



**OFFICE OF LEWIS COUNTY BOARD OF LEGISLATORS**

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September 2, 2021

TO: Media

FROM: Cassandra Moser, Clerk of the Board

The Lewis County Board of Legislators will meet on **Tuesday, September 7, 2021 at 5:00 p.m. at the West Leyden Fire Department located at 1046 State Route 26, West Leyden, NY 13489** for the regular monthly meeting. Attached are proposed resolutions for action. All in attendance must adhere to current NYS COVID-19 guidance. Any other business may be conducted.

There will be a public hearing on the following:

- Proposed addition of 7.5 miles of multi-use trails to the Lewis County OHV Trail System pertaining to Lewis County owned forestry properties.

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

<https://www.youtube.com/channel/UCPhIjsUZRbjY7KSIQ0ywxkg>

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**RESOLUTION NO. 194 – 2021**

**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 \$1,727,862.42 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 by the following roll call vote:

AYES:

NAYS:

ABSENT:

**LOCAL LAW (INTRODUCTORY NO. 2 - 2021)  
COUNTY OF LEWIS**

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

**A LOCAL LAW TO AUTHORIZE OVERRIDING THE TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW § 3-c (A/K/A “2% TAX CAP”) FOR THE LEWIS COUNTY 2022 BUDGET**

**BE IT ENACTED** by the Board of Legislators of the County of Lewis as follows:

**SECTION 1. TITLE**

This Local Law shall be known as “**A LOCAL LAW TO AUTHORIZE OVERRIDING THE TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW § 3-c (A/K/A “2% TAX CAP”) FOR THE LEWIS COUNTY 2022 BUDGET.**”

**SECTION 2. LEGISLATIVE FINDINGS**

The Board of Legislators for the County of Lewis hereby finds and determines that the anticipated budgetary needs for fiscal 2022 require that Lewis County adopt the appropriate legislation necessary to override the tax levy limit established by General Municipal Law § 3-c, and more commonly referred to as the “2% tax cap”.

**SECTION 3. ENACTMENT AUTHORITY**

This Local Law is adopted pursuant to authority provided in section 10 of the Municipal Home Rule Law of the State of New York as well as the specific authority found in General Municipal Law § 3-c[5].

**SECTION 4. OVERRIDE AUTHORIZATION**

The Board of Legislators be and the same is hereby authorized to adopt a budget for fiscal year 2022 that exceeds the “tax levy limit” as that term is defined and calculated pursuant to the provisions of General Municipal Law § 3-c.

**SECTION 5. EFFECTIVE DATE**

This local law shall take effect immediately upon filing with the Secretary of State.

**RESOLUTION NO. 195 - 2021**

**FIXING DATE OF PUBLIC HEARING ON LOCAL LAW  
(INTRODUCTORY LOCAL LAW NO. 2 - 2021), COUNTY OF LEWIS**

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

WHEREAS, there will be presented and introduced at a meeting of this Board of Legislators to be held on September 7, 2021 a proposed Local Law entitled "LOCAL LAW TO AUTHORIZE OVERRIDING THE TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW § 3-C (A/K/A 2% TAX CAP) FOR THE LEWIS COUNTY 2022 BUDGET."

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That a public hearing will be held on October 5, 2021 from 5:00 p.m. to 5:30 p.m., before the Lewis County Board of Legislators on the Second Floor Board Room at the Lewis County Courthouse, New York, 7660 North State Street, Lowville, New York to hear all persons for or against such local law.

Section 2. That at least five (5) days notice of such hearing shall be given by the Clerk of this Board by the due posting thereof upon the bulletin board of the Lewis County Court House, Lowville, New York, and by publishing such notice at least once in the official newspaper of the County.

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_,  
and adopted.

**LOCAL LAW (INTRODUCTORY NO. 3 - 2021)  
COUNTY OF LEWIS**

Introduced by Legislator Jerry King, Chair of the General Services Committee.

**A LOCAL LAW AMENDING AND REPLACING LOCAL LAW NO. 10-2019 - THE  
COUNTY OF LEWIS JUNKYARD LAW**

**BE IT ENACTED** by the Board of Legislators of the County of Lewis as follows:

**ARTICLE A. INTRODUCTION**

Section 1. AUTHORITY

This law is adopted pursuant to the authority granted in the County in Articles 2 and 3 of the Municipal Home Rule Law.

Section 2. TITLE

This Local Law shall be known as the “County of Lewis Junkyard Law”.

Section 3. PURPOSE OF THE JUNKYARD LAW

By adoption of this Law, the County of Lewis declares its intent to regulate and control the storage or keeping of junk, and to regulate junkyards whether operated for commercial profit or otherwise. The Lewis County Legislature hereby declares that a clean, wholesome, and attractive environment is of vital importance to the continued general welfare of its citizens, and that junk and junkyards can constitute a hazard to property and persons and can be a public nuisance. Such materials may be highly flammable, sometimes explosive, and harmful to the environment. Junk and particularly junked vehicles can constitute attractive nuisances to children and certain adults. The presence of junk and junkyards is unsightly and tends to detract from the value of surrounding properties unless properly screened from view.

**ARTICLE B: DEFINITIONS**

For purposes of this Law, the following words and phrases shall have the meaning ascribed to them in this Article.

Code Enforcement Officer: Any County Building Codes Department officer or any person proposed by and approved by the Lewis County Board of Legislators to represent the Junkyard Review Board in particular matters pertaining to this Local Law.

Junk Items: Any vehicles, parts of vehicles or motors, appliances, parts of appliances, and scrap metals as hereinafter defined.

Junk Storage Area: The areas of any parcel of land or water used, or intended to be used for the

placement or storage of junk items.

Junk Vehicle(s): Any motor vehicle whether automobile, bus, trailer, truck, tractor-trailer, motor home, motor cycle, bicycle, mini-bicycle, snowmobile, or any other device originally intended for travel on the public highways which meets any of the following conditions:

- 1) Is unlicensed,
- 2) Is either abandoned, wrecked, stored, discarded, dismantled, or partly dismantled; or
- 3) Is not in any condition for legal use upon the public highway.
- 4) With respect to any motor vehicle not required to be licensed, or any motor vehicle not usually used on public highways, the fact that such motor vehicle has remained unused for more than six (6) months and is not in condition to be removed under its own power shall be presumptive evidence that such motor vehicle is a junk vehicle.

Junk Appliance: A household appliance, including but not limited to, washing machine, dryer, dishwasher, stove, furnace, water heater, refrigerator, freezer, television, furniture, or computer that is stored outside of any residence or structure.

Scrap Junk: Any used, discarded, previously owned items such as ferrous metals, aluminum, brass, copper, lead chromium, tin, nickel or other alloys.

Junkyard: The outdoor storage or deposit of the following:

- 1) Three (3) or more junk vehicles; or
- 2) Three (3) or more junk appliances including, but not limited to washing machines, dryers, dishwashers, stoves, furnaces, refrigerators, freezers, televisions, computers; scrap parts of junk vehicles; and scrap metals; or
- 3) A combination of items in 1) or 2) above that total four (4) or more items.

Junkyard Review Board: The board appointed and designated by the County Legislature to administer this Law. Also referred to herein as "JRB". The JRB shall consist of five (5) members, residents of Lewis County, appointed by the County Board of Legislators in a manner that attempts to achieve representation from all areas of the county.

Person: A person, firm, partnership, association, corporation, company, or organization of any kind.

Right-of-Way Line: Line forming boundary of the right of way of a street, road, or highway as dedicated by a deed of record. Where the width of the right-of-way is not established, the right-of-way line shall be considered to be twenty-five (25) feet from the center line of the road pavement.

Exempt Properties: This local law does not apply to Auto / Truck / Farm equipment dealers, registered auto repair stations/businesses, and active agricultural operations as defined under the NYS Agriculture and Markets Law.

## **ARTICLE C: JUNKYARD REGULATIONS**

### Section 1. LOCATION

No junk storage area shall be located within:

- A. Fifty (50) feet of any adjoining property line.
- B. Five hundred (500) feet of any public park, church, educational facility, nursing home, public building, or other place of public gathering.
- C. One hundred (100) feet of any stream, lake, pond, wetland, or other body of water.
- D. One hundred (100) feet from the right-of-way line of any public street, road, or highway.

### Section 2. SCREENING

- A. Where a junkyard is or would be visible from a public highway or from neighboring properties, there shall be erected and maintained an eight (8) foot high opaque fence to screen the junk storage area. All junkyard items dealt with by the operation of the junkyard shall be kept within such screening at all times so that the junkyard items are not visible from the public highway or from neighboring properties. The applicant may secure waivers from any and all neighboring property owners with respect to requirement of the eight (8) foot high fence to screen. However, if the Junkyard is still visible from a public highway, the eight (8) foot high screening is still required.
- B. The fence provided for in this section shall be of wood or other materials as required by the Junkyard Review Board to totally screen the junk storage area from view. All fencing must be in place and approved by the JRB or its designee prior to issuance of a junkyard permit/license.
- C. As an alternative, the Junkyard Review Board may permit or require such other screening by adequate planting of evergreen trees and shrubbery. Until such natural fencing reaches the height and fullness to provide year-round opaque screening, the applicant will be required to have the man-made fencing in place. Once the natural fencing is approved, the man-made fencing may be removed. The following requirements shall apply in those cases where this alternative is permitted or required:

1) The applicant shall provide evidence that within four (4) years of the issuance of the initial license the proposed method of natural screening will provide a year-round

opaque screen of the junk storage area from public highways and from neighboring properties.

2) The screening shall be opaque, and remain opaque. If the screening is live, planted growth/shrubbery, the plant growth/shrubbery must attain a height of eight (8) feet within four (4) years of the issuance of the initial license, issued with man-made fencing requirements as hereinbefore set forth. If such requirement is not met within four (4) years, the applicant will be required to have the man-made fencing remain in place for renewal of the license, or as the JRB may otherwise require, pursuant to this Section.

3) Prior to the Junkyard Review Board approval of the license or of a license renewal, the junkyard owner shall be required to provide evidence of compliance with this section of the law. In addition, the junkyard owner shall be required to provide evidence that all dead trees and shrubbery constituting the screen have been replaced with flora of the same species as the approved screen. Such replacements shall be planted at a height sufficient to maintain an opaque screen. Replacements shall be planted prior to application for renewal and before issuance of a renewal license.

### Section 3. BURNING

No materials shall be burned in a junkyard except in compliance with the New York State Outdoor Burning Law (see 6 NYCRR 215).

### Section 4. BURYING

No junkyard items shall be buried in a junkyard except in compliance with the New York State Solid Waste Disposal Law (see 6 NYCRR 360).

### Section 5. APPROVED JUNKYARD ITEMS

No junkyard items shall be stored in any junk storage area other than those items specified on a junkyard license approved by the Junkyard Review Board pursuant to this Law.

## **ARTICLE D: JUNKYARD LICENSE**

### Section 1. LICENSE REQUIRED

- A. No person shall establish or maintain a junkyard within the County of Lewis unless a license has first been issued for such junkyard pursuant to this Law.
- B. No person owning, having any right to, or any interest in any real property within the County of Lewis shall license, rent, lease, or otherwise permit the use of such real property or any part thereof to be used for a junkyard unless a license has first been issued for such junkyard pursuant to this Law.
- C. All licenses shall be issued for a period of four (4) years, after which time, renewal(s) shall be required.

D. Any modification to an existing license requires a new application.

## **ARTICLE E: APPLICATION PROCEDURE**

### Section 1. APPLICATION

The applicant for a junkyard license shall obtain application from the County Code Enforcement Officer. The completed forms, along with one copy of the proposed site plan, and the appropriate fees, shall be returned to the County Clerk. The County Clerk shall notify and provide the application materials to the Code Enforcement Officer. The Code Enforcement Officer shall submit the application materials to the Junkyard Review Board.

### Section 2. SITE PLAN CONTENTS

The site plan shall be drawn to scale or indicate all dimensions and show:

- A. All existing and proposed structures, including fences;
- B. All property lines including the names of owners of adjacent property;
- C. All streams, lakes, wetlands, floodplains, and other water bodies;
- D. All wells and sanitary facilities;
- E. All roads and easements;
- F. All existing and proposed junk storage areas;
- G. All existing and proposed access ways, and parking and loading areas.

