

REGULAR MEETING
July 7, 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, with the exception of Legislator Burns who joined the meeting at 5:19 p.m. There were 14 additional persons present.

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

Chairman Dolhof declared the June 2, 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: July 7, 2020

Legislator Moroughan made a motion to waive the rules, seconded by Legislator Chartrand, and carried.

Chairman Dolhof opened up privilege of the floor to Reverend David Mahayli. Rev. Mahayli was the director of St. Paul's Episcopal Church of Waterloo NY in Seneca County for 32 years. For 28 out of those 32 years he worked closely with law enforcement. He also worked closely with the Honorable retired, three term County Court Judge Dennis Bender. When he attended the Honorable Judge Bender's retirement dinner, he was approached by a BCI Investigator, now retired, who gave him an honorary NYS Police Shield on behalf of law enforcement in Seneca County. He is also a member of the Policeman's Benevolent Association of NYS Police.

Rev. Mahayli voiced his concerns that the Sheriff refuses to wear a mask both professionally and privately and claims that it is unconstitutional. He felt the Sheriff is ignorant of the fact that the NYS Assembly, the NYS Senate, and the Courts have upheld executive orders by the governor during this pandemic to be considered as law. In his opinion the Sheriff has taken an oath of office and intentionally and deliberately violated it.

The most glaring case of misconduct and arrogant dereliction of duty was surrounding the New Bremen Stuck in the Muck event when the Sheriff stated that it was Public Health's job

to disperse unruly gatherings. Rev. Mahayli pointed out that this is absolutely false, as the only authority given to disperse unruly gatherings are to law enforcement members.

He asked the Legislators if he, as a private citizen, had the right to pick and choose what laws he wanted to follow and didn't want to follow? Or is it exclusively the prerogative of elected or appointed officials to choose which laws they want to follow and/or enforce and ignore the ones they don't? It was brought to Rev. Mahayli's attention that behind the scenes the Sheriff has been encouraging the Board of Legislators to create illegal legislation by creating a sanctuary county because he is opposed to the Safe Act. He warned the Board that if they create this kind of illegal legislation there would be serious consequences. He also reminded them that both the Jefferson County and St. Lawrence County Sheriffs were faced with the same options publicly and stated that they could not and would not support this kind of legislation because it was unlawful, and they will follow their oath of office and enforce the laws of NYS.

A few weeks ago, the Board of Legislators were presented with evidence of financial mismanagement in the Sheriff's Department. Rev. Mahayli couldn't put into words how he felt the Board of Legislators responded to the Sheriff other than they became "chickens" and in the course of that response, they failed in their fiduciary responsibility to the taxpayers of Lewis County. Rev. Mahayli has already been in touch with the Attorney General's office and had a lengthy conversation with a member of that staff and was directed to pursue two other courses of action which Rev. Mahayli intends on doing regarding this kind of misconduct by the Sheriff.

In conclusion Rev. Mahayli stated that he will submit a resolution at the next board meeting, with hopes of getting a Legislator to sponsor it and another to co-sponsor it, stating that as of January 1, 2021 through December 31, 2021 the Sheriff's salary will be reduced by 25%. It will also state that at the end of each month the Sheriff will be required to submit in writing to the Board justification of his expenditures and in the event that he refuses to do so his salary will be cut by another 5% each month until he complies. In Rev. Mahayli's opinion if the Sheriff cannot and will not obey his oath of office, he should resign and run for NYS Governor on a full-time basis.

Sheriff Michael Carpinelli then asked for privilege of the floor which was granted by Chairman Dolhof. Sheriff Carpinelli read a statement from the NYS Sheriff's Association and their counsel. This statement addressed the Governor's 203 Executive Order demanding reform of all law enforcement agencies or they will lose funding. This Executive Order implies that all police agencies and police officers are racist and abusive to the public. Sheriff Carpinelli clearly stated that the Governor is wrong in that implication and wrong to threaten us with financial ruin. Working on improvements in the law enforcement community happens every day without the Governor's misinformed bullying.

Sheriff Carpinelli pointed out a few things about the Governor's Executive Order that should be considered. NYS doesn't have a dictatorship, it is a constitutional form of government where the laws are passed by the Legislative branch and carried out by the Executive branch. State funds are allocated by the Legislature, not by the Governor. Perhaps there should have been public input, discussion and due deliberation instead of this rushed Executive Order. It is wrong the way the Governor continues to issue sweeping impactful changes to law enforcement

policy without talking or communicating with law enforcement. This is discouraging for police professionals and detrimental to public safety. Sheriff Carpinelli continued to impress this Executive Order was a missed opportunity for law enforcement to work with and collaborate with the Governor on ideas to improve law enforcement operations and procedures. Law Enforcement is now being forced to react when they should have been invited to participate.

What happened to Mr. Floyd was indefensible and the people across the nation have a right to feel angry and question the state of law enforcement across America. The notion that all Law Enforcement are racists is simply not true or supported by facts. It is true that there are some, very few, police officers who do not deserve to wear the uniform but that doesn't justify the statement that all police officers are like that. There are 95,000 police officers serving in New York and in a number that large there are bound to be some bad apples but there are far more that are good. There should be more work done to get the bad ones out before they do harm and this requires changes in Law and Order which is something the Sheriff's Association has strongly supported for some time.

Sheriff Carpinelli pointed out that the Governor addressed 8 fatal shootings by police that happened over the past 25 years in New York state but failed to mention they all happened in New York City and that is where the issue needs to be addressed. Only two police officers were convicted for any crimes involved in the 8 shootings. If there is a major problem with Law Enforcement then where was the Governor 9 years ago when he was first elected to office, why wasn't anything addressed then? It wasn't until the current band wagon came along and the Governor jumped on that this was a problem.

The Governor needs to lead with the facts not with emotions, the facts are on the side of law enforcement in NYS. The Governor doesn't need to order law enforcement to examine operations, this is something that is being looked at all the time and continually worked on. Sheriff Carpinelli isn't going to accuse any other law enforcement agencies of anything as he and his deputies work with them every day but he will accuse the Governor of hypocrisy for pointing a finger at law enforcement and exempting himself from the same scrutiny because he is above it and thinks he must be obeyed. Sheriff's are constitutional officers and do not answer to the Governor but to the people. Sheriff Carpinelli concluded by stating that he hoped someday the Governor would take the time to sit down with Law Enforcement to find out all the good things that have been going on and perhaps worked together.

PRESENTATION OF COMMUNICATIONS AND NOTICES:

The Clerk reported the following resolutions were received from the Adirondack Park Local Government Review Board: A resolution requesting review and change of APA policy on agency review of proposals for new telecommunications towers and other tall structures in the Adirondack Park; and a resolution recommending actions to strengthen the clean drained and dry aquatic invasive species (AIS) spread prevention law.

REPORTS OF COUNTY OFFICERS AND DEPARTMENTS:

Legislators have received copies of the Treasurer's June report; the June Highway and Solid Waste Departments audit reports; minutes of the June Youth Bureau Advisory Board meeting; and the second Quarter Bed Tax report.

REPORTS OF STANDING COMMITTEES:

Legislator Osborne made a motion to authorize Treasurer Eric Virkler to refill one (1) Senior Account Clerk position due to vacancy effective immediately, seconded by Legislator Chartrand and carried.

Legislator King made a motion to authorize Building & Grounds Supervisor Matt O'Connor to put out an RFP for 911 Tower road repair for six (6) towers, seconded by Legislator Osborne and carried.

Legislator King made a motion to authorize Highway Superintendent Warren Shaw to refill one (1) full-time MEO position due to resignation effective immediately, seconded by Legislator Moroughan and carried.

Legislator King made a motion to authorize Sheriff Carpinelli to refill one (1) part-time Dispatcher position due to resignation effective immediately, seconded by Legislator Chartrand and carried.

Legislator Chartrand announced that Jaqueline Demush, Respiratory Therapist was the hospital employee of the month for May. Deborah Wurst was named as the new Nursing Home Administrator. She brings a fresh perspective and is a good addition to the team. Legislator Chartrand has received several calls from hospital employees who have expressed their appreciation for appointing Ms. Wurst. The hospital had a gain of \$4,037,428.00, which was because of three stimulus payments that totaled \$5.2 million that was used to offset many of the COVID-19 expenses incurred. Physician recruitment has six (6) new providers; four (4) physicians and two (2) nurse practitioners who will be phased in over a period of time. Jerry Cayer and Ryan Piche had an interview on linkinglewiscounty.com where they discussed specifics about the upcoming Community Covid-19 Testing Program, which will have locations in Harrisville, Lowville, and Lyons Falls. Also, in that interview Jerry and Ryan suggested everyone wear masks when they can. Legislator Chartrand felt that he and the other legislators should show support and lead by example.

