the amount of \$50,000.00 from Contingency to Human Resources Legal account line for increased negotiation and arbitration costs.

From:

A0199000 499900 Contingency \$ 50,000.00

To:

A043100 490200 HR Legal \$ 50,000.00

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

Moved by Legislator Hathway, seconded by Legislator Osborne, and adopted on the 1st day of August, 2023.

RESOLUTION NO. 140 - 2023
RESOLUTION RE-APPOINTING DIRECTOR OF
HUMAN RESOURCES/PERSONNEL OFFICER

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

WHEREAS, the term of the Director of Human Resources/Personnel Officer is six (6) years, by appointment of the Board of Legislators pursuant to CSL § 15(1)(b); and

WHEREAS, the term of the current Director, Caitlyn K. Smith will expire on August 18, 2023, and the Board seeks to re-appoint her to a full six (6) year term;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby re-appoints Caitlyn K. Smith of Turin, NY as the Lewis County Director of Human Resources/Personnel Officer, for a six (6) year term commencing on August 19, 2023 and terminating on August 18, 2029.

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

Moved by Legislator Chartrand , seconded by Legislator Moroughan .

Several of the legislators commented on the great job they felt Caitlyn Smith has been doing.

The resolution was then adopted on the 1st day of August, 2023.

RESOLUTION NO. 141 - 2023
RESOLUTION AUTHORIZING APPLICATIONS AND AWARDS, IF GRANTED, BY
THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT UNDER NY
FORWARD AND NATIONAL GRID BROWNFIELD PROJECT FUNDING

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

WHEREAS, the Planning and Community Development Department seeks to submit applications to NY Forward (NYF) and National Grid Brownfield Project (NGBP) Funding for contaminated and abandoned properties, specifically including but not limited to the County's recently acquired decommissioned Lyons Falls School on McAlpine Street, Lyons Falls by Tax Foreclosure; and

WHEREAS, the NGBP funding is geared towards assisting with demolition, clean-up and reuse of contaminated and abandoned properties in order to progress redevelopment because left untouched, such sites pose continuing environmental, legal and financial burdens to the community and taxpayers; and

WHEREAS, the NYF Program goals include growth in local property tax base, creating an active downtown with a strong sense of place, and building a diverse population, with residents and workers supported by complementary diverse housing and employment opportunities; and

WHEREAS, the maximum allowable Grant under the NGBP funding is \$300,000; and the NYF grant application amount will be based upon the estimates developed by DANC for roof replacement, debris removal, and focused remediation of the decommissioned Lyons Falls School; and

WHEREAS, if awarded funding under these grants, the Planning and Community Development Department envisions use of these funds to include, but not limited to remediation activities, roof replacement, stabilization, debris clean-up, re-use expenses, electric and gas infrastructure improvements, and Phase I and II environmental site assessments, as necessary, for the decommissioned Lyons Falls School remediation; and

WHEREAS, the Lewis County Board of Legislators seeks to authorize the Planning and Community Development Director to submit the applications online and, if awarded such funding, to authorize the agreement(s) for same and appropriate the funds;

NOW, THEREFORE BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes the Planning and Community Development Director to submit the applications for the NY

Forward and National Grid Brownfield Project grant funding programs on behalf of Lewis County for remediation, roof replacement, stabilization, debris clean-up, and reuse activities for the decommissioned Lyons Falls School on McAlpine Street, Lyons Falls, NY, up to the maximum amount of funding under each grant based upon the cost estimates developed by DANC.

Section 2. That the Director of Planning and Community Development or the Chair of the Board of Legislators be and the same is hereby authorized to execute the applications and any other documents required for submission.

Section 3. That in the event the County is awarded grant funds under either or both of these funding streams, the Board of Legislators hereby authorizes acceptance of the award(s), authorizes the Treasurer to appropriate the funds, and authorizes the Chair or Vice Chair to execute the grant agreement(s), and any other documents required to give effect to this Project, upon review and approval of the County Attorney.