### Section 3. ENVIRONMENTAL IMPACT STATEMENT

An Environmental Assessment Form (EAF) shall be completed and submitted with all applications pursuant to the provisions of the State Environmental Quality Review Act (SEQRA) (see 6 NYCRR 617). If the EAF indicates that the proposed activity may have significant environmental consequences, the Junkyard Review Board shall require that a Draft Environmental Impact Statement (DEIS) be submitted with the application. The application shall not be considered complete until the DEIS has been accepted by the Junkyard Review Board.

### Section 4. FEES

A. The application fee shall be in the minimum amount of ONE HUNDRED DOLLARS (\$100.00) and must accompany all applications. A license fee shall be in the amount of FIVE HUNDRED DOLLARS ( \$500.00)), for a four-year license. Renewal fee is \$500.00 for

additional four year license periods.

B. The Junkyard Review Board, upon notice to the County Board of Legislators, is, in its discretion, empowered to set a higher application fee and license fee, and may also set such other fees and charges as it shall determine appropriate. All fees shall be collected by the Lewis County Clerk for and on behalf of the Lewis County Junkyard Review Board.

#### Section 5. PUBLIC HEARING

The Junkyard Review Board shall conduct a public hearing within forty-five (45) days of the date a complete application is received by the Review Board. Notice of the hearing shall be made in the official newspaper of the County at least five (5) days prior to the date thereof. At the hearing, the Junkyard Review Board shall hear the applicant and all other persons wishing to be heard on the application for a junkyard license.

#### Section 6. JUNKYARD REVIEW BOARD ACTION

Within forty-five (45) days of said hearing, the Junkyard Review Board shall render a decision to approve, to approve with conditions, or to disapprove the application for a junkyard license. The forty-five (45) day period may be extended by mutual consent of the applicant and the Junkyard Review Board. All findings of the Junkyard Review Board shall be entered into the Junkyard Review Board minutes. The decision of the Junkyard Review Board shall immediately be filed in the office of the County Clerk. The applicant shall be notified of the decision and the reasons for such decision within ten (10) days of the decision of the Board. Upon approval of the site plan and application, and payment of all fees and reimbursable costs due the County, the Junkyard Review Board shall endorse its approval upon a copy of the final site plan and application.

#### Section 7. ISSUANCE OF LICENSE

- A. If the application is approved by the Junkyard Review Board, a Junkyard License shall be issued by the Enforcement Officer upon presentation of a paid receipt from the County Clerk with respect to payment of the license fee. No license shall be approved with a permit issued where proper fencing has not been completed.
- B. If the application is approved with conditions by the Junkyard Review Board, the Enforcement Officer shall issue a Junkyard License only upon completion of an on-site inspection verifying that the conditions itemized by the JRB have been met and are consistent with this law, and upon presentation of a paid receipt from the County Clerk with respect to payment of the license fee.
- C. If the application is approved with conditions, and if the Enforcement Officer determines that the conditions have not been met, the Enforcement Officer shall notify the applicant and JRB in writing with a description of how the conditions are not compliant, and confirming that the Enforcement Officer did not issue a license. The Notice to applicant and JRB shall include a provision that the applicant has up to the date of the next JRB

regular meeting or sixty (60) days, whichever event first occurs, for the applicant to meet the conditions or have his/her application be deemed denied and in violation of this Law, if applicable, with the right of the JRB to pursue further legal action and proceedings for said violation. Notwithstanding the foregoing sentence, the JRB may, in its sole discretion, extend the period of time for compliance upon written request of the applicant for good cause shown for a maximum of ninety (90) days.

#### Section 8. LICENSE RENEWAL

Applications for renewal shall be approved by the Junkyard Review Board upon notification by the Code Enforcement Officer that the junkyard remains in compliance with this Law. Upon receipt of a copy of the Board's approval, and presentation of a paid receipt from the County Clerk with respect to payment of the renewal application and license fees, the Code Enforcement Officer shall issue the Junkyard License Renewal.

### **ARTICLE F: GENERAL CONSIDERATIONS**

#### Section 1. AESTHETIC CONSIDERATIONS

In granting or denying a license, the Junkyard Review Board shall take the following aesthetic factors into consideration:

- A. Type of road servicing the junkyard or from which the junkyard can be seen.
- B. Natural or artificial barriers protecting the junkyard from view.
- C. Proximity of the site to established residential or recreational areas or main access routes thereto.

#### Section 2. LOCATIONAL CONSIDERATIONS

In granting or denying a license, the Junkyard Review Board shall take the following locational factors into consideration:

- A. The nature and development of surrounding property, such as the proximity of public parks, churches, educational facilities, nursing homes, public buildings, or places of public gathering.
- B. Whether or not the proposed location can be reasonably protected from affecting the public health and safety by reason of offensive or unhealthy noise, odors, smoke, or of other causes.
- C. The proximity of streams, lakes, wetlands, flood plains, groundwater supplies, and public water supplies.
- D. Local drainage patterns.

- E. Long range comprehensive plans for the County or local municipality.
- F. Proximity of the site to established residential or recreational areas.
- G. Availability of other suitable sites for the junkyard.

**ARTICLE G. ADMINISTRATION AND ENFORCEMENT**

Section 1. JRB MEETINGS, BY-LAWS, RULES AND REGULATIONS

A. Regular meetings of the JRB shall be held monthly during the months of May through October, and bi-monthly during the months of November through April, at a time and place designated by the JRB. If the JRB seeks to modify the frequency of regular meetings, it shall request any proposed change to the County Board of Legislators, who may amend the frequency of regular meetings as well as the number of members constituting the JRB by Resolution adoption.

B. Except for the number of members constituting the JRB and the frequency of regular meetings of the JRB, there is delegated to the JRB the power and authority to adopt, enact and amend any by-laws, rules, directives and regulations necessary or appropriate in furtherance of carrying out its duties and responsibilities under this Local Law.

C. The JRB shall amend its current by-laws to be consistent with this Local Law and any amendments or revisions thereto. The JRB shall forward a copy of its updated by-laws, rules and regulations to the Lewis County Clerk of the Board upon adoption.

Section 2. WAIVERS

Where a Junkyard Review Board finds that due to special circumstances of a particular case, a waiver of certain requirements as stated in Article C herein is justified, a waiver may be granted. No waiver shall be granted, however, unless the Junkyard Review Board finds and records in its minutes that:

- A. Granting the waiver would be in keeping with the intent and spirit of this law, does not violate the granting of a variance (which is the domain of the local Planning and/or Zoning Boards), and is in the best interest of the community.
- B. There are special circumstances in the particular application, which the JRB shall set forth in its decision to grant the waiver.
- C. Denial of a waiver would result in undue hardship to the applicant, provided that such hardship has not been self-imposed by the applicant and/or based upon circumstances known to the applicant.

- D. The waiver is the minimum necessary to accomplish the purpose, without violation of any local Planning or Zoning Board requirements.

### Section 3. ENFORCEMENT OFFICER DUTIES AND RIGHTS

- A. The Enforcement Officer shall make inspections of any junkyard for which application for a license has been made, or any other readily or commonly observed existing property within the County which appears to constitute a junkyard as defined in this local law. The enforcement officer shall report to the Junkyard Review Board on the conditions of such junkyard.
- B. The Enforcement Officer shall conduct annual inspections of licensed junkyard properties in the County to ensure compliance with the law and the license issued for same. The Enforcement Officer shall attempt communication with the property owner/interested property in an effort to informally address the observed violations, and shall report all observations and attempts to informally remedy to the Junkyard Review Board together with the Enforcement Officer's recommendation(s) for compliance.
- C. The Enforcement Officer shall have the right to enter onto a property which is the subject of this Local Law as an invitee. It shall be the responsibility of an applicant or license holder to arrange for any additional access by the enforcement officer to inspect the premises prior to license issuance and during the licensing process, during a license renewal period, and for other reasonable periodic inspections, including but not limited to the annual inspection. By submission of an application for a license or renewal license, the applicant is deemed to have consented to the enforcement officer's access to his/her property to inspect the premises in the licensing process. In addition, if the JRB grants a license, the license holder is deemed to have consented to the enforcement officer's right of access to the property in order to conduct the annual inspection and for inspections pertaining to any reported complaints with respect to this Local Law.
- D. The Enforcement Officer shall investigate, attempt to informally remedy, and report to the Junkyard Review Board, with respect to properties to which the officer has received any written complaints of any alleged violation of this law, as well as to any commonly and readily observed properties within the County alleged to be in violation of this law.

### Section 4. DIRECTIVES BY JUNKYARD REVIEW BOARD & REVOCATIONS

- A. If the Enforcement Officer reports a violation of this law to the Junkyard Review Board, and the Review Board determines that a violation is present, the Review Board shall direct the Enforcement Officer to issue a Notice of Violation(s) and Compliance Order to the property owner, tenant, and record lien holder, setting forth the following:
  - 1) address of the property;
  - 2) specific statements and particulars of the violation(s);

- 3) a compliance order outlining specific steps or actions to be taken to remedy the violation(s) for the property to be in compliance with the law;
  - 4) statement setting forth that the steps or actions to remedy the violations shall commence within ten (10) days of service of the Notice, and shall be completed within thirty (30) days thereafter, unless otherwise extended by the Junkyard Review Board for good cause shown;
  - 5) issuance of an appearance ticket to the property owner/license holder, containing a date, time and location for the property owner/license holder to appear before the Junkyard Review Board to answer the alleged violations set forth in the Notice of Violation(s) and Compliance Order.
- B. The aforesaid Notice of Violation(s) and Compliance Order and Appearance Ticket shall be served:
- 1) by delivering a copy of the Notice & Order and Appearance Ticket by regular mail and by certified mail- return receipt requested directed to the property owner(s), his executor, administrator or agent's last known address as shown on the records of the receiver of taxes, and any other address which may be known to the enforcement officer as the owner's address. If regular mail is returned undeliverable and if certified mail -RRR is returned unsigned, the enforcement officer shall effect service by nail and mail posting of a copy of the documents on the property, and shall attempt personal service upon the property owner(s) with due diligence (at least three (3) separate attempts).
  - 2) In addition, service by certified mail and regular mail upon any other person having a vested interest in the property, such as a tenant, and lienholders as shown by the records of the receiver of taxes (for example, a mortgage lender) shall be undertaken.
- C. After a Notice of Violation and Compliance Order and Appearance Ticket have been issued, and close to the date that the matter is to appear before the JRB, the Enforcement Officer shall reinspect and/or observe the property so that the Enforcement Officer may report an update on the condition of the property to the Junkyard Review Board for further action and direction.
- D. Where there is an existing license, the Junkyard Review Board may revoke a Junkyard License upon reasonable cause, should the applicant/license holder fail to comply with any provision of this law. Before a license may be revoked, a public hearing shall be held by the Junkyard Review Board. Notice of the hearing shall be made in the official newspaper of the County at least five (5) days prior to the date thereof. Service of a copy of the Notice of the Hearing shall be mailed to the license holder/applicant by certified mail and regular mail at least fourteen (14) days prior to the hearing. At the hearing, the Junkyard Review Board shall hear the license holder and all other persons wishing to be heard on the revocation of the junkyard license. Should the Junkyard Review Board

decide to revoke a license, the reasons for such revocation shall be stated in the Junkyard Review Board minutes. The license holder shall be notified of the revocation and the reasons for same, by certified mail and regular mail within ten (10) days of the completion of the hearing.

A copy of the Notices served upon an applicant or property owner as hereinabove set forth shall be filed in the office of the County Clerk of Lewis County.

