

**REGULAR MEETING**  
**June 2, 2020**

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

Roll Call: All Legislators were present. There were 20 additional persons present.

Chairman Dolhof offered the Invocation followed by the Pledge of Allegiance to the Flag.

Chairman Dolhof declared the May 13, 2020 meeting minutes approved by general consent.

**REPORT OF THE FINANCE AND RULES COMMITTEE:**

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

Signed by: Thomas Osborne  
Ronald Burns  
Ian Gilbert  
Gregory Kulzer  
Phil Hathway

Dated: June 2, 2020

Legislator Burns made a motion to waive the rules, seconded by Legislator King, and carried.

Chairman Dolhof opened up the public hearing for comments on Local Law No. 5-2020 – “A Local Law Permitting All-Terrain Vehicle Operation on approximately .65 miles of certain portion of Burdick’s Crossing Road (CR 36)”. The Clerk read the following comments which were received by mail:

Douglas Dietrich wrote “Dear Legislators, I am writing concerning the opening of a section of the Burdick’s Crossing Road that connects Brantingham to the Tug Hill. This is a very important connection because in the past years when businesses were selling the permits, Brantingham was the largest seller of these. Hopefully, you will open that section of the road and add signage to clarify the new trail. This will prevent people from tearing down fencing and riding on private property. It might be nice at the Route 12 – Burdick’s Crossing intersection to have a sign telling them to ride on the black top. Thank you for considering this request to open that section of the Burdick’s Crossing Road.”

Ron Holt wrote “Dear Board Members, Please consider opening the Burdick’s Crossing for ATV/UTV vehicles. I’ve always enjoyed the Brantingham ride and their businesses!”

Chairman Dolhof gave privilege of the floor over to County Attorney Joan McNichol to proceed with the Junkyard Enforcement Hearing for Derek J. Farr, who failed to appear. Due to a conflict Legislator Moroughan was excused from the room.

Ms. McNichol discussed the 3 exhibits that she prepared for the Board. Exhibit A was the original notice of hearing dated May 6, 2020; Report from Senior Code Official Ward J. Dailey dated February 27, 2020; Resolution No. 84-2020 which set the Enforcement Hearing tonight; a copy of Local Law No. 10-2019 "A Local Law Amending and Replacing Local Law No. 6-2017 – The County of Lewis Junkyard Law." All of these documents were sent to Mr. Farr by regular mail, certified mail, served to him personally by the Deputy Sheriff, and the property in question was posted with notices.

Exhibit B was the affidavit of personal service; affidavit of service posting on property; and an email from Mr. Farr showing receipt of the original notice of hearing and a picture of him using this notice as a place mat for his dog to eat off. Ms. McNichol also reported that she had received three separate phone calls from Mr. Farr over the last few weeks regarding the notices. She had recorded the messages and forwarded them on to the Sheriff's Department due to the threatening nature of the calls.

Exhibit C was Senior Code Official Ward J. Dailey's updated report and 8 Photographs of Mr. Farr's property from Monday, June 1, 2020. Ms. McNichol called Mr. Dailey up to testify to the following: He confirmed he was the Code Enforcement Officer assigned to the Farr property in Watson, NY; He confirmed he filed violations of the Junkyard Law against this property; He confirmed he provided a report to the Board of Legislators that this hearing should be held; He confirmed he visited the property again on Monday, June 1, 2020 and submitted an updated report to the Board with 8 pictures showing the condition of this property; He confirmed his findings still show that Mr. Farr's property in Watson is still in violation of the Junkyard Law; He confirmed that it is in violation due to three (3) unlicensed & unregistered vehicles, three (3) campers, lots of scrap and lots of bicycles, which by definition makes it a junkyard; He confirmed that the debris and junk begins at the road and continues further back on his property; He confirmed that to remedy this situation Mr. Farr could put in a junkyard; He confirmed that in order to have a junkyard in compliance Mr. Farr would have to apply for a license, move all material fifty (50) feet back from the property line, and construct an 8 foot high fence so that the junk is not visible from the roadway; He confirmed that Mr. Farr was physically given an application for a junkyard license and the SEQRA form that would be involved but has yet to receive it back from Mr. Farr; He confirmed that the initial complaint was filed on April 29, 2015; He confirmed that Mr. Farr has been brought to the local courts and fined many times; He confirmed that it is his opinion that the Board should take action to remedy this problem.

Ms. McNichol informed the Board of their options to move forward on Mr. Farr's property. They could direct Ms. McNichol to bring further action to the Supreme Court for a special proceeding; they could render a finding and direct that Mr. Farr be given additional time to remedy the situation; and/or they could direct our county departments or an outside agency to clean up the property to bring it in compliance and then charge his property taxes accordingly for the expenses incurred. Legislator Hathway inquired whether Ms. McNichol recommended going to Supreme Court, she responded that at this point in time with the pandemic it may take

additional time to get a hearing before the Supreme Court but she would recommend giving Mr. Farr another 30 days to see if he is willing to remedy the situation and if this Board doesn't want to make a finding of their own then she would recommend bringing this matter to the Supreme Court due to the nature of Mr. Farr.

Legislator King made a motion to give Mr. Derek Farr a thirty (30) day extension to clean up his property and to give Ms. McNichol the authority to proceed with taking this matter to the Supreme Court if Mr. Farr does not successfully remedy the issue at hand, seconded by Legislator Hathway and carried.

#### PRESENTATION OF COMMUNICATIONS AND NOTICES:

The Clerk reported the following resolutions were received: A resolution to call on New York State to release enhanced federal Medicaid matching funds to counties and New York City from Greene County & Schuyler County; A resolution requesting New York State to restore state retirement service credits to Schuyler County workers who temporarily lost those service credits due to the County's temporary workforce reduction from Schuyler County; A resolution calling on the Congressional Delegation to provide counties with Direct Federal Aid to support counties COVID-19 response and reopening economic activity efforts from Columbia County, Greene County, and Essex County; and A resolution joining Assembly Minority Leader Will Barclay in calling the Legislature back into session to return to its basic principle of Representative Democracy from Greene County.

#### REPORTS OF COUNTY OFFICERS AND DEPARTMENTS:

Legislators have received copies of the Treasurer's May report; the May Highway and Solid Waste Department audit reports; and minutes of the May Youth Bureau Advisory Board meeting.

Brian Mooney submitted the April and May Sealer of Weights and Measures activity report which has been placed on file with the Clerk of the Board.

#### REPORTS OF STANDING COMMITTEES:

Legislator King reported that there were some questions on replacing the trachoe and the gradall from the Highway Department. The trachoe has over 10,000 hours on it and it is getting to the point where the engine could be an issue. The gradall had the hydraulic pump go up on it which caused further damage and although it was repaired it is showing a lot of wear.

Legislator Chartrand reported that the following individuals were "Employee of the Month" at the Lewis County General Hospital and if you see them around thank them for the wonderful job they are doing: February was Tina Dicob, R.N.; March was Joanne Dickinson, Phlebotomist; and April was Mackenzie Bellinger, Adult Day Care.