Legislator Chartrand made a motion to encourage everyone to wear masks to help prevent the spread of Covid-19, seconded by Legislator Osborne and carried.

Dr. Harney and Dr. Luenberger are going to be involved in the Clinic Teaching Physician program which is partnering with Faxton-St. Luke's. This enables Lewis County General Hospital to bring in physicians during their residency and allows them to experience working here in Lewis County in both the hospital setting and a clinic setting. It helps with recruitment of future physicians by showing them the benefit of our rural county versus a large city.

Lewis County General Hospital Jerry Cayer explained that the Community Covid-19 testing program will be getting 300 test kits a week from the state, along with PPE for all of the staff who will be administering the tests. The contract for the lab work is with Bio Reference Lab. There will be three (3) clinics a week, starting on Thursday, July 16th on the Lowville campus near the Emergency Department. After that the clinics will be held on Monday, Wednesday and Thursdays. Mondays and Thursdays will be clinics in Lowville and Wednesdays will be clinics in the outlying parts of the county; Harrisville, Beaver Falls, and Lyons Falls. The hospital was fortunate enough to receive some rural health designation funding which will cover the costs of the staff at the clinic, the supplies, and the postage to send test kits to the lab.

There is some concern as to whether there will be an adequate number of residents and employees of the county who want to be tested. It may start out good with a steady flow of people but then the appeal could wear off. Residents will simply drive up and fill out some paperwork asking for certain demographics for data purposes. If you are negative the Lewis County General Health system will notify you and if you test positive Public Health will contact you and initiate contact tracing. There will also be opportunity for large employers to set up a date and time to have the clinic come to their location to test employees. There is no cost to the public for this testing because it would cost more to bill insurance companies than the little reimbursement that would be received by them.

Jerry felt that in NYS, Health Systems are working together with counties and Public Health agencies much better than on a national level. This is perhaps why NYS isn't experiencing the rapid spread that is occurring in other states across the country. Legislator Hathway thanked Mr. Cayer for his efforts to increase testing to the rest of the county and asked if it was on a first come basis. Jerry explained that it would because to have a registration process would require more manpower. He went on to explain the first clinic will be a good indicator of how much time they will need to administer the tests and there will be some adjusting on the fly. The testing will continue until they run out of tests and they have some stock already, so they don't intend to set a certain number of tests for each location but just use what they have until the test everyone or run out.

Residents who are close to the Lewis County border will be allowed to be tested as well because the funding is coming from outside of our county and in the past some residents were encouraged to get tested in the surrounding counties as well. Legislator Hathway offered his assistance to set something up for Viking due to the number of employees. Jerry stated that the first clinic will be Thursday, July 16th however they still haven't received the PPE or test kits that the state is sending but feel like they have enough to get started. Legislator Osborne questioned whether seasonal residents would be able to be tested. Jerry responded that they would be and from a Public Health standpoint it would be beneficial for residents who might have come from hot spots.

Chairman Dolhof asked if this was the antibody test or just the virus test, Jerry responded that it was just testing if you have the virus because the antibody test isn't being used as much. It is just a test that shows a moment in time because you may test negative but in a couple days you could have contracted the virus. The test results should be received in 2 to 4 days. The hospital

is still waiting for reagents for the analyzer that was purchased which could take a few more weeks due to the vast shortage across the country. There is another process that can be used to get results quickly but that is being saved for surgery patients.

Jerry gave a brief update on the Copenhagen Clinic which has been closed for over a year now. The Certificate of Need was submitted and last week there were some additional questions that came up about the fire rating of the building. Once the Certificate of Need response comes back it is ready to go out to bid. There is already a Nurse Practitioner lined up to work form this clinic when it is opened.

Jerry thanked Legislator Chartrand for brining up the partnership with Faxton-St. Lukes because one of the obstacles that rural hospitals face is recruiting physicians. This affiliation and working with students during their residency will help solve that problem. The best recruit is someone who will spend the next 20 years here. Jerry commended Dr. Harney and Dr. Luenberger for their efforts over the past year and a half to accomplish this partnership. The first student will arrive in 18 months and then over the next 4 to 5 years we should see the fruits from having this program.

COUNTY MANAGER REPORT:

Ryan reported that he is keeping an eye on the state budget to see if there are any further cuts being made to counties. The budget director had until June 30 to announce the second round of cuts. There was no big announcement but some folks across the state saw their checks fall a little bit short. Cities were cut 15% to 20%, Towns were not cut but they are receiving AIM payments which come out of the county's sales tax revenue. He did receive a notice that our CHIPS funding could be cut up to 20% and expects that it will be, so projects are being done accordingly. There was another 20% cut across the board for Mental Health OASIS funding.

Ryan is keeping an eye on the Federal Stimulus in hopes that there would be something done to help out counties. To date there has been very little stimulus money sent to Lewis County, just a small amount for Office For the Aging and the Public Transportation System. In talking with North Country Representatives, they felt that there would be a 4th Stimulus package by the end of July. That is hopeful news, but the timing isn't great because we should start budgeting in July. The budget process will start later this year, so we have time to have a better understanding of what we are facing financially. There are three questions that need to be answered: State cuts, where and how much; Federal funds, are we going to receive any; and Sales Tax, which luckily isn't as bad as predicted. Sales Tax Revenue to date is only \$60,000.00 behind last year's figure.

Ryan concluded his report by stating that he has asked Department Heads to send in nominations for any staff members that went above and beyond during the covid-19 pandemic so they can be recognized at the August board meeting. Legislator Hathway asked about the FMAP funds that were already approved and if they would be sent to the county? Ryan responded that it wasn't coming in the form of funding but instead our weekly share to the state for Medicaid was reduced by a percentage. Jenny Jones stated that we were paying in \$93,027/week and now it is only \$87,000/week, which should equate to a savings of \$240,000 over the 40 weeks.

Ryan concluded that it was a good thing that we were collecting internet sales tax this year because if it wasn't for that we could be in a much worse situation.

COUNTY TREASURER REPORT:

Eric provided all Legislators with a newly formatted report showing Reserve Balances; Sales Tax Collections; Covid-19 Revenues; Fund Balances; and Mid-Year Expenses. Legislator Kulzer asked Eric to go back to the way the Sales Tax Collections were reported so it shows each month, not just the current amount compared to the same time period last year. He likes to see each month broken out to have a better comparison. Legislator Kulzer voiced his appreciation for the Mid-Year Expenses section of the report stating that it was helpful to see where some of the larger Departments budgets were at.

Legislator Chartrand pointed out that the Health Insurance fund balance is very healthy right now and he would like to have discussion between now and the next Legislative committee meeting as to what options we have to offer incentives to employees. Chairman Dolhof stated he believes it is on the agenda for discussion.

REPORT OF THE FINANCE AND RULES COMMITTEE:

RESOLUTION NO. 153 – 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 \$ 618,566.78 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 King , and adopted on the 7th day of July, 2020 by the following roll call vote:

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

NAYS: None

ABSENT: None

**LOCAL LAW (INTRODUCTORY NO. 6 - 2020)
COUNTY OF LEWIS**

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

**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 “**A LOCAL LAW REGULATING AND PERMITTING SPECIAL EVENTS ON COUNTY ROADS, TRAILS OR OTHER COUNTY PROPERTY**”.

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 properties, roads, trails. There are several events organized and held in Lewis County where county roads, county public rights-of-way, trails, parks, and lands are used for the event, or are adversely affected by the event because of road closure, traffic congestion, parking, etc.

B. The occurrence of such events as described and defined herein may place an unwarranted burden on the County 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 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’s 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, 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 property, that certain rules and regulations be established for special events involving county roads, trails, parks and other lands, 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 roads, trails, parks and other lands.

SECTION 4. DEFINITIONS

A. For purposes of this Local Law, 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. For purposes of this Local Law, “special event on county roads and trails” shall mean any outdoor gathering of TWO HUNDRED FIFTY (250) or more people and activities involving pedestrians, vehicles, bicycles, skateboards, motorcycles, ATVs, UTVs, or other recreational equipment, or any combination thereof which involve:

1. Any organized formation, parade, procession or other event taking place on County roads or trails which may interfere, impede or obstruct the flow of traffic or which do 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 Trail System.

C. For purposes of this Local Law, “special event on other county lands” shall mean gatherings of TWO HUNDRED FIFTY (250) or more people and activities on county-owned lands.