#### Section 5. FAILURE TO COMPLY, ENFORCEMENT AND PENALTY OPTIONS

In the event of the failure or refusal of the property owner(s)/responsible person(s) so notified to comply with a Compliance Order or other directive of the Junkyard Review Board through its Enforcement Officer, either for noncompliance with the application and licensing process or for another violation of this Local Law, the Junkyard Review Board may recommend and direct that the matter be turned over to the County to initiate any and all of the following enforcement proceedings:

- A. Criminal Proceeding and Penalties: Any person who shall violate any provisions of this law may be subject to criminal prosecution, and if convicted of a criminal violation for failure to comply with this Local Law shall, for a first conviction thereof, be punished by a fine of not less than FIVE HUNDRED DOLLARS (\$500.00), or by imprisonment for not more than fifteen (15) days, or by both such fine and imprisonment; for a second such conviction within thirty-six (36) months thereafter, such person shall be punished by a fine of not less than ONE THOUSAND DOLLARS (\$1,000.00), or by imprisonment for not more than forty-five (45) days or by both such fine and imprisonment; upon a third or subsequent conviction within thirty-six (36) months after the first conviction, such person shall be punished by a fine of not less than TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00), or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Every such person shall be deemed guilty of a separate violation for each week such violation, disobedience, omission, neglect, or refusal shall continue. Any reference for legal assistance in connection with criminal enforcement or prosecution herein shall be made to the District Attorney of the County of Lewis, or by delegation from the District Attorney to County Attorney of Lewis County for prosecution.
- B. Civil Proceeding and Penalties: Any person who shall violate any of the provisions of this Local Law may be subject to a civil action to be found guilty of a violation of this law, and if so found, shall be subject to a civil penalty of not less than FIVE HUNDRED DOLLARS (\$500.00), to be recovered by the County in the civil action. Every such person shall be deemed guilty of a separate violation for each week such violation, disobedience, omission, neglect, or refusal shall continue. Any reference for legal assistance in connection with enforcement assistance or prosecution herein shall be made to the County Attorney of the County of Lewis.
- C. Order for Removal of Junk and Assessment of Expenses: In addition to the above proceedings and penalties, in the event of the refusal or neglect of the property owner so

notified to comply with the directives and orders of the Junkyard Review Board as hereinabove set forth, the Lewis County Board of Legislators may take additional action in the name of the County, including but not limited to the removal of said Junk either by County employees or by contract, upon the following procedure:

- 1) The Enforcement Officer, in consultation with the County Attorney, shall gather all information from his/her investigation and the steps followed with the Junkyard Review Board as hereinabove set forth, and report in writing to the Board of Legislators his documentation of the procedures and steps taken, his findings and recommendations to the Board of Legislators as to whether removal of the Junk should be undertaken. In the report, the Enforcement Officer is to advise the Board of any known hazardous materials, and confirm that the NYS Department of Environmental Conservation ("NYS DEC") has been contacted for input on taking appropriate action if hazardous materials were found;
- 2) The Enforcement Officer shall provide the property owner(s) with a copy of the Report and any other documents he/she provides to the Board of Legislators. In addition, the Enforcement Officer will provide the property owner(s) with Notice of the monthly Board of Legislators meeting when the Board will consider such report and take any action by Resolution.
- 3) The Board of Legislators shall, at a public meeting, consider such report and by resolution, determine:
  - i. If in its opinion such property is a junkyard under the provisions of this Law;
  - ii. If in its opinion the Enforcement Officer and Junkyard Review Board followed the steps and procedures outlined in this Law to provide the property owner with the ability to address the matter and remedy the matter with and before the Junkyard Review Board;
  - iii. Whether to order the removal of the Junk and assess expenses against the violator; and
  - iv. Direct that a notice of its decision be served upon the property owner(s) and any other persons with interest in the property by the methods set forth in Article G Section 3 above.
- 4) Notice of the Board's Decision shall be given as set forth in Article G, Section 3 (B) above, and contain the following:
  - i. a description of the property;
  - ii. a statement of the particulars in which the property is deemed to be a junkyard and in violation of this Local Law;
  - iii. an order outlining the manner in which the property is to be made compliant with the law, or its removal together with a date as to such steps are to be completed;
  - iv. a statement that in the event of neglect or failure to comply with the order of the Board of Legislators to comply with the Law or remove the Junk, the

Board of Legislators is authorized to access the premises to provide for removal of the Junk, to assess all expenses thereof against the land on which it is located, and in addition, to institute a special proceeding to collect the costs of removal and enforcement, including legal expenses;

- v. a date, time and place for a final hearing before the Board of Legislators in relation to such violations of this Local Law and the remedies the Board may order. Said hearing shall be scheduled not less than seven (7) business days from the date of service of the Notice.
- vi. a copy of the Notice served shall be filed with the Lewis County Clerk.

#### **ARTICLE H: REFUSAL TO COMPLY AND ASSESSMENT OF EXPENSES**

- A. In the event of the refusal or neglect of the property owner so notified to comply with said order(s) of the Board of Legislators and after final hearing, the Board of Legislators shall provide for the removal of such Junk either by County or Town employees (or a combination of said employees as they may agree), or by private contract. Any private contract for removal of Junk in excess of \$20,000.00 shall be awarded through competitive bidding.
- B. All expenses incurred by the County in connection with the proceedings to remove the Junk, and all reasonable and necessary legal expenses incidental thereto, shall, at the option of the Board of Legislators, either:
  - (1) Be assessed against the land on which such Junk is located and shall be levied and collected in the same manner as provided in Section 270 of the County Law for the levy and collection of a special ad valorem levy; or
  - (2) Be collected by commencement of a special proceeding against the owner(s) of said property in the Supreme Court, County of Lewis.

#### **ARTICLE I: REMEDIES AT LAW**

Notwithstanding the above administrative procedures, the County may maintain an appropriate action or proceeding in a court of competent jurisdiction for enforcement and to recover costs and expenses incurred by the Junkyard Review Board and County to remedy a violation and to compel compliance with the law, or to restrain by injunction the violation of any article of this Local Law.

The appropriate remedy for an applicant who disputes a finding and decision of the Junkyard Review Board or the Board of Legislators is an action brought in a court of competent jurisdiction at the applicant's sole cost and expense.

#### **ARTICLE J: APPLICABILITY**

This Local Law shall not apply to any city, village, or town during such time as such city, village, or town is regulating or licensing junkyards.

## **ARTICLE K: SEVERABILITY**

If any clause, sentence, paragraph, section or article of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the controversy in which such judgment shall have been rendered.

## **ARTICLE L: EFFECTIVE DATE**

This Local Law shall be effective immediately upon all legal requirements being met.

## **ARTICLE M: PRIOR JUNKYARD LAWS**

This Local Law replaces Local Law No. 10-2019, which amended and repealed all former Junkyard Laws (Local Law No. 3-2001, No. 3-2011, No. 7-2014, No. 2-2015, and No. 6-2017).

**RESOLUTION NO. 196 - 2021**

**FIXING DATE OF PUBLIC HEARING ON LOCAL LAW  
(INTRODUCTORY LOCAL LAW NO. 3 - 2021), COUNTY OF LEWIS**

Introduced by Legislator Jerry King, Chair of the General Services Committee.

WHEREAS, a proposed Local Law entitled "A LOCAL LAW AMENDING AND REPLACING LOCAL LAW NO. 10-2019 - THE COUNTY OF LEWIS JUNKYARD LAW" was presented and introduced at a meeting of this Board of Legislators held on September 7, 2021;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That a public hearing will be held on October 5, 2021, from 5:00 p.m. to 5:30 p.m., before the Lewis County Board of Legislators on the Second Floor Board Room at the Lewis County Courthouse, New York, 7660 North State Street, Lowville, New York to hear all persons for or against such local law.

Section 2. That at least five (5) days notice of such hearing shall be given by the Clerk of this Board by the due posting thereof upon the bulletin board of the Lewis County Court House, Lowville, New York, and by publishing such notice at least once in the official newspaper of the County.

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_,  
and adopted.

**LOCAL LAW (INTRODUCTORY NO. 4 - 2021)  
COUNTY OF LEWIS**

Introduced by Legislator Jerry King, Chair of the General Services Committee.

**A LOCAL LAW AMENDING AND REPLACING LOCAL LAW NO. 5-2020 – A LOCAL  
LAW REGULATING AND PERMITTING SPECIAL EVENTS ON COUNTY ROADS,  
TRAILS OR OTHER COUNTY PROPERTY.**

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

**SECTION 1. TITLE**

This Local Law shall be known as “**THE AMENDED LOCAL LAW REGULATING AND PERMITTING SPECIAL EVENTS ON COUNTY ROADS, TRAILS OR OTHER COUNTY PROPERTY AND ON ANY TOWN ROADS AND PROPERTY WHERE THE TOWN HAS OPTED IN**”.

**SECTION 2. STATUTORY AUTHORITY**

This local law is enacted pursuant to Municipal Home Rule Law (“MHL”) § 10(1)(i), which provides that a county may adopt local laws relating to its property, affairs or government provided it is not inconsistent with the provisions of the constitution or any general law.

**SECTION 3. LEGISLATIVE FINDINGS**

The Board of Legislators makes the following findings in support of this Local Law:

A. Planned special events include but are not limited to sporting events, concerts, parades, walking & running events, bicycle races, & motorized vehicle rallies. These types of events can have direct and indirect impacts on county/town properties, roads, trails. There are several events organized and held in Lewis County where county/town roads, county/town public rights-of-way, trails, parks, and lands are used for the event, or are adversely affected by the event activities because of road closure, traffic congestion, parking concerns, damage to town and county roads , etc.

B. The occurrence of such events as described and defined herein may place an unwarranted burden on the County/Town resources related to the provision of emergency services, law enforcement, health and sanitary services, road and property repairs, and similar items, depending upon the special event, its size, and the conduct of participants.

C. The purpose of this law and the requirement for a permit and fee for same, is to enable the county and town to be able to anticipate the impacts posed by the event and to coordinate efforts of various departments and other municipalities which may be affected by the special event; to take appropriate steps and measures to provide for the safety of event participants and residents; to provide for the least impact on the county and town roads, trails, and lands.

D. When a person(s), corporation(s), organization(s), landowner(s), lessee(s) and others seek to conduct a special event on county roads and/or county property, town roads and/or town property of any town who opts into this law, provision must be made for adequate financial assurance to protect persons and property (both public and private) within the County. The Board of Legislators of Lewis County therefore finds and declares that it is necessary for government protection, order, conduct, safety, health and well-being of persons and county/town property, that certain rules and regulations be established for special events involving county roads, trails, parks and other lands, as well as town roads and other town property of any town who opts into this law and, further, that it is necessary to adopt under the police power of the County, a local law to regulate and license by permit the holding of such special events on or effecting access and use of County or Town roads, trails, parks and other lands.

#### **SECTION 4. DEFINITIONS**

##### **FOR PURPOSES OF THIS LOCAL LAW:**

A. The word “person” shall be deemed to include any person, persons, firm, company, corporation, partnership, association, club, limited liability company, limited liability partnership, joint venture, owner or lessee of real property, promoter, sponsor, or any other group or organization whether formalized or not.

B. The term “any town who opts in” shall mean a Lewis County Town who executes an Inter Municipal Agreement (IMA) with the County in which the Town agrees, *inter alia*, to adopt this Local Law for special events held in its town on town roads or other town property.

C. “Special motorized event” shall mean any outdoor gathering of FIFTY (50) or more participants involving vehicles, motorcycles, ATV/OHVs, UTVs, snowmobiles, or other motorized equipment, or any combination thereof which involve:

1. Any gathering or organized event taking place on County roads, trails or other property which may interfere, impede or obstruct the flow of traffic or which does not comply with normal traffic regulations or controls; or

2. Any event intended to include and/or to take place on the Lewis County Off Highway Vehicle (OHV) Trail System.

3. Any gathering or organized event taking place on an opted-in Town road, trail or other property which may interfere, impede or obstruct the flow of traffic or which does not comply with normal traffic regulations or controls. Any ATV/OHV event on town roads will require users/participants to obtain a Lewis County OHV permit.

4. Any snowmobile events of 50 participants or more, even if held on private property, will require a permit where the event may interfere, impede or obstruct the flow of traffic or which does not comply with normal traffic regulations or controls on County roads or opted-in town roads; or where the snowmobile activity or event on private property may result in damage to County roads or lands or roads and lands of opted-in towns; or where the snowmobile activity or event requires placement of signage or pavement markings on County roads or town roads for towns who have opted into this law.

D. “Special non-motorized event” shall mean gatherings of ONE HUNDRED FIFTY (150) or more persons and their activities on county-owned or opted-in town-owned roads, trails or other properties.

## **SECTION 5. PERMITS**

A. No person may organize, operate, promote, or conduct a special event on a County or opted-in Town road, trail, park or other land in Lewis County, without first obtaining a permit to do so from the Lewis County Director of Recreation, Forestry and Parks (DRFP).

B. The Director of Recreation, Forestry and Parks will consult with the County Superintendent of Highways, the Emergency Management Director, the Lewis County Sheriff, the Town Superintendent of Highways and Supervisor, and any other relevant County or Town Department(s), as the event may warrant in processing the permit application.