Chairman Dolhof stated that it was nice to be back together in the Courthouse and in Phase 2 of reopening. He went on to discuss the Ad Hoc Committees that were put together

prior to Covid-19 but haven't met since the pandemic began. The Ad Hoc Committee for Management Exempt Compensation will plan on meeting again in the near future and the Ad Hoc Committee for Capital Planning will be put on hold until there is a better understanding of the county's finances after the pandemic is completely over. In the mean time there are a few projects that will be going forward at the Highway Department and the boiler replacement at the Public Safety Building.

#### COUNTY MANAGER REPORT:

Ryan began by echoing Chairman Dolhof's statement that it is good to be back to meeting in person. A big thank you to the staff for working so well through this pandemic and a special thank you to the Public Health staff for doing a phenomenal job!

In Phase 2 there are more business that are open to the public including the Courthouse. There are measures in place to ensure personal protection and social distancing. The Public Transportation system has a plan to fully reopen. There have had some local routes during the pandemic but now they will include routes outside the county. Bus fares were suspended due to additional revenue from the CARES Act but starting in July there will be fares again.

Phase 3 has no time line yet but will include the reopening of the DMV to in person transactions. It is imperative that we continue to keep an eye on the financial situation of the county. We continue to wait for Federal Aid and to date have only received a minimal amount. New York State is projecting a \$63 billion budget deficit so there could be upcoming program cuts by the Governor.

The State Legislature is pushing for a 120 day delay on property tax payments for property owners, which is good for them but not good for the Towns, Villages and Schools who need that money to continue providing services. The County has always made the Towns, Villages and Schools whole and then collects any delinquent taxes. It would be a lot of extra work for the Treasurer's Department because of the volume of bills that could be delinquent.

There is still no commitment letter from the State on CHIPS funding, Early Intervention and Pre-school programs through Pubic Health are being looked at because the State is requiring us to continue to pay tuition based payments to vendors even though we haven't been sending anyone because of state wide closures, some larger counties are starting to see Social Service program reimbursements delayed; and there still has been no FMAP funding disbursements since 2015.

Legislator King asked for more clarification on the 120 delay on property tax payments. Ryan responded that hopefully the Governor vetoes it, but as a county we have always made Town, Villages, and School Districts whole. As long as we continue to do that, which is possible because of the counties fund balance, it won't likely affect them much. The biggest burden will fall on the County because of the sheer volume of bills that will have to be tracked to make sure all delinquent payments are received.

#### COUNTY TREASURER REPORT:

Eric provided all Legislators with a report on fund balances, which have little activity to date. There will be another payment later this week for the Sales Tax Revenue, which will be reported when received and he will continue to track those number closely through the remainder of the year. The Internal Services Fund balance of \$5.2 million is a healthy amount. The growth in that fund this year has been slower than last year so that trend is softening.

Something to think about regarding the impact of Covid-19 are the interest rate earnings, which are down significantly compared to last year. Eric has been looking into a company called Three Plus One which helps maximize their interest earnings. They would do a detailed summary of all the cash balances and other finances to see where things could be maximized. There would be an annual fee around \$35,000 but under normal circumstances you would likely recoup that plus more in the first year. The counties budgeted amount for interest in 2020 was \$220,000 but with interest rates so low it will likely only be \$20,000. Legislator Hathway asked if this company Eric was looking into was being utilized by any other counties, Eric responded that he would gather more information for the board. Ryan stated that NYSAC sponsors them.

Chairman Dolhof closed the public hearing on Local Law No. 5-2020.

REPORT OF THE FINANCE AND RULES COMMITTEE:



**RESOLUTION NO. 136 – 2020**  
**AUDITING AND ALLOWING CLAIMS**

Introduced by Legislator Thomas Osborne, Member of the Finance and Rules Committee.

RESOLVED that the claims presented for payment in the total amount of \$ 684,389.02 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 LaChausse , seconded by Legislator Burns , and adopted on the 2<sup>nd</sup> day of June, 2020 by the following roll call vote:

YEAS: Gilbert, Moroughan, LaChausse, Osborne, Hathway, King, Burns, Chartrand, Kulzer, Dolhof

NAYS: None

ABSENT: None

**RESOLUTION NO. 137 – 2020**  
**RESOLUTION ADOPTING AND OTHERWISE TREATING**  
**LOCAL LAW NO. 4 – 2020, COUNTY OF LEWIS**

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

WHEREAS, a resolution was duly adopted by the Board of Legislators on May 5, 2020, directing that a public hearing be held by said Board on June 2, 2020 from 5:00 p.m. to 5:30 p.m. at the Second Floor Board Room of the Courthouse, 7660 North State Street, Lowville, New York 13367, to hear all interested parties on a proposed Local Law entitled “A LOCAL LAW PERMITTING ALL-TERRAIN VEHICLE OPERATION ON APPROXIMATELY .65 MILES OF CERTAIN PORTIONS OF BURDICK’S CROSSING ROAD (CR 36)”; and

WHEREAS, notice of said public hearing was duly advertised in the *Watertown Daily Times*, the official newspaper designated by the County, on May 27, 2020, and posted on the bulletin board of the Lewis County Courthouse, 7660 North State Street, Lowville, New York, at least five (5) days prior to such public hearing; and

WHEREAS, said public hearing was duly held and due to the temporary restrictions on public access to Lewis County Courthouse Building due to COVID-19, the public was permitted an opportunity to submit comments on this proposed Local Law by email or regular mail to the Clerk of the Board on behalf of or in opposition to said proposed Local Law, or any part thereof, on or before June 2, 2020 at 3:00 p.m.; and

WHEREAS, the Board of Legislators wishes to make certain determinations based upon the information heretofore submitted to the Board as well as received during the public hearing;

BE IT FURTHER RESOLVED, as follows:

Section 1. This Local Law (Introductory No. 5–2020), County of Lewis, being “A LOCAL LAW PERMITTING ALL-TERRAIN VEHICLE OPERATION ON APPROXIMATELY .65 MILES OF CERTAIN PORTIONS OF BURDICK’S CROSSING ROAD (CR 36)” be and the same hereby is designated as Local Law No. 4-2020, County of Lewis.

Section 2. That Local Law No. 4-2020, County of Lewis, with designation stated above, be and the same is hereby enacted, waiving any and all defects and informalities in the adoption thereof and shall take effect immediately upon filing with the Secretary of State.