D. For purposes of this Local Law, a special event involving a gathering of TWO HUNDRED FIFTY (250) or more people and activities involving snowmobiles shall mean such events which may:

1. interfere, impede or obstruct the flow of traffic or which do not comply with normal traffic regulations or controls on County roads; or

2. snowmobile activity or event on private property which may result in damage to County roads or other County lands as a result of the event; or

3. snowmobile activity or event which requires placement of signage or pavement markings on County roads.

SECTION 5. PERMITS

A. No person may organize, operate, promote, or conduct a special event on a County 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 and any other relevant County 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 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 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 any other municipal government located within the County; but said municipality shall submit an application for the event.

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 ninety (90) 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 Departments, 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 and any appropriate Departments 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 Department(s) requested by the DRFP.

2. In such cases, the DRFP will notify the applicant of the additional review by relevant County Departments before the application will be deemed fully submitted. The preliminary application may then be reviewed and commented upon by the those appropriate Department Heads/ Directors 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 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, its agents and employees for loss of profits or any other damages.

SECTION 7. CONDITIONS OF USE AND INSURANCE REQUIREMENTS

A. The County makes no affirmation that the county-owned road/trail/site/property to be used for the special event has been designed, constructed, or maintained for the purpose of the 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 county roads, trail system and properties. It shall be the sole obligation of the applicant to determine whether the county site(s) is suitable for the purpose of safely conducting the event.

B. The applicant shall exercise due care in its use of the county property and shall upon the expiration, termination or cancellation of the issued permit, surrender the county 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 county property to its previous condition.

C. The applicant/permittee agrees to notify the DRFP 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 the 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 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 an 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 by the insurance provisions hereinabove set forth, the County shall not be liable for any damage or injury to the applicant, employees, event organizers, volunteers, participants, or any other person, or to any property, occurring 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 from and against all claims, damages, losses and expenses including but not limited to attorneys' fees, 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, upon prior consultation with and approval of the County Attorney, may 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), i.e., the DRFP, Highway Superintendent, etc., that any of the items required as a condition under the permit is 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 Board of Legislators. Notice of such termination shall be in writing and delivered to the applicant at the mail address and e-mail address set forth on 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 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 violating this Local Law shall be subject to a civil penalty, enforceable and collectible by the County of Lewis, in the amount of \$250.00 to \$750.00, depending upon the violation, the nature and size of the special event which was or is being held without issuance of or compliance with a permit as herein required. Said violation shall be enforced in any Court of competent jurisdiction within the County of Lewis.

3. In addition to the above penalty, the County of Lewis may maintain an action or proceeding in the name of the County in a Court of competent jurisdiction to compel compliance with or to restrain by injunction, the violation(s) of such 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. 154 - 2020
FIXING DATE OF PUBLIC HEARING ON LOCAL LAW
(INTRODUCTORY LOCAL LAW NO. 6- 2020), COUNTY OF LEWIS

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

WHEREAS, there will be presented and introduced at a meeting of this Board of Legislators to be held on July 7, 2020, a proposed Local Law entitled "A LOCAL LAW REGULATING AND PERMITTING SPECIAL EVENTS ON COUNTY ROADS, TRAILS OR OTHER COUNTY PROPERTY".

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That a public hearing will be held on August 4, 2020, 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.

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 Burns , seconded by Legislator Kulzer , and adopted on the 7th day of July, 2020.

RESOLUTION NO. 155 - 2020
RESOLUTION AFTER HEARING
UNDER LOCAL LAW NO. 10-2019 - JUNKYARD LAW
(6948 WETMORE ROAD, TOWN OF WATSON, NY)

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

WHEREAS, pursuant to Local Law No. 10–2019, entitled, “A LOCAL LAW AMENDING AND REPLACING LOCAL LAW NO. 6-2017 – THE COUNTY OF LEWIS JUNKYARD LAW,” (herein “Junkyard Law”), the Board of Legislators is empowered to take certain actions in connection with the investigation and enforcement of regulating and controlling the storage or keeping of junk; and

WHEREAS, the premises known as Tax Map No. 230.00-02-07.200, 6948 Wetmore Road, in the Town of Watson, County of Lewis, currently owned by Derek J. Farr (herein the “Owner”) was cited by the Lewis County Code Enforcement Officer as being in continuing violation of the Junkyard Law, with unlicensed vehicles, other metals and various debris, causing a public nuisance and a danger to the safety, health and welfare of the community; and

WHEREAS, pursuant to the procedures set forth in the Local Law, the Code Enforcement Officer a full report to the Board of Legislators that the property owner remains in violation of the Local Law, with all attempts for compliance by any other means now exhausted; and

WHEREAS, by Resolution No. 84-2020, the Board of Legislators ordered and decreed that the Owner of said property appear before this Board of Legislators on June 2, 2020 at 5:00 p.m. and Show Cause why the Board should not Order said Owner to immediately remove all vehicles, appliances, metals, and other items causing violation of Local Law No. 10- 2019; and

WHEREAS, on June 2, 2020 the Board of Legislators convened at 5:00 p.m. to hear the matter of Derek J. Farr and the violations pertaining to the above property under the Lewis County Junkyard Law. Derek J. Farr did not appear. After hearing the testimony of the Code Enforcement Officer, Ward Dailey, and the documentary evidence and submissions of the Lewis County Attorney, including proof of personal service of Notice of the Hearing and the report of the Code Enforcement Officer, the Board made Findings and Recommendations as hereinafter set forth; and

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby finds and determines as follows:

- (a) That Derek J. Farr is the Owner of the property known as Tax Map Parcel No. 230.00-02-07.200, 6948 Wetmore Road, located in the Town of Watson, County of Lewis, State of New York;
- (b) That the Lewis County Code Enforcement Officer duly inspected said property on numerous occasions from April, 2015 through and including June 1, 2020, and declared that the Owner is in continuing violation of the Junkyard Law, with

unlicensed and unregistered vehicles, discarded metals, camper, and parts of appliances and other debris, which cause a public nuisance and a danger to the safety, health and welfare of the community. The report indicates that the owner was brought to Town Justice Court and found to be in violation and fined for same;

- (c) That the Board of Legislators received the report of the Code Enforcement Officer, with an update presented at the hearing on June 2, 2020, and after hearing, the Board adopts the findings outlined in the Report;
- (d) That a Notice of Hearing was duly served upon the Owner of record by personal delivery, regular and certified mail, and by posting the Notice on the property. In addition, evidence was presented at the hearing that Mr. Farr had email and telephone messages left with the County Attorney and Code Enforcement Officer in which he acknowledged receipt of the documents so served;
- (e) That the Owner failed to appear for the hearing before the Lewis County Board of Legislators on June 2, 2020. After hearing the testimony and considering the documentary evidence presented at the hearing, the Board determined that Mr. Farr would have until sometime in July, 2020 to bring the property into compliance. Upon his failure to do so, the Board seeks to have the items causing violation of the Law to be removed and/or be in compliance with fencing and set back requirements under the Local Law, if possible.
- (f) The Board finds that the history of violations by the owner and the verbal threats of harm and damage leveled by Mr. Farr toward a number of County employees, requires an additional step of directing the County Attorney to initiate an appropriate special proceeding in the Supreme Court, County of Lewis for an Order of access and relief as this Legislative Board sets forth, together with such other and further relief as may be appropriate.

Section 2. That by reason of such findings, it is hereby

ORDERED AND DECREED that Derek J. Farr, the Owner of premises known as Tax Map Parcel No. 230.00-02-07.200, 6948 Wetmore Road, located in the Town of Watson, County of Lewis, State of New York, shall have the property be in compliance with the Junkyard Law by clean up and/or removal of all items and materials causing said violations on said property by July 15, 2020; and it is further

ORDERED AND DECREED, that in the event that the Owner fails or refuses to complete said cleanup and removal of all items causing violations of the law in accordance with this Resolution, the County Attorney is directed to initiate a special proceeding in the Supreme Court, County of Lewis to obtain access to the property by Court Order in order to enable the Code Enforcement Officer and other Departments of the County of Lewis to enter said property to clear and/or remove any items causing such violations, as set forth under Local Law No. 10-2019, together with an Order directing Derek Farr to pay for the costs and

expenses of said clean-up of the property and the costs and expenses of the court proceeding; and it is further

ORDERED AND DECREED, that in the event that the County provides for the cleanup and removal of junk items, all of the costs and expenses of same shall be assessed against the land upon which it 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 special ad valorem taxes; and it is further

ORDERED AND DECREED, that in addition to and as an option to the aforesaid actions, the County Attorney is authorized to collect the costs and expenses of the County's clean up of this property by commencement of a special proceeding against the Owner in the Supreme Court, County of Lewis; and it is further

ORDERED AND DECREED that Notice of this Decision and Order shall be given to the Owner by mailing a certified copy of this Resolution by certified mail to the Owner at his last known address according to the real property tax records; by regular mail; by affixing on the property; and by reasonable attempts at personal service.