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

Moved by Legislator Hathway, seconded by Legislator Osborne, and adopted on the 1st day of August, 2023.

RESOLUTION NO. 142 - 2023
RESOLUTION AUTHORIZING LEWIS COUNTY TO APPLY FOR USDOT RURAL AND TRIBAL ASSISTANCE PILOT PROGRAM

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

WHEREAS, the County of Lewis, by and through the Planning and Community Development and Highway Departments, desires to apply for up to \$320,000 to complete engineering designs on complete streets projects as well as trail and active transportation infrastructure under the USDOT Rural and Tribal Assistance Pilot Program; and

WHEREAS, the application proposes funding to assist the Lewis County Highway Department in the design and engineering of complete streets projects in pre-identified communities with Lewis County infrastructure and/or rights-of-way; and

WHEREAS, the proposed funding will contribute to ongoing community revitalization, infrastructure upgrades, and pedestrian safety efforts and does not require cost-sharing or matching of the grant funds; and

WHEREAS, the Lewis County Board of Legislators seeks to authorize this application by and through the Director of Planning and Community Development;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. The Lewis County Board of Legislators hereby authorizes the Planning and Community Development Department to sign and submit the online application to USDOT for up to \$320,000 in Rural and Tribal Assistance Pilot funding for the design and engineering of complete streets projects as well as trail and active transportation infrastructure.

Section 2. That the Chair or Vice Chair of the Board of Legislators be and the same is hereby authorized to, if awarded, accept the funding, sign contract documents, and appropriate the funding to the Lewis County Highway Department.

Section 4. That this resolution shall take effect immediately.

Move by Legislator Hathway, seconded by Legislator Osborne, and adopted on the 1st day of August, 2023.

RESOLUTION NO. 143 -2023
**RESOLUTION AUTHORIZING FUNDING APPLICATION TO NEW YORK STATE
DEPARTMENT OF TRANSPORTATION ACCELERATED TRANSIT CAPITAL (ATC)
PROGRAM FOR THE LEWIS COUNTY PUBLIC TRANSPORTATIONS SYSTEM**

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

WHEREAS, the Accelerated Transit Capital (ATC) program administered by the New York State Department of Transportation (NYSDOT) provides funding intended to support capital projects for public transportation to rehabilitate, restore and modernize public transit assets; and

WHEREAS, under the Lewis County Public Transportation System (LCPT), the Planning and Community Development Department seeks to submit an application to NYSDOT under the ATC program to use the \$44,220 already allocated to the system towards the match requirements of three (3) new buses and any other system capital needs; and

WHEREAS, the Lewis County Board of Legislators seeks to authorize this application and accept said funding upon approval from NYSDOT.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. The Lewis County Board of Legislators hereby authorizes an application to the NYSDOT Accelerated Transit Capital (ATC) program for funding to be used towards the purchase of three (3) new bus and any other system capital needs as identified by the Lewis County Planning and Community Development Department.

Section 2. That the Chair or Vice Chair of the Board of Legislators be and the same is hereby authorized to executive, seal and deliver such online application and other required documents for this funding and, if awarded, accept the funding, sign contract documents, and appropriate the funding to Bus Operations.

Section 4. That this resolution shall take effect immediately.

Moved by Legislator Hathway, seconded by Legislator Osborne, and adopted on the 1st day of August, 2023.