Moved by Legislator King, seconded by Legislator Burns, and adopted on the 2<sup>nd</sup> day of June, 2020 pursuant to the following roll call vote:

YEAS: King, Kulzer, Chartrand, Burns, Hathway, LaChausse, Gilbert, Moroughan, Osborne, Dolhof

NAYS: None

ABSENT: None

**RESOLUTION NO. 138 - 2020**  
**RESOLUTION AUTHORIZING AN AGREEMENT AND FUNDING IN THE FIRST**  
**INSTANCE FOR THE CONSTRUCTION PHASE OF BRIDGE REPLACEMENT**  
**PROJECT (PIN 775374) KNOWN AS CR 48 (HIGHMARKET ROAD)**  
**OVER NORTH BRANCH SUGAR RIVER**

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

WHEREAS, a Project for the Bridge Replacement known as CR 48 (Highmarket Road) over North Branch Sugar River (PIN 775374; BIN 3340360) (the "Project") in the Town of West Turin, County of Lewis, is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such a program to be borne at the ratio of 95% federal funds and 5% non-federal funds; and

WHEREAS, the County of Lewis desires to advance the Project by making a commitment of 100% of the Federal (95%) and Non-Federal share (5%) costs of the Construction & Construction Inspection Phases of the Project. These Phases will utilize Surface Transportation Program (STP) funds through the Bridge NY Program, and requires the execution of this Agreement to enable the County to receive reimbursement; and

WHEREAS, the LC Superintendent of Highways was notified that the Construction Phases of this bridge project will utilize Surface Transportation Program (STP) funds through the Bridge NY Program and therefore requires an agreement with NYS DOT under Comptroller's Contract No. D040145 with specific language in the Resolution to be eligible for covered costs; and

WHEREAS, the Board of Legislators seeks to authorize this Bridge NY Local Project Agreement with NYSDOT in order to be in compliance with requirements for eligible costs under the Construction Phases of this bridge Project; and

NOW, THEREFORE, BE IT RESOLVED by the Lewis County Board of Legislators, duly convened, as follows:

Section 1. That the Lewis County Board of Legislators hereby approves the above-subject Project and authorizes the Bridge NY Local Project Agreement with NYS DOT under the Construction Phases of the CR 48 (Highmarket Road) over North Branch Sugar River Project, identified as Comptroller's Contract No. D040145.

Section 2. That the Lewis County Board of Legislators hereby authorizes the Chairman of the Lewis County Board of Legislators, to pay in the first instance 100% of the federal and non-federal share of the cost of the Construction Phases work for the Project or portions thereof, with the understanding that qualified costs may be eligible for federal-aid, state-aid, or reimbursement from Bridge NY funds.

Section 3. That the sum of \$1,332,060.00 is hereby appropriated from County general funds, and made available in the Capital Bridge Program to facilitate the funding of costs of participation in the Construction & Construction Inspection Phases of the Project:

Increase Revenues:

H0512000 345970 FEDERAL	\$ 1,265,457.00
H0512000 350310 LOCAL	\$ 66,603.00

Project HAO

Increase Expenses:

H0512000 499900 CAPITAL EXPENSE	\$ 1,332,060.00
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Project HAO

Section 4. That in the event the Project costs not covered by federal-aid, state-aid or NY Bridge funding exceed the amount appropriated above, the Lewis County Board of Legislators shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Chairman of the Board of Legislators.

Section 5. That the Lewis County Board of Legislators hereby agrees that construction of the Project shall begin no later than eighteen (18) months after award and that the project shall be completed within THREE years of commencing construction.

Section 6. That the Chairman of the Lewis County Board of Legislators, be and he hereby is authorized to execute on behalf of the Lewis County Board of Legislators, all necessary Agreements, certifications or reimbursement requests for Federal Aid, and/or State-Aid with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs within appropriations therefore that are not so eligible.

Section 7. That a certified copy of this Resolution shall be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project.

Section 8. That the within Resolution shall take effect immediately.

Moved by Legislator Hathway, seconded by Legislator Kulzer, and adopted on the 2<sup>nd</sup> day of June, 2020.

**RESOLUTION NO. 139 - 2020**  
**RESOLUTION TO AWARD BID TO ING CIVIL, INC.**  
**FOR THE REPLACEMENT OF CR 48 (HIGHMARKET ROAD)**  
**OVER NORTH BRANCH SUGAR RIVER IN THE TOWN OF WEST TURIN**

Introduced by Legislator Jerry King, Chairman of the General Services Committee

WHEREAS, the County has commenced a project known as the replacement of the CR 48 (Highmarket Road) over North Branch Sugar River (PIN 775374; BIN 3340360) in the Town of West Turin, and published a Request for Proposals for the bridge replacement. The County received six (6) sealed bid proposals for the replacement of the bridge. The sealed bids were publicly opened on April 28, 2020 at 10:00 a.m.; and

WHEREAS, after a detailed review of the bids, the engineering consultant, Barton & Loguidice recommends that the County award the bid to ING Civil, Inc. to perform the services in the amount of \$1,264,600.00; the lowest bidder to serve the best interests of the County for this project; and

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. The Board of Legislators hereby awards the bid to and authorizes a contract with ING Civil, Inc. in the amount of \$1,264,600.00, for the replacement of CR 48 (Highmarket Road) over North Branch Sugar River in the Town of West Turin.

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 related and necessary document or instrument, pending approval by the County Attorney.

Section 3. That payment for services under this contract shall be paid from the Capital Bridge Program.

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

Moved by Legislator Hathway, seconded by Legislator Kulzer, and adopted on the 2<sup>nd</sup> day of June, 2020.

**RESOLUTION NO. 140 - 2020**  
**RESOLUTION AUTHORIZING THE IMPLEMENTATION AND**  
**FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL AID AND STATE**  
**“MARCHISELLI” PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION**  
**FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS FOR**  
**BRIDGE REPLACEMENT PROJECT (PIN 775395)**  
**KNOWN AS CR 21 OVER GULF STREAM**

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

WHEREAS, a Project for the Bridge Replacement known as CR 21 over Gulf Stream (PIN 775395; BIN 1039780) (the “Project”) in the Town of Pinckney, County of Lewis, is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such a program to be borne at the ratio of 80% federal funds and 20% non-federal funds; and

WHEREAS, the County of Lewis desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Preliminary Engineering/Design and Right-Of-Way (ROW) Incidentals Phases of the Project; and

WHEREAS, pursuant to Highway Law § 10 (34-a) and section 15 of Chapter 329 of the Laws of 1991 as amended by section 9 of Chapter 330 of the Laws of 1991, as further amended by chapter 57 of the Laws of New York of 2014, the State has established the “Marchiselli” Program, which provides certain State-aid for Federal aid highway projects not on the State highway system with project eligibility for Marchiselli Program funds determined by NYS DOT and upon its approval (if approved) will be applied to the appropriate phases by means of a supplemental agreement; and

NOW, THEREFORE, BE IT RESOLVED by the Lewis County Board of Legislators, duly convened, as follows:

Section 1. That the Lewis County Board of Legislators hereby approves the above-subject Project.

Section 2. That the Lewis County Board of Legislators hereby authorizes the Chairman of the Lewis County Board of Legislators, to pay in the first instance 100% of the federal and non-federal share of the cost of the Preliminary Engineering/Design and Right-Of-Way (ROW) Incidentals Phases work for the Project or portions thereof.

Section 3. That the sum of \$158,000.00 is hereby appropriated from County general funds, and made available to cover the cost of participation in the above Preliminary Engineering/Design Phase (\$150,000.00) and the Right-Of-Way (ROW) Incidentals Phase (\$8,000.00).

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

Section 5. That the Chairman of the Lewis County Board of Legislators, be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for

Federal Aid and/or Marchiselli Aid on behalf of the Lewis County Board of Legislators, with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of the Project costs, and permanent funding of the local share of federal-aid and state-aid eligible Project costs, and all Project costs within appropriations therefore that are not so eligible.