Section 3. That this Resolution shall take effect immediately.

Moved by Legislator King, seconded by Legislator Osborne, and adopted on the 7th day of July, 2020. Legislator Moroughan abstained.

RESOLUTION NO. 156 – 2020
RESOLUTION TO TRANSFER FUNDS
Coroner

Introduced by Legislator Tom Osborne, Chairman of the Finance & Rules Committee.

BE IT RESOLVED, as follows:

Section 1. That the following transfers take place from Special Legislative Contingency to Coroner's account to provide funding for additional expenses:

<u>From:</u>	<u>Amount</u>
A0101000 419900 Legislative Contingency	\$7,000.00
<u>To:</u>	
A0118500 490100 Coroner Prof Services	\$7,000.00

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

Moved by Legislator Burns , seconded by Legislator Kulzer , and adopted on the 7th day of July, 2020.

RESOLUTION NO. 157 - 2020
AUTHORIZING THE ADOPTION OF THE
2019 LEWIS COUNTY HAZARD MITIGATION PLAN

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

WHEREAS, all jurisdictions within Lewis County have exposure to hazards that increase the risk to life, property, environment, and the County and local economy; and

WHEREAS, pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, the Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs, and requires states and local governments to prepare and update HMPs to remain eligible to receive pre-disaster mitigation grants funding; and

WHEREAS, The County, through the Office Emergency Management along with the assistance from its consultant, Tetra Tech, Inc., engaged in extensive outreach efforts and gathered information and participation from all local municipalities in preparing the 2019 Lewis County Hazard Mitigation Plan (HMP) which is in accordance with the Disaster Mitigation Act of 2000;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby adopts in its entirety, the 2019 Lewis County Hazard Mitigation Plan (HMP) as the jurisdiction's official Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction, and resolves to provide an update to the Plan no less than every five years.

Section 2. That the Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to execute any document required to give effect to this Resolution, pending review by the County Attorney.

Section 3. That this Resolution shall take effect immediately.

Moved by Legislator Burns , seconded by Legislator Kulzer , and adopted on the 7th day of July, 2020.

RESOLUTION NO. 158 - 2020
RESOLUTION AUTHORIZING ENGINEERING SERVICES AGREEMENT
BETWEEN LEWIS COUNTY HIGHWAY DEPARTMENT AND
BARTON & LOGUIDICE FOR CR 21 OVER GULF STREAM
(PIN 775395; BIN 1039780)

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

WHEREAS, the Lewis County Board of Legislators adopted Resolution No. 140 - 2020 authorizing a Project for the Bridge Replacement on CR 21 over Gulf Stream (PIN 775395; BIN 1039780) in the Town of Pinckney, County of Lewis for the Preliminary Engineering/Design and Right-Of-Way (ROW) Incidentals Phases of the Project; and

WHEREAS, the Lewis County Highway Department (hereinafter "Highway Department") desires to enter into an Agreement with Barton & Loguidice (hereinafter "B&L"), engineers, planners and landscape architects for the design phase services; and

WHEREAS, in connection with a federal-aid project funded through the New York State Department of Transportation ("NYSDOT") identified as CR 21 over Gulf Stream, the Lewis County Highway Department desires to have B&L provide engineering services for the Design Phase regarding the bridge replacement project (PIN 775395; BIN 1039780); and

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

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 Lewis County Highway Department and Barton & Loguidice to provide engineering services for the Design Phase regarding the bridge replacement project identified as CR 21 over Gulf Stream (PIN 775395; BIN 1039780).

Section 2. That the term of this Agreement shall be from May 19, 2020 through December 31, 2021 for an amount not to exceed \$253,000.00 with 80% eligible for Federal funds and 20% non-federal funds.

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 Burns, seconded by Legislator Kulzer, and adopted on the 7th day of July, 2020.

RESOLUTION NO. 159 - 2020
RESOLUTION AUTHORIZING SUPPLEMENTAL AGREEMENT NO. 3 TO THE
CONTRACT BETWEEN THE NEW YORK STATE DEPARTMENT OF
TRANSPORTATION (NYSDOT) AND LEWIS COUNTY FOR THE
TRANSPORTATION FEDERAL-AID BRIDGE REPLACEMENT PROJECT
(PIN 775374) KNOWN AS CR 48 (HIGHMARKET ROAD)
OVER NORTH BRANCH SUGAR RIVER

Introduced by Legislator Jerry King, Chairman 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 80% federal funds and 20% non-federal funds; 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. This project is being funded with Federal Surface Transportation Program (STP) and Marchiselli funds; and

WHEREAS, the County of Lewis advanced the Project by authorizing a commitment of 100% of the non-federal share of the costs of the Preliminary Engineering/Design and Right Of Way Incidentals Phases of the Project by Resolution No. 372-2017 adopted October 3, 2017; and

WHEREAS, the Superintendent of Highways received notice from the NYSDOT that the \$344,000 funding for the Design/Construction/Construction Inspection phases of this project will be reallocated among these phases of the project: \$229,000 is now allocated for the Preliminary Engineering/Design and Right Of Way Incidentals Phases and \$115,000 is allocated for the Construction/Construction Inspection phase; and

WHEREAS, in order for the County to receive the full reimbursement for the Design/Construction/Construction Inspection phases, a Supplemental Agreement titled "Supplemental Agreement No. 3 to D035786" must be executed;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby approves and authorizes the Chairman of the Board of Legislators to execute supplemental agreement No. 3 to D035786 Bridge Project Contract with NYSDOT, for the Design/Construction/Construction Inspection Phases funding for the project.

Section 2. That the Chairman or Vice-Chairman of the Lewis County Board of Legislators is authorized to execute all necessary supplemental agreements on behalf of the Lewis County Board of Legislators with the New York State Department of Transportation in connection with this Project.

Section 3. That a certified copy of this Resolution shall be filed with the New York State Commissioner of Transportation by attaching it to Supplemental Agreement No. 3 to D035786, in connection with the Project.

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

Moved by Legislator Burns, seconded by Legislator Kulzer, and adopted on the 7th day of July, 2020.

RESOLUTION NO. 160 - 2020
RESOLUTION AUTHORIZING MODIFICATION TO AGREEMENT WITH
LEWIS COUNTY CHAMBER OF COMMERCE FOR TOURISM SERVICES

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

WHEREAS, the County of Lewis (“County”), entered into an Agreement with the Lewis County Chamber of Commerce (“Chamber”), dated December 4, 2019 to provide various services in the promotion of the benefits of recreation, activities, events and tourism in Lewis County throughout 2020, in consideration of the payment of \$65,000.00 from the County for these services; and

WHEREAS, the agreement’s current terms require the Chamber to submit monthly invoices for the services and expenses incurred and provided. In the midst of the pandemic and the Chamber’s lack of funding, the Chamber seeks to modify the terms of the agreement to allow for a lump sum payment of the balance of the 2020 contracted funds, i.e., \$38,784.56, to enable the Chamber to continue to provide the various services in the promotion of Lewis County for recreation, activities, events and tourism. In addition, the request is for the Chamber to submit bi-monthly detailed reports on the activities, efforts and events engaged in by the Chamber in providing the scope of services identified, together with the costs and expenses incurred by the Chamber in such activities, inclusive of a percentage of operational, administrative and equipment costs related to same; and

WHEREAS, the Board of Legislators wishes to authorize this modification to the current agreement, and incorporate said terms in any annual contract going forward;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes a modification Agreement between the County of Lewis and the Lewis County Chamber of Commerce to provide services and activities in the promotion of the benefits of Lewis County recreation and tourism, and the promotion of and creation of Lewis County community events which will promote activities by residents and visitors to Lewis County.

Section 2. That the agreement shall be modified to authorize an immediate lump sum payment to the Chamber for the balance of the funds (\$38,784.56) remaining under the 2020 contract upon its full execution. In addition, the modification agreement shall require the Chamber to provide the County with bi-monthly detailed reports (commencing August 1, 2020) on its activities, efforts and events undertaken in providing the scope of services, together with description of the costs and expenses incurred by the Chamber in such activities, inclusive of a percentage of operational, administrative and equipment costs related to same.