RESOLUTION NO. 144 - 2023
RESOLUTION AWARDED BID AND AUTHORIZING CONTRACT BETWEEN
THE COUNTY OF LEWIS AND GILL CREATIVE INDUSTRIES TO PROVIDE
PROFESSIONAL DESIGN, PRODUCTION, AND INSTALLATION
OF 6 FULL BUS WRAPS

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

WHEREAS, the Director of Planning and Community Development Department, in consultation with the Purchasing Department sent out an RFP for professional design, production, and installation of six (6) full vinyl bus wraps that meet NYSDOT and USDOT standards for vehicle wraps with an optional price per bus in 2024 and 2025, as more fully outlined and set forth in the RFP; and

WHEREAS, five (5) bid proposals were opened on July 27, 2023, at 10:00 am. The Planning Director, Director of Purchasing, Clerk of the Board, and County Attorney carefully reviewed the bid submissions and assessed the criteria. After careful consideration and review, the Planning Director recommends that the Board of Legislators award the bid and contract to the lowest bidder, Gill Creative Industries, of 1040 Bradley Street, Watertown, NY 13601 to provide the bus wrap services at a cost not to exceed \$36,000.00, with the project expected to conclude on or about September 1, 2023; and

WHEREAS, the Board of Legislators seeks to accept this recommendation, award the bid and contract with Gill Creative Industries for design, production, and installation services for six (6) buses to be vinyl wrapped to cover 3 sides of each vehicle;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby awards the bid to and authorizes an agreement with Gill Creative Industries, of Watertown, NY 13601, to provide design, production, and installation of bus wrap services as outlined in the RFP in accordance with their bid proposal dated July 27, 2023, at a cost of \$36,000.00, to be completed on or about September 1, 2023.

Section 2. That the Chair or Vice-Chair of the Board of Legislators is hereby authorized to make, execute, seal, and deliver said Agreement and any extensions or modifications thereto, upon review and approval by the County Attorney.

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

Moved by Legislator Hathway, seconded by Legislator Osborne, and adopted on the 1st day of August, 2023.

RESOLUTION NO. 145 – 2023
RESOLUTION AUTHORIZING AND SETTING A PUBLIC COMMENT PERIOD FOR
LEWIS COUNTY AGRICULTURAL DISTRICT NUMBER 6 EIGHT-YEAR REVIEW,
WITH INCORPORATION OF THE 2023 ANNUAL INCLUSION REVIEW

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

WHEREAS, the County of Lewis has approximately 246,809 acres in its NYS-certified agricultural district designated as “Lewis County Agricultural District No. 6”. In accordance with Chapter 303a of the NYS Agricultural and Markets Law, Lewis County Agricultural District No. 6 is required to undergo review and modification as part of the eight-year review process; and

WHEREAS, as part of the eight-year review process, the Lewis County Agricultural Development Board (Agriculture and Farmland Protection Board-“LCAFPB”) members seek public comment, *inter alia*, on the nature and status of farming and farm resources within the District, objectives of the District, the degree of coordination between local laws, ordinances, rules and regulations that apply to farm operations in such district, and review of lands to be removed and added to the District as a result of this review and landowner’s written requests for same; and

WHEREAS the County of Lewis seeks to conduct its 2023 annual inclusion process and thirty-day open enrollment period (Ag & Markets Law § 303b) during and simultaneously with the eight-year review process, and will provide information and notice to landowners wishing to add land to the agricultural district to submit the request during the eight-year review period; and

WHEREAS, the LCAFPB, through the Lewis County Director of Planning and Community Development, seeks to have the Lewis County Board of Legislators set the public comment period for Lewis County Agricultural District No. 6 and incorporate proper notice of the 2023 annual inclusion process therein; and

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators of the County of Lewis authorizes and sets the Public Comment Period for the “Lewis County Agricultural District No. 6” eight-year review process for September 1, 2023 through September 30, 2023.

Section 2. That the Board of Legislators of the County of Lewis hereby further authorizes the incorporation of the 2023 annual inclusion process and thirty-day open enrollment period to coincide with the eight-year review process and directs that all public notices for the eight-year review contain notice of incorporation of the 2023 annual inclusion process.

Section 3. That the Board of Legislators of the County of Lewis authorizes the Lewis County Director of Planning and Community Development to receive and answer any questions pertaining to the Agricultural District No. 6 Review and Modification process and timelines, and to post all public notices in a timely fashion required to give effect to this Resolution.

