

Proceedings

OF THE
BOARD OF LEGISLATORS
OF
LEWIS COUNTY
FOR
2013

Chairman

Michael A. Tabolt
Croghan, New York

Clerk of the Board

Teresa K. Clark
Lowville, New York



MICHAEL A. TABOLT
CHAIRMAN OF THE BOARD



Front Row-Craig P. Brennan, Paul M. Stanford, Richard C. Lucas,
John O. Boyd, Patrick Wallace
Back Row-Jerry H. King, County Treasurer Patricia O'Brien,
William Burke, Michael A. Tabolt,
Clerk of the Board Teresa Clark, Chairman of the Board Jack T. Bush,
County Attorney Richard J. Graham, Philip Hathway



This Journal of Proceedings is dedicated to the memory of CHARLES R. FANNING, who served as the Legislator representative for District No. 3 from January 1, 2006, and as Vice-Chairman of the Board of Legislators from January 8, 2013 until his death on July 27, 2013.

Member of Congress
HON. WILLIAM L. OWENS
Plattsburgh, New York

State Senator – 47th District
HON. JOSEPH GRIFFO
Utica, New York

Member of Assembly – 122nd District
HON. KENNETH BLANKENBUSH
Black River, New York

COUNTY OFFICIALS – 2013

	Supreme Court Judge	
CHARLES MERRELL		Lowville, New York
	Supreme/County Court Clerk	
BART PLESKACH		Glenfield, New York
	County/Surrogate & Family Court Judge	
DANIEL KING		Lowville, New York
	Family Court/Surrogate's Clerk	
LORI PFENDLER		Lowville, New York
	County Manager/Budget Officer	
DAVID H. PENDERGAST 1/1-4/30/13		Lowville, New York
	County Clerk	
DOUGLAS HANNO		Lowville, New York
	Deputy County Clerk	
KATHLEEN R. BUSH		Lowville, New York
	District Attorney	
LEANNE MOSER		Castorland, New York
	Sheriff	
MICHAEL CARPINELLI		Osceola, New York
	Undersheriff	
JAMES MONNAT		Croghan, New York
	Treasurer/Deputy Budget Officer	
PATRICIA O'BRIEN		Lowville, New York
	Deputy Treasurer	
CYNTHIA WIEDRICK		Turin, New York
	Attorney	
RICHARD GRAHAM		Lowville, New York
	Civil Service Administrator	
MARYLOU VANBROCKLIN		Lowville, New York
	Commissioner of Jurors	
ANN HIL		Lowville, New York
	Interim Community Services Director	
SARAH BULLOCK		Lowville, New York

Economic Development Director

ERIC VIRKLER Lowville, New York

Election Commissioners

ANN NORTZ (Republican) Lowville, New York

LINDSAY BURRISS (Democrat) Croghan, New York

Emergency Medical Services Coordinator

ROBERT MACKENZIE Lowville, New York

Fire and Emergency Management Director

JAMES M. MARTIN Croghan, New York

Highway Superintendent

DAVID L. BECKER Lowville, New York

Hospital Administrator

ERIC BURCH Lowville, New York

Human Resources Director

TIMOTHY RYAN 1/1-6/23/13 Watertown, New York

JAMES SWORDS 6/24-12/31/13 Black River, New York

Junkyard Inspector

WILLIAM HOUPPERT Lowville, New York

Nursing Home Administrator

JOSEPH TODORA Watertown, New York

Office For Aging Director

BRENDA BOURGEOIS Lowville, New York

Probation Director

MARYJO BURKHARD Beaver Falls, New York

Public Health Director

CAROL PALUCK 1/1-4/19/13 Constableville, New York

PENNY INGHAM 4/22-12/31/13 Lowville, New York

Real Property Tax Director

LINDA GYDESEN Boonville, New York

Records Management Officer

DOUGLAS HANNO Lowville, New York

Recreation, Forestry & Parks Director

JACQUELINE MAHONEY Lowville, New York

Sealer of Weights & Measures

BARBARA COOPER Harrisville, New York

Social Services Commissioner

STACY ALVORD Lowville, New York

Solid Waste Coordinator

PETER WOOD Harrisville, New York

Veterans' Services Director

DEREK DAVEY Lowville, New York

Workers' Compensation Administrator

TERRY CLARK Lowville, New York

Chairman, Board of Legislators

MICHAEL A. TABOLT
Croghan, New York

Clerk, Board of Legislators

TERESA K. CLARK
Lowville, New York

PROCEEDINGS OF THE BOARD OF LEGISLATORS

ORGANIZATIONAL MEETING

January 8, 2013

The meeting was called to order at 5:00 p.m. by Clerk of the Board Teresa Clark.

Roll Call: All Legislators were present.

There were 28 persons present.

Mrs. Clark opened the floor for nominations of a Temporary Chairman. Legislator Boyd nominated Legislator William Burke, seconded by Legislator Stanford. There being no other nominations, a voice vote was unanimous for Legislator Burke. Legislators Fanning and Stanford escorted Legislator Burke to the chair.

Legislator Burke called upon Legislator Tabolt to offer the Invocation, and then led us in the Pledge of Allegiance to the Flag.

Temporary Chairman Burke opened the floor for nominations of a Permanent Chairman. Legislator Boyd nominated Legislator Michael Tabolt, seconded by Legislator King. There being no other nominations, a voice vote was unanimous for Legislator Tabolt. Legislators Hathway and Stanford escorted Chairman Tabolt to the chair.

Chairman Tabolt called for a moment of silence for all those who had passed away during 2012.

Chairman Tabolt recited excerpts from his father's 1979 Organizational Meeting address, as the then newly elected Chairman Russell Tabolt. Several of his statements remain pertinent today, particularly references to the financially-strapped hospital and unfunded State mandates. While citing recent initiatives to implement a Hospitalist Program to increase admissions and Critical Care Access status to increase Medicaid reimbursements, he urges continued exploration for shared services, affiliations and/or collaborations to retain viable hospital operations.

Chairman Tabolt recognized impending decisions whether to construct a building to house County Departments currently in inadequate space; as well as overhaul of the radio communications system; while being mindful to distinguish between need and what taxpayers can afford. He also recognized the importance for economic development, expecting pro-active proposals and greater transparency thereof.

In closing, he highly commended his predecessor Jack T. Bush for his tireless efforts and patience with concerned constituents; for never hesitating to compliment individuals for their achievements, or to personally accept blame when things went wrong. He particularly appreciates his uncompromised offer of assistance whenever needed. Everyone present joined Chairman Tabolt to applaud and recognize Jack T. Bush for all he has done.

January 8, 2013

Chairman Tabolt announced the following 2013 Legislative Committee assignments:

COUNTY OFFICERS AND EMPLOYEES, VETERANS' SERVICES, JUNKYARD INSPECTOR, HISTORIAN,

Jerry King, Chairman
John Boyd
Paul Stanford

COURTS AND LAW ENFORCEMENT, EMERGENCY MANAGEMENT, FIRE COORDINATOR, SEALER OF WEIGHTS AND MEASURES, BUILDING CODES

John Boyd, Chairman
Richard Lucas
Jerry King

HOSPITAL

Philip Hathway, Chairman
Richard Lucas
William Burke

PUBLIC HEALTH, MENTAL HEALTH

Paul Stanford, Chairman
William Burke
John Boyd

RULES AND LEGISLATION, WORKERS' COMPENSATION, ECONOMIC DEVELOPMENT, INSURANCE

Richard Lucas, Chairman
Charles Fanning
Philip Hathway

SOCIAL SERVICES, OFFICE FOR THE AGING, EMPLOYMENT & TRAINING, YOUTH BUREAU

William Burke, Chairman
Jack Bush
Patrick Wallace

TAXATION, INFORMATION MANAGEMENT, ELECTIONS, AGRICULTURE, REFORESTATION

Patrick Wallace, Chairman
Paul Stanford
Charles Fanning

TRANSPORTATION, SOLID WASTE

Charles Fanning, Chairman
Jack Bush
Patrick Wallace

WAYS AND MEANS, BUILDINGS AND GROUNDS, COUNTY CLERK

Jack Bush, Chair
Jerry King
Philip Hathway

January 8, 2013

Chairman Tabolt then approved the December 20, 2012 meeting minutes.

REPORT OF THE RULES AND LEGISLATION COMMITTEE:

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

Richard C. Lucas, Chairman
Philip Hathway
Charles Fanning

Dated: January 8, 2013

Legislator Bush made a motion to accept the report, seconded by Legislator Burke and carried.

PRIVILEGE OF THE FLOOR:

Lewis County Undersheriff James Monnat thanked the Board, County Manager David Pendergast and Sheriff Michael Carpinelli for allowing and assisting with development of a "Canine Unit". He then introduced handler Deputy Darrell Ortlieb and the 1 ½ year old trained dog named "Wyman" who illustrated a search for pre-planted marijuana. The dog is unaffectionate, he said, and is always on alert to search on command.

PRESENTATION OF COMMUNICATIONS AND NOTICES:

The Clerk acknowledged receipt of resolutions enacted by the Delaware County Board of Supervisors calling for the Governor and State Legislature to compensate counties for State-mandated District Attorney salary; and from the Greene County Legislature urging U.S. Senators Schumer and Gillibrand to recognize and include victims of hurricane Irene in tax credit legislation for hurricane Sandy victims.

The following Newspaper Designations had been submitted from each the Republican and Democratic Legislators:

TO THE HONORABLE BOARD OF LEGISLATORS OF LEWIS COUNTY:

The people of the County of Lewis being divided into two principal political parties, namely, the Republican Party and the Democratic Party, the undersigned Legislators of Lewis County elected by the Republican Party, pursuant to Section 214 of the County Law, hereby designate the Watertown Daily Times, a newspaper circulated in Lewis County, State of New York, which newspaper fairly represents the Republican Party of said County, to publish the session laws, concurrent resolutions of the Legislature as required by law to be published, certificates of nomination, local laws of the Board of Legislators, election notices, official canvass, and any and all other matters that are or may be required by law to be published in the official newspaper of the County.

Dated: January 8, 2013

January 8, 2013

NAME/SIGNATURE

ADDRESS

Philip Hathway	<u>P.O. Box 82, Harrisville, NY 13648</u>
Michael A. Tabolt	<u>P.O. Box 171, Croghan, NY 13327</u>
Charles R. Fanning	<u>3525 Deer River Rd., Copenhagen, NY 13626</u>
Patrick Wallace	<u>5548 Woodlawn Ave., Lowville, NY 13367</u>
William Burke	<u>4218 State Rte. 177, Lowville, NY 13367</u>
Richard C. Lucas	<u>8622 Whitesville Rd., Copenhagen, NY 13626</u>
Jack T. Bush	<u>P.O. Box 177, Brantingham, NY 13312</u>
Jerry H. King	<u>P.O. Box 202, West Leyden, NY 13489</u>

TO THE HONORABLE BOARD OF LEGISLATORS OF LEWIS COUNTY:

The people of the County of Lewis being divided into two principal political parties, namely, the Republican Party and the Democratic Party, the undersigned Legislators of Lewis County elected by the Democratic Party, pursuant to Section 214 of the County Law, hereby designate the Watertown Daily Times, a newspaper circulated in Lewis County, State of New York, which newspaper fairly represents the Democratic Party of said County, to publish the session laws, concurrent resolutions of the Legislature as required by law to be published, certificates of nomination, local laws of the Board of Legislators, election notices, official canvass, and any and all other matters that are or may be required by law to be published in the official newspaper of the County.

Dated: January 8, 2013

NAME/SIGNATURE

ADDRESS

John O. Boyd	<u>8279 State Rte 812, Lowville, NY 13367</u>
Paul M. Stanford	<u>7007 Peckham Rd., Lowville, NY 13367</u>

REPORTS OF COUNTY OFFICERS AND DEPARTMENTS:

The Clerk reported that each Legislator had received a copy of the Treasurer's December monthly report and Fourth Quarterly Bed Tax report; the Fourth Quarterly Report of the Sr. Code Enforcement Officer; the 12/18/12 Solid Waste audit report; the 12/18/12 Highway Audit report; and the 2012 Annual Report of the Youth Bureau Advisory Board.

County Sealer Barbara Cooper had submitted her November-December 2012 report, to be placed on file.

REPORTS OF STANDING COMMITTEES:

Legislator Philip Hathway, Office For Aging Committee Chairman, reported that during the Christmas season donations of 256 food boxes were distributed; and 157 persons were assisted through the "Santa for Seniors" program. He recognized the volunteers and

January 8, 2013

was thankful for all the donations. During the past couple of months 355 HEAP applications have been processed, and staff counseled 560 seniors with insurance issues. Policies for internal financial controls are being formulated, he stated, although assured there had been no reason to question current procedures.

Legislator Hathway regrettably reported there had been over 500 reports of child mistreatment during 2012, far exceeding the previous high number, of which one-third required follow-up action. An average of 50 persons visit the Social Services offices daily for various assistance requests. In consideration of a new building project, Legislator Hathway urged acquiring pertinent data from each Department to determine their needs. Also, new computer software has been implemented by the Department of Social Services to assume processing of 700 monthly checks to pay bills for eligible persons whom are unable to independently do so. Relative internal policies have been approved by County Treasurer Patricia O'Brien.

Legislator Hathway commended the Youth Bureau and volunteers for their efforts to assist 242 homeless people in 2011 during the holiday season, and an increased number in 2012, but yet unknown. Their efforts were in conjunction with a "Homeless Tree" project by the Department of Social Services. An ornament was placed on the tree for every donation, varying from beds to toothbrushes. They predict the donations may be adequate to assist homeless individual needs throughout the coming year.

Legislator Michael Tabolt, Hospital Committee Chairman, reported that Hospice and Certified Home Health Agency (CHHA) programs are under the auspices of Hospital operations effective 1/1/2013. The NES Healthcare Group has commenced emergency room coverage, which includes among other doctors, familiar physicians Todd Howland, Jon Hager, Daniel Cappon, Christopher Black and Robert Harryman. Also, effective 1/7/2013, Hospitalist services were implemented in an effort to increase hospital admissions.

Legislator John Boyd, Courts and Law Enforcement Committee Chairman, reported a meeting of the Jury Board on 12/20/2012. It was reported there had been 26 no-shows for jury duty on 11/26/12; and 6 no-shows on 11/27/12. The absences lead to a mistrial due to inadequate jurors. There will be follow-up in 2013 with those persons who did not appear.

Legislator Patrick Wallace, Transportation/Solid Waste Committee Chairman, reported a pre-construction meeting was held earlier today on the Mad River Bridge project. The Committee was briefed on new rules being implemented by the Development Authority of the North Country for solid waste disposal, including use of clear bags and other regulations.

Legislator Paul Stanford, Veterans' Service Committee Chairman, reported there are 2,295 Lewis County veterans, for which the Veterans' Administration expensed \$10,825,000 disability benefits, medical care, education services and life insurance in 2012. The increased numbers are partially related to Fort Drum, but also reflect greater outreach by local staff. They assisted 877 veterans and 370 dependents, in coordination with several other agencies; fielded 1,600 phone calls; and made 2,060 personal veteran contacts.

January 8, 2013

Currently, there are 131 open veteran cases, with an average number of 115. Veteran spending has risen from \$7.8 Million to \$10.8 Million over the past two years. He commended Derek Davey and his assistant Steve Kilionski.

Legislator Richard Lucas, Economic Development Committee Chairman, announced scheduling an educational meeting of the newly appointed Committee on 1/14/2013.

Legislator Jerry King, Reforestation Committee Chairman, reported researching the feasibility to drill a new well at Singing Waters and refurbishing the restrooms. Upon receipt of requested cost estimates, he would forward the information to the new Committee.

Legislator William Burke, Buildings and Grounds Committee Chairman, reported the maintenance department had completed 968 work orders during 2012 for interior and exterior work at the various County buildings.

Legislator Jack Bush, as newly appointed Ways and Means/Buildings and Grounds Committee Chairman, stated research continues for construction of a new building at the Outer Stowe Street site. He encouraged anyone to pose relative questions to the Committee or County Manager David Pendergast, assuring he would attempt to alleviate any concerns.

REPORT OF THE WAYS AND MEANS COMMITTEE:

**REPORT OF
WAYS AND MEANS COMMITTEE
ON THE EXAMINATION OF CLAIMS**

To: The Honorable County Legislators

The Ways and Means Committee reports that they have examined the claims presented for payment in the total amount of \$ 525,549.71 and recommend that they be audited and allowed for the amounts claimed.

Jack T. Bush, Chairman
Jerry King, Committee
Philip Hathway, Committee

Dated: January 8, 2013

Approved on motion by Legislator Stanford, seconded by Legislator Bush, and carried.

RESOLUTIONS:

**RESOLUTION NO. 1 – 2013
RESOLUTION TO AMEND RULE XII
POWERS AND DUTIES OF COMMITTEES OF THE STANDING RULES
OF THE BOARD OF LEGISLATORS OF LEWIS COUNTY**

January 8, 2013

Introduced by Legislator Michael A. Tabolt, Member of the Board of Legislators.