Section 3. That the Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to make, execute, seal and deliver such modification Agreement, upon such from as may be approved by the County Attorney.

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

Moved by Legislator Kulzer , seconded by Legislator Chartrand .

Legislator Chartrand voiced that he had concerns that the Chamber of Commerce was shut down during the last couple months due to the Covid-19 pandemic but Ryan clarified for him that the Chamber has done quite a bit to promote Lewis County despite the pandemic. He went on to ask that the Chamber include reports of their activities not only going forward but back to the beginning of 2020. Chairman Dolhof chimed in that this isn't any additional money given to the Chamber but just the balance of the current contracted amount.

The resolution was then adopted on the 7th day of July, 2020.

RESOLUTION NO. 161 - 2020
RESOLUTION CALLING ON THE STATE OF NEW YORK
TO RELEASE ENHANCED FEDERAL MEDICAID MATCHING FUNDS
TO COUNTIES AND NEW YORK CITY

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

WHEREAS, in response to the COVID-19 pandemic, Congress has enacted extraordinary measures to help states and localities with increased costs and lost revenue. A key action enacted by the federal government was a 6.2 percent increase in the federal medical assistance percentage (FMAP); and

WHEREAS, Congress has used this mechanism to provide fiscal relief to states and their local government Medicaid funding partners to reduce the financial burden they often experience in an economic downturn; and

WHEREAS, we understand the State of New York has already drawn down about \$2.5 billion for the period January 1, 2020 through June 30, 2020; and

WHEREAS, under federal law a portion of these funds are required to be passed through to counties and New York City. The estimated local share of these funds is approximately 20 percent; and

WHEREAS, counties and New York City are struggling with higher costs associated with responding to COVID-19 and experiencing extensive revenue declines due to the shutdown of large swaths of the economy; and

WHEREAS, in addition to mounting losses in local revenues, counties are also expecting significant cuts in state aid. Many counties, including Lewis County, have enacted plans to reduce non-mandated expenses to the degree they can without sacrificing public health and safety; and

WHEREAS, these expense reductions also require a review of the workforce, including potential layoffs; and

WHEREAS, it is projected that each quarter of enhanced FMAP funding is worth hundreds of millions of dollars for counties and New York City; and

WHEREAS, the State has been holding three years of similar enhanced FMAP payments owed to counties and New York City under the Affordable Care Act that are worth hundreds of millions of dollars. Counties understand the State, as well, is experiencing severe fiscal stress and Counties want to work cooperatively with the State to develop a plan on the release of the withheld federal enhanced Medicaid funds due to counties under the Affordable Care Act and future pandemic FMAP increased funding;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators demands that the State immediately release the first quarter of enhanced Medicaid federal matching funds for the pandemic response to Lewis County to provide some partial fiscal relief to the current conditions.

Section 2. That the Lewis County Board of Legislators calls upon the State to provide a timeline to all counties on the release of the enhanced Federal Medicaid Matching Funds related to the Affordable Care Act that have been withheld for years, and the likely mechanism on how these funds will be delivered to counties and New York City.

Section 3. That this Resolution shall take effect immediately.

Section 4. That the Clerk of the Board is directed to send copies of this Resolution to Governor Andrew M. Cuomo, the New York State Legislature, the New York State Congressional Delegation, the New York State Association of Counties, and all others deemed necessary and appropriate.

Moved by Legislator Burns , seconded by Legislator Kulzer , and adopted on the 7th day of July, 2020.

RESOLUTION NO. 162 – 2020
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:

Title	Name	Standard Work Day	Term Begins/Ends	Days/Month
Elected Officials				
County Clerk	Lyle J. Moser	8	01/01/2020 – 12/31/2023	23.54
County Treasurer	Eric Virkler	8	01/01/2020 – 12/31/2023	23.54
District Attorney	Leanne Moser	8	01/01/2020 – 12/31/2023	22.19
Appointed Officials				
Pathologist	Samuel Livingstone, MD	6	01/01/2020 – 12/31/2020	5.19
Elections Specialist	Mindy Lucas	7	03/16/2020 – 12/31/2020	21.67

Moved by Legislator Burns , seconded by Legislator Kulzer , and adopted on the 7th day of July, 2020.

RESOLUTION NO. 163 - 2020
RESOLUTION AUTHORIZING A MODIFICATION AND
EXTENSION AGREEMENT BETWEEN
OFFICE FOR THE AGING AND OPEN SKY WELLNESS, LLC

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

WHEREAS, the County of Lewis ("County"), by and through the Office for the Aging ("OFA"), previously entered into an Agreement with Open Sky Wellness, LLC ("Open Sky"), dated January 16, 2020 pursuant to Resolution No. 398-2019 to provide professional nutrition consultant services on behalf of the Lewis County Office for the Aging's Nutrition Program; and

WHEREAS, the current agreement's term is to expire December 31, 2020 at a fee of \$38.00 per hour. OFA desires to modify and extend the agreement through December 31, 2022, and adjust the hourly fee rate to \$38.76 commencing September 1, 2020 through December 31, 2020; to \$40.00 per hour commencing January 1, 2021 through December 31, 2021; at to \$44.00 per hour commencing January 1, 2022 through December 31, 2022; Open Sky to provide up to sixteen (16) hours per week professional nutrition and dietician consultant services as authorized and directed by the Director of Office for the Aging; and

WHEREAS, the Board of Legislators wishes to accept such modifications and extension;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes a modification and extension Agreement between the County of Lewis, by and through the Lewis County Office for the Aging, with Open Sky Wellness, LLC, to provide professional nutrition consultant services on behalf of the Lewis County Office for the Aging's Nutrition Program.

Section 2. That the term of the Agreement shall be from September 1, 2020 through December 31, 2022, with the following hourly fee rates: \$38.76 per hour commencing September 1, 2020 through December 31, 2020; \$40.00 per hour commencing January 1, 2021 through December 31, 2021; and \$44.00 per hour commencing January 1, 2022 through December 31, 2022; for up to sixteen (16) hours per week of such nutrition consultant services as authorized and directed by the Director of Office for the Aging.

Section 3. That the Vice-Chairman of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Agreement, upon such from as may be approved by the County Attorney.

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

Moved by Legislator LaChausse , seconded by Legislator Moroughan , and adopted on the 7th day of July, 2020. Legislator Dolhof abstained.

RESOLUTION NO. 164 - 2020
RESOLUTION APPOINTING PLANNING DIRECTOR AND AMENDING LEWIS
COUNTY COMPENSATION PLAN

Introduced by Legislator Jerry King, Chair of the General Services Committee, and by Legislator Thomas Osborne, Chair of the Finance and Rules Committee.

WHEREAS, the General Services Committee caused the position of Director of the Lewis County Planning Department to be posted. The Committee, along with the Human Resources Director and County Manager reviewed applicant submissions, conducted interviews and recommends the appointment of Casandra Buell, of Lowville, NY, as Director of Planning; and

WHEREAS, the Board of Legislators wishes to make the appointment to that position and amend the Lewis County Compensation Plan;

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby appoints Casandra Buell, of Lowville, NY, as Director of the Lewis County Planning Department, at an annual salary of \$67,000.00, effective July 8, 2020.

Section 2. That is resolution shall take effect immediately.

Moved by Legislator Hathway, seconded by Legislator Chartrand, and adopted on the 7th day of July, 2020.

RESOLUTION NO. 165 - 2020
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO PLANNING DEPARTMENT

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

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby amends the Compensation Plan of the County of Lewis with reference to the Planning Department to:

<u>ABOLISH</u>	<u>STATUS</u>	<u>SALARY</u>
Senior Planner	Permanent Full-Time	Grade 34 (\$28.11-\$30.37)
<u>CREATE</u>		
Community Development Specialist	Permanent Full-Time	Grade 30 (\$24.87-\$26.87)

Section 2. That the Planning Director is hereby authorized to fill the Community Development Specialist position effective immediately.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator Burns , seconded by Legislator Kulzer , and adopted on the 7th day of July, 2020.

RESOLUTION NO. 166 - 2020
RESOLUTION TO APPROPRIATE FUNDS
CDBG Housing Grant

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

BE IT RESOLVED, as follows:

Section 1. That the following appropriations take place for the CDBG Manufacturer's Housing Grant 636HR353-19 to authorize revenues and expenditures for the program funds which will be administered by Snow Belt Housing Company, Inc:

Increase Revenue:

CL868800 349103 Snow Belt Housing CDBG	\$510,000.00
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Increase Expense:

CL868800 490100 Snow Belt Housing CDBG	\$510,000.00
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Section 2. That the within resolution shall take effect immediately.