Section 6. That the Lewis County Highway Superintendent, or in his absence the deputy superintendent, be and the same is hereby authorized to execute all necessary consultant agreements, right-of-way certifications, reimbursement requests for Federal Aid on behalf of Lewis County, and any other document, not including the Agreement with NYS DOT, that may be necessary to carry out the terms of this Resolution.

Section 7. That a certified copy of this Resolution shall be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project.

Section 8. That \$158,000.00 shall be appropriated in the Capital Bridge Program to facilitate the Preliminary Engineering/Design and Right-Of-Way (ROW) Incidentals Phases for the Bridge Replacement on CR 21 over Gulf Stream (PIN 775395; BIN 1039780) in the Town of Pinckney. The following accounts shall be recognized to facilitate the funding of this project:

Increase Revenues:

H0512000 345970 Federal	\$126,400.00
H0512000 350310 Local	\$ 31,600.00
Project HAG	

Increase Expenses:

H0512000 499900	\$158,000.00
Project HAG	

Section 9. That the within Resolution shall take effect immediately.

Moved by Legislator Hathway, seconded by Legislator Kulzer, and adopted on the 2<sup>nd</sup> day of June, 2020.

**RESOLUTION NO. 141 - 2020**  
**RESOLUTION WITH REFERENCE TO NEW YORK STATE SEQRA REVIEW, LEAD AGENCY DETERMINATION AND NEGATIVE DECLARATION WITH RESPECT TO THE PROPOSED NEW OPERATING ROOM AND CLINIC ADDITION PROJECT AT THE LEWIS COUNTY GENERAL HOSPITAL**

Introduced by Legislator Randall LaChausse, Chair of the Health and Human Services Committee, and Legislator Thomas Osborne, Chair of the Finance and Rules Committee.

WHEREAS, the Lewis County General Hospital (LCGH) campus, a County-owned public hospital, is located at 7785 North State Street, Lowville, New York, on property owned by the County of Lewis; and

WHEREAS, the chief executive officer of the LCGH has advised the Lewis County Board of Legislators of the need to renovate and replace outdated parts of the existing hospital structure, and outlined a proposed site plan for construction of a new operating room and clinic addition project. The proposed project will renovate approximately 18,889 SF of medical/surgical patient space to provide 25 single bed rooms, and construct a two story 36,224 SF addition to house 4 new surgical suites and support areas and new clinic, conferences and central storage space, new loading dock and new access road and parking lots; and

WHEREAS, as owner of the property and hospital, the County of Lewis has duly considered the Full (Long form) Environmental Assessment Form prepared by the LCGH's engineer which concludes that a Finding of No Significant Impact (FONSI) can be made for this project and therefore, provides for a Negative Declaration determination therein; the criteria for determining significance set forth in 6 NYCRR. Section 617.7(c) of the SEQRA regulations, Part 360 of the Department of Environmental Conservation Regulations (Title 6 of the New York Code Rules and Regulations), and such other information deemed appropriate; and

WHEREAS, the proposed actions have been labeled an "Unlisted" action under the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Lewis County Board of Legislators has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination; and

WHEREAS, the Town of Lowville and Village of Lowville have been consulted as other potential involved agencies concerning lead agency status under SEQRA, and neither object to the County's designation as lead agency;

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby declares itself as lead agency of the project known as the "LCGH New Operating Room and Clinic Addition Project" under SEQRA.

Section 2. That the Board of Legislators, having reviewed the data and information provided by the engineer as contained in the Part 1- Full Environmental Assessment Form (FEAF), hereby issues a Finding of No Significant Impact (FONSI) and declares that it will not prepare an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA, 42 USC 4321).

Section 3. That the Lewis County Board of Legislators hereby determines and issues a Negative Declaration for this unlisted action.

Section 4. That the Lewis County Board of Legislators hereby authorizes the Chairman or the Vice-Chairman, to execute the Full Environmental Assessment Form and any related SEQRA forms to give effect to this resolution, upon review by the County Attorney.

Section 5. That the Clerk of the Board is directed to provide a copy of the FEAF form to the CEO of the LCGH, and any other person who may request a copy.

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

Moved by Legislator Hathway, seconded by Legislator Kulzer, and adopted on the 2<sup>nd</sup> day of June, 2020.

**RESOLUTION NO. 142 - 2020**  
**RESOLUTION ESTABLISHING AND ADOPTING**  
**TELECOMMUTING/TELEWORK GUIDELINES AND POLICY**

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

WHEREAS, as a result of COVID-19 pandemic and executive orders affecting the Lewis County government workforce, a number of employees have been teleworking from home; and

WHEREAS, the attached policy, which addresses guidelines and protocols for employees to follow while temporarily telecommuting/teleworking from home has been created for consideration by the Lewis County Board of Legislators for approval and adoption; and

WHEREAS, the Board of Legislators wishes to accept and adopt said policy;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby approves and adopts the Temporary Telecommuting/Telework Guidelines and Protocols Due to Unprecedented Emergent Events Policy as presented to the Board of Legislators by the Director of Human Resources.

Section 2. That the Director of Human Resources is hereby directed to distribute copies of same to all employees by email or hard copy.

Section 3. That the Clerk of the Board is directed to add the policy to the Administrative Manual and Personnel Handbook, and any other appropriate manual, upon such form as may be approved by the County Attorney.

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

Moved by Legislator Hathway, seconded by Legislator Kulzer, and adopted on the 2<sup>nd</sup> day of June, 2020.

# **TEMPORARY TELECOMMUTING/TELEWORK GUIDELINES AND PROTOCOLS DUE TO UNPRECEDENTED EMERGENT EVENTS**

## **Purpose and Scope**

Temporary Telecommuting/Telework is an arrangement whereby, during a crisis or emergency situation, an employee can be approved to telecommute/telework because his or her job responsibilities must still be fulfilled to provide for continuity of operations. Examples of a crisis or emergency situation are a pandemic, natural disaster, building shut-down, or other situation that presents a significant overall threat to Lewis County Offices continuity of operations.

To provide

- Guidelines governing staff telecommuting/telework.
- Best practices when authorizing and making arrangements for an employee to telecommute/telework.

## **Definitions**

Telecommuting: A flexible work arrangement that allows an employee to work at home or elsewhere for part or all of their regular work schedule.

Telecommuter: An employee who has been approved for alternate work arrangements, other than working from the primary office.

Telework: A work arrangement in which supervisors direct employees to perform their job duties away from their central workplace, in accordance with their same performance expectations and other approved or agreed-upon terms. It does not include work performed at a temporary worksite for limited duration.

## **General Guidelines**

- Telecommuting/Telework determinations will be made by Department Head or his/her designee for review. Approval will be determined by Department Head and County Manager.
- Telecommuting/Telework is not appropriate nor available to all employees and jobs, nor all employees in the same or similar jobs, and will be considered and approved on a case- by-case basis under special circumstances in an emergency situation.
- Telecommuting/Telework is not an employee right, even if the employee is considered "eligible" by the Department Head, HR standards, and the negotiated union agreement.
- Telecommuting/Telework will be used when appropriate to the particular needs of the Department and employee.
- Telecommuting/Telework may be approved on a time-limited basis and exceptions may be required to meet departmental needs.
- Denial and termination of this agreement and arrangement is based on business needs or performance, not personal reasons.
- Individual approved telecommuting/telework arrangements will be reviewed every two weeks, to determine whether the arrangement should continue. The decision to continue is within the discretion of the Department Head and the County Manager.