Whereas, the Board of Legislators wishes to amend Rule XII of the Standing Rules of the Board of Legislators of Lewis County.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That this Board of Legislators hereby amends and supersedes the Standing Rules of the Board of Legislators of Lewis County by adding the following paragraph to Rule XII Powers and Duties of Committees, under the County Officers and Employees, Veterans' Services, Junkyard Inspector, Historian Committee:

This committee shall also have general supervisory and advisory jurisdiction over all matters pertaining to the Human Resources Department and of all relations between the Board and the Director of Human Resources/Personnel Officer.

Section 2. That except as specifically amended herein, the Standing Rules of the Board of Legislators of Lewis County shall remain in full force and effect.

Pursuant to Rule X of the Standing Rules of the Board of Legislators which governs Amendment of Rules, 'the rules shall not be amended except by resolution duly introduced and read for information, at a meeting held at least one day before the meeting at which such resolution is adopted.' Accordingly, action is deferred on this Resolution until the next successive meeting of the Board of Legislators.

**RESOLUTION NO. 2 - 2013
AUDITING AND ALLOWING CLAIMS**

Introduced by Legislator Jack Bush, Chairman of the Ways and Means Committee.

RESOLVED that the claims presented for payment in the total amount of \$ 525,549.71 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 Boyd, seconded by Legislator Lucas, and adopted by roll call vote:

All voted yea.

**RESOLUTION NO. 3 - 2013
RESOLUTION ADOPTING STANDING RULES OF THE BOARD OF
LEGISLATORS OF LEWIS COUNTY**

January 8, 2013

Introduced by Legislator Jack T. Bush, Chairman of the Board of Legislators.

BE IT RESOLVED as follows:

Section 1. That this Board of Legislators hereby adopts the Standing Rules of the Board of Legislators of the County of Lewis, as and they be and hereby are adopted as the Standing Rules of the Lewis County Board of Legislators for the year 2013.

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

Moved by Legislator King, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 4 - 2013
RESOLUTION APPROVING THE FORM AND THE AMOUNT OF
A BLANKET UNDERTAKING COVERING OFFICERS,
CLERKS AND EMPLOYEES OF LEWIS COUNTY**

Introduced by Jack T. Bush, Member of the Board of Legislators.

WHEREAS, County Law § 403 provides that the County Clerk, the County Treasurer, the Deputy Treasurer, the District Attorney, the Sheriff, as well as such county officers as shall be specifically required by local law, must execute and file with the County Clerk an undertaking in such, and in such amounts as may be approved by the Board of Legislators; and

WHEREAS, Public Officers Law § 11(2) further provides that it is permissible with the consent and approval of the officer or governing body authorized to require the undertaking, for the County to procure a blanket undertaking from any duly authorized corporate surety covering officers, clerks and employees.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby approves the blanket undertaking in the amount of One Hundred Fifty Thousand Dollars (\$150,000) to be obtained from Rose & Kiernan, Inc., a corporate surety company duly authorized to do business in the State of New York, for the purpose of covering all officers, clerks and employees of Lewis County and that such officers, clerks and employees will faithfully discharge the duties of his or her office, and all trusts imposed upon him or her by law by virtue of his or her office, including the duty of promptly accounting for and paying over all moneys or property received by him as such officer, in accordance with law, and that if the said officers, clerks or employees fail to perform any of the above-mentioned conditions or is in default thereof, that the said corporate surety named herein will pay to the said County and to the People of the State of New York, all damages, costs and expenses resulting from such default, not exceeding the sum specified above.

January 8, 2013

Section 2. That a certified copy of this Resolution shall be affixed to a copy of the undertaking described herein and filed with the Lewis County Clerk's Office.

Section 3. That this Resolution shall take effect immediately.

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 5 - 2013
RESOLUTION WAIVING THE NEED FOR A SURETY BOND
ON THE PART OF THE CHAIRMAN OF THE
BOARD OF LEGISLATORS**

Introduced by Legislator Jack T. Bush, Member of the Board of Legislators.

WHEREAS, County Law § 450 provides that the Chairman of the Board of Legislators is to execute and file an undertaking with the County Clerk in such form and in such amount as may be required by the Board of Legislators; and

WHEREAS, the Board of Legislators has this date adopted a resolution approving a blanket undertaking covering the officers, clerks and employees of Lewis County.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby determines that separate undertaking for the Chairman of the Board of Legislators shall not be required and waives any further obligation on the part of the Chairman of the Board to obtain a surety bond for the faithful performance of his office, pursuant to County Law § 450.

Section 2. That this Resolution shall take effect immediately.

Moved by Legislator Boyd, seconded by Legislator Fanning, and adopted.

**RESOLUTION NO. 6 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY AND NCC SYSTEMS, INC.**

Introduced by Legislator William Burke, Chairman of the Buildings and Grounds Committee.

WHEREAS, NCC Systems, Inc. has offered to enter into an agreement with Lewis County for the purpose of providing basic fire alarm monitoring services for the term commencing January 1, 2013 through January 1, 2016; and

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

January 8, 2013

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby approves the contract with NCC Systems, Inc. to provide basic fire alarm monitoring services for the term commencing January 1, 2013 through January 1, 2016 at the following cost:

Year 1:	\$ 576.00	
Year 2	\$ 768.00	
Year 3		\$ 768.00

Section 2. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Agreement, pending approval by the County Attorney.

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

Moved by Legislator Bush, seconded by Legislator King, and adopted.

RESOLUTION NO. 7 - 2013
RESOLUTION TO EXTEND AUTHORIZATION TO CANARX SERVICES, INC. AS LEWIS COUNTY HEALTH INSURANCE VENDOR

Introduced by Legislator Richard Lucas, Chairman of the Insurance Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby extends authorization to participants of the Lewis County Health Insurance Plan to utilize CanaRx Services, Inc. as a vendor for prescribed medications.

Section 2. That CanaRx Services, Inc. is hereby approved as a vendor for a period of one year to commence January 1, 2013 through December 31, 2013.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator Boyd, seconded by Legislator Lucas, and adopted.

RESOLUTION NO. 8 - 2013
RESOLUTION AUTHORIZING AGREEMENT WITH THE LEWIS COUNTY CHAMBER OF COMMERCE FOR ATV PERMIT SERVICES

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

January 8, 2013

WHEREAS, the Board of Legislators wishes to enter into an Agreement with the Lewis County Chamber of Commerce to administer and market the Lewis County ATV permits.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby authorizes an Agreement between the County of Lewis and Lewis County Chamber of Commerce, to administer and market Lewis County ATV Permits for which services, for which the Chamber of Commerce shall receive an administration fee equal to 10% of the permit fees collected.

Section 2. That the term of said Agreement shall be for the period from January 1, 2013 through December 31, 2013.

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

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

Moved by Legislator Burke, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 9 – 2013
DESIGNATION OF DEPOSITORIES FOR 2013**

Introduced by Legislator Jack Bush , Chairman of the Ways and Means Committee.

WHEREAS, Subdivision 3 of Section 212 of the County Law provides that the Board of Legislators shall designate one or more depositories for deposit of all monies received by the County Treasurer, and specify the maximum amount which may be kept on deposit in each depository.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the following named banks, or banking associations be designated as depositories for Lewis County monies and for the maximum amount as set opposite the name of each:

Community Bank N.A.	\$20,000,000.00
Key Bank of Central NY N.A.	20,000,000.00
First Niagara	20,000,000.00
Chase Bank	20,000,000.00
Citizens Bank	20,000,000.00

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Section 2. That the Clerk of the Board be and she hereby is authorized and directed to file a certified copy of this resolution in the office of the Lewis County Clerk.

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

Moved by Legislator Lucas, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 10 - 2013
RESOLUTION TO APPROPRIATE FUNDS
CAPITAL EMERGENCY RADIO SYSTEM**

Introduced by Legislator William Burke., Chairman of the Ways & Means Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget appropriation is hereby approved to the Capital Emergency Radio System account, funds to be transferred from A9950.9921 (To Capital County Projects): balance of \$1,435,786

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

HA50310 (Inter-fund transfer)	\$600,000.00
HA3310.4 (Contractual)	\$600,000.00

Moved by Legislator Boyd, seconded by Legislator King, and adopted.

**RESOLUTION NO. 11 - 2013
RESOLUTION APPOINTING MEMBER TO
REGION 6 FISH AND WILDLIFE MANAGEMENT BOARD**

Introduced by Legislator Jack T. Bush, Member of the Board of Legislators.

BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby re-appoints JOHN WALIGORY of 6326 Swernick Road, Lowville, New York 13367, as a member of the Region 6 Fish and Wildlife Management Board, as the Lewis County Landowner Representative .

Section 2. That the term of said appointment shall be for the period from January 1, 2013 through December 31, 2014.

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

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Moved by Legislator Stanford, seconded by Legislator Wallace, and adopted.

RESOLUTION NO. 12 - 2013
RESOLUTION AUTHORIZING THE IMPLEMENTATION AND
FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL AID-ELIGIBLE
COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT TO FUND THE
LOCAL SHARE OF FEDERAL-AID ELIGIBLE AND INELIGIBLE PROJECT
COSTS, AND APPROPRIATING FUNDS THEREFORE (PIN 775321)

Introduced by Legislator Patrick Wallace, Chairman of the Transportation Committee.

WHEREAS, a Project for Safety Improvements on the Deer River Road [County Route 55] (PIN 775321) (the "Project") 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 90% Federal funds and 10% non-Federal funds; and

WHEREAS, the County of Lewis desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Design Phase, Right of Way Phase and the Construction/CI Phase of the Project.

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

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

Section 2. That the Lewis County Board of Legislators hereby authorizes the Chairman of the Lewis County Board of Legislators, to pay in the first instance 100% of the federal and non-federal share of the cost of the Design Phase, Right of Way Phase and the Construction/CI Phase work for the Project or portions thereof.

Section 3. That the sum of \$1,043,000.00 is hereby appropriated from County general funds, and made available to cover the cost of participation in the Design Phase, Right of Way Phase and the Construction/CI Phase of the Project.

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

Section 5. That the Chairman of the Lewis County Board of Legislators, be and he hereby is authorized to execute all necessary Agreements, on behalf of the Lewis County Board of Legislators, with the New York State Department of Transportation, in connection with the advancement or approval of the Project and providing for the

January 8, 2013

administration of the Project and the Municipality's first instance funding of the Project costs and permanent funding of the local share of federal-aid- eligible Project costs and all Project costs within appropriations therefore that are not so eligible.

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

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

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

Moved by Legislator Fanning, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 13 - 2013
RESOLUTION TO APPOINT MEMBER TO
LEWIS COUNTY COMMUNITY MENTAL HEALTH, DEVELOPMENTAL
DISABILITIES AND ALCOHOLISM SERVICES BOARD**

Introduced by Legislator Charles Fanning, Chairman of the Mental Hygiene Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby appoints Patrick Anderson, P.A. of 7636 Reed Terrace, Lowville, New York 13367, to the Lewis County Community Mental Health, Developmental Disabilities and Alcoholism Services Board.

Section 2. That the term of said appointment shall be effective from January 1, 2013 through December 31, 2016.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator Burke, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 14 - 2013
RESOLUTION AUTHORIZING AGREEMENT
BETWEEN LEWIS COUNTY MENTAL HYGIENE DEPARTMENT AND
DANSER AND KNUDSEN PSYCHOLOGICAL SERVICES, P.C.**

January 8, 2013

Introduced by Legislator Charles Fanning, Chairman of the Mental Hygiene Committee.

WHEREAS, Lewis County Mental Hygiene Department is lawfully required pursuant to Criminal Procedure Law Article 730.30 to ensure that adequate psychiatric examiners are available to conduct psychiatric examinations when it is of the opinion that the defendant may be an incapacitated person; and

WHEREAS, Lewis County Mental Hygiene Department currently utilizes their own medical staff for these examinations but wishes to enter into an Agreement with Danser and Knudsen Psychological Services, P.C. to conduct these examinations on an as needed basis when adequate staff is not available.

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 Mental Hygiene Department, and Danser and Knudsen Psychological Services, P.C. for the purpose of conducting psychological examinations as needed for defendants when it is of the opinion that the defendant may be an incapacitated person.

Section 2. That the term of this Agreement shall be from January 1, 2013 through December 31, 2013 for an amount not to exceed \$110.00 per hour for psychological examinations and \$135.00 per hour for expert court testimony.

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

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

Moved by Legislator King, seconded by Legislator Wallace, and adopted.

**RESOLUTION NO. 15 - 2013
RESOLUTION AUTHORIZING MEMORANDUM OF UNDERSTANDING
BETWEEN LEWIS COUNTY GENERAL HOSPITAL AND
LEWIS COUNTY COMMUNITY SERVICES BOARD**

Introduced by Legislator Charles Fanning, Chairman of the Mental Hygiene Committee.

WHEREAS, the Community Services Board is a local governmental unit established by the Lewis County Board of Legislators pursuant to the authority granted in Mental Hygiene Law § 41.05; and

January 8, 2013

WHEREAS, the Community Services Board is responsible to provide local or unified services and facilities directly and/or Contract for the provision of those services by other units of local or state government, by voluntary agencies, or by professionally qualified individuals; and

WHEREAS, the Community Services Board has reviewed the Memorandum of Understanding by and between Lewis County General Hospital and the Community Services Board whereby the hospital agrees to provide a licensed physician to serve as Medical Director to provide medical services to consumers at Lewis County Community Recovery Center and has determined that these services are necessary to meet the needs of the community; and

WHEREAS, the Community Services Board has heretofore duly met to consider the Memorandum of Understanding and has resolved to recommend to the Board of Legislators to enter into said Agreement.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That the Board of Legislators hereby approves the Memorandum of Understanding by and between Lewis County General Hospital and the Community Services Board by which the hospital will provide a licensed physician to serve as Medical Director to provide medical services to consumers at Lewis County Community Recovery Center for the term beginning January 1, 2013 and ending December 31, 2013 at a cost not to exceed \$31,200.00.

Section 2. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Agreement, pending approval by the County Attorney.

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

Moved by Legislator Stanford, seconded by Legislator King, and adopted.

RESOLUTION NO. 16 - 2013
RESOLUTION AUTHORIZING AGREEMENTS BETWEEN
LEWIS COUNTY MENTAL HYGIENE AND MOUNTAIN VIEW PREVENTION
SERVICES, INC., ONEIDA-LEWIS NYSARC, AND
NORTHERN REGIONAL CENTER FOR INDEPENDENT LIVING

Introduced by Legislator Charles Fanning, Chairman of the Mental Hygiene Committee.

WHEREAS, the Community Services Board is a local governmental unit established by the Lewis County Board of Legislators pursuant to the authority granted in Mental Hygiene Law § 41.05; and

January 8, 2013

WHEREAS, the Community Services Board is responsible to provide local or unified services and facilities directly and/or contract for the provision of those services by other units of local or state government, by voluntary agencies, or by professionally qualified individuals; and

WHEREAS, the Community Services Board has reviewed the proposals for the following providers of mental health services and has determined that these services are necessary to meet the needs of the community and the costs are reasonable for servicing such needs; and

WHEREAS, the Community Services Board has heretofore duly met to consider the contracts for the following service providers and has resolved to recommend to the Board of Legislators to enter into such contracts.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That the Board of Legislators hereby approves the following contracts for fiscal year 2013, the term of these services are beginning January 1, 2013 and ending December 31, 2013, at the amounts set opposite to each respectively:

<u>ENTITY</u>	<u>AMOUNT</u>
Mountain View Prevention Services, Inc.	\$ 229,586.00
Oneida-Lewis NYSARC	104,842.00
Northern Regional Center for Independent Living (NRCIL) (Family Support Services)	167,152.00
Northern Regional Center for Independent Living (NRCIL) (Mental Health Advocacy & Psychosocial Club)	260,302.00
Northern Regional Center for Independent Living (NRCIL) (Peer Recovery Services)	247,250.00

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Burke, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 17 - 2013
RESOLUTION AUTHORIZING SUB-LEASE AGREEMENT
BETWEEN MOUNTAIN VIEW PREVENTION SERVICES, INC. AND
THE LEWIS COUNTY COMMUNITY RECOVERY CENTER**

Introduced by Legislator Charles Fanning, Chairman of the Mental Hygiene Committee.

January 8, 2013

WHEREAS, the Board of Legislators has heretofore authorized a budget of \$30,084.00 for a sub-lease by the Lewis County Recovery Center of approximately 3,072 square feet of office space at the Mountain View Prevention Services building located at 7714 Number Three Road; and

WHEREAS, the Board of Legislators wishes to enter into a sublease agreement.

NOW THEREFORE, BE IT RESOLVED, that

Section 1. The Board of Legislators hereby approves a sub-lease agreement between the Lewis County Community Recovery Center and the Mountain View Prevention Services building at an annual rental of \$30,084.00 commencing January 1, 2013 through December 31, 2013, payable in equal monthly installments of \$2,507.00.

Section 2. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Agreement, upon approval by the County Attorney as to form.

Section 3. That this Resolution shall take effect immediately.

Moved by Legislator Bush, seconded by Legislator King, and adopted.

**RESOLUTION NO. 18 – 2013
RESOLUTION TO TRANSFER FUNDS
NORTH COUNTRY LIBRARY SYSTEM**

Introduced by Legislator Jack Bush, Member of the Board of Legislators.