Moved by Legislator Burns , seconded by Legislator Kulzer , and adopted on the 7th day of July, 2020.

RESOLUTION NO. 167 - 2020
RESOLUTION DETERMINING CDBG PROJECT GRANT NO. 636MH353-19
CONSTITUTES A TYPE II ACTION UNDER SEQRA WITH NO SIGNIFICANT
ENVIRONMENTAL IMPACT UPON THE ENVIRONMENT

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; and

WHEREAS, HTFC awarded the County of Lewis \$510,000.00 in Community Block Grant funds for a manufactured housing replacement program (MMHR, designated as CDBG Project No. 636MH353-19; and

WHEREAS, pursuant to prior Resolutions, the Lewis County Board of Legislators authorized the Chairman to execute the Grant agreement for Project No. 636MH353-19; and authorized Snow Belt Housing Company, Inc. to act as the County's sub-recipient to administer the program and funds in accordance with the grant terms and requirements; and

WHEREAS, CDBG environmental regulations require that the County make a determination as to whether the program and project will have a significant impact upon the environment; and

WHEREAS, the Interim Director of Planning, designated as the certifying officer responsible for all activities associated with the CDBG project, in consultation with the Executive Director of Snow Belt Housing Company, Inc., reviewed the environmental review process outlined under the Grant regulations and consider the program to constitute a Type II action as defined by the regulations, and as such, recommend that the Board conclude that the program and project will not have a significant impact upon the environment, and that as a Type II action, no further procedure under SEQRA is required with respect to the Project.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. The Board of Legislators hereby determines that the Lewis County CDBG manufactured housing replacement project (CDGB Project No. 636MH353-19) constitutes a Type II action as defined by the regulations promulgated under the State Environmental Quality Review Act (SEQRA) of the State of New York, and as such, the regulations specify that such program and project will not have a significant impact upon the environment, and therefore, that no further procedure under SEQRA is required with respect to the Project.

Section 2. The Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to execute, seal and deliver any forms and documents related and necessary to give effect to this determination, pending approval of the County Attorney.

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

Moved by Legislator Burns, seconded by Legislator Kulzer, and adopted on the 7th day of July, 2020.

RESOLUTION NO. 168 - 2020
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
NEW YORK STATE DEPARTMENT OF TRANSPORTATION AND THE
COUNTY OF LEWIS FOR THE LEWIS COUNTY PUBLIC TRANSPORTATION
SYSTEM TO UTILIZE SECTION 5311 CARES ACT FUNDING

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

WHEREAS, Section 5311 of Title 49, United States Code, provides federal financial assistance for public transportation in rural and small urban areas by way of a formula grant program to be administered by the States; and

WHEREAS, the Governor of the State has designated New York State Department of Transportation (“NYSDOT”) to receive and administer federal funds under this Nonurbanized Area Formula Program; and

WHEREAS, NYSDOT is authorized by Section 14 of the Transportation Law to assist in the operation of transportation facilities and services in the State, including mass transit facilities and services; and

WHEREAS, annual Project Applications are submitted to NYSDOT for approval and approved annual Project Applications are included in the State’s annual 5311 program submitted to the Federal Transit Administration for approval for federal financial assistance; and

WHEREAS, Public Law No. 116-136 (3/27/20), authorized temporary additional funding for operating activities related to COVID-19 (CARES ACT FUNDING) that occur on or after January 20, 2020; and

WHEREAS, NYSDOT and the County desire to enter into a continuing agreement (Contract No. 004173) for the receipt by the County of federal operating assistance payments pursuant to said annual Project Applications, provided that such federal funding is made available by the Federal Transit Administration and the State; and

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby authorizes the County of Lewis, through the Planning Department, to enter into a continuing agreement (Contract No. 004173) for the receipt by the County of additional federal operating assistance payments related to COVID-19 pursuant to Public Law No. 116-136 and the annual Project Application process and program for federal assistance.

Section 2. That this is for the contract period commencing January 20, 2020 through December 31, 2022, and is limited to reimbursement of Project Eligible costs actually incurred, but in no event for such costs to exceed \$1,278,734.00.

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 this Resolution shall take effect immediately.

Moved by Legislator Burns, seconded by Legislator Kulzer, and adopted on the 7th day of July, 2020.

RESOLUTION NO. 169 - 2020
RESOLUTION TO SET PUBLIC HEARING TO OBTAIN COMMUNITY
COMMENT ON THE LEWIS COUNTY MICROENTERPRISE GRANT PROGRAM,
NYS CDBG PROJECT #636ME181-18 ADMINISTERED
BY THE LEWIS COUNTY IDA

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

WHEREAS, All recipients of NYS CDBG funds must meet the citizen participation requirements at 24 CFR 570.486 and New York State's Citizen Participation Plan, as amended which require recipients to follow a citizen participation plan providing for ... one public hearing prior to the submission of an application for funding ... and one public hearing, if awarded, to be held during the administration of the grant to solicit comments on the effectiveness of the program's purposes and administration; and

WHEREAS, the Board of Legislators duly held a public hearing on the 3rd day of July, 2018 regarding a CDBG application for \$200,000.00 to be administered by the County of Lewis Industrial Development Agency ("IDA"), under the microenterprise program for small business grant activities in Lewis County; and

WHEREAS, in 2018, the County, through the IDA as sub-recipient, received the CDBG award of \$200,000.00 and now seeks to hold the second public hearing to provide residents with the opportunity to offer any comments on the accomplishments and activities pertaining to CDBG project # 636ME181-18: the Microenterprise grant program for small business activities in Lewis County;

NOW, THEREFORE, BE IT RESOLVED, that

Section 1. That the Lewis County Board of Legislators hereby sets a public hearing to be held on August 4, 2020 at 5:00 p.m. at the Lewis County Courthouse, Legislative Chambers, 7660 North State Street, Lowville, New York 13367, to provide residents of Lewis County with the opportunity to offer any comments on the accomplishments of the current CDBG Project # 636ME181-18; the Microenterprise grant program for small business activities in Lewis County.

Section 2. That the Chairman or the Vice-Chairman of the Board of Legislators, be and the same is hereby is authorized to make, execute, seal and deliver any documents or writings as may be necessary to carry out the terms of this Resolution, pending approval by the County Attorney.

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

Moved by Legislator Burns , seconded by Legislator Kulzer , and adopted on the 7th day of July, 2020.

RESOLUTION NO. 170 - 2020
RESOLUTION TO APPROPRIATE FUNDS
PUBLIC DEFENDER

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

BE IT RESOLVED, as follows:

Section 1. That the following appropriation is hereby approved in the Public Defender accounts for the NYS Office of Indigent Services Statewide Grant for the period 4/1/18 through 3/31/23. The entire amount of this Grant for the five-year period is \$2,160,347.43. The amount below is the appropriation for years 1 and 2 of the grant period.

Revenue:

A0117000 330259 Public Defender Grant Statewide	\$432,069.48
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Expense:

A0117000 494959 Public Defender Grant Statewide	\$432,069.48
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Section 2. That the within resolution shall take effect immediately.

Moved by Legislator Burns , seconded by Legislator Kulzer , and adopted on the 7th day of July, 2020.

RESOLUTION NO. 171 - 2020
RESOLUTION APPROVING AGREEMENT BETWEEN LEWIS COUNTY PUBLIC HEALTH AGENCY AND BIRNIE BUS SERVICE, INC., FOR TRANSPORTATION SERVICES REQUIRED FOR PRESCHOOL SPECIAL EDUCATION PROGRAM

Introduced by Legislator Randy LaChausse, Chair of the Health and Human Resources Committee.

WHEREAS, the Lewis County Public Health Agency (LCPH) is tasked with providing transportation services for eligible pre-school special education children, (with County share being 40.5% of costs); and

WHEREAS, agreements between LCPH and Birnie Bus Service, Inc. (Birnie Bus) to provide these transportation services have existed for nearly ten (10) years. In early spring, LCPH sent out a Request for Proposals for entities to bid on providing these transportation services, and received one bid proposal from Birnie Bus; and

WHEREAS, the Board of Legislators wishes to accept such services from Birnie Bus and to authorize a one year 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 County of Lewis by and through the Lewis County Public Health Agency and Birnie Bus Service, Inc. to provide transportation services for pre-school special education children eligible for same.