## **SECTION 6. PERMIT APPLICATION PROCESS AND FEE**

A. All applications shall be made to the Lewis County Director of Recreation, Forestry and Parks, by submission of three (3) copies to the DRFP, by the person(s) sponsoring or running the event involving County and/or opted-in Town roads, trails, park or other lands, or by the duly authorized agent or attorney thereof. The appropriate application fee, as set forth in the fee schedule in effect for said event permit, must be submitted with the application along with all the other documentation required therein. No action will be taken upon any application until it is deemed complete by the Director of Recreation, Forestry & Parks, in consultation with the appropriate County and opted-in Town Departments.

B. 1. The non-refundable application fee charged for a special event permit shall be in accordance with the fee schedule set forth under Section 10 of this Local Law. The fee schedule may be amended from time to time, by Resolution adopted by the Lewis County Board of Legislators.

2. A permit application fee shall not be required for any special event that is otherwise licensed, sponsored or organized in whole or in part by the County or opted-in Town, or any other municipal government located within the County; but said municipality shall submit an application for the event.

3. The County, by decision of its County Manager, DRFP, County Attorney, Highway Superintendent, in consultation with any other relevant Department or municipality, will have the discretion to waive the requirement of a permit fee depending upon the nature of the event (parade, wedding, etc.), consistent with the purpose of this local law and permit process to have County and local towns know when there are events which can cause disruption, safety concerns, and potential damage to life and property, with the need for emergency services.

C. The application for a permit hereunder shall be made in writing upon such form or forms as may be crafted by the Director of Recreation, Forestry & Parks (DRFP), and shall be submitted to the DRFP at least sixty (60) or more days prior to the first day such special event is anticipated to be held. Such application shall include the following information:

1. The applicant's name, age, and residence address; if the applicant is a corporation, partnership or association, the name of the entity, address for its principal office, together with

the names and addresses of its directors, partners or associates. If the applicant is not a resident or have a place of business within Lewis County, the name of a natural person, over the age of eighteen (18) years of age who resides within Lewis County and who is authorized by the applicant and who shall agree by acknowledged statement to accept service of notices and summons on behalf of the applicant with respect to this application, the conduct of the outdoor public assembly or any other matter relating to the enforcement of this Local Law;

2. The proposed dates and hours of operation for the proposed special event, and a description of the event;

3. The expected minimum and maximum number of persons and vehicles/other equipment, if any, per day of the event to use the roads and/or property(s), if any, per day and collectively;

4. A description of the purpose for the special event and the activities to take place thereat, including without limitation, concessions, entertainment, vehicles, equipment, etc.;

5. The admission/participation fee to be charged, if any.

D. 1. After careful review and consultation with other County and/or Town Departments as may be required, the DRFP shall determine whether the permit application will be approved or denied. The DRFP shall communicate her decision on the application in writing, by issuing a permit with any and all conditions to which the applicant may be required to meet prior to and during the event. If denied, the DRFP shall indicate the reason for such denial.

2. Simultaneously with notification of approval/denial of a permit to the applicant, the DRFP shall notify the County Manager, Board of Legislators, any appropriate County Departments, and any appropriate Town Supervisor and Highway Supervisor of the special event permit issued, including any conditions and information on the type of event, date, location, estimated size, and any other relevant information.

E. 1. Depending upon the activities and estimated size of assembly of persons participating in the special event, the applicant shall be required to comply with any and all other applicable State and Local Laws, [including but not limited to NYS Department of Health rules and regulations pertaining to mass gatherings (assembly of 5,000 people or more), Public Health Law §225, and Lewis County Local Law No. 2- 1970 (mass assembly of 10,000 people or more)], with the application reviewed and approved by the Public Health Director, Emergency Management Director, Lewis County Sheriff, Superintendent of Highways, and any other relevant County and/or Town Department(s) requested by the DRFP.

2. In such cases, the DRFP will notify the applicant of the additional review before the application will be deemed fully submitted. The preliminary application may then be reviewed and commented upon by the those appropriate Department to determine from the information supplied, the potential effect or impact the proposed special event and assembly will have upon the public health, safety, and welfare of the people and property of Lewis County.

F. The County, through the DRFP, shall have the right, in its sole discretion, at any time to terminate the permit, or any portion thereof, should it be necessary due to County and/or Town operations, conditions, or other circumstances which may arise. Any termination of the permit shall not constitute a breach of the permit, and no liability shall be incurred by or arise against the County and/or any opted-in participating Town, its agents and employees for loss of profits or any other damages.

## **SECTION 7. CONDITIONS OF USE AND INSURANCE REQUIREMENTS**

A. Neither the County nor any opted-in Town affirms that the County-owned or Town-owned road/trail/site/property affected by or used for the special event has been designed, constructed, or maintained for the purpose of the activity/conduct of the event. The applicant and all its participants assume full risk and responsibility for the event. The applicant and its participants assume full risk and responsibility for planning and conducting a safe and orderly event that does not expose participants or the public to any unreasonable hazards, with minimal disruption to normal uses of the roads, trail system and municipal properties. It shall be the sole obligation of the applicant to determine whether the county and/or town site(s) is suitable for the purpose of safely conducting the event.

B. The applicant shall exercise due care in its use of the municipal property and shall upon the expiration, termination or cancellation of the issued permit, surrender the municipal property/site in as good a condition as on the effective date of the permit. Depending upon the nature of the event and the anticipated number of participants, the issuance of a permit may be conditioned upon an undertaking, bond or guaranteed deposit, to guarantee restoration of the municipal property(s) to its previous condition.

C. The applicant/permittee agrees to notify the DRFP or any other municipal official designated to receive notification about any hazardous or unsafe conditions, and about any accidents that occur during the event immediately upon the discovery of such condition or accident.

D. At the time a permit is issued, the DRFP shall provide the applicant/permittee with a statement of responsibilities and obligations of the Applicant/Permittee. Said statement shall be signed by the applicant/permittee and returned to the DRFP forthwith. The statement of responsibilities and obligations shall include any insurance requirements of this local law together with such other itemized responsibilities the DRFP may deem appropriate for the event. The applicant/permittee shall provide the DRFP with proof of insurance prior to the commencement of the event, i.e., a certificate of insurance is required to be in full force and effect prior to and during the event, and shall include but not be limited to the following coverage, if applicable:

1. Workers' Compensation and Disability Insurance as required by New York State for any and all employees.

2. Commercial General Liability Insurance. The applicant shall maintain an occurrence form of commercial liability policy or policies insurance against liability from premises, personal injury or death, advertising injury, liability under an insured contract, negligence, occurring on or in any way related to the premises or occasioned by reason of the operations of the applicant. Such coverage shall be written on an ISO occurrence form (CG 0001 12 07 or equivalent) in an amount not less than \$1,000,000.00 per occurrence and not less than \$2,000,000.00 aggregate. The insurance must be endorsed to provide primary insured coverage to the County of Lewis and all of its Departments, and any other Town who has opted into this local law wherein the event is occurring, and any other local municipality in which the event is conducted.

3. Automobile and/or other motorized vehicle insurance. The applicant shall maintain automobile, other vehicle and equipment policy(s) insurance against liability for bodily injury, death, damage to property and other coverages relating to the use, operation, loading or unloading of any automobiles, motorized vehicles and other equipment on and around the event site, in an amount not less than \$1,000,000.00. If the event involves participants' use of motorized vehicles (autos, ATVs, UTVs, motorcycles, motorbikes, snowmobiles, etc.) it is the applicant/permittees' responsibility to assure that all participants motorized vehicles are properly licensed, registered and insured, as may be required under the law.

E. In addition to the protection afforded to the County and any opted-in Town in which the event is occurring, by the insurance provisions hereinabove set forth, neither the County or Town(s) shall be liable for any damage or injury to the applicant, employees, event organizers, volunteers, participants, or any other person, or to any of their property occurring during the event and/or on the event site covered by the permit. The applicant/permittee agrees to defend, indemnify and hold harmless the County of Lewis, and its agents and any opted-in Town effected by this event from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees and road damage, arising out of any claim for personal injuries, property damage or wrongful death associated in any way with the applicant's or participants' use of the permitted site/property, or in any way related to the event, no matter how caused.

F. The DRFP, in consultation with the County Manager, County Attorney, County Superintendent of Highways, and any other appropriate and relevant municipal official, will have the discretion to determine whether or not there is a need for insurance based upon the type of event or to determine to adjust the required insurance coverages and amounts, depending upon the nature of the event, i.e., activities, size, duration.

## **SECTION 8. PENALTIES FOR NON-COMPLIANCE AND ENFORCEMENT**

A. If after a permit is issued (but prior to the actual event), the County determines, through its lawful agent(s) and designees, i.e., the DRFP, Highway Superintendent, etc., that any of the items required as conditions under the permit are not adhered to or accomplished within the required time limits, then the permit may be immediately terminated by action of the DRFP, after notification to the County Manager, Board of Legislators, and the appropriate Opted-in Town Supervisor. Notice of such termination shall be in writing and delivered to the applicant at the mail address and e-mail address set forth in the application.

B. 1. Any person (as defined in this Local Law) who shall organize, promote, conduct or cause to be conducted a special event on County roads, trails, or other county property and/or on opted-in effected Town roads, trails, or other town property as defined in this Local Law, without having a written permit in accordance with the provisions of this law shall be deemed to have violated this Local Law.

2. Any person not applying for an event permit shall be subject to a civil penalty, enforceable and collectible by the County of Lewis in any court of competent jurisdiction within the County of Lewis as follows :

a. in the amount of \$50.00 - \$500.00 for holding a non-motorized event, depending upon the nature, size, location and municipalities involved.

b. in the amount of \$500.00 - \$1,000.00, plus an additional \$5.00 per participant for holding a motorized event, depending upon the nature, size, location and municipalities involved. The \$5.00/per participant fine fee for failure to obtain the permit will be deposited into a special fund for distribution among participating municipalities pursuant to the terms in the IMA.

3. Any person and/or participant in a special motorized event who rides outside of the designated travel part of a County or Town road/trail/property (*for example*, riding on the road shoulder, drainage ditches, etc.) shall incur a fine of \$1,000.00.

4. In addition to the above penalty(s), the County of Lewis or a Town who has opted into this local law, who is directly adversely affected by the special event, may maintain an action or proceeding in a Court of competent jurisdiction to compel compliance with or to restrain by injunction, the violation(s) of this local law, and to seek recovery of any and all damages incurred as a result of noncompliance with this local law.

### **SECTION 9. SEPARABILITY**

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

### **SECTION 10. FEE SCHEDULE**

A permit application fee of \$20.00\*\*, made payable to Lewis County, shall apply, unless and until amended by the Lewis County Board of Legislators by an adopted Resolution.

\*\* If the event involves 10,000 or more participants, applicant is subject to additional permit fees under Local Law No. 2-1970.

### **SECTION 11. EFFECTIVE DATE**

This Local Law shall become effective immediately after filing with the office of the New York Secretary of State.

**RESOLUTION NO. 197 - 2021**

**FIXING DATE OF PUBLIC HEARING ON LOCAL LAW  
(INTRODUCTORY LOCAL LAW NO. 4 - 2021), COUNTY OF LEWIS**

Introduced by Legislator Jerry King, Chair of the General Services Committee.

WHEREAS, a proposed Local Law entitled "THE AMENDED LOCAL LAW REGULATING AND PERMITTING SPECIAL EVENTS ON COUNTY ROADS, TRAILS OR OTHER COUNTY PROPERTY AND ON ANY TOWN ROADS AND PROPERTY WHERE THE TOWN HAS OPTED IN" was presented and introduced at a meeting of this Board of Legislators held on September 7, 2021;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That a public hearing will be held on October 5, 2021, from 5:00 p.m. to 5:30 p.m., before the Lewis County Board of Legislators on the Second Floor Board Room at the Lewis County Courthouse, New York, 7660 North State Street, Lowville, New York to hear all persons for or against such local law.

Section 2. That at least five (5) days notice of such hearing shall be given by the Clerk of this Board by the due posting thereof upon the bulletin board of the Lewis County Court House, Lowville, New York, and by publishing such notice at least once in the official newspaper of the County.

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_,  
and adopted.