- Supervisors are responsible to develop a means of evaluating employee hours worked and work performance, and holding the employee accountable, as they would normally do for staff working in the office.
- The policies and procedures that normally apply to the central workplace shall remain the same for teleworking employees. This shall include but not be limited to performance management. Telecommuting/Teleworking assignments do not change the conditions of employment or required compliance with policies and procedures.

### **Terms and Conditions of Telecommuting/Teleworking Arrangements**

All telecommuting/teleworking arrangements shall be in writing and include the responsibilities of both the department and the employee. Each participant in a teleworking arrangement must sign the document that contains the terms of the teleworking arrangement.

At a minimum, the telecommuting/teleworking arrangement shall comply with the policy provisions below:

1. Compensation and Benefits: An employee's compensation and benefits will not change when he/she teleworks.
2. When working at home or elsewhere the telecommuter/teleworker is responsible for establishing and maintaining an adequate, confidential, secure, and safe work environment.
3. When working at home or elsewhere, the telecommuter is responsible for establishing a work environment free of interruptions and distractions that would affect performance.
4. The total number of hours that employees are expected to work will not change (7/8 hour day; 35/40 hour work week), whether they are worked at the primary work location or at the alternate work location. This does not, however, restrict the use of alternative work schedules.
  - Employees are expected to perform their work during standard business hours with reasonable amounts of time for breaks and lunch allotted.
  - If the employee does not complete a full workday, accruals will be required to be charged.
  - The Department Head, in consultation with HR and County Manager, will determine the number of days of telecommuting allowed each week, the work schedule the telecommuter will customarily maintain, and the manner and frequency of communication.
  - The telecommuter/teleworker must be accessible by phone or electronically within a reasonable time period during the agreed upon work schedule.
  - All work-related communications identified by a supervisor as necessary information must be sent to the supervisor as requested.
5. Just as the employee would do at the primary work location, the telecommuter/teleworker is responsible for recording hours worked, vacation, sick or other leave in Tyler Munis and recording same in the employee's Outlook calendar.
6. Time at home or elsewhere spent in activities other than work must **not** be submitted as work-time; such a circumstance would constitute falsification of time records to receive pay for time not worked (theft of time) and could be grounds for discipline up to and including termination of employment.

7. In addition to the daily time log, each day the telecommuter/teleworker will email his/her immediate Supervisor to confirm the start of the workday. At the end of the workday the final transaction will be to submit the Daily Work Log (see 8 below). Telework times should generally conform to an 8:30-4:30 workday as if in the office setting, unless a different schedule is agreed upon.
8. Staff are required to clearly document and log all work activities that are completed along with daily work hours. Employees will submit this completed and signed log at the end of each day.
9. If an employee falsifies time documents or is not performing work at the expected level, the telecommuting/telework agreement may be revoked and the employee may be subject discipline. If a union member, discipline is per the Collective Bargaining Agreement.
10. Telecommuting/Telework is not intended to permit employees to have time to attend to personal business, such as performing outside employment or providing regular dependent care.
11. The Telecommuter/Teleworker and the Department enter into a good faith arrangement when permitting an employee to perform their work assignments off site. If for any reason the Department has reason to believe the Telecommuter/Teleworker is not acting in good faith in their performance of work during the employee's documented work hours, the Department may request further documentation and/or information regarding the employee's alternate work site environment and its suitability to perform the employee's work assignments.
12. Performance standards for off-site employees are the same as performance standards for on-site employees.
13. Supervisor expectations of a teleworker's performance and work assignments should be clearly outlined, agreed to, and understood, in advance of the start of the telecommute/telework event. As with on-site employees, teleworkers must, and can, be held accountable for the results they produce.

Supervisors will:

- Remain equitable in assigning work and recognizing performance.
  - Avoid distributing work based on "availability" as measured by employee presence in the office.
  - Avoid the pitfall of assuming that employees who are present are actually accomplishing more work than employees who are not on-site.
  - The Supervisor will set up regular discussions during which the supervisor and employee can review completed items and the status of items in progress.
  - Give feedback as you would with any employee. It should be direct and offer examples of where the employee is meeting, or failing to meet, expectations. Feedback should also give the employee an opportunity to seek clarification.
  - Address problems and resolve quickly before they escalate to the detriment of the telecommuting/telework arrangement.
14. The County has a limited amount of equipment available for telecommuters/teleworkers. If available, the County will have the telecommuter/teleworker sign out available equipment for utilization. The following are the rules related to equipment and costs:
    - Employees who are approved for telecommute/telework will be provided VPN access to his/her County desktop so work can continue to be done as if he/she were working on the computer in the office. This is so all work completed, saved and downloaded will remain on the County system. Employees are not authorized to save any work documents, emails,

- etc. to his/her own personal equipment's internal or external hard drive or desktop.
- An employee who uses his/her own personal equipment for telecommuting/telework acknowledges and releases the County and his/her Department from any and all liability.
  - If County equipment is used, the employee must exercise reasonable care for the equipment. If the employee causes damage to the County equipment as a result of carelessness, intentional acts or recklessness, the employee will be responsible for the cost of repair or replacement of the equipment.
  - County equipment should not be used for personal or other non-county work purposes.
  - Damage to any personal equipment being used for telecommuting/telework is generally the responsibility of the telecommuter.
  - Normal wear and tear on personal equipment being used for telecommuting is the responsibility of the telecommuter/teleworker. Normal wear and tear (as determined by appropriate County administration) on County equipment being used for telecommuting/telework is generally the responsibility of the Department/County.
  - Internet costs which are necessary for email and search functions are paid for by the telecommuter/teleworker.
15. There should be no work-related phone expenses incurred by an employee that telecommute as employees should be using DISA (Direct Inward System Access) to access the county phone system. Employees assigned a county cell phone may also use that device for telephonic or message communications.
16. To be reimbursed for any business expenses that may arise, the telecommuter/teleworker will need the Department Head and/or designee's approval before incurring them and have proper documentation to support the expenses.
17. Employees must take responsibility for the security of the data and other information that they handle while telecommuting/teleworking. This means they need to safeguard information and data including:
- Be familiar with, understand, and comply with all HIPAA and Confidentiality policy and security protocols for accessing any local and state systems remotely.
  - Maintain security of any relevant materials, including files, correspondence and equipment, separating them from personal property and equipment.
  - No Protected Health Information or otherwise confidential information should be kept on personal electronic equipment, in accordance with HIPAA and other confidentiality rules.
  - Have a private space when conducting business discussions via the telephone with individuals, clients, supervisors, etc.
  - Assure that no other members of their household views or has access of any kind to any client materials or information. Breach of confidentiality is grounds for discipline.
18. Telecommuting/Teleworking employees must report their inability to conduct work due to illness or personal issues just as they would on a non-telecommuting/non-telework day. If over a reasonable period of time a pattern of usage of unscheduled absences in connection with telecommuting/teleworking days becomes noticeable and the Department suspects abuse, the Department will address the situation with the employee. If the situation is not resolved to the Department's satisfaction, the telecommuting/teleworking agreement can be revoked and the employee may be subject to discipline. If a union member, discipline is pursuant to the CBA.