BE IT RESOLVED as follows:

Section 1. That the following transfer of funds is hereby approved in the Library accounts to cover the entire contractual amount to the North Country Library System:

<u>From:</u>	<u>Amount</u>
A7411.4999 (West Leyden Library)	\$382.00
A7412.4999 (Brantingham Library)	202.00
<u>To:</u>	
A7410.4999 (North Country Library System)	\$584.00

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

Moved by Legislator Boyd, seconded by Legislator Lucas, and adopted.

January 8, 2013

**RESOLUTION NO. 19 – 2013
RESOLUTION TO TRANSFER FUNDS
NON-DEPARTMENTAL**

Introduced by Legislator Jack T. Bush, Chairman of the Ways and Means Committee.

BE IT RESOLVED, as follows:

Section 1. That the following transfer is hereby approved in the 2013 Budget to cover an increase in the New York State Association of Counties (NYSAC) invoice for membership dues:

<u>From:</u>	<u>Amount</u>
A1990.4999 (Contingency)	\$133.00
<u>To:</u>	
A1920.4999 (Municipal Dues)	\$133.00

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

Moved by Legislator Stanford, seconded by Legislator King, and adopted.

**RESOLUTION NO. 20 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY PUBLIC HEALTH
AND JULIA IELFIELD**

Introduced by Legislator Charles Fanning, Chairman of the Public Health Committee.

WHEREAS, the Lewis County Public Health wishes to renew their agreement with Julia Ielfield as a Child Safety Seat Technician for the purpose of checking, installing and replacing child and infant safety seats in motor vehicles as part of the required basic prevention for public health work; and

WHEREAS, this is for the period beginning January 1, 2013 through December 31, 2013 at a cost of \$45.00 per hour in addition to the cost to attend an annual Tri-State Conference for Child Passenger Safety, which is mandatory for re-certification as a Car Seat Technician and Instructor, at a flat rate of \$300 plus mileage at the current IRS rate; and

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

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Section 1. That the Lewis County Board of Legislators hereby authorizes an agreement between the Lewis County Public Health Agency and Julia Ielfield, Child Safety Seat Technician, for the purpose of checking, installing and replacing child and infant safety seats in motor vehicles as part of the required basic prevention for public health work.

Section 2. That this is for the period beginning January 1, 2013 through December 31, 2013 at a cost of \$45.00 per hour in addition to the cost to attend an annual Tri-State Conference for Child Passenger Safety, which is mandatory for re-certification as a Car Seat Technician and Instructor, at a flat rate of \$300 plus mileage at the current IRS rate.

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 Fanning, seconded by Legislator King, and adopted.

RESOLUTION NO. 21 - 2013
RESOLUTION AUTHORIZING EXTENSION ON AGREEMENTS BETWEEN
LEWIS COUNTY PUBLIC HEALTH AGENCY
AND VARIOUS PROVIDERS FOR EARLY INTERVENTION PROGRAM

Introduced by Legislator Charles Fanning, Chairman of the Public Health Committee.

BE IT RESOLVED AS FOLLOWS:

Section 1. That the Board of Legislators hereby authorizes an extension to the current contracts of The Rowland Center, Inc., Special Programs, Inc. (d/b/a Little Lukes), Sandra Beasock, PT, and Christine Lee, OT that provide services to the Early Intervention Program for children with special education and health care needs, and for the term to extend until March 31, 2013 at a cost in accordance with the rates set forth by the New York State Department of Health.

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Stanford, seconded by Legislator Burke, and adopted.

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**RESOLUTION NO. 22 - 2013
RESOLUTION AUTHORIZING
MEMORANDUM OF UNDERSTANDING BETWEEN
LEWIS COUNTY DEPARTMENT OF SOCIAL SERVICES AND
LEWIS COUNTY COMMUNITY RECOVERY CENTER**

Introduced by Legislator Philip Hathway, Chairman of the Social Services Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby authorizes a Memorandum of Understanding between the County of Lewis, by and through the Lewis County Department of Social Services (“DSS”), and Lewis County Community Recover Center (“CRC”) for the purpose of having CRC provide the services of drug and alcohol urine screening and breathalyzer tests to individuals and/or families receiving services from DSS.

Section 2. That the term of this Memorandum of Understanding shall be from January 1, 2013 through December 31, 2013 at a cost not to exceed \$22.50 for in-house urine screens and \$30.00 for urine screens that require shipment to a professional laboratory.

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

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

Moved by Legislator Hathway, seconded by Legislator Fanning, and adopted.

**RESOLUTION NO. 23 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
THE COUNTY OF LEWIS AND
MOUNTAIN VIEW PREVENTION SERVICES, INC.
STOP DWI**

Introduced by Legislator Jack T. Bush, Member of the Board of Legislators.

WHEREAS, Vehicle & Traffic Law § 1197 authorizes the development of a program to coordinate the efforts of interested parties and agencies in the formulation and execution of alcohol traffic safety programs including enforcement, adjudication, rehabilitation and education; and

WHEREAS, Vehicle & Traffic Law § 1197 further authorizes the Chairman of the Board of Legislators to designate the DWI Coordinator, who may be paid such

January 8, 2013

compensation as may be authorized by the Board of Legislators and who may serve at the pleasure of the governing board or officer.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Chairman of the Board hereby designates and appoints MOUNTAIN VIEW PREVENTION SERVICES, INC., to serve as the STOP DWI Coordinator for Lewis County, commencing January 1, 2013 through December 31, 2013.

Section 2. That this Board of Legislators hereby approves an agreement between the County of Lewis and Mountain View Prevention Services, Inc. ("MVPS"), pursuant to which MVPS shall provide STOP DWI Coordinator services consistent with Vehicle & Traffic Law § 1197 for the term herein, at an annual cost of \$14,000.00.

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

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

Moved by Legislator Burke, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 24 - 2013
RESOLUTION AUTHORIZING AGREEMENT
BETWEEN DEPARTMENT OF SOCIAL SERVICES AND
THE RESOLUTION CENTER OF JEFFERSON AND LEWIS COUNTIES, INC.**

Introduced by Legislator Philip Hathway, Chairman of the Social Services Committee.

WHEREAS, the Lewis County Department of Social Services wishes to enter into an Agreement with the Resolution Center of Jefferson and Lewis Counties, Inc. to provide employment and training programs for employable recipients of Temporary Assistance and Supplemental Nutrition Assistance Program.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes an Agreement between the County of Lewis, by and through the Department of Social Services, and the Resolution Center of Jefferson and Lewis Counties, Inc. for the purpose of providing employment and training programs for employable recipients of Temporary Assistance and Supplemental Nutrition Assistance Program.

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Section 2. That the term of said Agreement shall be from January 1, 2013 through December 31, 2013 for an amount not to exceed \$45.00 for each case requiring mediation and \$10.00 for each case in which a mediation hearing is scheduled but not held.

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

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

Moved by Legislator King, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 25 – 2013
RESOLUTION TO TRANSFER FUNDS
TREASURER’S OFFICE**

Introduced by Legislator Jack Bush, Chairman of the Ways & Means Committee.

BE IT RESOLVED as follows:

Section 1. That the following transfer of Capital Data Processing funds is hereby approved in the Treasurer’s account for the purchase of a computer, (HAE1990.4), HAE balance \$37,694:

<u>Increase Revenue:</u>	
A50310 (Interfund transfers)	\$582.00
<u>Increase Expense:</u>	
A1325.2409 (Data Processing)	\$582.00

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

Moved by Legislator Boyd, seconded by Legislator Wallace, and adopted.

**RESOLUTION NO. 26 - 2013
RESOLUTION WITH REFERENCE TO VICE-CHAIRMAN
OF LEWIS COUNTY BOARD OF LEGISLATORS**

Introduced by Legislator Michael A. Tabolt, Member of the Board of Legislators.

BE IT RESOLVED as follows:

Section 1. That the Vice-Chairman shall have and execute all powers and duties of such Chairman over any meeting that he is called to preside over.

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Section 2. That the Vice-Chairman shall execute and perform such duties during the absence of the Chairman from the County of Lewis and at such times when the Chairman is physically or mentally unable to perform such duties.

Section 3. That the powers and duties so authorized to said Vice-Chairman shall not be executed by the Chairman during the above designated time periods.

Section 4. That this Board of Legislators hereby appoints LEGISLATOR CHARLES R. FANNING to perform the duties of Vice-Chairman of the Lewis County Board of Legislators for calendar year 2013.

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

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

OTHER BUSINESS:

Chairman Tabolt announced that a representative from Governor Cuomo's office is scheduled to appear here on January 11, 2013 at 10:00 a.m. to provide an overview of the Governor's State of the State address.

Legislator Hathway recited excerpts from the 1933 Journal of Proceedings of the Lewis County Board of Supervisors that then Chairman Edward Grunert was from Croghan. A long debate was recorded relative to whether the janitor's salary would be \$900 or \$1,000. At that time, the morning session indicated Board support to hire an assistant for the sole nurse performing all duties of the Public Health Department. However, by the end of the afternoon session support waned and the initiative was not approved. The salary of the 1933 Clerk of the Board was \$1,020; and a 10% cut was authorized to reduce from \$5.00 to \$4.50 the daily amount paid to members of the Board of Supervisors. The end of year surplus was reported at \$4,077, of which 75% was returned to the Towns. Most Committees were similar to those of today, except Bovine Tuberculosis and Tuberculosis, reflecting issues of that era.

There being no other business to come before the Board, the meeting adjourned on motion by Legislator Fanning at 5:49 p.m., seconded by Legislator Burke and carried.

JANUARY 28, 2013

**SPECIAL MEETING
January 28, 2013**

The meeting was called to order at 4:31 p.m. by Chairman Michael A. Tabolt.

Roll Call: All Legislators were present.

There was 1 person present.

Legislator Bush moved to enter into executive session at 4:31, seconded by Legislator Boyd to discuss the Trail Coordinator position.

Legislator Fanning moved to re-enter regular session at 6:07 p.m., seconded by Legislator Hathway, and carried.

RESOLUTIONS:

**RESOLUTION NO. 27 - 2013
RESOLUTION TO AMEND COMPENSATION PLAN
WITH REFERENCE TO THE LAW DEPARTMENT**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement Committee.

WHEREAS, the County of Lewis wishes to amend the Compensation Plan with respect to the position of Assistant County Attorney.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Compensation Plan for the County of Lewis is hereby amended to set the annual salary for the Assistant County Attorney effective January 22, 2013, as follows:

<u>TITLE</u>	<u>SALARY</u>
Assistant County Attorney	\$45,000 starting salary
	\$48,000 upon admission to practice law in NYS
	\$52,500 six months after admission

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

Moved by Legislator Boyd, seconded by Legislator King, and adopted.

JANUARY 28, 2013

OTHER BUSINESS:

Chairman Tabolt stated that on Friday, February 1st, 2013, there will be a Committee of the Whole meeting at 3:00 p.m. There will be an executive session of the Board at 4 p.m. for further discussion on the Trail Coordinator position.

There being no other business to come before the Board, the meeting adjourned at 6:11 p.m. on motion by Legislator Fanning, seconded by Legislator Wallace and carried.

February 1, 2013

**SPECIAL MEETING
February 1, 2013**

The meeting was called to order at 4:00 p.m. by Chairman Michael A. Tabolt.

Roll Call: All Legislators were present.

The Invocation was offered by Legislator Hathway, followed by Chairman Tabolt leading the Pledge of Allegiance to the Flag.

There were 4 persons present.

REPORT OF THE RULES AND LEGISLATION COMMITTEE:

Legislator Stanford made a motion to waive the rules to allow any necessary action at today's meeting, seconded by Legislator Lucas and carried unanimously.

PRIVILEGE OF THE FLOOR:

Legislator Jack Bush expressed being deeply troubled by how some of his colleagues handled the Trail Coordinator personnel issue. Judge Parker's findings and recommendations, he said, were prematurely published in the newspaper. After the Board's relative executive session held on January 28th, important discussed facts appeared on Facebook. He invoked these actions as "Blatant disrespect to the Oath we all took; to honesty, to integrity and decency"; concluding that if he discovered who the perpetrator or perpetrators were "He would start impeachment proceedings immediately".

County Attorney Richard Graham also expressed concern for the overwhelming attention and reports about the personnel matter in the traditional media as well as the social media sources. He informed that public opinions with respect to personnel matters are entirely irrelevant, impressing the importance of the decision before them, while having discerned that all Legislators are taking the matter very seriously, particularly citing the Board's inability to reach a consensus at the last meeting. Again, he instructed the Board the matter was not one of public opinion, but a matter to be based on recorded facts and evidence.

In response to Legislator Bush's comments, Legislator Paul Stanford took exception to what he purported were some of his colleagues posting discriminatory comments on social media against certain Legislators. He then cited a previous executive session, recalling the next day then Chairman Jack Bush gave certain statements to the media, while asking other Legislators to refrain comments, adding that it had happened more than once. If anyone wants to find out anything, he said, "Bring it on, I'm not guilty".

Attorney Graham instructed Legislators, again, to focus on the facts and evidence on the record in making their decision relative to the personnel matter before them.

February 1, 2013

Legislator Stanford made a motion to enter executive session at 4:09 p.m. for further discussion on the Trail Coordinator personnel issue, seconded by Legislator Boyd, and carried. At 5:05 p.m. Chairman Tabolt called for a recess to allow County Attorney Graham time to prepare a draft "Decision and Order" relative to the personnel matter, for Legislators' review. Legislator Lucas left the meeting at 5:09 p.m.

The executive session resumed at 6:03 p.m. At 6:12 p.m. Legislator Hathway moved to re-enter regular session, seconded by Legislator Boyd and carried.

The following late resolution was then enacted:

RESOLUTION NO. 28 - 2013
RESOLUTION FINALIZING SECTION 75 PROCEEDING

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

WHEREAS, a proceeding was commenced by the Board of Legislators pursuant to Section 75 of the Civil Service Law against Robert Diehl, by the filing and service of Notice of Disciplinary Charges on November 20, 2012; and

WHEREAS, Mr. Diehl having filed an Answer to the Charges on November 28, 2012 denying the charges; and

WHEREAS, an Administrative Hearing Officer having been appointed by the Charging Party; and

WHEREAS, the matter having duly come before the Administrative Hearing Officer for hearing on December 26, 2012 and Mr. Diehl having appeared together with legal counsel; and

WHEREAS, the Administrative Hearing Officer upon hearing testimony and received exhibits, issued a Report and Recommendation dated January 23, 2013 to the Lewis County Board of Legislators; and

WHEREAS, the Board of Legislators having reviewed and considered the Report and Recommendation as well as the testimony and exhibits received in the hearing of this matter as reflected in the Transcript thereof.

NOW, THEREFORE, be it resolved as follows:

Section 1. The Board of Legislators hereby terminates the employment of Robert Diehl, effective immediately for the reasons outlined in the Decision and Order of this Board rendered contemporaneously herewith.

Section 2. This resolution shall take effect immediately.

February 1, 2013

Moved by Legislator Hathway, seconded by Legislator Boyd, and adopted by the following roll call vote:

YEAS: Boyd, Burke, Bush, Fanning, Hathway, King, Stanford, Wallace, Tabolt

NAYS: None

ABSENT: Lucas

OTHER BUSINESS:

There being no other business to come before the Board, the meeting adjourned on motion by Legislator Fanning, seconded by Legislator Stanford and carried at 6:16 p.m.

February 5, 2013

**REGULAR MEETING
February 5, 2013**

The meeting was called to order at 5:00 p.m. by Chairman Michael A. Tabolt.

Roll Call: All Legislators were present.

The Invocation was offered by Legislator Hathway, followed by Chairman Tabolt leading the Pledge of Allegiance to the Flag.

There were 19 persons present.

Chairman Tabolt announced approval of the January 8th and February 1st, 2013 meeting minutes.

REPORT OF THE RULES AND LEGISLATION COMMITTEE:

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

Richard Lucas, Chairman
Philip Hathway
Charles Fanning

Dated: February 5, 2013

Legislator Burke made a motion to waive the rules, seconded by Legislator Bush and carried.

PRIVILEGE OF THE FLOOR:

Floyd Rivers, Glenfield resident read a prepared statement to impress his grave opposition to the recently enacted New York State Secure Ammunition and Firearms Enforcement Act of 2013. As a Vietnam veteran he took an oath to uphold the U.S. Constitution and feels that this law impinges on his basic right to bear arms for personal protection. The law that was hastily passed by the State Legislature in reaction to the Governor's urgent insistence, will do nothing to protect public safety. Referring to the adoption process, Mr. Rivers termed it a deliberate attempt to circumvent the public hearing process.

In response to Legislator Hathway, Mr. Rivers opined that one of the law's defined justifications for allowing only 7 rounds as opposed to 10 made absolutely no sense to him. In conclusion, Mr. Rivers agreed that some parts of the adopted law are sensible, while urging the Legislature to re-address the overall issues, particularly cited mental health issues.

Sheriff Michael Carpinelli informed that he had met with the Lieutenant Governor and a NYS Division of Criminal Justice Services representative to discuss the ramifications

February 5, 2013

of the Law. Sheriff Carpinelli wholeheartedly concurred with Mr. Rivers' statements, while also taking exception that County Sheriffs nor other law enforcement agencies or organizations had been asked for comments or opinions prior to adoption of the State Law. The New York State Sheriff's Association strongly disagrees with the Law, opining it does not make the public safer, while adding that the mental health issues should be addressed.