**RESOLUTION NO. 198 - 2021**

**RESOLUTION TO AMEND COMPENSATION PLAN  
WITH REFERENCE TO EXEMPT EMPLOYEES OF LEWIS COUNTY**

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

WHEREAS, pursuant to Resolution No. 195-2020, Lewis County Board of Legislators adopted an Exempt Employee Compensation Policy, inclusive of steps (13) and longevity schedules, with a cost of living (COLA) adjustment to be determined by the Board of Legislators if not tied to the CSEA General Unit contract; and

WHEREAS, the CSEA General Union contract terminated December 31, 2020, with no tentative agreement reached to date, despite efforts by the management negotiation team to do so; and

WHEREAS, the committee recommends that the Board of Legislators acknowledge the work and efforts of the exempt county employees, who include administration, department heads, elected officials (except Legislators and the District Attorney), political party appointees, management, and management confidential, by approving: 1) a 2021 three percent (3%) cost of living adjustment for exempt employees, retroactive to January 1, 2021, and 2) by amending the Exempt Employee Compensation Policy to reflect that as of January 1, 2022, any new hires to this category of exempt employees shall not be eligible to participate in the County PPO health plan, but will be eligible to choose to participate in the County's Simply Blue Hybrid or Simply Blue High Deductible Health Insurance Plans, or any other voluntary health plan the County may develop and offer in the future;

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby amends the 2021 Compensation Plan for the County of Lewis to provide for a three percent (3%) cost of living adjustment to be added for exempt county employees as established under Resolution 195-2020, retroactive to January 1, 2021.

Section 2. That the Lewis County Board of Legislators directs the Director of Human Resources to amend the Exempt Employee Compensation Policy to include a provision that as of January 1, 2022, any new hires to the exempt employees category shall not be eligible to participate in the County PPO health plan, but will be eligible to participate in the County's Simply Blue Hybrid or Simply Blue High Deductible Plans, or any other voluntary health plan the county may offer in the future.

Section 3. That the Lewis County Board of Legislators directs the Treasurer to make these cost of living compensation adjustments and process any retroactive amounts owing to exempt employees (except for appointed and elected employees requiring a Local Law for adjustments to compensation) in the next available payroll period.

Section 4. That the retroactive cost of living adjustments for elected and appointed exempt employees shall be made after all final dates have expired pursuant to the Local Law required for same.

Section 5. That the within resolution shall take effect immediately.

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_,  
and adopted.

**LOCAL LAW (INTRODUCTORY NO. 5 - 2021)  
COUNTY OF LEWIS**

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

**A LOCAL LAW PROVIDING FOR COST OF LIVING INCREASES  
FOR CERTAIN EXEMPT EMPLOYEES**

**BE IT ENACTED** by the Board of Legislators of the County of Lewis as follows:

**SECTION 1.**

Commencing and retroactive to January 1, 2021, the Compensation Plan of the County of Lewis shall be amended to provide the following cost of living increases for the following exempt county elected and/or appointed employees to a fixed term of office, to-wit:

**APPOINTED OFFICIALS TO FIXED TERMS:**

Clerk of the Board	\$ 57,382.00
Commissioner, Department of Social Services	\$ 83,411.00
County Attorney	\$116,061.00
County Manager	\$104,270.00
Director of Human Resources/Personnel Officer	\$ 85,710.00
Director of Real Property Tax Service	\$ 59,019.00
Superintendent of Highways	\$ 81,112.00

**ELECTED/POLITICAL APPOINTED OFFICIALS:**

Commissioners (2), Board of Elections	\$ 48,155.00 \$ 48,155.00
County Clerk	\$ 64,096.00
County Sheriff	\$ 78,782.00
County Treasurer	\$ 81,370.00

**SECTION 2.**

This Local Law is subject to a permissive referendum and shall take effect forty-five (45) days after the adoption hereof and all legal requirements having been met.

**RESOLUTION NO. 199 – 2021**

**FIXING DATE OF PUBLIC HEARING ON LOCAL LAW  
(INTRODUCTORY LOCAL LAW NO. 5-2021), COUNTY OF LEWIS**

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

WHEREAS, a proposed Local Law entitled “A LOCAL LAW PROVIDING FOR COST OF LIVING INCREASES FOR CERTAIN EXEMPT EMPLOYEES” was presented and introduced at a meeting of this Board of Legislators held on September 7, 2021;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That a public hearing will be held on October 5, 2021, from 5:00 p.m. to 5:30 p.m., before the Lewis County Board of Legislators on the Second Floor Board Room at the Lewis County Courthouse, New York, 7660 North State Street, Lowville, New York to hear all persons for or against such local law.

Section 2. That at least five (5) days notice of such hearing shall be given by the Clerk of this Board by the due posting thereof upon the bulletin board of the Lewis County Court House, Lowville, New York, and by publishing such notice at least once in the official newspaper of the County.

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_,  
and adopted.

**RESOLUTION NO. 200 - 2021**

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN LEWIS COUNTY AND  
SIEMENS INDUSTRIES, INC. FOR LEWIS COUNTY- JEFFERSON  
COMMUNITY COLLEGE EDUCATION CENTER**

Introduced by Legislator Jerry King, Chair of the General Services Committee.

WHEREAS, the County of Lewis desires to enter into an agreement with Siemens Industries, Inc. for the purpose of providing maintenance services for Heating, Ventilating, and Air Conditioning (HVAC) for the Lewis County-Jefferson Community College Education Center for the period of January 1, 2022 through December 31, 2024; and

WHEREAS, the Board of Legislators wishes to accept such services;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby approves the contract with Siemens Industries, Inc. to provide Heating, Ventilating, and Air Conditioning (HVAC) maintenance services for the Lewis County-Jefferson Community College Education Center for the period of January 1, 2022 through December 31, 2024 at the following annual costs:

Year 1	1/1/2022 – 12/31/2022	\$19,100.00
Year 2	1/1/2023 – 12/31/2023	\$19,482.00
Year 3	1/1/2024 – 12/31/2024	\$19,870.00

Section 2. That the Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Agreement, and any 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. 201 - 2021**

**RESOLUTION AWARDING BID AND AUTHORIZING AGREEMENT BETWEEN  
THE COUNTY OF LEWIS AND HILL HIGH EXCAVATION, LLC  
FOR DRIVEWAY REPAIR AT THE LEWIS COUNTY 911 OSCEOLA TOWER SITE**

Introduced by Legislator Jerry King, Chair of the General Services Committee.

WHEREAS, the Lewis County Buildings and Grounds Department recently sent out a Request for Proposals for the driveway repair at the Lewis County 911 Osceola Tower Site, according to the terms and specifications as set forth in the RFP; and

WHEREAS, the Director of Buildings and Grounds, Clerk of the Board, and County Attorney were present on August 10, 2021, at 1:00 p.m. to open three (3) bids received in response to the RFP; and

WHEREAS, after review and consideration of the proposals, in accordance with the specifications and scope of work set forth in the RFP, the Director of Buildings and Grounds recommends awarding the bid to Hill High Excavation, LLC, the lowest bidder, at \$35,400.00; and

WHEREAS, the Board of Legislators seeks to award the bid to Hill High Excavation, LLC 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 Hill High Excavation, LLC, 9595 County Route 9, Clayton, NY 13624 to repair the driveway at the Lewis County 911 Osceola Tower Site, 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 \$35,400.00 to be completed prior to October 31, 2021.

Section 3. That the Chairman or Vice-Chairman 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 \_\_\_\_\_, seconded by Legislator \_\_\_\_\_,  
and adopted.

**RESOLUTION NO. 202 - 2021**

**RESOLUTION TO ACCEPT GRANT AND APPROPRIATE FUNDS  
Board of Elections**

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

WHEREAS, the Lewis County Board of Elections has been awarded NYS grant funds in the amount of \$28,118.33 from New York State Board of Elections under the project Technology Innovation and Election Resource (TIER) Grant Program for the term beginning April 7, 2021 through January 27, 2023; and

WHEREAS, the Lewis County Board of Legislators wishes to accept the grant and enter into the contract for same;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes an agreement between the Lewis County Board of Elections and the New York State Board of Elections for the Technology Innovation and Election Resource (TIER) Grant Program in the amount of \$28,118.33.

Section 2. That the Lewis County Board of Legislators hereby authorizes the Commissioners of the Lewis County Board of Elections to execute and enter into the Grant Agreement or other documents which may be required to give effect to receipt of these grant funds.

Section 3. That the following budget appropriation is hereby approved in the Lewis County Board of Elections accounts for grant funding for the project TIER Grant Program:

Increase Revenue:

A0145000 330005 State Aid	\$28,118.33
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Increase Expenditure:

A0145000 440700 Election Supplies	\$28,118.33
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Section 4. That the within resolution shall take effect immediately.

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_,  
and adopted.

**RESOLUTION NO. 203 - 2021**

**RESOLUTION AUTHORIZING SUPPLEMENTAL AGREEMENT NO. 2  
BETWEEN LEWIS COUNTY HIGHWAY DEPARTMENT  
AND ENGINEERING SERVICES OF BARTON & LOGUIDICE  
(HIGHMARKET ROAD OVER NORTH BRANCH SUGAR RIVER)**

Introduced by Legislator Jerry King, Chair of the General Services Committee.

WHEREAS, the Lewis County Board of Legislators adopted Resolution No. 372-2017 authorizing a Project for the Bridge Replacement on Highmarket Road over North Branch Sugar River (PIN 775374; BIN 3340360) in the Town of West Turin, County of Lewis for the Preliminary Engineering/Design and Right Of Way Incidentals Phases of the Project; and

WHEREAS, the Lewis County Board of Legislators adopted Resolution No. 79-2018 authorizing professional engineering and design services with Barton & Loguidice (“B&L”), who are approved by New York State Department of Transportation professional engineers on state bridge projects, for the Preliminary Engineering/Design and Right of Way Incidental Phases for the bridge project in the amount of \$179,000. The Board also authorized Supplemental Agreement No. 1 pursuant to Resolution No. 28-2020 for additional services for the Preliminary Engineering/Design and Construction Phases in the amount of \$166,000 for this bridge project; and

WHEREAS, the Lewis County Highway Department desires to have B&L provide additional professional engineering and consultant services required for the project and as set forth in the Supplemental Agreement No. 2 for the Construction Phase of this bridge project (PIN 775374; BIN 3340360); and

WHEREAS, the Board of Legislators wishes to accept such services;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes Supplemental Agreement No. 2 between the County of Lewis, by and through the Lewis County Highway Department, and Barton & Loguidice for additional professional engineering and consultant services provided in the Construction Phase in the amount of \$6,000.

Section 2. That the term of this Agreement with the Supplements is from December 23, 2019 through December 31, 2021, at a revised maximum amount not to exceed \$351,000.00 (80% eligible for federal funds, 15% for state and 5% local share cost).

Section 3. That the Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Agreement, pending 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. 204 - 2021**

**RESOLUTION APPOINTING MEMBER TO  
LEWIS COUNTY GENERAL HOSPITAL  
BOARD OF MANAGERS**

Introduced by Legislator Richard Chartrand, Hospital Board of Managers' representative.

BE IT RESOLVED as follows:

Section 1. That pursuant to Section 127 of the General Municipal Law, the Board of Legislators hereby recommends re-appointment of Michael F. Young of Lowville, NY, as a member of the Board of Managers of the Lewis County General Hospital.

Section 2. That the term of said appointment shall commence January 1, 2022 and expire on December 31, 2026.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_,  
and adopted.

**RESOLUTION NO. 205 - 2021**

**AUTHORIZING AND APPROVING A SETTLEMENT AGREEMENT  
TO AN ACTION RELATING TO THE OPIOID CRISIS**

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

WHEREAS, there is pending the matter of County of Suffolk v. Purdue Pharma L.P., et al., under Index No. 400001/2017 in the Supreme Court, Suffolk County, regarding the opioid addiction crisis, in which the County of Lewis is a named plaintiff in the action (the “Action”); and

WHEREAS, the case is against several defendants, including manufacturers of opioids, distributors of opioids and chain pharmacies; and

WHEREAS, the case alleges several causes of action against defendants Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc. and Janssen Pharmaceutica, Inc. (“J & J”) based on claims that J & J contributed to the opioid epidemic by falsely promoting prescription opioids it manufactured and sold and by falsely promoting the increased use of opioids directly and generally through various “front groups”, and failing to implement measures to prevent diversion of prescription opioids in connection with distribution of its products, all of which contributed to a public health crisis in Lewis County; and

WHEREAS, J & J has offered to settle the County of Lewis’s claims against it by paying the sum of between approximately \$62,577.57 (Worst Case Scenario Value) and \$146,041.98 (Best Case Scenario Value), over ten (10) years to be used for restitution and abatement, and agreeing to not manufacture, sell or promote opioids; and

WHEREAS, the NYS Attorney General’s Office has approved the settlement agreement and subdivision election and release Agreement; and

WHEREAS, it is in the best interest of the County of Lewis to resolve this matter with respect to J & J without further litigation and enter into the proposed Agreement as it shall settle all allegations against J & J and avoid protracted litigation;

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators approves the terms and conditions set forth in the Janssen New York State-Wide Opioid Settlement Agreement between Janssen, the State of New York, and the Participating Subdivisions, of which the County of Lewis is one.