19. The department may terminate the teleworking agreement at its discretion and at any time. The Department may determine that it is no longer in the best interest of the County to continue the telecommuting/telework arrangement. For example, the Department might deem that an employee's tasks are no longer suitable for telecommuting/telework; find that work product, productivity, or accountability standards are not being met; or a short-term need or other premise that gave rise to the telecommuting/telework arrangement may no longer exist. When the Department determines to terminate the Telecommuting/Telework Agreement it will provide a minimum of 24 hours' notice for the employee to return back to the office for all work activities.

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## LEWIS COUNTY EMPLOYEE STATEMENT

EMPLOYEE NAME: \_\_\_\_\_

DEPARTMENT/UNIT: \_\_\_\_\_

As an employee of Lewis County who has been approved to temporarily telecommute/telework, I have received and read the Temporary Telecommuting/Telework Guidelines Due To Unprecedented Emergent Events, and I understand my obligations as an employee to adhere to these guidelines and protocols.

EMPLOYEE SIGNATURE: \_\_\_\_\_

DATE \_\_\_\_\_

DEPARTMENT HEAD SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

**TEMPORARY TELECOMMUTE/TELEWORK  
APPROVAL FORM**

Employee Name: \_\_\_\_\_

Department: \_\_\_\_\_

Immediate Supervisor: \_\_\_\_\_

Department Head: \_\_\_\_\_

REASON FOR TELECOMMUTE/TELEWORK: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Will the employee have a full day of work that can be completed during telecommute/telework? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Work to be Completed During Telecommute/Telework: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DEPARTMENT HEAD SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

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All approvals to work remotely should be looked at on a case by case basis and submitted to Human Resources for review. Below is a framework for this review.

The following must first be considered for all requests:

1. Does the employee have a medical reason/condition that would qualify them for a reasonable accommodation to work remotely under the current emergent situation?
2. Can the employee's current work assignments be performed remotely?
3. If not, why? Could different work be temporarily assigned?
4. If so, what IT or other assistance do we need to set the employee up to work remotely.

This information may not include all information needed for this review. However, once it is has been determined that the employee can work remotely, they SHALL submit a daily timecard with work detail. Exact hours worked must be punched in the Tyler Munis payroll system. Employees needing to use accruals should continue to do so, even while working remotely. Supervisors are still required to supervise all employees who are working remotely. All remotely working employees must show work product in order to continue in this capacity.

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## Telecommute/Telework Approval

1. Does the employee have a medical reason/condition that would qualify them for a reasonable accommodation to work remotely under the current emergent situation?

Yes  No

2. Can the employee's current work assignments be performed remotely?

Yes  No

If No, why not?

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3. Could different work be temporarily assigned?

Yes  No

4. If so, what IT or other assistance do we need to set the employee up to work remotely.

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APPROVED

DENIED

**DATES APPROVED TO TELECOMMUTE/TELEWORK (max. of 2 weeks):**

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### DEPARTMENT HEAD AND OR DESIGNEE APPROVAL

---

SIGNATURE

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DATE

### COUNTY MANAGER AND OR HUMAN RESOURCES APPROVAL

---

SIGNATURE

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DATE

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### Extension of Telecommute/Telework Dates Approval

Approved (max. of 2 weeks)

Denied Extension

Dates Approved: \_\_\_\_\_

### DEPARTMENT HEAD AND OR DESIGNEE APPROVAL

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SIGNATURE

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DATE

### COUNTY MANAGER AND OR HUMAN RESOURCES APPROVAL

---

SIGNATURE

---

DATE

**RESOLUTION NO. 143 - 2020**  
**RESOLUTION AUTHORIZING THE SALE OF CERTAIN**  
**COUNTY REAL PROPERTY ON ROUTE 12**  
**TO TERRENCE THISSE AND MINETTE THISSE**

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

WHEREAS, the County of Lewis is the owner of a certain vacant parcel, approximately 0.476 acres of land known and identified as Tax Map No. 213.17-01-01.000, located on the east side of Utica Boulevard (Route 12) near the corner of the Ross Road, Lowville, NY (herein, the "Property"); and

WHEREAS, the County obtained this property by a taking for a highway project public use in 1932, described as Map 12-R (1932) aka CH 1936 (later SH1936). The NYS Department of Transportation subsequently took over the road project and retained maintenance and jurisdiction interests over the parcel while the County retained fee title ownership; and

WHEREAS, by Resolution No. 562-2013, the Board of Legislators requested New York State formally abandon its maintenance and jurisdiction of the property. In 2016, the NYS DOT executed Map 80-C for the Release of Maintenance jurisdiction for the parcel, thereby conveying all its interests in the parcel to the County; and

WHEREAS, pursuant to procedures set forth in Lewis County Local Law No. 1-1991 and County Law §215, the Board had the property appraised in 2018, with the appraiser determining a potential value \$68,000.00. Subsequently a Request for Bids was advertised and published for the purchase of the property, with the County seeking a minimum bid of \$50,000.00. One bid on behalf of Terrence Thisse, a contiguous landowner, in the amount of \$36,000.00 was received; and

WHEREAS, upon the direction of the Board, the County Attorney negotiated with the bidder who agreed to purchase the property for \$45,000.00; with the renegotiated offer deemed to be fair and adequate consideration for said parcel, under all circumstances presented;

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby finds and declares that the said identified County parcel of land, Tax Map No. 213.17-01-01.000, is not necessary for public use and therefore desires to grant, sell, convey and transfer the same pursuant to Local Law No. 1-1991 and County Law §215.

Section 2. That the Lewis County Board of Legislators hereby authorizes and approves the sale of the Property, identified as Tax Map No. 213.17-01-01.000, and located at near the corner of the Ross Road on Route 12, Lowville, NY for the sum of FORTY-FIVE THOUSAND (\$45,000.00) DOLLARS to Terrence Thisse and Minette Thisse.

Section 3. That the transfer of title shall be by quitclaim deed and shall take place as soon as reasonably possible after the execution of a Contract of Sale, but shall not be consummated until such time as the transfer documents are satisfactory to the County Attorney as to form.

Section 4. That the Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to make, execute, seal and deliver any and all contracts, deeds or other papers and documents necessary to complete the transaction.

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

Moved by Legislator Hathway, seconded by Legislator Kulzer, and adopted on the 2<sup>nd</sup> day of June, 2020.

**RESOLUTION NO. 144 - 2020**  
**RESOLUTION TO APPROPRIATE FUNDS**  
**Office for the Aging Department**

Introduced by Legislator Randy LaChausse, Chairman of the Health and Human Services Committee.

BE IT RESOLVED, as follows:

Section 1. That the following budget appropriation is hereby approved in the Office for the Aging Department to appropriate funds for additional revenues and expenditures anticipated related to the Covid 19 pandemic.