PRESENTATION OF COMMUNICATIONS AND NOTICES:

The Clerk read a letter authored by County resident Jeffrey T. Christman, thereby penning his objections to the newly adopted State Secure Ammunition and Firearms Enforcement Legislation. The law categorizes firearms as assault weapons and requires owners to verify gun-ownership every 5 years. The law does allow for active and retired law enforcement officers to continue using high capacity magazines. Therefore, Mr. Christmas submits that the Board of Legislators could authorize the Lewis County Sheriff to deputize every gun owner in the County for one minute, then retire them all, as a way to circumvent the new law for law abiding firearms owners.

Deputy Commissioner Ruth L. Pierpont of the New York State Office of Parks, Recreation and Historic Preservation, has informed that the Lowville Masonic Temple building has been added to the National Register of Historic Places; thereby, eligible for State historic preservation matching grant funds.

The Clerk acknowledged receipt of resolutions enacted by the Chemung and Tioga County Legislatures calling for the Governor and State Legislature to compensate counties for State-mandated District Attorney salary; by the Orleans County Legislature in support of State legislation to amend the Lien Law in relation to filing of false liens against public officials; and by the Cortland County Legislature petitioning the Governor and State Legislature to cease usurping funds from the Local Government Records Improvement Management Fund for other than dedicated purposes and authorize current year grant applications.

REPORTS OF COUNTY OFFICERS AND DEPARTMENTS:

The Clerk reported that each Legislator had received a copy of the 1/29/13 Youth Bureau Advisory Board meeting minutes; the Comprehensive Economic Development Strategy (CEDS) 2012 progress report; the Treasurer's January monthly report; the 1/22/13 Solid Waste audit report; the 1/24/13 Highway Audit report; and the 2012 Annual Report for the Building Codes, Civil Service, Cooperative Extension, County Clerk, County Sealer, Economic Development and Planning, Fire and Emergency Management, Emergency Medical Services, Highway, Junkyard, Mental Health, Office For the Aging, Probation, Real Property Tax, Sheriff, Solid Waste, Treasurer and Veterans' Services Departments; and for the Lewis County Self-Insurance Workers' Compensation Plan.

Fire Coordinator James Martin has appointed the following deputies for 2013: Richard Ross, Randy Roggie, Ed Sinclair, Joseph Shue and Richard Defone.

February 5, 2013

Emergency Medical Services Coordinator Robert Mackenzie has appointed the following deputies for 2013: Mark Tuttle, Steve Monnat, David Kuhl and David Penczek.

Treasurer Patricia O'Brien and Real Property Tax Director Linda Gydesen have submitted approved applications for corrected tax rolls for the year 2012 for property owned by Benedict Farms, Mary R. Earl, Corrine Fenton, Carolyn Lyndaker, Carolyn Nagy, David & Marcia Reese, Peter Sears, the Nature Conservancy, The People of the State of New York and State of New York.

REPORTS OF STANDING COMMITTEES:

Legislator Philip Hathway, Hospital Committee Chairman, announced that respiratory therapist Doug Stano had been selected as the Hospital employee-of-the-month for December.

Legislator Hathway reported an all-time record high of 170 December admissions. Emergency visits of 1,127 were well above the budgeted level of 875. Year-to-date categorical numbers were close to budgeted levels. One exception was operating room utilization, primarily impacted by the lack of an orthopedic doctor. There was a recorded Hospital loss of \$8,500,000. However, the paper loss is reduced to \$4.2 Million considering GASB 45 estimated future liability of \$4.3 Million. Additionally, Hospital pension expense has increased by \$3 Million over the past four years to \$4.7 Million, substantially impacting the bottom line.

Legislator Hathway commended Stroudwater consultants hired by the Hospital to analyze operations and financials, citing their very thorough 'draft' 106-page preliminary report presented to the Board of Managers on 1/30/13. Stroudwater is refining their report and plans to present it jointly to the Board of Legislators and Board of Managers.

Legislator Hathway recommends delaying action for a Hospital financial appraisal through the Local Development Corporation (LDC) until after Stroudwater presents their final report. In conclusion, he stated the Hospital currently owes the County \$6.3 Million.

Legislator Jack Bush, Buildings and Grounds Committee Chairman, reported replacing an extension tank at the Old Court House, the Trane Company made repairs in the I.T. server room. A card system was installed at the Social Services Building, and the north door panic button was installed for the exit. The Trane Company continues to work on persisting heating issues at the new Court House. The Highway Garage water heater was replaced with a temporary after the old one froze, and the door on the water shack was replaced.

Legislator Bush reported that County Treasurer Patricia O'Brien was formulating her annual report. He expressed cautious optimism for the Governor's proposed pension reform to impose a fixed rate for 25 years, but is glad that State officials are recognizing the unsustainable pension expenditures faced by Counties and municipalities.

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Legislator John Boyd, Courts and Law Enforcement Committee Chairman, referenced the article in the latest NYSAC News publication that recognized Lewis County for sending two dispatchers to assist during the aftermath of “Super Storm Sandy”. Sheriff Carpinelli reported his response to a call from his downstate counterparts through the New York State Telecommunications Emergency Response Taskforce (TERT) to assign two willing Dispatchers to assist downstate beleaguered workers during the storm recovery. Lewis County will ultimately receive reimbursement for respective personnel expenses.

Legislator Richard Lucas, Economic Development Committee Chairman, made a motion to advertise filling the Trail Coordinator position, seconded by Legislator Burke and carried. The Committee will meet within a couple days to discuss job duty parameters and the salary level.

Legislator Charles Fanning, Transportation Committee Chairman, reported the list of proposed 2013 paving projects had been distributed to each Legislator and is on file with the Clerk of the Board. He made a motion to adopt the list, seconded by Legislator Lucas and carried. Those projects will be financed by CHIPS funding, he stated, while supposing the County may also be eligible to use the balance of 2012 FEMA funds for other projects.

Legislator William Burke, Social Services/Office For Aging/Youth Committee Chairman reported a meeting would be scheduled to discuss ridership on the Old Forge bus route for the upcoming summer. A newly formed committee has invited a prominent government official to a 5/22/13 Summit to raise awareness of local homelessness and housing issues. Youth Bureau student representatives will reach out to their respective school art classes to paint pictures of “What does Homelessness Look Like to You”, to be displayed at the Summit. The Youth Bureau will co-sponsor the annual “National Night Out” in August, in coordination with the Sheriff’s Department; and also assist to recruit youths to participate in the Summer Youth Employment Program. The Youth Bureau had expressed their gratitude to outgoing Legislator Philip Hathway for his diligent representation and participation in youth events.

Legislator Burke urged support for his sponsored resolutions for Social Services contract renewals, as well as one new contract to facilitate child care subsidies for low-income working parents. The Social Security Administration has informed their local office at the Social Services building will be closed at the end of the day 2/13/13, due to budget constraints. The Employment and Training staff will identify five (5) eligible older youths to work at the Highway Department this summer. Also, at the request of Legislator Fanning, they will strive to identify older youths to work at the Solid Waste Department.

Legislator Burke reported the Office For Aging volunteer brunch will be held on 2/15/13 at 10 a.m. at the Maple Ridge Center; adding his thanks to all volunteers that assist seniors. Personnel have processed close to 400 HEAP applications to-date, which will be accepted through 3/15/13. Eligible seniors may also apply for EmPower New York Program assistance for household energy saving measures such as replacement of old appliances or installation of high efficiency lighting. These measures will be financed by grant funding through the NYS Energy Research and Development Authority.

February 5, 2013

Legislator Patrick Wallace, Taxation/Reforestation/Election Committee Chairman, reported he would defer a report until after the 2/13/13 committee meeting. Legislator Lucas requested the committee to discuss the recurring issue to enable installment payments of real property taxes.

Legislator Paul Stanford, Public Health/Mental Health Committee Chairman, reported ongoing discussion and consideration in conjunction with the Buildings and Grounds Committee, to relocate the Public Health offices to the Lowville Commons. Also, efforts are ongoing to re-establish the Health Services Advisory Committee.

Legislator Stanford welcomed back Sarah Bullock, Interim Director of Community Services and congratulated her on a healthy baby girl. He reported that contractual representatives from Transitional Living Services and the Northern Regional Center for Independent Living have been invited to update the committee at their 2/20/13 meeting.

REPORT OF THE WAYS AND MEANS COMMITTEE:

**REPORT OF
WAYS AND MEANS COMMITTEE
ON THE EXAMINATION OF CLAIMS**

To: The Honorable County Legislators

The Ways and Means Committee reports that they have examined the claims presented for payment in the total amount of \$ 1,945,950.31 and recommend that they be audited and allowed for the amounts claimed.

Jack Bush, Chair
Philip Hathway, Committee
Jerry King, Committee

Dated: February 5, 2013

Approved on motion by Legislator Stanford, seconded by Legislator King, and carried.

RESOLUTIONS:

**RESOLUTION NO. 29 - 2013
AUDITING AND ALLOWING CLAIMS**

Introduced by Legislator Jack Bush, Chairman of the Ways and Means Committee.

RESOLVED that the claims presented for payment in the total amount of \$ 1,945,950.31 be and each is hereby audited and allowed for the amounts claimed, and

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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 Stanford, seconded by Legislator Burke, and adopted by roll call vote:

All voted yea.

RESOLUTION NO. 30 – 2013
RESOLUTION TO AMEND RULE XII POWERS AND DUTIES OF
COMMITTEES OF THE STANDING RULES OF THE
BOARD OF LEGISLATORS OF LEWIS COUNTY

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

Whereas, the Board of Legislators wishes to amend Rule XII of the Standing Rules of the Board of Legislators of Lewis County.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That this Board of Legislators hereby amends and supersedes the Standing Rules of the Board of Legislators of Lewis County by adding the following paragraph to Rule XII Powers and Duties of Committees, under the County Officers and Employees, Veterans' Services, Junkyard Inspector, Historian Committee:

This committee shall also have general supervisory and advisory jurisdiction over all matters pertaining to the Human Resources Department and of all relations between the Board and the Director of Human Resources/Personnel Officer.

Section 2. That except as specifically amended herein, the Standing Rules of the Board of Legislators of Lewis County shall remain in full force and effect.

Pursuant to Rule X of the Standing Rules of the Board of Legislators which governs Amendment of Rules, 'the rules shall not be amended except by resolution duly introduced and read for information, at a meeting held at least one day before the meeting at which such resolution is adopted.' Accordingly, action is deferred on this Resolution until the next successive meeting of the Board of Legislators.

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

Moved by Legislator Bush, seconded by Legislator Fanning, and adopted.

RESOLUTION NO. 31 -2013
RESOLUTION TO APPROPRIATE FUNDS
CAPITAL BUILDING MAINTENANCE AND REPAIR

February 5, 2013

Introduced by Legislator Jack Bush, Chairman of the Ways & Means Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget appropriation is hereby approved to the Capital Building Maintenance and Repair accounts, balance of \$462,366.26:

HAC50310 (Inter-fund transfer)	\$1,866.00
HAC1620.4 (Court House)	\$1,866.00

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

Moved by Legislator King, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 32 -2013
RESOLUTION TO APPROPRIATE FUNDS
CAPITAL DATA PROCESSING**

Introduced by Legislator Jack Bush, Chairman of the Ways & Means Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget appropriation is hereby approved to the Capital Data Processing account, balance of \$31,044.87, funds from A9950.9940 (To Capital Data Processing):

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

HAE50310(Interfund transfer)	\$58,000.00
HAE9901.9(Interfund transfer)	\$58,000.00

Moved by Legislator Boyd, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 33 -2013
RESOLUTION TO APPROPRIATE FUNDS
CAPITAL EQUIPMENT**

Introduced by Legislator Jack Bush, Chairman of the Ways & Means Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget appropriation is hereby approved to the Capital Equipment account, balance of \$205,210.02:

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

HAD50310 (Inter-fund transfer)	\$95,000.00
HAD9901.9 (Inter-fund transfer)	\$95,000.00

Moved by Legislator Boyd, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 34 -2013
RESOLUTION TO APPROPRIATE FUNDS
CAPITAL COUNTY ROAD STRIPING**

Introduced by Legislator Jack Bush., Chairman of the Ways & Means Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget appropriation is hereby approved to the Capital County Road Striping account, balance of \$8,800.00:

HAI50310 (Inter-fund transfer)	\$46,200.00
HAI5150.4 (Striping)	\$46,200.00

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

Moved by Legislator Burke, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 35 - 2013
RESOLUTION AUTHORIZING LIST OF DESIGNATED
CORPORATE COMPLIANCE OFFICERS**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

WHEREAS, the Lewis County Corporate Compliance Program was adopted on September 7, 2010 pursuant to Resolution No. 297-2010; and

WHEREAS, the Board of Legislators wishes to confirm the appointments of the Corporate Compliance Officers for 2013.

NOW, THEREFORE, be it resolved as follows:

Section 1. That the Board of Legislators hereby confirms the designation of the following Compliance Officers within this program:

Richard J. Graham, Esq., Corporate Compliance Officer and Committee Chairman
Jean Dryja, Corporate Compliance Officer for Lewis County General Hospital

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Sarah Bullock, Corporate Compliance Officer for Lewis County Mental Hygiene Department
Deborah Widrick, Corporate Compliance Officer for Community Recovery Center
Jan Widrick, Corporate Compliance Officer for Lewis County Public Health Agency

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

Moved by Legislator Hathway, seconded by Legislator Stanford, and adopted.

**RESOLUTION NO. 36 - 2013
RESOLUTION AUTHORIZING DISCHARGE OF MORTGAGE
(COUNTY OF LEWIS TO SARAH A. CRONISER)**

Introduced by Michael A. Tabolt, Chairman of the Lewis County Board of Legislators.

WHEREAS, Sarah A. Croniser was granted a Mortgage to the County of Lewis dated December 11, 2001, and recorded in the Lewis County Clerk's Office on February 1, 2002, in Liber 625 of mortgages at Page 117 to secure payment of a loan in the amount of \$1,900.00, 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 King, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 37 - 2013
RESOLUTION AUTHORIZING DISCHARGE OF MORTGAGE
(COUNTY OF LEWIS TO SARAH A. CRONISER)**

Introduced by Michael A. Tabolt, Chairman of the Lewis County Board of Legislators.

WHEREAS, Sarah A. Croniser was granted a Mortgage to the County of Lewis dated February 13, 2004, and recorded in the Lewis County Clerk's Office on September

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10, 2004, as Instrument Number 2004-02910 to secure payment of a loan in the amount of \$6,182.00, 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 Lucas, seconded by Legislator King, and adopted.

**RESOLUTION NO. 38 - 2013
RESOLUTION AUTHORIZING SOFTWARE LICENSE AGREEMENT
WITH CARTEGRAPH SYSTEMS, INC.**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

WHEREAS, Lewis County has heretofore entered into an Inter-Municipal Agreement with the Towns of Denmark, Lowville, Croghan and Martinsburg and Village of Lowville to facilitate the management of the Joint Infrastructure Management Initiative ("JIMI") which was amended to include Jefferson County and several communities therein; and

WHEREAS, the implementation of that program has resulted in the purchase of computer hardware and software to assist in the management and control of infrastructure inventory throughout the participants' communities; and

WHEREAS, the parties wish to enter into an Enterprise License Agreement with Cartegraph Systems, Inc. to upgrade the current inventory software.

NOW, THEREFORE, be it resolved as follows:

Section 1. That the Board of Legislators hereby authorizes an Enterprise License Agreement ("ELA") between the County of Lewis and CARTEGRAPH SYSTEMS, INC., on behalf of the Lewis County JIMI Group and the Jefferson County JIMI Group as set forth in the Purchase Order dated January 4, 2013.

Section 2. That the Board of Legislators is hereby authorizing the referenced Agreement with the express understanding that the County of Lewis is participating in the

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program solely as a facilitator and not as a guarantor of payment by any of the other participating communities, each of whom shall be required to pay their proportionate share of the licensing subscription fee.

Section 3. That the term of said Agreement shall be for the period from January 1, 2013 through December 31, 2016 subject to funding availability on the part of all participating communities.

Section 4. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to execute, seal and deliver said Agreement along with any related inter-municipal cooperation agreements that may be necessary to implement the Enterprise License Agreement with Cartegraph. The Board of Legislators additionally ratifies the execution of the Purchase Order dated January 4, 2013 by Renee Beyer.

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

Moved by Legislator Bush, seconded by Legislator Wallace, and adopted.