Section 4. That the resolution shall take effect immediately.

Moved by Legislator Hathway, seconded by Legislator Osborne, and adopted on the 1st day of August, 2023.

RESOLUTION NO. 146 - 2023
RESOLUTION AWARDING BID AND AUTHORIZING AGREEMENT BETWEEN
THE COUNTY OF LEWIS AND PARAGON CONSTRUCTION
FOR THE CONSTRUCTION OF A PAVILION AT
SINGING WATERS PARK

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

WHEREAS, the Recreation, Forestry and Parks Department sent out a Request for Proposals for the construction of a pavilion at Singing Waters Park, a County owned facility, according to the terms and specifications as set forth in the RFP, returnable on July 20, 2023; and

WHEREAS, present for the bid openings were the Clerk of the Board, Director of Purchasing, the County Legislators, and County Attorney, with 5 bid responses received and opened; and

WHEREAS, after review and consideration of the proposals, the Director of Recreation, Forestry and Parks recommends awarding the bid to Paragon Construction, the lowest bidder at a price of \$48,500.00, in accordance with the specifications and scope of work set forth in the RFP; and

WHEREAS, the Board of Legislators seeks to award the bid to Paragon Construction and authorizes an agreement for the specified 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 authorizes and approves an Agreement with Paragon Construction, Brantingham, NY 13312, to construct a pavilion at Singing Waters Park in the Town of Greig, in accordance with the specifications and requirements set forth in the RFP.

Section 2. That the Lewis County Board of Legislators authorizes said agreement to include all conditions and requirements set forth in the RFP together with inclusion of any and all additional terms and conditions recommended by the County Attorney, at a cost of \$48,500.00 for the term commencing upon execution of the agreement through October 31, 2023.

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, upon review and approval by the County Attorney.

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

Moved by Legislator Hathway , seconded by Legislator Osborne , and adopted on the 1st day of August, 2023.

RESOLUTION NO. 147 2023
RESOLUTION TO APPROPRIATE FUNDS
FOR SNOWMOBILE TRAIL PROGRAM
2022-2023 Season

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

BE IT RESOLVED as follows:

Section 1. That the following appropriations take place in the Snowmobile Trails account for the 2022-2023 Snowmobile Award:

Increase Revenue:

A0714100 338202 State Aid	\$154,149.00
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Increase Expenditure:

A0714100 499900 Expense	\$154,149.00
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Section 2. That the funds will be passed on the Snowmobile Association when received.

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

Moved by Legislator Hathway, seconded by Legislator Osborne, and adopted on the 1st day of August, 2023.

RESOLUTION NO. 148 - 2023
RESOLUTION TO TRANSFER FUNDS
Sheriff's Office - Jail

Introduced by Legislator Ian Gilbert, Chair 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 Contingency to the Jail Inmate Board account. This is to provide additional funding due to high costs for boarding out inmates due to the Jail HVAC project and the new MAT program:

From:

A0199000 499900 Contingency	\$100,000.00
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To:

A0315000 450800 Jail Inmate Board	\$100,000.00
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Section 2. That the within resolution shall take effect immediately.

Moved by Legislator Hathway, seconded by Legislator Osborne, and adopted on the 1st day of August, 2023.