Increase Revenue

A0677200 340006 OFA Federal Sources – CARES	\$98,806.00
A0677200 340006 OFA Federal Sources – FFCRA	\$28,272.00

Increase Expense

A0677200 490905 OFA Misc Covid expenses	\$127,078.00
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Section 2. That the within resolution shall take effect immediately.

Moved by Legislator Hathway , seconded by Legislator Kulzer , and adopted on the 2<sup>nd</sup> day of June, 2020.

**RESOLUTION NO. 145 - 2020**  
**RESOLUTION APPOINTING THE PLANNING DIRECTOR AS THE**  
**CERTIFYING OFFICER FOR ENVIRONMENTAL REVIEW OF THE**  
**NYS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, AS**  
**THE LEWIS COUNTY FAIR HOUSING OFFICER AND**  
**HUD SECTION 3 COORDINATOR**

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

WHEREAS, the County of Lewis applied to the New York State Housing Trust Fund Corporation (“Corporation”) for Community Development Block Grant (“CDBG”) funds to finance community development activities (Project No. 636HR353-19), in which the Corporation awarded the County of Lewis \$510,000.00 to be used for manufactured housing replacement activities to income eligible recipients in Lewis County. This project is subject to environmental review under the National Environmental Policy Act (NEPA) and State Environmental Quality Review Act (SEQRA); and

WHEREAS, the designation of a Certifying Officer to sign the Environmental Review is required under the terms of the Grant Agreement. Pursuant to requirements of the New York State Small Cities Community Development Block Grant (“CDBG”) Program, there is a requirement for a County signatory on all documents under the program, such as reimbursement requests, environmental reports and other program related forms not related to contractual obligations; and

WHEREAS, the Director of Lewis County Planning, who works with various CDBG programs, is the appropriate County officer to be designated as the approved certifying officer and signatory on CDBG program documents and environmental review requirements. In addition, the Director is the appropriate County officer to continue as the Board’s appointment to serve as the Lewis County Fair Housing Officer and HUD Section 3 Coordinator in order to authorize the Director to engage in activities required to maintain compliance with HUD regulations and implementation of fair housing education and enforcement resources; and

WHEREAS, the Board of Legislators recently appointed Casandra Buell as the Interim Planning Director for Lewis County, and seeks to authorize the Interim Director and any Permanent Director of Planning to serve as the officer for the above named tasks.

NOW, THEREFORE BE IT RESOLVED, that

Section 1. That the Lewis County Board of Legislators appoints and designates the Lewis County Planning Director, or any Interim Planning Director designated by the Board, as the Certifying Officer for environmental review of the New York State Community Development Block Grant programs, as well as the Lewis County Fair Housing Officer and HUD Section 3 Coordinator, to engage in activities required to maintain compliance with HUD regulations and implementation of fair housing education and enforcement resources.

Section 2. That the Lewis County Planning Director or Interim Planning Director so designated, is authorized to be the approved signatory on all documents required under the above programs and activities.

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

Moved by Legislator Hathway, seconded by Legislator Kulzer, and adopted on the 2<sup>nd</sup> day of June, 2020.

**RESOLUTION NO. 146 - 2020**  
**RESOLUTION TO APPROPRIATE FUNDS**  
**Planning Department**

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

BE IT RESOLVED, as follows:

Section 1. That the following appropriation take place for payback funds in the CDBG account (CL 069100) to the Planning Department to be used for various community projects:

Increase Revenue:

A0100000 327010 Ref of Prior Years	\$7,364.42
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Increase Expense:

A0802000 495500 Planning Projects	\$7,364.42
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Section 2. That the within resolution shall take effect immediately.

Moved by Legislator Hathway , seconded by Legislator Kulzer , and adopted on the 2<sup>nd</sup> day of June, 2020.

**RESOLUTION NO. 147 - 2020**  
**RESOLUTION AUTHORIZING RENEWAL AGREEMENT**  
**BETWEEN LEWIS COUNTY PROBATION DEPARTMENT AND**  
**AUTOMON, LLC FOR SOFTWARE MAINTENANCE**

Introduced by Legislator Jerry King, Chairman of the General Services Committee

WHEREAS, AutoMon, LLC (“AutoMon”), provides case and data management solutions to City, County and State Probation, Pretrial, Specialty Court and Corrections agencies throughout North America. The Lewis County Probation Department (“Licensor”) desires to renew the Software Maintenance Agreement with AutoMon to use the Caseload Explorer software; and

WHEREAS, AutoMon will continue to provide technical support services and assist with the on-going use of the licensed software, repair of software errors and provide software updates to enhance and improve Caseload Explorer and any local interfaces supported by Licensor; and

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes the renewal of the software maintenance agreement between the County of Lewis, by and through the Lewis County Probation Department, and AutoMon, LLC, for the technical support services for the probation case management software.

Section 2. That this is for the term commencing August 14, 2020 for twelve (12) consecutive months expiring August 13, 2021, and may be extended by mutual written agreement of the parties. The cost for the Maintenance and Support Fee is not to exceed \$5,921.74 (\$4,576.90 base plus \$224.14 for each of the six [6] actual or registered users) to the Licensor for Caseload Explorer Software.

Section 3. That the Director of Probation 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 Hathway, seconded by Legislator Kulzer, and adopted on the 2<sup>nd</sup> day of June, 2020.

**RESOLUTION NO. 148 - 2020**  
**RESOLUTION AUTHORIZING AGREEMENTS BETWEEN**  
**LEWIS COUNTY PUBLIC HEALTH AGENCY AND**  
**BEAVER RIVER CENTRAL SCHOOL, LOWVILLE ACADEMY CENTRAL SCHOOL**  
**AND COPENHAGEN CENTRAL SCHOOL**  
**FOR PRESCHOOL SPECIAL EDUCATION PROGRAM**

Introduced by Legislator Randy LaChausse, Chairman of the Health and Human Services Committee.

WHEREAS, pursuant to Section 4410 of the New York State Education Law, Lewis County Public Health is tasked with providing certain Preschool Tuition-Based Services for children with disabilities defined in the Program; and

WHEREAS, the Commissioner of Education requires a contract between the County and the Agency(s) who will be providing such services under the Program; and

WHEREAS, the Lewis County Board of Legislators seeks to approve and authorize said agreements;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes agreements between Lewis County Public Health ("Public Health") with the following school districts: Beaver River, Copenhagen, and Lowville Academy. The schools will subcontract with the Lewis County Health System for evaluation services under the Preschool Special Education Program for children with special education and health care needs.

Section 2. That this is for the period beginning May 1, 2020 and ending June 30, 2021, at a cost in accordance with the rates set forth by the State Education Department. The schools will send an invoice to Public Health for the services rendered, including LCHS as subcontractor, and Public Health will reimburse the schools.

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

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

Moved by Legislator Hathway , seconded by Legislator Kulzer , and adopted on the 2<sup>nd</sup> day of June, 2020.

**RESOLUTION NO. 149 – 2020**  
**RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE COUNTY OF LEWIS**  
**AND NEW CINGULAR WIRELESS PCS, LLC**  
**TO ALLOW LIMITED ACCESS TO AND ON THE MONTAGUE 911 TOWER AND**  
**SITE TO DETERMINE VIABILITY OF AN AT&T LEASE OF SPACE**

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

WHEREAS, the County has a ninety-nine year lease from the landowner for its 911 Tower and Equipment Shelter at 6478 Sears Pond Road, Lowville, NY, (“Montague Tower).