Section 2. That the Lewis County Board of Legislators hereby authorizes the Chairman of the Board, or the Vice-Chairman in his absence, to execute the New York Opioid Settlement Sharing Agreement and the New York Subdivision Election and Release Form, and any other documents as may be necessary and appropriate to effectuate the settlement with J&J, upon review by the County Attorney.

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

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_,  
and adopted.

**RESOLUTION NO. 206 - 2021**

**AUTHORIZING AND APPROVING A SETTLEMENT AGREEMENT  
WITH CERTAIN DISTRIBUTORS TO AN ACTION  
RELATING TO THE OPIOID CRISIS**

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

WHEREAS, there is pending the matter of County of Suffolk v. Purdue Pharma L.P., et al., under Index No. 400001/2017 in the Supreme Court, Suffolk County, regarding the opioid addiction crisis, in which the County of Lewis is a named plaintiff in the action (the "Action"); and

WHEREAS, the case is against several defendants, including manufacturers of opioids, distributors of opioids and chain pharmacies; and

WHEREAS, the case alleges several causes of action against defendants McKesson Corporation, Cardinal health, Inc., AmerisourceBergen Drug Corporation, PSS World Medical, Inc., Kinray, LLC, Bellco Drug Corporation, and American Medical Distributors, Inc. (the "Distributors"), based on claims that the Distributors contributed to the opioid epidemic by failing to comply with their obligations under the federal Controlled Substances Act and the New York Controlled Substances Act to implement adequate measures to prevent diversion of the prescription opioids they distributed to pharmacies and others in Lewis County, all of which contributed to a public health crisis in the County; and

WHEREAS, the NYS Attorney General's Office has entered into a settlement agreement with the "Big 3" Distributors and their affiliates, and is being offered to all political subdivisions in New York in order to resolve all governmental claims in the State against these Defendants. If all incentives are met under the payment provisions of the Agreement, these Defendants have agreed to pay out a total of \$1,000,132,092 billion to New York State in 18 annual payments. Approving the settlement agreement reached also requires approval by the County as a subdivision of the State, to accept the settlement distribution term sheet and release Agreement; and

WHEREAS, under the terms of the proposed settlement, and assuming all incentives under the payout terms are met, the payments to Lewis County will total over \$658,999.43 over the eighteen (18) years. The County's claims against this class of Defendants would be settled by paying the sum of \$373,056.66 (Worst Case Scenario Value) and \$658,999.43 (Best Case Scenario Value), over eighteen (18) years to be used as described in the Settlement Terms, and with the Defendants agreeing to implement injunctive relief under a controlled substance monitoring program; and

WHEREAS, it is in the best interest of the County of Lewis to resolve this matter with respect to the Distributors without further litigation, and enter into the proposed Agreement as it shall settle all allegations against the Distributors and avoid further protracted litigation;

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators approves the terms and conditions set forth in the Distributors New York State-Wide Opioid Settlement Agreement between the Distributors, the State of New York, and the NYS Participating Subdivisions, of which the County of Lewis is one.

Section 2. That the Lewis County Board of Legislators hereby authorizes the Chairman of the Board, or his designee, to execute the proposed Settlement Agreement with the named Distributors, to execute the Subdivision Settlement Participation and Release Form and New York Settlement Sharing Agreement, and any other documents as may be necessary and appropriate to effectuate the settlement with the Distributors, upon review by the County Attorney.

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

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_, and adopted.

**RESOLUTION NO. 207 - 2021**

**RESOLUTION TO TRANSFER FUNDS  
Law Department**

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

WHEREAS, by motion at the July 6, 2021 Board of Legislators meeting, the Board authorized an agreement with Larsen Engineers to provide professional consulting and analysis on the production levels from the County's solar array, with determination of any outstanding monies which may be due to the County from the solar developer, Greenskies and/or National Grid, at a cost of \$5,000.00; and

WHEREAS, in order to compensate Larsen for its professional services, the funds must be appropriated from the Legislative Special Contingency account by resolution;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the following 2021 budget transfer is hereby approved in the Law Department accounts for professional consulting and analysis services by Larsen Engineers on the production levels and payments pertaining to the County's solar array utilizing Legislative Special Contingency:

Transfer From:

A0101000 419900 BOL SplCtg	\$5,000.00
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Transfer To:

A0142000 490400 Law Exppert	\$5,000.00
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Section 2. That the within shall take effect immediately.

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_,  
and adopted.

**RESOLUTION NO. 208 - 2021**

**RESOLUTION AUTHORIZING AGREEMENT AND ACCEPTANCE OF 2021 STATE ECONOMIC & INFRASTRUCTURE DEVELOPMENT GRANT AWARD AND APPROPRIATING FUNDS**

Introduced by Legislator Jerry King, Chair of the General Services Committee.

WHEREAS, pursuant to the Resolution No. 105-2021, the Lewis County Board of Legislators authorized an application to the Northern Border Regional Commission (NBRC) for a 2021 State Economic & Infrastructure Development (SEID) award pertaining to a comprehensive telecommunication infrastructure project and plan for Lewis County; and

WHEREAS, the Planning Department received notification from the NBRC that the County was awarded \$263,053.00 toward its \$328,816.00 project, with the County's commitment to meet the 20% local match. The NBRC received 156 applications for funding across the four (4) eligible border states, with only 44 applications selected; and

WHEREAS, it is requested that the Lewis County Board of Legislators authorize the Agreement and appropriate these funds;

NOW, THEREFORE BE IT RESOLVED, as follows:

Section 1. The Lewis County Board of Legislators hereby authorizes an agreement with NBRC for the 2021 SEID grant funding of \$263,053.00 with a commitment of \$65,763.00 toward the local share match for the telecommunication infrastructure project and plan developed by the Planning Department.

Section 2. That the following budget appropriation be approved in the Planning Department accounts to accept the SEID grant funds:

Increase Revenue:

H0168000 340890 Federal Revenue Project HEB	\$263,053.00
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Increase Expense:

H0168000 499900 Contractual Project HEB	\$263,053.00
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Section 3. That the Chairman or Vice-Chairman of the Board of Legislators, be and the same is hereby authorized to make, execute, seal and deliver such Agreement, amendments, extensions, and all other required documents necessary to carry out the terms of this Resolution, upon review and approval of the County Attorney.

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

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_,  
and adopted.

**RESOLUTION NO. 209 - 2021**

**RESOLUTION TO ACCEPT GRANT AND APPROPRIATE FUNDS  
Planning Department**

Introduced by Legislator Jerry King, Chair of the General Services Committee.

WHEREAS, pursuant to Resolution No. 44-2021, the Lewis County Board of Legislators authorized an application and agreement for NYS grant funds in the amount of \$200,000.00 for small business loans/grants under 2020 Community Development Block Grant (CDBG Project No. 636ME980-21); and

WHEREAS, the Planning Department has been awarded the grant and requests the budget appropriations for same;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the following budget appropriation is hereby approved in the Planning Department/Special Grant fund accounts for funding for a NYS CDBG Microenterprise grant:

Increase Revenue:

CL868000 349121 2021 IDA Microenterprise	\$200,000.00
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Increase Expenditure:

CL868800 490121 2021 Microenterprise Exp	\$200,000.00
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Section 2. That the within resolution shall take effect immediately.

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_,  
and adopted.

**RESOLUTION NO. 210 -2021**

**RESOLUTION AUTHORIZING FAÇADE & STREETSCAPE  
IMPROVEMENT PROGRAM AND TRANSFER OF FUNDS**

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

WHEREAS, the County of Lewis, by and through the Planning Department, desires to have the County invest \$450,000.00 of the American Recovery Plan stimulus funds in a three-year project to invest in the County's downtown corridors and public spaces; and

WHEREAS, the County's downtown districts and public spaces are central to community gatherings, special events and the success of small businesses. This program aims to revitalize the historic character and attractiveness of villages and hamlets in Lewis County through public and private investment; and

WHEREAS, the Façade & Streetscape Improvement Program (FSIP) Project will provide 75% in funding for eligible improvements to mixed-use and commercial buildings and properties, and streetscape enhancements in all the villages and hamlets in Lewis County, with a 25% investment in matching funds provided by the applicant/property owner; and

WHEREAS, this investment will serve to help business growth and retention, enhance tourism, increase spending in the local communities, and reduce the number of blighted and vacant properties. In addition, this Project will advance specific goals and action items outlined in "Policy Area 4: Community Resources & Housing" in the Lewis County Comprehensive Plan, i.e., Action Item # 9: "Develop a sample set of village center design guidelines, addressing streetscape design, signage, access management,...", and Action Item # 11: "Continue to support façade improvement programs so commercial building owners can receive matching grants for renovations..."; and

WHEREAS, in its description of the project, the Planning Department has suggested the formation of a five-member (minimum) review committee comprised of representation from the Department of Planning, IDA-Naturally Lewis, Lewis County Historical Society, County Manager, and Board of Legislators. In addition, the Department of Planning will partner with the IDA-Naturally Lewis team to market the program and lead day-to-day oversight of project implementation; and

WHEREAS, the project budget proposal will have two (2) funding cycles (\$250,000.00 in 2021, \$200,000.00 in 2022) to help capture new businesses and provide more opportunities for participation. Recipients will have twelve (12) months after award notice to complete the project, barring exceptional circumstances. Upon approval of the Board of Legislators, **Round 1** will open in September, 2021 with expected award notifications on or about December 1, 2021; **Round 2** will open on September 2, 2022 with award notification on or about December 2, 2022; and

WHEREAS, the Lewis County Board of Legislators seeks to authorize this project and the \$450,000.00 funding for same;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes and approves the Planning Department’s three-year “Façade & Streetscape Improvement Program” Project in the amount of \$450,000.00, with 75% funding of eligible improvements to mixed-use and commercial buildings and properties, and streetscape enhancements in all the villages and hamlets in Lewis County.

Section 2. That the Lewis County Board of Legislators authorizes and directs the funding for this Project to come from the County’s American Recovery Plan funds.

Section 3. That the following budget transfers are hereby approved utilizing Capital Reserve Account HAZ – American Rescue Plan Act:

Transfer from:  
H0 162000 340890 ARPA General Revenue \$250,000.00

Transfer to:  
H0 172000 340890 ARPA Program Revenue \$250,000.00

Transfer from:  
H0 162000 499900 ARPA General Expenditures \$250,000.00

Transfer to:  
H0 172000 499900 ARPA Program Expenditures \$250,000.00

Section 4. That the Chairman or Vice Chairman of the Board of Legislators be and the same is hereby authorized to execute any and all agreements and documents the County Attorney determines to be necessary to give effect to this Project.

Section 5. That this Resolution shall take effect immediately.

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_,  
and adopted.

**RESOLUTION NO. 211 - 2021**

**RESOLUTION AWARDING BID AND AUTHORIZING AGREEMENT BETWEEN  
THE COUNTY OF LEWIS AND CHAZEN, A LABELLA COMPANY  
FOR HOUSING NEEDS ASSESSMENT AND MARKET ANALYSIS**

Introduced by Legislator Jerry King, Chair of the General Services Committee.