RESOLUTION NO. 39 - 2013
RESOLUTION AUTHORIZING AN AGREEMENT
BETWEEN ESSEX COUNTY FOR ADMINISTRATION OF THE
GRANT FUNDS AND GRANT PROJECT FOR THE CLEANER GREENER
COMMUNITY GRANT PROGRAM WITH CLINTON, FRANKLIN, ST.
LAWRENCE, LEWIS, HAMILTON AND JEFFERSON COUNTIES

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

WHEREAS, Essex County has agreed to oversee and administer a grant relative to the Cleaner, Greener Communities Regional Sustainability Plan Program and has entered into an Agreement dated January 11, 2012 with New York State Energy Research and Development Authority (NYSERDA) to prepare the Northern Region Sustainability Plan; and

WHEREAS, Essex County has further agreed to oversee the administration of the grant funds and the grant project on behalf of a consortium consisting of Clinton County, St. Lawrence County, Lewis County, Essex County, Franklin County, Hamilton County and Jefferson County, ("Counties") with all Counties being equal stakeholders in the receipt and administration of said grant; and

WHEREAS, all Counties are desirous of setting forth their respective agreements and understandings with respect to this NYSERDA grant; and

NOW, THEREFORE, BE IT RESOLVED,

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- Section 1. That the Board of Legislators hereby approves the Agreement by and between Essex County and Lewis County in relation to Essex County, as the lead county, for administration of the grant and grant funding for the Cleaner, Greener Communities Regional Sustainability Plan Program.
- Section 2. That the term of this Agreement shall be from April 23, 2012 until June 30, 2013.
- Section 3. That the Chairman, or Vice-Chairman, of the Board of Legislators be and the same is hereby authorized to make, execute, seal and deliver such Agreement, pending approval by the County Attorney, as may be necessary to implement the purposes of this Resolution.
- Section 4. That this Resolution shall take effect immediately.

Moved by Legislator Lucas, seconded by Legislator Hathway, and adopted.

RESOLUTION NO. 40 - 2013
RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING
LOCAL GOVERNMENT EFFICIENCY GRANT FOR SHARED
GEOGRAPHIC INFORMATION SYSTEM SERVICES

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

WHEREAS, the Development Authority of the North Country, Jefferson County, St. Lawrence County, Lewis County, the City of Watertown, and the New York State Tug Hill Commission (hereinafter referred to as the "Parties") have successfully applied for funding from the Department of State's Local Government Efficiency Program (LGEP) for funds to conduct a feasibility study for shared GIS services; and

WHEREAS, through the use of these grant funds for the completion of this study, the Parties will develop a plan to provide better services to internal and external GIS customers in a more efficient manner; and

WHEREAS, that the Development Authority of the North Country is acting as the lead applicant for the LGEP grant and will receive and administer all funds; and

WHEREAS, the Parties agree to use the LGEP grant funds to complete this study, totaling \$63,000, with an additional \$7,000 local share required by the grant. The local share is being paid by the Development Authority of the North Country (\$5,800) and the City of Watertown (\$1,200).

NOW, THEREFORE, BE IT RESOLVED, as follows:

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Section 1. That the Lewis County Board of Legislators hereby approves the Memorandum of Understanding by and between the Development Authority of the North Country, Jefferson County, St. Lawrence County, Lewis County, the City of Watertown, and the New York State Tug Hill Commission for grant funds to conduct a feasibility study for shared GIS services.

Section 2. That the Chairman, or Vice-Chairman, of the Board of Legislators be and the same is hereby authorized to make, execute, seal and deliver such Memorandum of Understanding, pending approval by the County Attorney, as may be necessary to implement the purposes of this Resolution.

Section 3. That this Resolution shall take effect immediately.

Moved by Legislator King, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 41 - 2013
RESOLUTION APPOINTING MEMBERS TO
E-911 OVERSIGHT BOARD**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement Committee.

BE IT RESOLVED as follows:

Section 1. That this Board of Legislators hereby appoints the following members to the Lewis County E-911 Oversight Board for a term effective immediately to terminate on December 31, 2013:

Law Enforcement:

State Police:	Sgt. John Conboy
Sheriff:	Michael Carpinelli, Undersheriff James Monnat
LVPD:	Eric Fredenburg, Chief; Sgt. Randy Roggie
NYSDEC:	Joel Nowalk
Leg Chair:	Michael A. Tabolt
Cts/Law:	John Boyd
Co Manager:	David H. Pendergast
Hwy Supt:	David L. Becker
Bldg Maint:	Frank Archer
Info Tech:	Thomas Mallette

Fire Service:

Fire/Emergency Mgmt:	James M. Martin
Haz. Mat. Coordinator:	Richard Defone
Fire Advisory Board:	Ben Buell
Northern Zone:	Gary Ashline

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Central Zone:	Tim Bush
Southern Zone:	Daryl Ortlieb
Dispatch Sup:	Cheryl Lalonde
Emergency Medical Services:	
EMS Coordinator:	Robert MacKenzie
EMS Advisory Bd:	Alice Morgan
Northern Zone:	Michelle Widrick
Central Zone:	James Deavers
Southern Zone :	Alice Morgan
Search & Rescue:	Mark Tuttle
Lewis County General Hospital:	Nick Hanno
	Dale Barker

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

Moved by Legislator Boyd, seconded by Legislator Burke, and adopted.

RESOLUTION NO. 42 - 2013
RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT
BETWEEN THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION
AND THE COUNTY OF LEWIS

Introduced by Legislator Charles Fanning, Chairman of the Transportation Committee.

WHEREAS, pursuant to Transportation Law Sections 14(14) and 14(15) and Section 99-4 of the General Municipal Law, the New York State Department of Transportation (“NYSDOT”) and the County of Lewis (“County”) wish to join to share certain materials and services; and

WHEREAS, the sharing of such materials and services shall promote and assist the maintenance of NYSDOT and County roads and highways and provide a cost savings by maximizing the effective utilization of both parties’ resources.

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

Section 1. That the Lewis County Board of Legislators hereby authorizes and approves the Shared Services Agreement between the New York State Department of Transportation and the County of Lewis to share certain materials and services whereby the sharing of such materials and services shall promote and assist the maintenance of NYSDOT and the County of Lewis roads and highways and provide a cost savings by maximizing the effective utilization of both parties’ resources.

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Section 2. That this Shared Services Agreement is for the period beginning September 1, 2011 and ending August 31, 2012, with the County amount being \$74,800.

Section 3. That the Lewis County Highway Superintendent, or in his absence the Deputy Superintendent, be and the same is hereby authorized to 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 Stanford, seconded by Legislator Wallace, and adopted.

RESOLUTION NO. 43 - 2013
RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT
BETWEEN THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION
AND THE COUNTY OF LEWIS

Introduced by Legislator Charles Fanning, Chairman of the Transportation Committee.

WHEREAS, pursuant to Transportation Law Sections 14(14) and 14(15) and Section 99-4 of the General Municipal Law, the New York State Department of Transportation (“NYSDOT”) and the County of Lewis (“County”) wish to join to share certain materials and services; and

WHEREAS, the sharing of such materials and services shall promote and assist the maintenance of NYSDOT and County roads and highways and provide a cost savings by maximizing the effective utilization of both parties’ resources.

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

Section 1. That the Lewis County Board of Legislators hereby authorizes and approves the Shared Services Agreement between the New York State Department of Transportation and the County of Lewis to share certain materials and services whereby the sharing of such materials and services shall promote and assist the maintenance of NYSDOT and the County of Lewis roads and highways and provide a cost savings by maximizing the effective utilization of both parties’ resources.

Section 2. That this Shared Services Agreement is for the period beginning September 1, 2012 and ending August 31, 2013, with the County amount being \$74,800.

Section 3. That the Lewis County Highway Superintendent, or in his absence the Deputy Superintendent, be and the same is hereby authorized to execute, seal and deliver such Agreement, pending approval by the County Attorney.

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

Moved by Legislator Boyd, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 44 - 2013
RESOLUTION APPOINTING MEMBER TO
LEWIS COUNTY GENERAL HOSPITAL
BOARD OF MANAGERS**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

BE IT RESOLVED as follows:

Section 1. That pursuant to Section 127 of the General Municipal Law, the Board of Legislators hereby appoints Philip Hathway of 7497 State Route 3, Post Office Box 82, Harrisville, New York 13648, to the Board of Managers of the Lewis County General Hospital, to fill the unexpired term of Michael A. Tabolt.

Section 2. That the term of said appointment shall commence immediately and expire on December 31, 2013.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator Bush, seconded by Legislator King, and adopted.

**RESOLUTION NO. 45 - 2013
RESOLUTION APPOINTING MEMBER TO
JUNKYARD REVIEW BOARD**

Introduced by Legislator Jerry King, Chairman of the Junkyard Committee.

BE IT RESOLVED as follows:

Section 1. That this Board of Legislators hereby re-appoints Titus Witmer of 5661 Glendale Road, Lowville, New York 13367, to the Lewis County Junkyard Review Board.

Section 2. That the term of said appointment shall be effective from February 6, 2013 through December 31, 2017.

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

Moved by Legislator Boyd, seconded by Legislator Burke, and adopted.

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**RESOLUTION NO. 46 – 2013
RESOLUTION TO TRANSFER FUNDS
LAW DEPARTMENT**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfer is hereby approved in the County Attorney's account for the purchase of a multi-office shredder, funds to come from Capital Equipment (HAD1990.4), HAD balance \$205,210.02:

<u>Increase Revenue:</u>	
A50310 (inter-fund transfers)	\$4,695.00
<u>Increase Expense:</u>	
A1420.2909 (Misc Equip)	\$4,695.00

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

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 47 – 2013
RESOLUTION AUTHORIZING AGREEMENT WITH
NYS DIVISION OF CRIMINAL JUSTICE SERVICES AND
PROBATION DEPARTMENT – IGNITION INTERLOCK PROGRAM**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby authorizes a grant Agreement between the New York State Division of Criminal Justice Services, by and through the Probation Department, for a GTSC Ignition Interlock Device Monitoring Program.

Section 2. That said Agreement shall be effective for the period from October 1, 2012 through September 30, 2013, in the total amount of \$4,628.00

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

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

Moved by Legislator Hathway, seconded by Legislator Boyd, and adopted.

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**RESOLUTION NO. 48 – 2013
RESOLUTION TO APPROPRIATE FUNDS
PUBLIC HEALTH**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

BE IT RESOLVED, as follows:

Section 1. That the following budget appropriation is hereby approved for the Cancer Services Program, Clinical Services Contract:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
A34011.4	Cancer Services Program	\$10,000.00
A4035.4901	Professional Services	\$10,000.00

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

Moved by Legislator King, signed by Legislator Burke, and adopted.

**RESOLUTION NO. 49 – 2013
RESOLUTION TO APPROPRIATE
SNOWMOBILE TRAIL PROGRAM FUNDS
2012-2013 SEASON**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

BE IT RESOLVED as follows:

Section 1. That \$215,115.00 is hereby appropriated to Account No. A7141.4999 Snowmobile Trail Program and shall be offset by State Aid Account A38202.

Section 2. That the funds will be passed on to the Snowmobile Association upon receipt.

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

Moved by Legislator Lucas, seconded by Legislator King, and adopted.

**RESOLUTION NO. 50 - 2013
RESOLUTION AUTHORIZING AGREEMENT
BETWEEN DEPARTMENT OF SOCIAL SERVICES AND
COMMUNITY ACTION PLANNING COUNCIL
OF JEFFERSON COUNTY, INC.**

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Introduced by Legislator William Burke, Chairman of the Social Services Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby authorizes an Agreement between the County of Lewis, by and through the Department of Social Services, and the Community Action Planning Council of Jefferson County, Inc. for the purpose of conducting registration and inspection of family day care and school aged child care providers in Lewis County.

Section 2. That the term of this Agreement shall be from January 1, 2012 through December 31, 2012 at a cost not to exceed \$31,920.00.

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

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

Moved by Legislator King, seconded by Legislator Wallace, and adopted.

**RESOLUTION NO. 51 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
THE DEPARTMENT OF SOCIAL SERVICES AND
KIDS CORNER CHILDREN'S CENTER**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

WHEREAS, the Lewis County Department of Social Services wishes to purchase day care services through Kids Corner Children's Center for eligible recipients; and

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That the Board of Legislators hereby approves the contract with Kids Corner Children's Center for the period of January 1, 2013 through December 31, 2013 at the Day Care market rate established by Kids Corner Children's Center. The cost for eligible recipients is approximately 1% for the County and 99% federally reimbursed:

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	Infant Under 1 ½	Toddler 1 ½ - 2	Preschool (3-5)	School Age Child Care (6-12)	Summer	School Vacation / Snow Day
Weekly: Full Time	\$190	\$180	\$170	\$160	\$160	\$140
Daily: Part Time	\$42	\$40	\$38	\$35		
				\$11 (am)		
				\$11 (pm)		
Part-Day	\$28	\$27	\$25	\$23		
Hourly	\$6.75	\$6.75	\$6.25	\$6.25		

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Burke, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 52 - 2013
RESOLUTION AUTHORIZING MEMORANDUM OF UNDERSTANDING
BETWEEN LEWIS COUNTY DEPARTMENT OF SOCIAL SERVICES
AND LEWIS COUNTY GENERAL HOSPITAL
FOR REHABILITATION SERVICES**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

WHEREAS, in accordance with the policies and procedures of DSS and in compliance with New York State and federal welfare reform legislation regulations, to aid in determining employability, the Lewis County Department of Social Services ("DSS") wishes to enter into a Memorandum of Understanding with the Lewis County General Hospital ("LCGH") for rehabilitation services; and

WHEREAS, these services from LCGH will provide DSS with physical and mental impairment examinations for Lewis County Social Services claimants who apply for Temporary Assistance to determine employability; and

WHEREAS, DSS will refer to LCGH Temporary Assistance Claimants for Physical and Medical Examinations for Employability Assessment, Disability Screening, and Alcoholism/Drug Addiction Determination; and

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

February 5, 2013

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby authorizes a Memorandum of Understanding between the County of Lewis, by and through the Lewis County Department of Social Services (“DSS”), and Lewis County General Hospital (“LCGH”) for rehabilitation services to perform physical and mental impairment examinations for Lewis County Social Services Claimants who apply for Temporary Assistance to determine employability.

Section 2. That the term of this Memorandum of Understanding shall be from January 1, 2013 through December 31, 2013 at a cost of \$125.00 for each initial Functional Evaluation performed; \$225.00 per Physical (as needed); and \$118.00 per unit (billable up to 6 units for testing totaling \$708.00) to perform a Functional Capacity Examination.

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

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

Moved by Legislator Stanford, seconded by Legislator King, and adopted.

RESOLUTION NO. 53 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
THE COUNTY OF LEWIS AND BIRNIE BUS SERVICE, INC.
FOR NON-EMERGENCY MEDICAID TRANSPORTATION (PHASE II)

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

WHEREAS, the State of New York has enacted Transportation Law, Section 18-b which provides for the New York State Mass Transportation Operating Assistance Program (“STOA”); and

WHEREAS, Section 119-r of the General Municipal Law of the State of New York authorizes a county to enter into a contract with a privately owned or operated mass transportation facility for mass transportation services to be rendered to the people of Lewis County; and

WHEREAS, the County has adopted Local Law No. 4 – 2009, entitled, “A LOCAL LAW AUTHORIZING PUBLIC TRANSPORTATION SYSTEM WITHIN LEWIS COUNTY,” whereby the County of Lewis has authorized the Board of Legislators to enter into a contract or contracts for a fair and reasonable consideration for mass transportation services to be rendered to the public by a privately-owned or operated mass transportation facility; and

February 5, 2013

WHEREAS, the BIRNIE BUS SERVICE, INC. (herein, the "CARRIER" represents that it is such a privately owned or operated mass transportation facility described in Section 119-r of the General Municipal Law and that it holds certificates of public convenience and necessity issued by the New York State Department of Transportation necessary and appropriate for the rendition of the services to be performed by it hereunder; and

WHEREAS, the County seeks management, operation and maintenance services for the public transportation system and for the coordination of and providing of transportation services in Lewis County; and

WHEREAS, the County has previously entered into an agreement with the CARRIER, dated as of July 1, 2009, to provide public transportation to Lewis County residents at fair and reasonable rates and to provide public assistance to the CARRIER under the provisions of the Transportation Law, Section 18-b, being Chapter 56 of the Laws of 1975 as amended; and

WHEREAS, the County has previously entered into an agreement with the CARRIER, dated as of April 3, 2012, to expand the public transportation services so as to engage the CARRIER to coordinate and provide all non-emergency Medicaid transportation services required by Lewis County Medicaid recipients.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby approves the contract between the COUNTY OF LEWIS and BIRNIE BUS SERVICE, INC. to provide public transportation management, operation and maintenance services pursuant to Section 119-r of the General Municipal Law and Section 18-b of the Transportation Law to coordinate and provide all non-emergency Medicaid transportation services required by Lewis County Medicaid recipients.

Section 2. That said Agreement shall be for the period from January 1, 2013 to December 31, 2013.

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 approval by the County Attorney as to form.