RESOLUTION NO. 149 - 2023
RESOLUTION AUTHORIZING SALE OF TAX FORECLOSED, LAND-LOCKED
PARCEL TO NEW OWNER

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

WHEREAS, in accordance with Real Property Tax Law Section 1166 (RPTL §1166) and Lewis County Local Law No. 6-2004, the County, as a tax district, is authorized to sell and convey real property it acquires by virtue of a foreclosure proceeding brought pursuant to Article 11 of the RPTL, upon approval by a majority of the governing body; and

WHEREAS, in 2012, the County became vested with the title to real property tax parcel no. 322.00-01-16.000 in the Town of West Turin, as part of property on Cherry Street assessed to Joanne Ostrander, along with tax map parcel no. 322.14-03-02.100); and

WHEREAS, the owner had two (2) tax bills for this property because one parcel was in the Village and one parcel was in the Town; and

WHEREAS, the owner of the main parcel listed the property (including the small land-locked piece) for sale, with a tentative closing date in the beginning of September, 2023. Upon notice of the County's title to the small parcel, the prospective new owner, Oliver Beckford Jr., of Great Bend, NY, seeks to pay the past due taxes owing on same (\$232.58), and have the County provide a quitclaim deed transferring its interest in this small parcel to him; and

WHEREAS, The County seeks to comply with same since this small parcel is landlocked, was originally part of the property of the prior owner, and serves no County interest and should be placed back on the tax rolls; and

WHEREAS, the Board of Legislators seeks to approve this transfer of title to Oliver Beckford Jr. for land-locked parcel no. 322.00-01-16.000;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Lewis County Board of Legislators hereby approves and authorizes the transfer by Quitclaim Deed, of land-locked tax map parcel # 322.00-01-16.000, Town of West Turin, County of Lewis, to Oliver Beckford Jr., in consideration of the payment of \$232.58 for delinquent taxes owing on same, in accordance with RPTL and Lewis County Local Law No. 6-2004.

Section 2. That the County Attorney is directed to prepare the quitclaim deed and other documents required for said transfer, and deliver same to the named purchaser upon payment in full of the outstanding delinquent taxes, i.e., \$232.58.

Section 3. That the Chairman of the Board of Legislators, or the Vice-Chairman, be and the same is hereby authorized to execute and deliver such Deed and transfer documents approved and prepared by the Lewis County Attorney.

Section 4. That this Resolution shall take effect immediately.

Moved by Legislator Hathway, seconded by Legislator Osborne, and adopted on the 1st day of August, 2023.

RESOLUTION NO. 150 - 2023
RESOLUTION SETTING 2024
WORKERS' COMPENSATION APPORTIONMENT
FOR LEWIS COUNTY SELF-INSURANCE PLAN

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

WHEREAS, the Board of Legislators recognizes the importance to foster an overall safety culture by emphasizing workplace safety and injury prevention; and

WHEREAS, in accordance with that philosophy the Board of Legislators allocates a proportionate assessment based on reported claims experience for employer accountability; and

WHEREAS, as a standard industry practice, a portion of the assessment shall be based on the ratio of payroll for each participating entity.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That this Board of Legislators hereby sets the computation for the 2024 workers' compensation participant assessments of the Lewis County Self-Insurance Plan; et al 50% of the assessment shall be apportioned to claims experience based on actual expenses in 2020, 2021 and 2022, hereby capped at \$55,000 for any one claim per annum; 30% shall be based on proportionate 2022-2023 gross payroll figures, and the remaining 20% shall be computed on proportionate full property valuation.

Section 2. That the within resolution shall take effect immediately

Moved by Legislator Hathway, seconded by Legislator Osborne, and adopted on the 1st day of August, 2023.

RESOLUTION NO. 151 - 2023
**RESOLUTION INCREASING TAXES ON SALES AND USES OF TANGIBLE
PERSONAL PROPERTY AND OF CERTAIN SERVICES, ON OCCUPANCY OF HOTEL
ROOMS AND ON AMUSEMENT CHARGES PURSUANT TO ARTICLE 29 OF THE
TAX LAW OF THE STATE OF NEW YORK**

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

WHEREAS, a sales tax extender pertaining to the County of Lewis for the additional one percent (1%) rate of sales and compensating use taxes for a two year period ending November 30, 2025 was enacted by the State Legislature as Senate Bill No. S 6346 (Assembly Bill No. A 6552), and recently signed into law by the Governor; and