Section 2. That said Agreement shall be for the period of July 1, 2020 through June 30, 2021, based upon the following fee rates:

<u>Rate Per child:</u>	<u>Caravan Style</u>	<u>Type A Yellow Van</u>	<u>Type A Wheelchair Van</u>
1 st Student	\$495.00	\$514.00	\$558.00
Add'l Students	\$ 30.00	\$ 35.00	\$ 35.00
One-Way Trip	\$100.00	\$130.00	\$130.00

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 Burns , seconded by Legislator Kulzer , and adopted on the 7th day of July, 2020.

RESOLUTION NO. 172 - 2020
RESOLUTION ACCEPTING PERMANENT TRAIL
EASEMENT TO THE COUNTY FOR ITS TRAIL SYSTEM

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

WHEREAS, the County of Lewis has developed its ATV/OHV trail system by a combination of trails developed from public and private properties; and

WHEREAS, the Director of Recreation, Forestry and Parks secured an access agreement from Gregory E. Grower and Sharon E. Grower, the owners of approximately 158 acres in the Town of Leyden, known as parcel number 402.00-01-9.110, to have access to the property to construct, use and maintain designated trails on the property. By Resolution No. 246-2019, the trails on the Grower property were incorporated into the Lewis County ATV/OHV trail system, subject to the landowner's right to terminate access rights; and

WHEREAS, the owners now seek to gift to the County of Lewis, a small portion of the trail on their property as a permanent right of access and use for the County trail system, by granting a permanent easement for same. This Permanent Easement Area shall consist of a portion of the Grower's land 16 feet in width, comprised of approximately 0.54 acres along the north boundary line of parcel number 402.00-01-9.110 (said boundary line shown abutting the property surveyed by William F. Schnell LS on August 1, 2012, on file in the Lewis County Real Property office); and

WHEREAS, the Lewis County Board of Legislators seeks to accept this permanent easement and formally acknowledge Gregory Grower and Sharon Grower for their generosity and support of the Lewis County Trail System by this gifted easement;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby gratefully accepts the gift of a permanent easement which shall run with the land, to the County of Lewis, on a portion of the property identified as parcel number 402.00-01-9.110 in the Town of Leyden, from landowners Gregory Grower and Sharon Grower, to be used, repaired, adjusted and maintained by the County's Recreation, Forestry and Parks Department as part of the County ATV/OHV trail system; said easement area identified as that portion of the trail on the Grower property which is approximately 16 feet in width and comprised of approximately 0.54 acres along the north boundary line of parcel number 402.00-01-9.110 (as shown on the survey by William F. Schnell, LS on August 1, 2012, on file in the Lewis County Real Property office).

Section 2. That the easement shall include provision for the County of Lewis to have the right and access to a 16 foot wide strip as described as the easement area for use as an ATV/OHV trail maintained and used by the County under its Lewis County Trail System.

Section 3. That the easement document shall be duly recorded and appropriately indexed with the Lewis County Clerk's Office upon review by the County Attorney.

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

Moved by Legislator Burns, seconded by Legislator Kulzer, and adopted on the 7th day of July, 2020.

RESOLUTION NO. 173 - 2020
RESOLUTION REGARDING SEQRA REVIEW OF
NEW TRAIL ADDED TO THE LEWIS COUNTY TRAIL SYSTEM AND
DECLARING NO SIGNIFICANT IMPACT ON APPROXIMATELY .65 MILES OF
CERTAIN PORTIONS OF BURDICK'S CROSSING ROAD (CR 36)

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

WHEREAS, the Board of Legislators has heretofore determined that the development of a county-wide trail system that can effectively and safely accommodate All Terrain Vehicles ("ATVs") 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, the Board of Legislators has heretofore conducted an extensive evaluation of the potential environmental impacts associated with the development of a county-wide ATV trail system pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and Title 6, Part 617 of the New York Codes, Rules and Regulations ("NYCRR") implementing Article 8 (collectively referred to hereinafter as "SEQRA"); 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 December 18, 2008, the Board of Legislators accepted the GEIS as complete. On January 29, 2009, the Board of Legislators 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, pursuant to Local Law No. 2-2009 and upon completion of its SEQRA review, the Board of Legislators formally established the Lewis County Trail System (herein "Trail System"). The Local Law was amended and re-established pursuant to Local Law No. 3-2019, "A LOCAL LAW AMENDING LOCAL LAW NO. 2-2009 AND RE-ESTABLISHING THE LEWIS COUNTY TRAIL SYSTEM"; and

WHEREAS, the Local Law and Statement of Findings provide for making amendments/additions to the Trail System and for amending the GEIS in compliance with a SEQRA review; and

WHEREAS, the Director of Recreation, Forestry and Parks presented the Board of Legislators with a request to add approximately .65 miles of certain portions of Burdick's Crossing Road (CR 36) to the ATV Trail System on the following properties:

- Certain portions of Burdick's Crossing Road (CR 36), beginning at the intersection of State Route 12 then easterly a distance of approximately .07 miles to the off-road recreational trail on property now owned by Dorothy Dekin (290.00-04-15.000);
- Certain portions of Burdick's Crossing Road (CR 36), beginning at the Lewis County Off-Road Recreational Trail (290.00-04-17.000), then easterly a distance of approximately .24 miles to the off-road trail on property now owned by Zumean LLC (290.00-04-09.200);

- Certain portions of Burdick's Crossing Road (CR 36), beginning at the off-road recreational trail on property now owned by Jack Mezey, Jr. (290.00-04-09.111), then easterly a distance of approximately .34 miles to the off-road recreational trail on property now owned by Darren Pominville (290.00-01-03.171).

WHEREAS, by Resolution No. 137-2020, the Board of Legislators adopted Local Law 4-2020 and added the above properties to the Trail System; and

WHEREAS, the Board of Legislators received a report from the Soil and Water Conservation District detailing its investigations and findings with respect to the proposed trail on the above properties, and with the assistance from County staff and counsel, has reviewed the same and compared it with the GEIS and Statement of Findings, determining that there is no significant environmental impact; and

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. Based upon its review and analysis of the data contained in the Report and the Specific Environmental Review and Assessment Statement on the trail identified, the Board of Legislators hereby finds and determines that:

- a. The Report adequately sets forth the relevant and material facts necessary for the Board of Legislators to make a decision;
- b. The Report adequately describes the consultant's investigations and analysis as to any significant adverse impacts and necessary mitigations for the specific sites;
- c. The Report's findings are consistent with the criteria identified and set forth in the GEIS and the Statement of Findings;
- d. The investigation and analysis of the site described does not reveal any environmental impacts that were either not addressed or were not adequately addressed in the GEIS and the Statement of Findings.

Section 2. As a consequence of these determinations, the Board of Legislators hereby finds and declares that the addition of the properties, in the Town of Turin, known as tax map parcels 290.00-04-15.000; 290.00-04-17.000; 290.00-04-09.200; 290.00-04-09.111 and 290.00-01-03.171 to the Lewis County Trail System does not result in a significant environmental impact.

Section 3. The Board of Legislators further finds and declares that pursuant to 6 NYCRR Part 617.10(d), a Supplemental Findings Statement need not be filed, and no further action need be taken with regard to the County's environmental review of the sites identified and therefore, the Board has completed its lead agency responsibilities under SEQRA with regard to these sites.

Section 4. That this Resolution shall take effect immediately.

Moved by Legislator Burns , seconded by Legislator Kulzer , and adopted on the 7th day of July, 2020.

RESOLUTION NO. 174 - 2020
RESOLUTION AUTHORIZING SNOWMOBILE TRAILS 2020-2021
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 2020-2021 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 Burns, seconded by Legislator Kulzer, and adopted on the 7th day of July, 2020.

RESOLUTION NO. 175 - 2020
RESOLUTION AUTHORIZING DISCHARGE OF MORTGAGE
(COUNTY OF LEWIS TO LORRIE BODWAY)

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

WHEREAS, Lorrie Bodway executed a Mortgage in favor of the County of Lewis dated March 25, 2015, and recorded in the Lewis County Clerk's Office on November 30, 2015 as Instrument Number 2015-005769, to secure payment of a loan in the amount of \$15,203.00 pursuant to a program administered by Snow Belt Housing Company, Inc.; and

WHEREAS, said loan has been paid in full and a Discharge of Mortgage is now warranted.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Chairman of the Lewis County Board of Legislators is hereby authorized and directed to issue and sign a Discharge of Mortgage for the aforescribed Mortgage.

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

Moved by Legislator Burns, seconded by Legislator Kulzer, and adopted on the 7th day of July, 2020.