Section 4. That the within resolution shall take effect immediately.
Moved by Legislator Lucas, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 54 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY, BIRNIE BUS SERVICE, INC. AND
NYSARC, INC. (ONEIDA-LEWIS CHAPTER)**

February 5, 2013

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

WHEREAS, Section 119-r of the General Municipal Law of the State of New York authorizes a county to enter into a contract with a privately owned or operated mass transportation facility for mass transportation services to be rendered to the people of Lewis County; and

WHEREAS, the County has adopted Local Law No. 4 – 2009, entitled, “A LOCAL LAW AUTHORIZING PUBLIC TRANSPORTATION SYSTEM WITHIN LEWIS COUNTY;” whereby the County of Lewis has authorized the Board of Legislators to enter into a contract or contracts for a fair and reasonable consideration for mass transportation services to be rendered to the public by a privately-owned or operated mass transportation facility; and

WHEREAS, the BIRNIE BUS SERVICE, INC. (herein, the “CARRIER”) represents that it is such a privately owned or operated mass transportation facility described in Section 119-r of the General Municipal Law and that it holds certificates of public convenience and necessity issued by the New York State Department of Transportation necessary and appropriate for the rendition of the services to be performed by it hereunder; and

WHEREAS, the County seeks management, operation and maintenance services for the public transportation system and for the coordination of and providing of transportation services for Lewis County; and

WHEREAS, the CARRIER is presently under contract with ARC to provide transportation services to ARC’s clientele within the County of Lewis and the CARRIER wishes to coordinate those services and to expand those services to make them available to the general public; and

WHEREAS, the County wishes to enter into an agreement intended and designed to provide public transportation to Lewis County residents at fair and reasonable rates and to provide public assistance to the CARRIER under the provisions of the NYS Transportation Law, Section 18-b, being Chapter 56 of the Laws of 1975 as amended.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby approves the contract with BIRNIE BUS SERVICE, INC. and NYSARC, Inc. (Oneida-Lewis Chapter) to provide public transportation management, operation and maintenance services pursuant to Section 119-r of the General Municipal Law and Section 18-B of the Transportation Law to commence effective January 1, 2013 and continue through December 31, 2013.

February 5, 2013

Section 2. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Agreement, upon approval by the County Attorney as to form.

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

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 55 - 2013
RESOLUTION OPPOSING THE NEW YORK STATE SECURE AMMUNITION
AND FIREARMS ENFORCEMENT (S.A.F.E.) ACT OF 2013**

Introduced by Legislator Richard Lucas, District No. 8 Representative.

WHEREAS, the right to bear arms is guaranteed by the Second Amendment of the U.S. Constitution, as well as the Civil Rights Law of the State of New York, and were infringed on without due process; and

WHEREAS, the New York State Secure Ammunition and Firearms Enforcement Act of 2013 which was rushed to passage by the New York State Senate, Assembly and Governor without a single public hearing, will have a detrimental effect on hunters, sportsmen and legal gun owners; and

WHEREAS, this legislation imposes burdensome new regulations upon law abiding gun owners and will curtail the rights of law abiding citizens of this State; and

WHEREAS, this legislation, while denying the rights of law abiding citizens, fails to address the problem of acts of violence perpetrated by criminals and those who are dangerously mentally ill; and

WHEREAS, this legislation creates an environment in the State which is hostile to gun manufacture and ownership and finds the legislation to be little more than a thinly-veiled attempt at regulating lawful gun ownership out of existence; and

WHEREAS, classifying firearms as assault weapons because of one arbitrary feature effectively deprives people the right to possess firearms which have never before been designated as assault weapons and that only law abiding gun owners will be affected by these new provisions, while criminals will still have and use whatever weapons they want; and

WHEREAS, being a predominantly rural county in upstate New York, the lawful ownership of firearms is and has been a valued tradition enjoyed by many of our citizens, the legislation effectively turns countless law-abiding gun owners into criminals for absolutely no reason; and

February 5, 2013

WHEREAS, there was absolutely no reason for the governor to issue a message of necessity to bring this bill to a vote as there is no emergency. The governor's actions appear to be a deliberate attempt to bypass the constitutional process; and

WHEREAS, requiring law-abiding gun owners to verify ownership of certain types of firearms every five years, in addition to registering them on their pistol licenses, which now also must be renewed every 5 years, does not increase the safety of the public and is unnecessarily burdensome to the residents of New York State; and

WHEREAS, limiting the number of rounds to seven versus ten is arbitrary and capricious, has no correlation to public safety, unfairly burdens law-abiding gun owners, and puts an undue burden on gun manufacturers to retool their manufacturing plants; and

WHEREAS, the only persons who will comply with the new high-capacity magazine ban are law-abiding citizens, leaving the same high-capacity magazines in the hands of those who choose not to obey the law; and

WHEREAS, any semi-automatic pistol that has one military-type feature will, under the new law, be considered an assault weapon is absurd because semi-automatic pistols do in fact come with a pistol grip, making nearly every semi-automatic pistol an assault weapon and serves no public safety interest in the slightest, and crosses the proverbial line from reasonable restrictions on gun ownership to outright harassment of law-abiding gun owners; and

WHEREAS, with an estimated one million assault rifles in existence throughout New York, it is beyond comprehension that the legislature and the Governor would needlessly place police officers in a position where they might be called upon to confiscate the previously lawfully owned property of an American citizen without just compensation. There can be no denying the potential danger this prospect places law enforcement in.

Now, Therefore, BE IT RESOLVED as follows:

RESOLVED, that the Lewis County Legislature does hereby oppose the enactment of the New York State Secure Ammunition and Firearms Enforcement Act of 2013 because it fundamentally alters or abridges the right to keep and bear arms without addressing the problems of gun violence; and, be it further

RESOLVED, that the Lewis County Legislature hereby calls upon the New York State Legislature and the Governor to set aside and annul this ill conceived and poorly drafted statute which abridges the rights of law abiding citizens of the State of New York; and, be it further

RESOLVED, that certified copies of this Resolution shall be forwarded to the Governor of the State of New York, Senator Joseph Griffo, Senator Patricia Ritchie, Assemblyman Kenneth Blankenbush, Assemblywoman Addie Russell and the New York State Association of Counties.

February 5, 2013

Moved by Legislator King, seconded by Legislator Wallace, and adopted.

RESOLUTION NO. 56 - 2013
RESOLUTION AUTHORIZING CONTRACT WITH
LEWIS DEFENDERS, PLLC

Introduced by Legislator John Boyd, Chairman of Courts and Law Committee.

WHEREAS, County Law §722 directs each County to adopt a plan to provide legal counsel to persons charged with a crime or who are entitled to counsel pursuant to Family Court Act §262 and who are financially unable to obtain counsel (herein “public defense legal services”); and

WHEREAS, the Board of Legislators has heretofore entered into a contract with LEWIS DEFENDERS, PLLC for the purpose of providing indigent defense legal services; and

WHEREAS, the Board of Legislators has heretofore been awarded a grant by the State of New York in the amount of \$56,964 for a three year period commencing June 1, 2012 and ending May 30, 2015 (\$18,988 per year) for the purpose of enhancing and improving indigent legal defense services, including additional staff time, increased attorney time including research and trial preparation, expert and investigative services and technology purchases and upgrades; and

WHEREAS, the Board of Legislators wishes to amend the existing contract with the Lewis Defenders, PLLC to provide for these additional services and additional funding.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. The Board of Legislators hereby approves an amendment to the contract with LEWIS DEFENDERS, PLLC to commence effective June 1, 2012 and continuing through December 31, 2013 to provide for additional services and technology upgrades consistent with and pursuant to the grant contract between Lewis County and the State of New York executed November 16, 2012 and finally approved by the State on December 7, 2012.

Section 2. That the County's obligations to perform under the above described amendment to the contract with the LEWIS DEFENDERS, PLLC shall be contingent upon the continuing availability of the grant from New York State.

Section 3. That the Chairman, or the Vice-Chairman, of the Board of Legislators be and the same are hereby authorized to execute and deliver such agreement to effectuate the purpose of this Resolution upon such form as approved by the County Attorney.

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

February 5, 2013

Moved by Legislator Boyd, seconded by Legislator Lucas, and adopted.

OTHER BUSINESS:

Legislator Stanford made a motion to purchase new chairs for Legislators. Considering there was no second to his motion, Chairman Tabolt charged Legislator Stanford to research pricing for new chairs.

Legislator Lucas posed that Board meeting agendas be distributed electronically, and also displayed for view by the public during the meeting. Chairman Tabolt charged the Information Technology Committee chaired by Legislator Wallace, to research electronic capabilities and report to the Board.

The Clerk announced that Legislators Hathway, King and Stanford had been appointed to the Corporate Compliance Committee by Chairman Tabolt, to serve until 12/31/2013.

There being no other business to come before the Board, the meeting adjourned on motion by Legislator Fanning, seconded by Legislator Bush and carried at 5:47 p.m.

February 26, 2013

**SPECIAL MEETING
February 26, 2013**

The meeting was called to order at 5:15 p.m. by Chairman Michael A. Tabolt.

Roll Call: All Legislators were present.

The Invocation was offered by Legislator Hathway, followed by Chairman Tabolt leading the Pledge of Allegiance to the Flag.

There were 5 persons present.

REPORT OF THE RULES AND LEGISLATION COMMITTEE:

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

Richard Lucas, Chairman
Philip Hathway
Charles Fanning

Dated: February 26, 2013

Legislator Lucas made a motion to waive the rules, seconded by Legislator Burke and carried.

REPORTS OF STANDING COMMITTEES:

Legislator Richard Lucas extended an invitation to all Legislators to participate in the Snowmobile Clubs' sponsored ride scheduled on 2/28/13.

Legislator Charles Fanning, Transportation/Solid Waste Committee Chairman, made a motion to authorize Solid Waste Director Peter Wood to fill two (2) part-time laborer positions, seconded by Legislator Boyd and carried.

Legislator Fanning announced that bids would be opened on 2/27/13 at 2 p.m. for sand, gravel and crushing stone for the Highway Department.

RESOLUTIONS:

**RESOLUTION NO. 57 - 2013
RESOLUTION REGARDING SEQRA REVIEW TO ADD PROPOSED
NEW TRAILS AND INTERCONNECTING ROAD SEGMENTS
TO THE LEWIS COUNTY ATV TRAIL SYSTEM
AND DECLARING NO SIGNIFICANT IMPACT**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

February 26, 2013

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 (hereafter, "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 and on January 28, 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, upon completion of its SEQRA review, the Board of Legislators formally established the Lewis County Trail System (herein "Trail System") by adopting Local Law No. 2 – 2009, "A LOCAL LAW ESTABLISHING THE LEWIS COUNTY TRAIL SYSTEM" (herein, "Local Law No. 2"); and

WHEREAS, both Local Law No. 2 and the Statement of Findings contemplate future amendments to the Trail System through the addition of trails and/or the opening of interconnecting roads and set forth procedures for making such amendments, and in particular, the procedures for amending the GEIS in compliance with SEQRA prior to amending the Trail System; and

WHEREAS, the Highmarket Wheelers ATV Club has presented the Board of Legislators with a request to add certain off-road trails to the ATV Trail System as described in Exhibit "A" annexed hereto; and

WHEREAS, as a consequence, the Board of Legislators has caused a site-specific environmental review of the proposed trails and road segments, pursuant to Section 8.2 of the Statement of Findings issued by the Board of Legislators on January 28, 2009; and

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Board of Legislators has received a report, dated February 26, 2012 (the "Report") from the Soil and Water Conservation District, detailing their investigations and findings with respect to the proposed new trails and interconnecting road

segments identified in Exhibit “A”, and with the assistance from County staff and counsel, has reviewed the same and compared it with the GEIS and the Statement of Findings.

Section 2. Based upon its review and analysis of the data contained in the Report, 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 the significant adverse impacts and necessary mitigations for the specific sites;
- c. The consultant’s findings set forth in the Report are consistent with the criteria identified and set forth in the GEIS and the Statement of Findings;
- d. The investigation and analysis of the sites described in Exhibit “A” did not reveal any environmental impacts that were either not addressed or were not adequately addressed in the GEIS and the Statement of Findings.

Section 3. As a consequence of these determinations, the Board of Legislators hereby finds and declares that the addition of the proposed trails and interconnecting road segments described in Exhibit “A” to the Lewis County Trail System will not result in a significant environmental impact.

Section 4. The Board of Legislators further finds and declares that pursuant to 6 NYCRR Part 617.10(d), neither a supplemental Findings Statement nor a negative declaration need be prepared or filed and no further action need be taken with regard to the County’s environmental review of the sites identified in Exhibit “A,” and therefore, the Board has completed its lead agency responsibilities under SEQRA with regard to these sites.

Section 5. That this Resolution shall take effect immediately.

Moved by Legislator King , seconded by Legislator Bush .

Exhibit A

1. David A. LaFramboise (Sportsmen’s Club Trail) (1.4 miles)
2. Thomas G. & Thomas O’Brien, Timothy Barrow’s,
C-ville Fish & Game Club (Dolan Rd) (1.0 miles)
3. Gilbert Young (0.26 miles)
4. Tug Hill Hideaway, Dennis Beausejour, Tughill Snoriders,
Duane Croniser, Bruce & Seth Wilbert (1.3 miles)
5. Michael Flannery, Brian & Amie Semancik (0.15 miles)
6. John Little, LLC, Jedrich Raymond Trust, Richard Miller (.37 miles)
7. High Street to Crofoot Hill off-road, Richard Miller (.09 miles)

February 26, 2013

A1.	John Casullo and Gerald Morczek	(0.27 miles)
A2.	Gerald Morczek	(0.66 miles)
A3.	Charles Mann and Tyrone Constantino	(0.27 miles)
A3a.	Byrons Corners Investments	(0.30 miles)
A4.	Jason Smith	(0.16 miles)
A5.	Gilbert Young (Highmarket to Byrons Corners Road)	(0.20 miles)
A6.	Donald Majka (Kraeger Road)	(0.20 miles)
B1.	Stanley Hutchins	(0.27 miles)
B2.	Royal Kraeger	(0.11 miles)
B3.	Donald Majka (Duppert Road)	(0.52 miles)
B4.	Edward Yeager	(0.25 miles)
C1.	Terrance Miller	(0.23 miles)
C2.	Terrance Miller	(0.23 miles)
D1.	Nowwhac LLC	(0.43 miles)
D1a.	Joseph Rossi	(0.17 miles)
D2.	Michael Ricci	(0.70 miles)
E1.	Christopher Ernst	(0.17 miles)
E2.	Ronald Kotary & Richard Buszek	(0.78 miles)
E3.	Timothy Mauro	(0.30 miles)
E4.	DeMichiel Property (Mackay Road)	(0.10 miles)
F1.	Douglas Seelman Property (Sweeney Road)	(0.16 miles)

Total 11.65 miles of trail

In response to Legislator Hathway, Soil and Water Conservation District Manager Nichelle Billhardt affirmed that the SEQR was appropriately completed.

Atty. Graham stated that legal issues had been addressed, and that road segments have been broken out in separate Local Laws. He apologized that all the Introductory Local Laws were not prepared, but affirmed they would be placed on Legislators' desks on 2/27/13 to meet legal time requirements.

Atty. Graham stated that the road-to-road issue had been addressed, specifically with the Mackay Road in the Town of West Turin, whereby Town and County roads intersect. The SEQR, he stated, was prepared for the purposes and use by each, the County, the Town of West Turin and the Village of Constableville.

February 26, 2013

In response to Legislator Stanford, Atty. Graham stated that the law allows road segments to be opened to connect trails, but does not limit the length of any specific road segment. However, the least length of road is opened with consideration of traffic safety issues. To that end, the current proposals encompass doubled off-road miles, compared to the request presented to the Board in July 2012.

The resolution was then unanimously adopted.

RESOLUTION NO. 58 - 2013
RESOLUTION TO INCORPORATE NEW TRAILS INTO
THE LEWIS COUNTY ATV TRAIL SYSTEM

Introduced by Legislator Richard Lucas, Chairman of the Economic Development 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 (hereafter, "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 and on January 28, 2009, the Board of Legislators issued a written Statement of Findings setting forth the Board's conclusions and determinations, based upon the facts and analyses contained in the GEIS; and

WHEREAS, upon completion of its environmental review under SEQRA, the Board of Legislators formally established the Lewis County Trail System (herein "Trail System") by adopting Local Law No. 2 – 2009, "A LOCAL LAW ESTABLISHING THE LEWIS COUNTY TRAIL SYSTEM" (herein, "Local Law No. 2"); and

WHEREAS, both Local Law No. 2 and the Statement of Findings contemplate future amendments to the ATV Trail System through the addition of trails and/or the opening of interconnecting roads and set forth procedures for making such amendments and additions; and

February 26, 2013

WHEREAS, the Highmarket Wheelers ATV Club has presented the Board of Legislators with a request to add certain off-road trails to the ATV Trail System as described herein below; and

WHEREAS, as a consequence, the Board of Legislators has caused a site-specific environmental review of the proposed trails and road segments, pursuant to Section 8.2 of the Statement of Findings issued by the Board of Legislators on January 28, 2009; and

WHEREAS, the Board of Legislators has contemporaneously herewith completed its review under SEQRA with respect to the trails identified herein below, and based upon an investigation and analysis conducted by the Soil and Water Conservation District, has found and determined that adding these trails to the Lewis County Trail ATV System will not result in a significant environmental impact; and

WHEREAS, the owners of the property where these trails are located have offered to enter into an Access Agreement that will permit the County to enter upon their property for the purpose of constructing and maintaining ATV trails that will be open to the public.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That the Board of Legislators hereby approves entering into an Access Agreement with each of the following property owners:

1. David A. LaFramboise (Sportsmen's Club Trail) (1.4 miles)
2. Thomas G. & Thomas O'Brien, Timothy Barrow's, C-ville Fish & Game Club (Dolan Rd) (1.0 miles)
3. Gilbert Young (0.26 miles)
4. Tug Hill Hideaway, Dennis Beausejour, Tughill Snoriders, Duane Croniser, Bruce & Seth Wilbert (1.3 miles)
5. Michael Flannery, Brian & Amie Semancik (0.15 miles)
6. John Little, LLC, Jedrich Raymond Trust, Richard Miller (.37 miles) + (0.6 miles Village Road)
7. High Street to Crofoot Hill off-road, Richard Miller (.09 miles)

- A1. John Casullo and Gerald Morczek (0.27 miles)
- A2. Gerald Morczek (0.66 miles)
- A3. Charles Mann and Tyrone Constantino (0.27 miles)
- A3a. Byrons Corners Investments (0.30 miles)
- A4. Jason Smith (0.16 miles)
- A5. Gilbert Young (Highmarket to Byrons Corners Road) (0.20 miles)
- A6. Donald Majka (Kraeger Road) (0.20 miles)
- B1. Stanley Hutchins (0.27 miles)
- B2. Royal Kraeger (0.11 miles)
- B3. Donald Majka (Duppert Road) (0.52 miles)

February 26, 2013

B4.	Edward Yeager	(0.25 miles)
C1.	Terrance Miller	(0.23 miles)
C2.	Terrance Miller	(0.23 miles)
D1.	Nowwhac LLC	(0.43 miles)
D1a.	Joseph Rossi	(0.17 miles)
D2.	Michael Ricci	(0.70 miles)
E1.	Christopher Ernst	(0.17 miles)
E2.	Ronald Kotary & Richard Buszek	(0.78 miles)
E3.	Timothy Mauro	(0.30 miles)
E4.	DeMichiel Property (Mackay Road)	(0.10 miles)
F1.	Douglas Seelman Property (Sweeney Road)	(0.16 miles)
Total 11.65 miles of trail		

Section 2. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Access Agreement(s), upon approval by the County Attorney as to form.