WHEREAS, the Lewis County Planning Department recently sent out a Request for Proposals to qualified vendors to complete a county-wide Housing Needs Assessment and Market Analysis, according to the terms and specifications as set forth in the RFP; and

WHEREAS, the Director of Planning and associate, County Attorney and member of the Board of Legislators were present on August 11, 2021, at 2:00 p.m. to open bids received and considered the five (5) responses to the RFP; and

WHEREAS, after detailed review and consideration of the proposals, the Director of Planning recommends awarding the bid to Chazen, A LaBella Company, of Glens Falls, NY, whose bid included conducting an in-person public workshop as requested in the RFP, plus a housing dashboard which will be beneficial to the project. When all deliverables and components were compared and factored into the analysis, in accordance with the specifications and scope of work set forth in the RFP, Chazen's bid proposal provides the services in the best interest of the County and this project, and would render their proposal to be the lowest bid; and

WHEREAS, the Board of Legislators seeks to award the bid to Chazen A. LaBella Company 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 Chazen, A. LaBella Company, with offices at 20 Elm Street, Suite 10, Glens Falls, NY 12801 to complete a county-wide Housing Needs Assessment and Market Analysis, 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 \$ 49,744.00, to be completed by April 30, 2022.

Section 3. That the Chairman or Vice-Chairman 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 \_\_\_\_\_, seconded by Legislator \_\_\_\_\_,  
and adopted.

**RESOLUTION NO. 212 - 2021**

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN  
COUNTY OF LEWIS AND NEW YORK STATE HOUSING  
TRUST FUND CORPORATION (CDBG PROJECT GRANT NO. 636HO133-20)  
WITH SNOWBELT HOUSING AS SUB-RECIPIENT ADMINISTRATOR**

Introduced by Legislator Jerry King, Chair of the General Services Committee.

WHEREAS, the County of Lewis applied to the New York State Housing Trust Fund Corporation (“HTFC”) for Community Development Block Grant (“CDBG”) funds to finance community development activities (NYS CDBG Project # 636HO133-20); and

WHEREAS, the County was awarded \$377,239.00 in NYS Community Block Grant funds for owner and renter occupied housing rehabilitation;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. The Lewis County Board of Legislators hereby approves a Grant Agreement between the County of Lewis and the New York State Housing Trust Fund Corporation, pursuant to which the County of Lewis shall receive \$377,239.00 in Community Development Block Grant funds.

Section 2. The Board of Legislators hereby authorizes and approves Snowbelt Housing Company, Inc. to serve as administrator of these grant funds and as the County’s sub-recipient of the Grant.

Section 3. That the following budget appropriation be approved in the Special Grant fund account to utilize funds from the Community Development Block Grant (NYS CDBG Project # 636HO133-20):

Increase Revenue:

CL868800 349103 Snowbelt Housing CDBG	\$377,239.00
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Increase Expenditure:

CL868800 490100 Snowbelt Housing CDBG	\$377,239.00
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Section 4. The Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to execute, seal and deliver said Grant Agreement and any related and necessary supplemental documents, pending approval of the County Attorney.

Section 5. That the within resolution shall take effect immediately.

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_,  
and adopted.

**RESOLUTION NO. 213 - 2021**

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN  
COUNTY OF LEWIS AND NEW YORK STATE HOUSING  
TRUST FUND CORPORATION (CDBG PROJECT GRANT NO. 636HR134-20)  
WITH SNOWBELT HOUSING AS SUB-RECIPIENT ADMINISTRATOR**

Introduced by Legislator Jerry King, Chair of the General Services Committee.

WHEREAS, the County of Lewis applied to the New York State Housing Trust Fund Corporation (HTFC) for Community Development Block Grant (CDBG) funds to finance community housing opportunities and activities (NYS CDBG Project No. 636HR134-20); and

WHEREAS, the County was awarded \$610,064.00 in NYS Community Development Block Grant funds to address housing rehabilitation;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. The Lewis County Board of Legislators hereby approves a Grant Agreement between the County of Lewis and the New York State Housing Trust Fund Corporation, pursuant to which the County of Lewis shall receive \$610,064.00 in Community Development Block Grant funds.

Section 2. The Board of Legislators hereby authorizes and approves Snowbelt Housing Company, Inc. to serve as administrator of these grant funds and as the County's sub-recipient of the Grant.

Section 3. That the following budget appropriation be approved in the Special Grant fund account to utilize funds from the Community Development Block Grant (NYS CDBG Project # 636HR134-20):

Increase Revenue:

CL868800 349103 Snowbelt Housing CDBG	\$610,064.00
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Increase Expenditure:

CL868800 490100 Snowbelt Housing CDBG	\$610,064.00
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Section 4. The Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to execute, seal and deliver said Grant Agreement and any related and necessary supplemental documents, pending approval of the County Attorney.

Section 5. That the within resolution shall take effect immediately.

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_,  
and adopted.

**RESOLUTION NO. 214 - 2021**

**RESOLUTION TO AUTHORIZE AGREEMENT BETWEEN  
LEWIS COUNTY PUBLIC HEALTH AGENCY AND NYS DEPARTMENT OF  
HEALTH TO ACCEPT PUBLIC HEALTH CORPS FELLOWSHIP PROGRAM  
FUNDING, CREATE THE POSITIONS, AND APPROPRIATE FUNDS**

Introduced by Legislator Andrea Moroughan, Chair of the Health & Human Services Committee.

WHEREAS, the Lewis County Public Health Agency (“PH”) was informed by NYS DOH that the county is eligible to receive funding support for the NYS Public Health Corps (NYSPHC) Fellowship Program through Health Research Inc (HRI/NYSDOH), in the total amount of \$548,752.00 over the next two (2) years (\$274,376.00 annually). The PHC program was established to build public health capacity to support COVID- 19 response operations and to increase preparedness for future public health emergencies; and

WHEREAS, the NYSDOH is working with Local Health Departments and community partners to recruit and deploy NYSPHC fellows across the state who will commit to a full-time, paid position for at least a one-year term; and

WHEREAS, according to the indicators used by NYSDOH for this funding, Lewis County’s \$548,752.00 in eligible two-year funding may support up to three (3) fellows annually, with a scope of work /program deliverables developed by NYSPHC; and

WHEREAS, the Director of the Lewis County Public Health Agency seeks to participate in this program, and requests that the Lewis County Board of Legislators authorizes the Agreement, accepts the funding, and creates the positions identified by the Director under the NYSPHC Fellowship program expectations and descriptions in an effort to help address local public health needs and workforce over the next two years;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes an Agreement between the County of Lewis, acting by and through the Lewis County Public Health Agency and the NYS Department of Health through HRI/NYSDOH, to accept the eligible funding of \$548,752.00 for two years (\$274,376.00 annually), for up to three (3) annual fellows who will commit to full-time, paid positions under PH, for at least one-year terms, as described and identified under the Fellowship Program requirements, subject to compliance with Civil Service requirements; and

Section 2. That upon receipt of the Agreement and scope of work/deliverables under the Program, the Lewis County Treasurer is directed to make the following appropriations:

Increase Revenue:

A0409700 33007 NYS HRI Covid

\$548,752.00

Increase Expense:

A0409700 110100 Personal Services	\$300,728.00
A0409700 801000 Retirement	\$40,298.00
A0409700 803000 Social Security	\$21,906.00
A0409700 806000 Health Insurance	\$123,380.00
A0409700 807000 Dental Insurance	\$4,942.00
A0409700 804000 Workers' Comp	\$6,602.00
A0409700 490900 Miscellaneous	\$50,896.00

Section 3. That the Lewis County Board of Legislators hereby amends the Compensation Plan of the County of Lewis with reference to the Public Health Department to create the following grant funded positions, subject to any Civil Service requirements, effective immediately:

<u>TITLE</u>	<u>STATUS</u>	<u>GRADE/SALARY</u>
Public Health Specialist (2)	Full-Time	Grade 29 (\$24.23 - \$26.19)
Senior Account Clerk (1)	Full-Time	Grade 19 (\$18.52 - \$20.01)

Section 4. That the Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Agreement, any amendments or extensions, and other documents as may be required or necessary to give effect to this Resolution, upon review and approval by the County Attorney.

Section 5. That the within resolution shall take effect immediately.

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_, and adopted.

**RESOLUTION NO. 215 - 2021**

**RESOLUTION AUTHORIZING A  
MEMORANDUM OF UNDERSTANDING BETWEEN  
LEWIS COUNTY DEPARTMENT OF RECREATION, FORESTRY & PARKS  
AND BOARD OF COOPERATIVE EDUCATIONAL SERVICES (BOCES) FOR  
ACCESS TO COUNTY PROPERTY FOR FORESTRY STUDENTS AND  
AUTHORIZATION FOR RECREATION, FORESTRY & PARKS DEPARTMENT TO  
PARTICIPATE IN BOCES INTERNSHIP PROGRAM**

Introduced by Legislator Jerry King, Chair of the General Services Committee.

WHEREAS, the Lewis County Department of Recreation, Forestry and Parks (“LCRFP”) is responsible for all Lewis County reforestation property; and

WHEREAS, the Board of Cooperative Educational Services (“BOCES”) provides an Internship Program for their students who are in a program in the field of natural resource management, conservation and forestry. The forests, fields and streams serve as their primary classrooms as they gain practical hands-on experience in the forest industry; and

WHEREAS, LCRFP desires to partner with the BOCES program by having LCRFP participate in the BOCES Internship Program for projects, including but not limited to various building, maintenance and forestry activities, under the terms and conditions of BOCES Internship Program. In addition, the LCRFP desires to grant BOCES access to the County’s reforestation property in order to provide its students with forests, fields, and streams to gain practical hands-on experience in the forest industry. Some of the projects may consist of building lean-to’s, building trails, and creating signs; and

WHEREAS, the Board of Legislators wishes to accept such program and provide such authorization;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes a Memorandum of Understanding between the Lewis County Department of Recreation, Forestry and Parks and the Board of Cooperative Educational Services to enable its students to gain hands-on field experience by providing access to County reforestation property to BOCES for management, conservation and educational experiences and activities by its students. The Director of LCRFP shall be provided with prior notice and shall authorize all dates, locations and scheduled activities by the students. BOCES students must be properly supervised by BOCES personnel at all times, with BOCES being solely and fully liable for any and all claims associated with said activities.

Section 2. That the term of this Agreement shall be from September 1, 2021 and continue through August 31, 2022, with annual renewal upon mutual written agreement.

Section 3. That the LCRFP Department is authorized to participate in the Internship Program, provided there is no cost to the County and provided that BOCES is fully insured for such activity and will indemnify and hold the County harmless with respect to any and all claims by its participants.

Section 4. That the Chairman or Vice-Chairman of the Board of Legislators together with the Director of Recreation, Forestry and Parks are hereby authorized to make, execute, seal and deliver such Agreement and any renewals, upon approval by the County Attorney as to form and content.

Section 5. That this Resolution shall take effect immediately.

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_,  
and adopted.

**RESOLUTION NO. 216 - 2021**

**RESOLUTION AUTHORIZING SNOWMOBILE TRAILS 2021-2022  
GRANT-IN-AID APPLICATION TO THE OFFICE OF PARKS, RECREATION &  
HISTORIC PRESERVATION FOR SNOWMOBILE TRAIL MAINTENANCE  
EXPENSES IN LEWIS COUNTY**

Introduced by Legislator Jerry King, Chairman 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 funds made available pursuant to the grant are only for expenditures directly related to snowmobile trails approved by OPRHP. Payment of seventy (70%) percent of the total grant aid is advance to the Local Sponsor upon execution and approval of the grant. The balance is paid to the Local Sponsor upon completion of the project to the satisfaction of OPRHP and submission of proper documentation required; 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;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators authorizes submission of the 2021-2022 Snowmobile Trails Grant-In-Aid Application through the Director of Recreation, Forestry & Parks.

Section 2. That the Board authorizes the Chairman of the Board to execute the Local Sponsor Signature Form Application for submission to OPRHP. 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 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. 217 - 2021**

**RESOLUTION TO INCORPORATE 7.5 MILES OF COUNTY OWNED FORESTRY PROPERTY INTO THE LEWIS COUNTY OHV TRAIL SYSTEM**

Introduced by Legislator Jerry King, Chair of the General Services Committee.