RESOLUTION NO. 176 - 2020
RESOLUTION AUTHORIZING DISCHARGE OF MORTGAGE
(COUNTY OF LEWIS TO SARA HOLUB)

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

WHEREAS, Sara Holub executed a Mortgage on property in the Town of Croghan in favor of the County of Lewis dated June 26, 2017, and recorded in the Lewis County Clerk's Office on June 4, 2018 as Instrument No. 2018-002726 to secure payment of a loan in the amount of \$33,485.00 pursuant to a program administered by Snow Belt Housing Company, Inc.; and

WHEREAS, said loan has been paid in full and a Discharge of Mortgage is now warranted.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Chairman of the Lewis County Board of Legislators is hereby authorized and directed to issue and sign a Discharge of Mortgage for the aforescribed Mortgage.

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

Moved by Legislator Burns, seconded by Legislator Kulzer, and adopted on the 7th day of July, 2020.

RESOLUTION NO. 177 - 2020
RESOLUTION AUTHORIZING DISCHARGE OF MORTGAGE
(COUNTY OF LEWIS TO LYDIA ROGGIE)

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

WHEREAS, Lydia Roggie executed a Mortgage in favor of the County of Lewis dated September 11, 2014, and recorded in the Lewis County Clerk's Office on January 7, 2015 as Instrument Number 2015-000065 to secure payment of a loan in the amount of \$25,000.00 pursuant to a program administered by Snow Belt Housing Company, Inc.; and

WHEREAS, said loan has been paid in full and a Discharge of Mortgage is now warranted.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Chairman of the Lewis County Board of Legislators is hereby authorized and directed to issue and sign a Discharge of Mortgage for the aforescribed Mortgage.

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

Moved by Legislator Burns, seconded by Legislator Kulzer, and adopted on the 7th day of July, 2020.

RESOLUTION NO. 178 - 2020
RESOLUTION TO APPROPRIATE FUNDS
Department of Social Services

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

BE IT RESOLVED as follows:

Section 1. That the following 2020 budget change be approved in the Department of Social Services accounts for the purchase of various computer equipment with a cost of \$3,000.00, with funding to come from Project HAE Capital Equipment H0990100 499900 balance \$ 88,920.00 :

Increase Revenue:

A0100000 350310 Interfund transfers	\$3,000.00
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Increase Expense:

A0601000 221700 DSS Computer	\$2,750.00
A0601000 440700 DSS Supplies	\$250.00

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

Moved by Legislator Burns , seconded by Legislator Kulzer , and adopted on the 7th day of July, 2020.

RESOLUTION NO. 179 - 2020
RESOLUTION AUTHORIZING AGREEMENTS
BETWEEN LEWIS COUNTY DEPARTMENT OF SOCIAL SERVICES
AND VARIOUS FOSTER CARE AGENCIES

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

WHEREAS, the Lewis County Department of Social Services wishes to enter into agreements with various foster care agencies to utilize their services of foster care, emergency respite care, post placement, residential, educational and treatment services; and

WHEREAS, the following agencies are authorized by the New York State Office of Children and Family Services to provide these services.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes agreements between the County of Lewis, by and through the Department of Social Services, and the following agencies for the provision of foster care services, emergency respite care, post placement, and residential, educational and treatment services;

Berkshire Farm Center & Services for Youth – Located in Canaan, NY
Cayuga Home for Children – Located in Auburn, NY
Children’s Home of Jefferson County – Located in Watertown, NY
Elmcrest Children’s Center – Located in Syracuse, NY
Hillside Children’s Home – Located in Rochester, NY
House of the Good Shepherd – Located in Utica NY
St. Anne Institute – Located in Albany, NY
William George Agency – Located in Freeville, NY

Section 2. That the term of these agreements shall be from January 1, 2021 through December 31, 2021 at a per diem cost not to exceed the Maximum Aid Rate established by the State. There is no local share cost until costs exceed the foster care block grant and then the local share is approximately 25% for residential foster care and is based on the eligibility of the client. The State share is approximately 25% and Federal share is approximately 50%.

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

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

Moved by Legislator Burns , seconded by Legislator Kulzer , and adopted on the 7th day of July, 2020.

RESOLUTION NO. 180 - 2020
RESOLUTION TO TRANSFER FUNDS
ENTERPRISE VEHICLE LEASES

Introduced by Legislator Tom Osborne, Chairman of the Finance & Rules Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfers are hereby approved in Department Accounts for annual Enterprise vehicle lease payments, utilizing Project HAD Capital Equipment H0990100 499900 balance \$723,415.00:

Increase Revenue:

A0100000 350310 Inter-fund transfers	\$11,474.00
A0601000 336100 DSS State Admin	\$11,474.00
A0601000 346100 DSS Fed Admin	\$22,948.00
A0100000 350310 Inter-fund transfers	\$4,542.00
A0100000 350310 Inter-fund transfers	\$4,375.00
A0100000 350310 Inter-fund transfers	\$17,864.00
A0100000 350310 Inter-fund transfers	\$14,636.00
A0100000 350310 Inter-fund transfers	\$5,788.00
A0100000 350310 Inter-fund transfers	\$7,618.00
A0100000 350310 Inter-fund transfers	<u>\$7,997.00</u>
	\$108,716.00

Increase Expense:

A0601000 223400 DSS Vehicle Lease	\$45,896.00
A0314000 223400 Probation Vehicle Lease	\$4,542.00
A0101000 223400 Legislative Vehicle Lease	\$4,375.00
A0677200 223400 Office For Aging Vehicle Lease	\$17,864.00
A0401300 223400 Public Health Vehicle Lease	\$14,636.00
A0362000 223400 Building Codes Vehicle Lease	\$5,788.00
A0162000 223400 Bldgs & Grnds Vehicle Lease	\$7,618.00
A0661000 223400 Weights and Measures Veh Lease	<u>\$7,997.00</u>
	\$108,716.00

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

Moved by Legislator Burns , seconded by Legislator Kulzer , and adopted on the 7th day of July, 2020.

RESOLUTION NO. 181 – 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:

Ramsey Metzler – Lowville Academy Central School
Lowville, NY 13367

Emma Leigh Reid – South Lewis Central School
Boonville, NY 13309

Section 2. That the term of said appointments shall be effective July 8, 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 Burns, seconded by Legislator Kulzer, and adopted on the 7th day of July, 2020.

RESOLUTION NO. 182 - 2020
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
THE COUNTY OF LEWIS AND E. F. JOHNSON
FOR THE IMPLEMENTATION OF PHASE 2 OF THE E911
RADIO EMERGENCY COMMUNICATIONS SYSTEM

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

WHEREAS, the County of Lewis seeks to enter into an Agreement with E. F. Johnson Company ("E. F. Johnson"), for the implementation of Phase 2 of the E911 Radio Emergency Communications System; and

WHEREAS, E. F. Johnson, the original vendor for the E911 system, has proposed in Phase 2, to provide eighteen (18) ATLAS 4500 UHF Phase 2 Trunk Simulcast Repeaters with power cords, nine (9) ATLAS 8200 Advanced Trunked Site Interfaces (TSNI), which includes services to stage, install and commission system equipment, etc., as set forth in its proposal; and

WHEREAS, the Board of Legislators seeks to authorize and to enter into the Agreement with E. F. Johnson for Phase 2 of the Radio System and support services for the E911 Radio System;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes an Agreement between the County of Lewis and E. F. Johnson Company for the implementation of Phase 2 of the E911 Radio Emergency Communications System.

Section 2. Pricing includes E. F. Johnson equipment identified as needed for the successful completion of the project. Services include E. F. Johnson's Program Services such as internal program management, system and application engineering (includes equipment installation), internal equipment staging and limited ongoing support activities including the first year of equipment warranty. That the cost shall not exceed \$1,328,057.92, and is funded under the Interoperable Communication Radio Grant, with no County share.

Section 3. That the Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Agreement, upon such form(s) as may be approved by the County Attorney.

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

Moved by Legislator Burns , seconded by Legislator King , and adopted on the 7th day of July, 2020.

OTHER BUSINESS:

At 6:04 p.m. Legislator Burns made a motion to enter attorney client privilege session for discussion on contractual obligations after a 5-minute break, seconded by Legislator Osborne and carried.

At 6:25 p.m. Legislator Osborne made a motion to enter back into regular session, seconded by Legislator Kulzer and carried.

Legislator Burns made a motion to amend the contract with Aktor Corporation by increasing the amount by \$18,900.00 for additional work, seconded by Legislator LaChausse and carried. Legislator Chartrand was opposed.

There being no other business to come before the Board, Legislator Burns made a motion to adjourn the meeting at 6:27 p.m., seconded by Legislator Kulzer and carried.