Section 3. The trails located on the above referenced properties and more fully described in the Supplemental Statement prepared by the Soil and Water Conservation District are hereby deemed incorporated into and made a part of the Lewis County Trail System.

Section 4. The Board of Legislators hereby authorizes the amendment of the maps of the Lewis County ATV Trail System as the same are published on the Lewis County website and elsewhere to include the trails described herein together with such other and further actions as may be necessary to administer and maintain such trails consistent with the Lewis County ATV Trail Plan, the GEIS and Statement of Findings, and Local Law No. 2 – 2009.

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

Moved by Legislator Wallace, seconded by Legislator Bush.

Atty. Graham affirmed that access agreements have been signed by each of the listed landowners.

The resolution was then unanimously adopted.

February 26, 2013

“EXHIBIT A”

Two recreational trails are being proposed by Lewis County to allow for a contiguous trail system in southern Lewis County. The first proposed trail will extend from the Burdicks Crossing Road in the Town of Turin to Cherry Street and McAlpine Street in the Village of Lyons Falls for a total of 25,741 feet. The Burdicks Crossing to Lyons Falls project will involve very little construction because it will follow the existing railroad bed currently used as a snowmobile trail. Minor drainage improvement will occur to restore a hydrologic connection and keep the trail dry for its users.

The second proposed trail will connect the Burdicks Crossing Road in the Town of Greig to the Fish Creek Road, for a total of 3,500 feet, excluding road connections. This project will extend over property owned by private landowners, the Iroquois Gas Transmission Systems, and the Lewis County Industrial Development Agency.

Both trails proposed will be no wider than 10 feet to allow for the passing of two ATVs and limit the environmental disturbance.

**LOCAL LAW (INTRODUCTORY NO. 1 - 2013)
COUNTY OF LEWIS
A LOCAL LAW AMENDING LOCAL LAW NO. 2 – 2009 REGARDING THE
FEES CHARGED FOR ATV PERMITS IN THE
LEWIS COUNTY TRAIL SYSTEM**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

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 AMENDING LOCAL LAW NO. 2 – 2009 REGARDING THE FEES CHARGED FOR ATV PERMITS IN THE LEWIS COUNTY TRAIL SYSTEM.”

SECTION 2. STATUTORY AUTHORITY

This local law is enacted pursuant to Municipal Home Rule Law (“MHL”) § 10(1)(i) 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:

1. That the Board of Legislators has heretofore adopted Local Law No. 2 – 2009 whereby the Board established the Lewis County Trail System (“Trail System”), which is an identified and designated system of trails and interconnecting roads throughout Lewis County for outdoor enthusiasts who enjoy the use and operation of all-terrain vehicles (“ATVs”).

2. That Local Law No. 2 – 2009 established a permit system pursuant to which no person shall operate any ATV on any County Reforestation Land, County property, or on any trail on private property that has been incorporated into the Lewis County Trail System unless such ATV has received a Lewis County Trail Permit in accordance with the provisions of that Local Law.

3. That Local Law No. 2 -- 2009 was amended by Local Law No. 1 - 2010, whereby a discounted permit for owners of multiple machines was established.

4. That in order to improve both the management of the Trail System as well as the administration of the permit fees, the Board of Legislators believes that it is in the public interest to amend the fee structure of Local Law No. 2 – 2-009, and that Local Law No. 1 -- 2010 be repealed as unnecessary.

SECTION 4. LEWIS COUNTY ATV TRAIL PERMITS.

1. Section "11" of Local Law No. 2 – 2009, entitled, “LEWIS COUNTY ATV TRAIL PERMITS” is hereby amended by deleting the language contained in Paragraph “4” thereof in its entirety and inserting the following language in substitution therefor:

“4. Fees. Fees for the issuance of a Lewis County Trail Permit to be collected by Lewis County under this Local Law are as follows.

a. A fee of sixty-five dollars (\$65) for each individual ATV for which a Trail Permit is requested.

b. In the event that an applicant wishes to obtain permits for more than one ATV (provided that all ATV’s are registered to the same mailing address), the permit fee each additional ATV shall be \$20 per machine.

d. Fees shall not be prorated and such fees shall be applicable only to the year in which the permit is issued.

e. Provided, however, that the provisions of paragraphs (a) and (b) of this subdivision shall not apply to any landowner who has entered into an access agreement with the County to permit the development of one or more ATV trail on his or her property.

SECTION 5. REPEALER.

Local Law No. 1 -- 2010 is hereby repealed as no longer necessary.

February 26, 2013

SECTION 6. SAVINGS CLAUSE

Except as specifically amended or modified herein, the provisions of Local Law No. 2 – 2009 shall remain in full force and effect.

SECTION 7. EFFECTIVE DATE.

This Local Law shall become effective upon filing with the Secretary of State.

**RESOLUTION NO. 59 - 2013
FIXING DATE OF PUBLIC HEARING ON LOCAL LAW
(INTRODUCTORY LOCAL LAW NO. 1 - 2013), COUNTY OF LEWIS**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

WHEREAS, there will be presented and introduced at a meeting of this Board of Legislators to be held on February 26, 2013, a proposed Local Law entitled “A LOCAL LAW AMENDING LOCAL LAW NO. 2 – 2009 REGARDING THE FEES CHARGED FOR ATV PERMITS IN THE LEWIS COUNTY TRAIL SYSTEM.”

Now, therefore, BE IT RESOLVED as follows:

Section 1. That a public hearing will be held on March 5, 2013, 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 Boyd, seconded by Legislator King, and adopted.

**LOCAL LAW (INTRODUCTORY NO. 2 - 2013)
COUNTY OF LEWIS
A LOCAL LAW PERMITTING ALL-TERRAIN VEHICLE
OPERATION ON 0.30 MILES OF MACKAY ROAD (CR 45)**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

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

SECTION I. TITLE.

This Local Law shall be known as “A Local Law Permitting All-Terrain Vehicle Operation on 0.30 miles of Mackay Road (CR 45)”.

SECTION II. PURPOSE.

The purpose of this Local Law is to designate a certain portion of Mackay Road (CR 45) within the County Highway system as being open for travel by all-terrain vehicles pursuant to the authority granted in Section 2405 of the Vehicle and Traffic Law of the State of New York.

SECTION III. DEFINITIONS.

For purposes of this Local Law, the terms hereinafter identified shall have the meanings indicated:

- (a) The term “County” shall refer to the County of Lewis.
- (b) The term “ATV” shall refer to an “all-terrain vehicle” as defined in Section 2281(1) of the Vehicle and Traffic Law of the State of New York.
- (c) The term “Trail System” shall refer to the Lewis County Trail System, as adopted and administered pursuant to Local Law No. 2 – 2009, entitled, “A LOCAL LAW ESTABLISHING THE LEWIS COUNTY TRAIL SYSTEM,” and as the same may be amended from time to time.
- (d) The term “ATV Code” shall refer to the Lewis County ATV Code which sets forth the local rules and regulations pertaining to the operation of ATV’s on public property pursuant to Local Law No. 3 – 2009, entitled “A LOCAL LAW ESTABLISHING THE LEWIS COUNTY ATV CODE,” and as the same may be amended from time to time.
- (e) The term “CR” shall mean County Route, and is used to describe or designate certain highways as owned by the County of Lewis and maintained by the Lewis County Highway Department.

SECTION IV. LEGISLATIVE FINDINGS

The Board of Legislators hereby makes the following findings:

1. That Board of Legislators has carefully reviewed a Memorandum from the County Attorney detailing the legal obligations of the Board when considering opening a County highway or portion thereof to ATV use.
2. The Board of Legislators has conducted a review of the potential adverse impacts the opening of the proposed interconnecting County Roads consistent with 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 after an investigation and analysis conducted by the Board’s environmental consultants, has found and determined that adding these trails to the Lewis County Trail ATV System will not result in a significant environmental impact.

3. The Board of Legislators has also reviewed the annual ATV Activity Report as compiled by the Lewis County Sheriff’s Department.

4. The County Highway Superintendent has reviewed the roads or portions thereof that are proposed to be opened to ATV traffic, and has provided the Board with his written opinion that such roads or portions thereof are presently opened to all classes of motor vehicle traffic and that opening said roads or portions thereof to ATV traffic will not significantly impact traffic safety at those localities.

5. In light of all the information submitted, reviewed and/or received during the public hearing, the Board of Legislators hereby determines and finds that with respect to that portion of Mackay Road (CR 45) as described herein, that it is otherwise impossible for ATV’s to gain access to the southerly end of the trail located on the property of DiMichel; and that it is otherwise impossible for ATV’s to gain access to the northerly end of the trail located on the property of Mauro absent the adoption of this Local Law.

SECTION V. DESIGNATION OF HIGHWAYS.

The following County highway, or portions thereof, is hereby designated as OPEN to travel by ATV’s:

- Beginning at the point where the Town line of the Town of Turin intersects with the Mackay Road (CR 45) thence southerly a distance of 0.30 miles to an ATV trail on the property of landowner Mauro. (This is an extension of that portion of the Mackay Road that is within the Town of Turin that connects to the southerly end of a trail located on the property of DiMichiel in the Town of Turin a distance of .25 miles from the Town line. The intent is to provide a connection from the southerly end of the trail located on the DiMichel property to the northerly end of a trail located on the Mauro property. The total distance between these two trails is .55 miles, of which .25 miles is a Town of Turin highway and .30 miles is a County highway.

SECTION VI. CONDITIONS AND RESTRICTIONS.

A. All of the conditions, restrictions, rules and regulations contained in or adopted pursuant to Article 48-C of the Vehicle and Traffic Law of the State of New York shall apply with respect to the operation of ATV’s within the areas designated in the preceding Section IV.

B. The road segments set forth above shall be deemed incorporated into the Lewis County ATV Trail System and subject to the conditions, restrictions, rules and regulations

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set forth in Local Law No. 2 – 2009, entitled, “A LOCAL LAW ESTABLISHING THE LEWIS COUNTY TRAIL SYSTEM” as well as Local Law No. 3 – 2009, entitled, “THE LEWIS COUNTY ATV CODE” as the same may be amended from time to time.

SECTION VII. SEPARABILITY.

In the event that any part or provision of this Local Law or the application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of the Local Law or the application thereof to other persons or circumstances. Moreover, the Board of Legislators of the County of Lewis hereby declares its intent that it would have passed this Local Law or the remainder thereof had such invalid provision or invalid application been apparent.

SECTION VIII. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

**RESOLUTION NO. 60 - 2013
FIXING DATE OF PUBLIC HEARING ON LOCAL LAW
(INTRODUCTORY LOCAL LAW NO. 2 - 2013), COUNTY OF LEWIS**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

WHEREAS, there will be presented and introduced at a meeting of this Board of Legislators to be held on February 26, 2013, a proposed Local Law entitled “A LOCAL LAW PERMITTING ALL-TERRAIN VEHICLE OPERATION ON 0.30 MILES OF MACKAY ROAD (CR 45).”

Now, therefore, BE IT RESOLVED as follows:

Section 1. That a public hearing will be held on March 5, 2013, 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 Lucas, seconded by Legislator Burke, and adopted.

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**LOCAL LAW (INTRODUCTORY NO. 3 - 2013)
COUNTY OF LEWIS
A LOCAL LAW PERMITTING ALL-TERRAIN VEHICLE
OPERATION ON 1.75 MILES OF MACKAY ROAD (CR 45)**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

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

SECTION I. TITLE.

This Local Law shall be known as “A Local Law Permitting All-Terrain Vehicle Operation on 1.75 miles of Mackay Road (CR 45)”.

SECTION II. PURPOSE.

The purpose of this Local Law is to amend the designation of certain highways or portions thereof within the County Highway system as being open for travel by all-terrain vehicles pursuant to the authority granted in Section 2405 of the Vehicle and Traffic Law of the State of New York.

SECTION III. DEFINITIONS.

For purposes of this Local Law, the terms hereinafter identified shall have the meanings indicated:

- (a) The term “County” shall refer to the County of Lewis.
- (b) The term “ATV” shall refer to an “all-terrain vehicle” as defined in Section 2281(1) of the Vehicle and Traffic Law of the State of New York.
- (c) The term “Trail System” shall refer to the Lewis County Trail System, as adopted and administered pursuant to Local Law No. 2 – 2009, entitled, “A LOCAL LAW ESTABLISHING THE LEWIS COUNTY TRAIL SYSTEM,” and as the same may be amended from time to time.
- (d) The term “ATV Code” shall refer to the Lewis County ATV Code which sets forth the local rules and regulations pertaining to the operation of ATV’s on public property pursuant to Local Law No. 3 – 2009, entitled “A LOCAL LAW ESTABLISHING THE LEWIS COUNTY ATV CODE,” and as the same may be amended from time to time.
- (e) The term “CR” shall mean County Route, and is used to describe or designate certain highways as owned by the County of Lewis and maintained by the Lewis County Highway Department.

SECTION IV. LEGISLATIVE FINDINGS

The Board of Legislators hereby makes the following findings:

1. That Board of Legislators has carefully reviewed a Memorandum from the County Attorney detailing the legal obligations of the Board when considering opening a County highway or portion thereof to ATV use.

2. The Board of Legislators has conducted a review of the potential adverse impacts the opening of the proposed interconnecting County Roads consistent with 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 after an investigation and analysis conducted by the Board’s environmental consultants, has found and determined that adding these trails to the Lewis County Trail ATV System will not result in a significant environmental impact.

3. The Board of Legislators has also reviewed the annual ATV Activity Report as compiled by the Lewis County Sheriff’s Department.

4. The County Highway Superintendent has reviewed the roads or portions thereof that are proposed to be opened to ATV traffic, and has provided the Board with his written opinion that such roads or portions thereof are presently opened to all classes of motor vehicle traffic and that opening said roads or portions thereof to ATV traffic will not significantly impact traffic safety at those localities.

5. In light of all the information submitted, reviewed and/or received during the public hearing, the Board of Legislators hereby determines and finds that with respect to certain portion of Mackay Road (CR 45)) as described herein, that it is otherwise impossible for ATV’s to gain access to the southerly end of the trail located on the property of Mauro; and that it is otherwise impossible to gain access to the northerly end of a trail located on the property of Buczek, which trail traverses 0.75 miles through the property of Buczek and Kotary.

SECTION V. DESIGNATION OF HIGHWAYS.

The following County highway, or portions thereof, is hereby designated as OPEN to travel by ATV’s:

- That certain portion of Mackay Road (CR 45): 1.75 miles, beginning at the southerly end of a trail located on the property of landowner Mauro; thence southwest a distance of 1.75 miles to the northerly end of an ATV trail located on the property of landowner Buczek, which trail traverses the properties of Buczek and Kotary.

SECTION VI. CONDITIONS AND RESTRICTIONS.

A. All of the conditions, restrictions, rules and regulations contained in or adopted pursuant to Article 48-C of the Vehicle and Traffic Law of the State of New York shall

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apply with respect to the operation of ATV's within the areas designated in the preceding Section IV.

B. The road segments set forth above shall be deemed incorporated into the Lewis County ATV Trail System and subject to the conditions, restrictions, rules and regulations set forth in Local Law No. 2 – 2009, entitled, “A LOCAL LAW ESTABLISHING THE LEWIS COUNTY TRAIL SYSTEM” as well as Local Law No. 3 – 2009, entitled, “THE LEWIS COUNTY ATV CODE” as the same may be amended from time to time.