WHEREAS, the Lewis County Board of Legislators has heretofore determined that the development of a county-wide trail system that can effectively and safely accommodate Off-Highway Vehicles (“OHV’s”), (as defined in Local Law No. 3-2019) is in the public interest and will enhance the recreational use of the natural resources available in the County, as well as encourage tourism; and

WHEREAS, in accordance with the procedures outlined in 6 NYCRR § 617.9, the Board of Legislators caused to be prepared a Draft Generic Environmental Impact Statement (“DGEIS”) and a Final GEIS (collectively the “GEIS”), and on January 29, 2009, issued a written Statement of Findings setting forth the Board’s conclusions and determinations, based upon the facts and analysis contained in the GEIS; and

WHEREAS, upon completion of its SEQRA review, the Board of Legislators formally established the Lewis County Trail System (herein “Trail System”) by adopting Local Law No. 2 – 2009, “**A LOCAL LAW ESTABLISHING THE LEWIS COUNTY TRAIL SYSTEM**”, as subsequently amended and re-stated in Local Law No. 3-2019, “**A LOCAL LAW AMENDING LOCAL LAW NO. 2-2009 AND RE-ESTABLISHING THE LEWIS COUNTY TRAIL SYSTEM**” (herein, “Local Law”); and

WHEREAS, the Local Law and the Statement of Findings contemplate future amendments to the Trail System through the addition of trails and/or the opening of interconnecting roads and set forth procedures for making such amendments, and in particular, the procedures for amending the GEIS in compliance with SEQRA prior to amending the Trail System; and

WHEREAS, the Director of Recreation, Forestry and Parks has presented the Board of Legislators with a request to add a proposed addition of 7.5 miles of multi-use trails to the Lewis County OHV Trail System pertaining to Lewis County owned forestry properties. The proposed trails are located in the Town of Greig, which include the following parcels:

- Parcel No.: 292.00-02-27.000 - North of Abbey Road, North and South of Beals Road
- Parcel No.: 292.00-02-23.000 - North of Abbey Road, East of Fowlerville Road
- Parcel No.: 292.00-02-22.000 - North of Abbey Road, East of Fowlerville Road
- Parcel No.: 308.00-01-05.000 - South of Abbey Road, West of Fowlerville Road
- Parcel No.: 308.00-01-06.000 - South of Abbey Road, East of Fowlerville Road
- Parcel No.: 308.00-01-07.000 - South of Abbey Road, East of Fowlerville Road; and

WHEREAS, pursuant to Resolution No. 185-2021, completed its review under SEQRA with respect to the properties and trails identified above, and based upon an investigation and analysis conducted by the Soil and Water Conservation District, found and determined that adding

these properties and trails to the Lewis County Trail System will not result in a significant environmental impact;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. The Lewis County Board of Legislators hereby deems the trails located on the above referenced Lewis County owned forestry properties in the Town of Greig, parcel numbers 292.00-02-27.000, 292.00-02-23.000, 292.00-02-22.000, 308.00-01-05.000, 308.00-01-06.000, and 308.00-01-07.000, as more fully described in the Statement prepared by the Soil and Water Conservation District, are hereby deemed incorporated into and made a part of the Lewis County Trail System.

Section 2. The Lewis County Board of Legislators hereby authorizes the addition of the 7.5 miles of multi-use trails to the Lewis County OHV Trail System pertaining to Lewis County owned forestry properties and authorizes amendment of the maps of the Lewis County Trail System as the same are published on the Lewis County website and elsewhere to include the trails described herein, together with such other and further actions as may be necessary to administer and maintain such trails consistent with the Lewis County OHV Trail Plan, the GEIS and Statement of Findings, and Local Law No. 3-2019.

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

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_, and adopted.

**RESOLUTION NO. 218 - 2021**

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN  
THE COUNTY OF LEWIS AND  
NYS DIVISION OF HOMELAND SECURITY FOR PSAP GRANT  
AND APPROPRIATING THE FUNDS**

Introduced by Legislator Jerry King, Chair of the General Services Committee.

WHEREAS, the New York State Division of Homeland Security and Emergency Services awarded the County of Lewis the sum of \$227,334.00 under the NYS 2020-21 Public Safety Answering Points Operations Grant Program (2020-21 PSAP Grant). The funding is awarded to assist counties with eligible public safety call-taking and dispatch expenses which occur within the twelve-month period from January 1, 2021 – December 31, 2021; and

WHEREAS, the 2021 budget included the sum of \$165,000.00 as an estimate for this expected award, now requiring the appropriation of the additional \$62,334.00 awarded and the authority to enter into the Agreement for same;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators approves an Agreement between the County of Lewis and the New York State Division of Homeland Security and Emergency Services to accept grant award funds of \$227,334.00 for the Public Safety Answering Points Grant Program (2020-21 PSAP Grant) for eligible public safety call-taking and dispatching expenses.

Section 2. That the performance period for said eligible expenses covers January 1, 2021 to December 31, 2021.

Section 3. That the following budget appropriation be approved in the E911 Accounts for these additional PSAP grant funds:

Increase Revenue:

A0302000 331400 PSAP \$ 62,334.00

Increase Expenditure:

A0302000 290900 Misc Equipment \$ 62,334.00

Section 4. That the following budget transfers be approved in the E911 Accounts:

From:

A0302000 110100 Personal Services \$ 24,500.00

A0302000 496600 Prof Services \$ 46,000.00

To:

A0302000 290900 Misc. Equip \$ 70,500.00

Section 5. That the Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to execute, seal and deliver said Agreement, and any amendments, addenda or appendices required under said funding, pending review and approval by the County Attorney.

Section 6. That the within resolution shall take effect immediately.

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_,  
and adopted.

**RESOLUTION NO. 219 - 2021**

**RESOLUTION AUTHORIZING AN EXTENSION  
AGREEMENT BETWEEN THE COUNTY OF LEWIS AND  
ICU SECURITY & PRIVATE INVESTIGATIONS FOR  
ARMED SECURITY GUARD SERVICES AT THE  
DEPARTMENT OF SOCIAL SERVICES BUILDING**

Introduced by Legislator Andrea Moroughan, Chair of the Health & Human Services Committee.

WHEREAS, the County of Lewis, on behalf of the Lewis County Department of Social Services (“DSS”), entered into an agreement dated September 2, 2020 with ICU Security & Private Investigations (“ICU”) pursuant to Resolution No. 241-2020, for armed security guard services for the DSS building located on Outer Stowe Street, Lowville, NY; and

WHEREAS, this was for the term commencing November 1, 2020 through October 31, 2021 at a cost not to exceed \$82,836.75, inclusive of 2,232 hours at regular pay and no more than 25 hours overtime pay; and

WHEREAS, DSS desires to extend the agreement for one year commencing November 1, 2021 through October 31, 2022, at the same not to exceed cost, but with acknowledgment of the change in the NYS Department of Labor prevailing wage rates effective July 1, 2021; and

WHEREAS, the Board of Legislators wishes to accept such agreement;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes a one-year extension Agreement between the County of Lewis, by and through the Lewis County Department of Social Services, with ICU Security & Private Investigations for armed security guard services for the DSS building located on Outer Stowe Street, Lowville, NY.

Section 2. That the term of the Agreement shall be from November 1, 2021 through October 31, 2022, at a cost not to exceed \$82,836.75. DSS will receive 75% reimbursement of this expense through Federal and State funding sources, with the local County share being 25%.

Section 3. That the Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to make, execute, seal and deliver said Agreement, pending 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. 220 - 2021**

**RESOLUTION AUTHORIZING AGREEMENT  
BETWEEN DEPARTMENT OF SOCIAL SERVICES AND  
MELISSA M. MAINE, LCSW-R**

Introduced by Legislator Andrea Moroughan, Chair of the Health & Human Services Committee.

WHEREAS, the Department of Social Services (“DSS”) requires Qualified Individuals (QI), for the purpose of conducting assessments of youth in foster care in accordance with the federal Family First Prevention Services Act (FFPSA) and corresponding New York State standards; and

WHEREAS, FFPSA requires an assessment of a child by a QI who is a licensed clinician for a child to enter certain types of residential placements within thirty (30) days of a child being placed in a New York State Qualified Residential Treatment Program (QRTP) setting; and

WHEREAS, Melissa M. Maine, LCSW-R, has the expertise and meets the requirements to provide these services as a QI and DSS desires to enter into an agreement to conduct these assessments;

WHEREAS, the Board of Legislators wishes to approve such agreement;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes an Agreement between the County of Lewis, by and through the Department of Social Services, and Melissa M. Maine, LCSW-R, a Qualified Individual, to conduct assessments on children being placed in a New York State Qualified Residential Treatment Program as required by the Department of Social Services.

Section 2. That the term of this Agreement shall commence October 1, 2021 and remain in effect unless and until terminated by either party for any reason upon thirty (30) days prior written notice to the other party.

Section 3. That the fee is \$50.00/hour and time will be billed based on the quarter hour. Services for any activity to complete the assessment may include driving time to and from interviews, interview time, phone calls, record reviews and completion of all necessary documentation and reports. Mileage will be billed at the current IRS mileage rate. If clinician is required to attend any legal meetings or proceedings, services will be billed at a rate of \$200/hour.

Section 4. That the Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to make, execute, seal and deliver the Agreement, and any extensions thereto, pending approval by the County Attorney.

Section 5. That the within Resolution shall take effect immediately.

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_,  
and adopted.

**RESOLUTION NO. 221 - 2021**

**RESOLUTION AUTHORIZING AMENDMENT (CHANGE ORDER NO. 2)  
TO AGREEMENT BETWEEN THE COUNTY OF LEWIS AND C&S TECHNICAL  
RESOURCES, INC. FOR GENERAL CONTRACTING SERVICES UNDER THE  
LOWVILLE SOLID WASTE TRANSFER STATION UPGRADE PROJECT**

Introduced by Legislator Jerry King, Chair of the General Services Committee.

WHEREAS, the County of Lewis, by and through the Lewis County Solid Waste Department, entered into an agreement with C&S Technical Resources, Inc., (“C&S”) to provide general construction services as outlined in the RFP for transfer station renovations/improvements, at a cost of \$1,233,000.00; and

WHEREAS, pursuant to Resolution No. 136 -2021, the Board of Legislators authorized an increase to the contract for material costs, bringing the total contract to \$1,255,785.00; and

WHEREAS, due to grade changes required for the transfer station, both the Project Engineer and the construction contractor, C&S, seek a second change order to the C&S contract in the amount of \$123,861.10 for the following:

- |   |                 |
|---|-----------------|
| a. concrete arch pipe culvert, DOT Requirements for driveway permit | \$18,162.10     |
| b. Lower loadout floor and insulate foundations                     | 37,431.90       |
| c. Increase in segmental retaining wall height & length             | 65,225.60       |
| d. Additional site work to lower storage tank                       | <u>3,041.50</u> |
| Change Order No. 2 Sub-Total  | \$123,861.10    |

The total, revised contract amount is \$1,379,646.10; and

WHEREAS, the Lewis County Board of Legislators seeks to authorize Change Order No. 2 to the agreement with C&S;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators authorizes Change Order No. 2 to the contract with C&S Technical Services, Inc., for general construction services at the Lowville Transfer Station project, as outlined above due to grade changes required.

Section 2. That the Lewis County Board of Legislators authorizes said amendment/change order for identified construction costs and services at an additional cost of \$123,861.10, thereby increasing the total contract cost to \$1,379,646.10.

Section 3. That the Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Amendment/Change Order, as may be approved by the County Attorney.

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

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_,  
and adopted.

**RESOLUTION NO. 222 – 2021**

**STANDARD WORK DAY AND REPORTING RESOLUTION**

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

BE IT RESOLVED, that the County of Lewis hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body:

<b>Title</b>	<b>Name</b>	<b>Standard Work Day</b>	<b>Term Begins/Ends</b>	<b>Days/Month</b>
Elected Officials				
Appointed Officials				
Deputy Election Commissioner	Michelle Widrick	7	4/12/2021 – 12/31/2022	21.67

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_, and adopted.

**RESOLUTION NO. 223 - 2021**

**RESOLUTION SETTING 2022  
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 and efforts 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 2022 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 2018, 2019 and 2020, hereby capped at \$50,000 for any one claim per annum; 30% shall be based on proportionate 2020-2021 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 \_\_\_\_\_, seconded by Legislator \_\_\_\_\_,  
and adopted.

**RESOLUTION NO. 224 - 2021**

**RESOLUTION APPROVING  
2021 RESOURCE ALLOCATION PLAN  
WITH NYS OFFICE OF CHILDREN AND FAMILY SERVICES**

Introduced by Legislator Andrea Moroughan, Chair of the Health & Human Services Committee.

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

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby approves the 2021 Resource Allocation Plan between the County of Lewis and the New York State Office of Children and Family Services ("OCFS") for the 2021 program year in the amount of \$46,399.00, including Safe Harbour funding.

Section 2. That the Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to execute, seal and deliver said Resource Allocation Plan.

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

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_, and adopted.