WHEREAS, AT&T, through its subsidiary, New Cingular Wireless PCS, LLC, seeks to enter into an agreement with the County for access to the Montague Tower site for testing and analysis to determine the feasibility and viability of the property for use as a tower and antenna site for the receipt and transmission of wireless communications signals for AT&T and First Net; and

WHEREAS, AT&T provided Airosmith Development with agency authorization to contact the County and negotiate the terms of access agreements and any lease agreement which may be feasible after the tower site analysis; and

WHEREAS, the proposed access and testing agreement would provide for AT&T, through New Cingular, its employees, agents and independent contractors to enter upon the Montague Tower site to conduct and perform survey analysis, radio studies, and such other tests and inspections of the property necessary to determine the viability and feasibility of the property as a tower or antenna site for transmission of wireless communications, without interference with the County’s equipment and transmission of its 911 system. AT&T and its subsidiary will be responsible for any and all costs related to the permitted activities and access, and will be solely liable and responsible for any damage to property and person during this access and testing; and

WHEREAS, the County of Lewis seeks to allow AT&T through New Cingular Wireless, for this limited access to the Montague Tower site leased by the County at 6478 Sears Pond Road, Lowville, NY to inspect, climb, test and survey the property and tower to determine the feasibility of leasing space on the tower after analysis by the County and its experts.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes the County to enter into an agreement with AT&T, through its subsidiary, New Cingular Wireless PCS, LLC, and its named subcontractors for access, testing and climbing the 911 tower located at 6478 Sears Pond Road, Lowville, NY (Montague Tower) in order to determine the feasibility of a lease of space on the tower by AT&T to support its transmission of wireless communications signals without interference to the County’s 911 system and equipment.

Section 2. That the Agreement allowing access and testing shall provide for AT&T/New Cingular Wireless, to be solely liable and responsible for any and all costs and damages associated with said access and testing, and for AT&T and any of its authorized subcontractors to

provide proper insurance and certificates of insurance, with the County named as primary additional insured, together with any other terms and conditions to protect the County's interests and property.

Section 3. That the Chairman or Vice-Chairman is hereby authorized to execute, seal and deliver said Agreement, upon such form as approved by the County Attorney.

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

Moved by Legislator Hathway, seconded by Legislator Kulzer, and adopted on the 2<sup>nd</sup> day of June, 2020.

**RESOLUTION NO. 150 – 2020**  
**RESOLUTION AUTHORIZING MORTGAGE SUBORDINATION AGREEMENT**  
**(COUNTY OF LEWIS TO HEATHER MATUSZCZAK)**

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

WHEREAS, Heather N. Matuszczak (the “Borrower”) received a housing Grant in the amount of \$41,268.74, secured by a mortgage for the benefit of the County of Lewis, recorded in the Lewis County Clerk’s Office on December 8, 2011 as Instrument Number 2011-006010. The mortgage provides for recapture obligations, pursuant to the Grant program administered by Snow Belt Housing Company, Inc. The mortgage is subject to the lien of a first mortgage held by Community Bank, N.A. also recorded in 2011; and

WHEREAS, the Borrower seeks to refinance the existing loan with Community Bank for home improvements, by execution of a new mortgage in the amount of \$53,500.00. The new Community Bank mortgage requires the County to subordinate its housing grant mortgage, currently reduced to \$4,126.87; and

WHEREAS, a recent appraisal of the property indicates that the outstanding interest of the County in this reduced mortgage amount is secured by the appraised value of the property;

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby authorize the Chairman of the Board to execute and issue a Mortgage Subordination Agreement in favor of Community Bank’s new mortgage of \$53,500.00, upon such terms as may be acceptable to the County Attorney.

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

Moved by Legislator Hathway , seconded by Legislator Kulzer , and adopted on the 2<sup>nd</sup> day of June, 2020.

**RESOLUTION NO. 151 - 2020**  
**RESOLUTION RE-APPOINTING JENNIFER JONES AS COMMISSIONER OF THE**  
**LEWIS COUNTY DEPARTMENT OF SOCIAL SERVICES**

Introduced by Legislator Randall LaChausse, Chair of the Health and Human Services Committee and Legislator Thomas Osborne, Chair of the Finance and Rules Committee.

WHEREAS, the term of the Lewis County Commissioner of Social Services is five (5) years, by appointment of the Board of Legislators; and

WHEREAS, the term of the current Commissioner, Jennifer Jones will expire on July 7, 2020, and the Board seeks to re-appoint her to another five (5) year term;

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby re-appoints Jennifer Jones of Beaver Falls, New York 13305, as Commissioner of the Lewis County Department of Social Services for An additional five (5) year term commencing on July 8, 2020 and terminating on July 7, 2025, subject to approval by the New York State Department of Social Services.

Section 2. That the Board of Legislators hereby confirms and establishes the current annual salary for Jennifer Jones, in her capacity as Commissioner of Social Services, at \$79,591.00.

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

Moved by Legislator King, seconded by Legislator Hathway.

County Manger Ryan Piche made note that a couple of weeks ago Ms. Jones hit her 30 year mark working for Lewis County. Chairman Dolhof opined that she has done a very excellent and commendable job. Ms. Jones responded by thanking Legislators for her re-appointment and stating it is a wonderful privilege to work in Lewis County even though there certainly have been some challenges over the last 30 years.

The resolution was then adopted on the 2<sup>nd</sup> day of June, 2020.

**RESOLUTION NO. 152 - 2020**  
**RESOLUTION APPOINTING STUDENT REPRESENTATIVES**  
**LEWIS COUNTY YOUTH BUREAU ADVISORY BOARD**

Introduced by Legislator Randy LaChausse, Chairman of the Health & Human Services Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby appoints the following school student representatives to serve on the Lewis County Youth Bureau Advisory Board:

David Fayle - Lowville Academy School District  
7636 Park Avenue  
Lowville, NY 13367

Amy Manchester - Harrisville Central School District  
25219 Waddingham Road  
Evans Mills, NY 13637

Nathan Schmitt – Harrisville Central School District  
13526 Middle Branch Road  
Harrisville, NY 13648

Section 2. That the term of said appointments shall be effective July 1, 2020 and shall terminate either on the date of their High School Graduation, or upon ceasing to be a full-time high school student.

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

Moved by Legislator Hathway, seconded by Legislator Kulzer, and adopted on the 2<sup>nd</sup> day of June, 2020.

OTHER BUSINESS:

Legislator Hathway expressed his gratitude towards the residents of Lewis County for following the Covid-19 guidelines. This is the behavior that has allowed us to move into Phase 2. Chairman Dolhof echoed Legislator Hathway's sentiments and reported that there are currently zero hospitalizations in the North Country which is truly remarkable.

Legislator Moroughan personally thanked the front-line workers, factory workers, and everyone who has been working diligently every day.

There being no other business to come before the Board, Legislator Burns made a motion to adjourn the meeting at 5:46 p.m., seconded by Legislator Chartrand and carried.