WHEREAS, Senate Bill 6346 Section 1 reads: "Clause 36 of subparagraph (i) of the opening paragraph of section 1210 of the tax law, as amended by section 1 of item W of subpart C of part XXX of chapter 58 of the laws of 2020, is amended to read as follows:

(36) the county of Lewis is hereby further authorized and empowered to adopt and amend local laws, ordinances or resolutions imposing such taxes at a rate that is one percent (1%) additional to the three percent (3%) rate authorized above in this paragraph for such county for the period beginning June first, two thousand four, and ending November thirtieth, two thousand twenty-five;"

NOW, THEREFORE, BE IT ENACTED by the Board of Legislators of the County of Lewis as follows:

Section 1. Section 4-A of Resolution No. 112-1981, enacted by the Board of Legislators of the County of Lewis on August 24, 1981, imposing sales and compensating use taxes, as amended, is further amended to read as follows:

Section 4-A. Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional one percent rate of such sales and compensating use taxes, for the period beginning December 1, 2023, and ending November 30, 2025. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or

applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

Section 2. Paragraph (c) of subdivision (1) of section 11 of Resolution No. 112-1981, enacted by the Board of Legislators of the County of Lewis on August 24, 1981, imposing sales and compensating use taxes, as amended, is further amended to read as follows:

(c) With respect to the additional tax of one percent for the period beginning December 1, 2023 and ending November 30, 2025, in respect to the use of property used by the purchaser in this county prior to December 1, 2020.

Section 3. This enactment shall take effect December 1, 2023.

Moved by Legislator Leviker , seconded by Legislator Gilbert , and adopted on the 1st day of August,2023.

**RESOLUTION NO. 152 - 2023
RESOLUTION AUTHORIZING AND RATIFYING
TENTATIVE AGREEMENT AND FINAL CONTRACT
BETWEEN THE COUNTY OF LEWIS AND
LOCAL 825 OF THE CIVIL SERVICE
EMPLOYEES ASSOCIATION, INC. (SHERIFF EMPLOYEES UNIT # 7250-03)**

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

WHEREAS, the existing contract between the County of Lewis and Local 825 of the Civil Service Employee's Association ("CSEA") for the County's Sheriff's Employees unit expired on December 31, 2020; and

WHEREAS, the negotiating teams representing the County of Lewis and CSEA, reached a Tentative Agreement dated June 29, 2023, encompassing a summary of the changes agreed to for a four-year final Agreement to be effective January 1, 2021 through December 31, 2024; said Tentative Agreement ratified by the Local CSEA membership vote ending on July 31, 2023.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby ratifies the agreement developed by the negotiating teams, accepted by the CSEA Local 825 for the County's Sheriff's Employees on July 31, 2023, and memorialized as the Tentative Agreement.

Section 2. That the Chairman, or the Vice-Chairman of the Board of Legislators be and the same is hereby authorized to make, execute, seal and deliver the final contract between the County of Lewis and the Civil Service Employee's Association (Sheriff's Employees Unit) based upon the terms of the Tentative Agreement, for the period retroactive to January 1, 2021 through December 31, 2024, upon such form as may be approved by the County Attorney.

Section 3. That a copy of the final executed agreement shall be filed in the Office of the Clerk of the Board of Legislators, with copies produced for distribution to employees of the CSEA Local 825 (Sheriff's Employees Unit).

Section 4. That this resolution shall take effect immediately.

Moved by Legislator Virkler, seconded by Legislator Moser, and adopted on the 1st day of August, 2023.

OTHER BUSINESS:

Ms. Joan McNichol reminded everyone that the Employee Appreciation event is this Thursday, and she hopes that the legislators will attend. Ryan Piche stated that this year there will be a Prices Right game for employees to try and guess the price of government products.

There being no other business to come before the Board, Legislator Chartrand moved to adjourn the meeting at 6:07 p.m., seconded by Legislator Leviker, and carried.