SECTION VII. SEPARABILITY.

In the event that any part or provision of this Local Law or the application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of the Local Law or the application thereof to other persons or circumstances. Moreover, the Board of Legislators of the County of Lewis hereby declares its intent that it would have passed this Local Law or the remainder thereof had such invalid provision or invalid application been apparent.

SECTION VIII. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

**RESOLUTION NO. 61 - 2013
FIXING DATE OF PUBLIC HEARING ON LOCAL LAW
(INTRODUCTORY LOCAL LAW NO. 3 - 2013), COUNTY OF LEWIS**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

WHEREAS, there will be presented and introduced at a meeting of this Board of Legislators to be held on February 26, 2013, a proposed Local Law entitled “A LOCAL LAW PERMITTING ALL-TERRAIN VEHICLE OPERATION ON 1.75 MILES OF MACKAY ROAD (CR 45).”

Now, therefore, BE IT RESOLVED as follows:

Section 1. That a public hearing will be held on March 5, 2013, 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

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Court House, Lowville, New York, and by publishing such notice at least once in the official newspaper of the County.

Moved by Legislator King, seconded by Legislator Wallace, and adopted.

LOCAL LAW (INTRODUCTORY NO. 4 - 2013)
COUNTY OF LEWIS
A LOCAL LAW PERMITTING ALL-TERRAIN VEHICLE
OPERATION ON 0.79 MILES OF MACKAY ROAD (CR 45)

Introduced by Legislator Richard Lucas of the Chairman of the Economic Development Committee.

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

SECTION I. TITLE.

This Local Law shall be known as “A Local Law Permitting All-Terrain Vehicle Operation on 0.79 miles of Mackay Road (CR 45)”.

SECTION II. PURPOSE.

The purpose of this Local Law is to amend the designation of certain highways or portions thereof within the County Highway system as being open for travel by all-terrain vehicles pursuant to the authority granted in Section 2405 of the Vehicle and Traffic Law of the State of New York.

SECTION III. DEFINITIONS.

For purposes of this Local Law, the terms hereinafter identified shall have the meanings indicated:

- (a) The term “County” shall refer to the County of Lewis.
- (b) The term “ATV” shall refer to an “all-terrain vehicle” as defined in Section 2281(1) of the Vehicle and Traffic Law of the State of New York.
- (c) The term “Trail System” shall refer to the Lewis County Trail System, as adopted and administered pursuant to Local Law No. 2 – 2009, entitled, “A LOCAL LAW ESTABLISHING THE LEWIS COUNTY TRAIL SYSTEM,” and as the same may be amended from time to time.
- (d) The term “ATV Code” shall refer to the Lewis County ATV Code which sets forth the local rules and regulations pertaining to the operation of ATV’s on public property

pursuant to Local Law No. 3 – 2009, entitled “A LOCAL LAW ESTABLISHING THE LEWIS COUNTY ATV CODE,” and as the same may be amended from time to time.

(e) The term “CR” shall mean County Route, and is used to describe or designate certain highways as owned by the County of Lewis and maintained by the Lewis County Highway Department.

SECTION IV. LEGISLATIVE FINDINGS

The Board of Legislators hereby makes the following findings:

1. That Board of Legislators has carefully reviewed a Memorandum from the County Attorney detailing the legal obligations of the Board when considering opening a County highway or portion thereof to ATV use.

2. The Board of Legislators has conducted a review of the potential adverse impacts the opening of the proposed interconnecting County Roads consistent with 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 after an investigation and analysis conducted by the Board’s environmental consultants, has found and determined that adding these trails to the Lewis County Trail ATV System will not result in a significant environmental impact.

3. The Board of Legislators has also reviewed the annual ATV Activity Report as compiled by the Lewis County Sheriff’s Department.

4. The County Highway Superintendent has reviewed the roads or portions thereof that are proposed to be opened to ATV traffic, and has provided the Board with his written opinion that such roads or portions thereof are presently opened to all classes of motor vehicle traffic and that opening said roads or portions thereof to ATV traffic will not significantly impact traffic safety at those localities.

5. In light of all the information submitted, reviewed and/or received during the public hearing, the Board of Legislators hereby determines and finds that with respect to certain portion of Mackay Road (CR 45) as described herein, that it is otherwise impossible for ATV’s to gain access to the southerly end of the trail located on the property of landowner Kotary; and that it is otherwise impossible for ATV’s to gain access to the northerly end of the trail located on the property of landowner Ernst.

SECTION V. DESIGNATION OF HIGHWAYS.

The following County highway, or portions thereof, is hereby designated as OPEN to travel by ATV’s:

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- That certain portion of Mackay Road (CR 45): 0.79 miles, beginning at the southerly end of an ATV trail located on the property of landowner Kotary; thence southerly a distance of 0.79 miles to the northerly end of an ATV trail located on the property of landowner Ernst.

SECTION VI. CONDITIONS AND RESTRICTIONS.

A. All of the conditions, restrictions, rules and regulations contained in or adopted pursuant to Article 48-C of the Vehicle and Traffic Law of the State of New York shall apply with respect to the operation of ATV's within the areas designated in the preceding Section IV.

B. The road segments set forth above shall be deemed incorporated into the Lewis County ATV Trail System and subject to the conditions, restrictions, rules and regulations set forth in Local Law No. 2 – 2009, entitled, “A LOCAL LAW ESTABLISHING THE LEWIS COUNTY TRAIL SYSTEM” as well as Local Law No. 3 – 2009, entitled, “THE LEWIS COUNTY ATV CODE” as the same may be amended from time to time.

SECTION VII. SEPARABILITY.

In the event that any part or provision of this Local Law or the application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of the Local Law or the application thereof to other persons or circumstances. Moreover, the Board of Legislators of the County of Lewis hereby declares its intent that it would have passed this Local Law or the remainder thereof had such invalid provision or invalid application been apparent.

SECTION V III. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

**RESOLUTION NO. 62 - 2013
FIXING DATE OF PUBLIC HEARING ON LOCAL LAW
(INTRODUCTORY LOCAL LAW NO. 4 - 2013), COUNTY OF LEWIS**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

WHEREAS, there will be presented and introduced at a meeting of this Board of Legislators to be held on February 26, 2013, a proposed Local Law entitled “A LOCAL LAW PERMITTING ALL-TERRAIN VEHICLE OPERATION ON 0.79 MILES OF MACKAY ROAD (CR 45).”

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Now, therefore, BE IT RESOLVED as follows:

Section 1. That a public hearing will be held on March 5, 2013, 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 Fanning, seconded by Legislator Boyd, and adopted.

LOCAL LAW (INTRODUCTORY NO. 5 - 2013)
COUNTY OF LEWIS
A LOCAL LAW PERMITTING ALL-TERRAIN VEHICLE OPERATION ON 0.55
MILES OF HIGHMARKET ROAD (CR 48)

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

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

SECTION I. TITLE.

This Local Law shall be known as "A Local Law Permitting All-Terrain Vehicle Operation on 0.55 miles of Highmarket Road (CR 48)."

SECTION II. PURPOSE.

The purpose of this Local Law is to amend the designation of certain highways or portions thereof within the County Highway system as being open for travel by all-terrain vehicles pursuant to the authority granted in Section 2405 of the Vehicle and Traffic Law of the State of New York.

SECTION III. DEFINITIONS.

For purposes of this Local Law, the terms hereinafter identified shall have the meanings indicated:

- (a) The term "County" shall refer to the County of Lewis.
- (b) The term "ATV" shall refer to an "all-terrain vehicle" as defined in Section 2281(1) of the Vehicle and Traffic Law of the State of New York.

(c) The term “Trail System” shall refer to the Lewis County Trail System, as adopted and administered pursuant to Local Law No. 2 – 2009, entitled, “A LOCAL LAW ESTABLISHING THE LEWIS COUNTY TRAIL SYSTEM,” and as the same may be amended from time to time.

(d) The term “ATV Code” shall refer to the Lewis County ATV Code which sets forth the local rules and regulations pertaining to the operation of ATV’s on public property pursuant to Local Law No. 3 – 2009, entitled “A LOCAL LAW ESTABLISHING THE LEWIS COUNTY ATV CODE,” and as the same may be amended from time to time.

(e) The term “CR” shall mean County Route, and is used to describe or designate certain highways as owned by the County of Lewis and maintained by the Lewis County Highway Department.

SECTION IV. LEGISLATIVE FINDINGS

The Board of Legislators hereby makes the following findings:

1. That Board of Legislators has carefully reviewed a Memorandum from the County Attorney detailing the legal obligations of the Board when considering opening a County highway or portion thereof to ATV use.

2. The Board of Legislators has conducted a review of the potential adverse impacts the opening of the proposed interconnecting County Roads consistent with 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 after an investigation and analysis conducted by the Board’s environmental consultants, has found and determined that adding these trails to the Lewis County Trail ATV System will not result in a significant environmental impact.

3. The Board of Legislators has also reviewed the annual ATV Activity Report as compiled by the Lewis County Sheriff’s Department.

4. The County Highway Superintendent has reviewed the roads or portions thereof that are proposed to be opened to ATV traffic, and has provided the Board with his written opinion that such roads or portions thereof are presently opened to all classes of motor vehicle traffic and that opening said roads or portions thereof to ATV traffic will not significantly impact traffic safety at those localities.

5. In light of all the information submitted, reviewed and/or received during the public hearing, the Board of Legislators hereby determines and finds that with respect to that certain portion of Highmarket Road (CR 48) as described herein, that it is otherwise impossible for ATV’s to gain access to the southerly end of an ATV trail located on the property of landowner Ernst and the northerly end of an ATV trail located on the property of landowner Young.

SECTION V. DESIGNATION OF HIGHWAYS.

The following County highway, or portions thereof, is hereby designated as OPEN to travel by ATV's:

- That certain portion of Highmarket Road (CR 48): 0.55 miles, beginning at the southerly end of an ATV trail located on property of landowner Ernst; thence west a distance of 0.55 miles to the northerly end of a trail located on the property of landowner Young.

SECTION VI. CONDITIONS AND RESTRICTIONS.

A. All of the conditions, restrictions, rules and regulations contained in or adopted pursuant to Article 48-C of the Vehicle and Traffic Law of the State of New York shall apply with respect to the operation of ATV's within the areas designated in the preceding Section IV.

B. The road segments set forth above shall be deemed incorporated into the Lewis County ATV Trail System and subject to the conditions, restrictions, rules and regulations set forth in Local Law No. 2 – 2009, entitled, "A LOCAL LAW ESTABLISHING THE LEWIS COUNTY TRAIL SYSTEM" as well as Local Law No. 3 – 2009, entitled, "THE LEWIS COUNTY ATV CODE" as the same may be amended from time to time.

SECTION VII. SEPARABILITY.

In the event that any part or provision of this Local Law or the application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of the Local Law or the application thereof to other persons or circumstances. Moreover, the Board of Legislators of the County of Lewis hereby declares its intent that it would have passed this Local Law or the remainder thereof had such invalid provision or invalid application been apparent.

SECTION VIII. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

**RESOLUTION NO. 63 - 2013
FIXING DATE OF PUBLIC HEARING ON LOCAL LAW
(INTRODUCTORY LOCAL LAW NO. 5 - 2013), COUNTY OF LEWIS**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

February 26, 2013

WHEREAS, there will be presented and introduced at a meeting of this Board of Legislators to be held on February 26, 2013, a proposed Local Law entitled "A LOCAL LAW PERMITTING ALL-TERRAIN VEHICLE OPERATION ON 0.55 MILES OF HIGHMARKET ROAD (CR 48)."

Now, therefore, BE IT RESOLVED as follows:

Section 1. That a public hearing will be held on March 5, 2013, 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 King, seconded by Legislator Lucas, and adopted.

**LOCAL LAW (INTRODUCTORY NO. 6 -2013)
COUNTY OF LEWIS
A LOCAL LAW PERMITTING ALL-TERRAIN VEHICLE
OPERATION ON CERTAIN PORTIONS OF
BYRONS CORNERS ROAD (CR 49)**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

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

SECTION I. TITLE.

This Local Law shall be known as "A Local Law Permitting All-Terrain Vehicle Operation on 1.41 miles of Byrons Corners Road (CR 49) to intersection of Sweeney Road and ATV trail of property owner Mann to the intersection of Fish Creek Road".

SECTION II. PURPOSE.

The purpose of this Local Law is to amend the designation of certain highways or portions thereof within the County Highway system as being open for travel by all-terrain vehicles pursuant to the authority granted in Section 2405 of the Vehicle and Traffic Law of the State of New York.

SECTION III. DEFINITIONS.

For purposes of this Local Law, the terms hereinafter identified shall have the meanings indicated:

- (a) The term “County” shall refer to the County of Lewis.
- (b) The term “ATV” shall refer to an “all-terrain vehicle” as defined in Section 2281(1) of the Vehicle and Traffic Law of the State of New York.
- (c) The term “Trail System” shall refer to the Lewis County Trail System, as adopted and administered pursuant to Local Law No. 2 – 2009, entitled, “A LOCAL LAW ESTABLISHING THE LEWIS COUNTY TRAIL SYSTEM,” and as the same may be amended from time to time.
- (d) The term “ATV Code” shall refer to the Lewis County ATV Code which sets forth the local rules and regulations pertaining to the operation of ATV’s on public property pursuant to Local Law No. 3 – 2009, entitled “A LOCAL LAW ESTABLISHING THE LEWIS COUNTY ATV CODE,” and as the same may be amended from time to time.
- (e) The term “CR” shall mean County Route, and is used to describe or designate certain highways as owned by the County of Lewis and maintained by the Lewis County Highway Department.

SECTION IV. LEGISLATIVE FINDINGS

The Board of Legislators hereby makes the following findings:

1. That Board of Legislators has carefully reviewed a Memorandum from the County Attorney detailing the legal obligations of the Board when considering opening a County highway or portion thereof to ATV use.
2. The Board of Legislators has also reviewed a report from the Trails Coordinator entitled, “Description of Amended Designation of ATV Trails and Interconnecting County Roads for Use by ATV’s – 2012”, dated July 13, 2012, which has been submitted to the Board of Legislators identifying each road segment that is proposed to be opened to ATV traffic and providing a description of the trail or area that is adjacent to such road and the justification for same as required by Vehicle & Traffic Law § 2405.
3. The Board of Legislators has conducted a review of the potential adverse impacts the opening of the proposed interconnecting County Roads consistent with 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 after an investigation and analysis conducted by the Board’s environmental consultants, has found and determined that adding these trails to the Lewis County Trail ATV System will not result in a significant environmental impact.

4. The Board of Legislators has also reviewed the annual ATV Activity Report as compiled by the Lewis County Sheriff's Department.

5. The County Highway Superintendent has reviewed the roads or portions thereof that are proposed to be opened to ATV traffic, and has provided the Board with his written opinion that such roads or portions thereof are presently opened to all classes of motor vehicle traffic and that opening said roads or portions thereof to ATV traffic will not significantly impact traffic safety at those localities.

6. In light of all the information submitted, reviewed and/or received during the public hearing, the Board of Legislators hereby determines and finds that with respect to certain portion of Mackay Road (CR 45) set forth in Local Law Introductory No. 5 – 2012, and is proposed to be opened to ATV traffic, that it is otherwise impossible for ATV's to gain access to areas or trails adjacent to such road or portion thereof.

SECTION V. DESIGNATION OF HIGHWAYS.

The following County highway, or portions thereof, is hereby designated as OPEN to travel by ATV's:

- That certain portion of Byrons Corners Road (CR 49): 1.41 miles, beginning at the southerly end of an ATV trail located on the property of landowner Morczek; thence southeast a distance of 1.41 miles on Byrons Corners Road to the northerly end of a trail located on the property of landowner Mann, which trail traverses the property of Mann and Constantino a distance of approximately 0.27 miles.

SECTION VI. CONDITIONS AND RESTRICTIONS.

A. All of the conditions, restrictions, rules and regulations contained in or adopted pursuant to Article 48-C of the Vehicle and Traffic Law of the State of New York shall apply with respect to the operation of ATV's within the areas designated in the preceding Section IV.

B. The road segments set forth above shall be deemed incorporated into the Lewis County ATV Trail System and subject to the conditions, restrictions, rules and regulations set forth in Local Law No. 2 – 2009, entitled, "A LOCAL LAW ESTABLISHING THE LEWIS COUNTY TRAIL SYSTEM" as well as Local Law No. 3 – 2009, entitled, "THE LEWIS COUNTY ATV CODE" as the same may be amended from time to time.

SECTION VII. SEPARABILITY.

In the event that any part or provision of this Local Law or the application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of the Local Law or the application thereof to

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other persons or circumstances. Moreover, the Board of Legislators of the County of Lewis hereby declares its intent that it would have passed this Local Law or the remainder thereof had such invalid provision or invalid application been apparent.

SECTION VIII. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

**RESOLUTION NO. 64 - 2013
FIXING DATE OF PUBLIC HEARING ON LOCAL LAW
(INTRODUCTORY LOCAL LAW NO. 6 - 2013), COUNTY OF LEWIS**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

WHEREAS, there will be presented and introduced at a meeting of this Board of Legislators to be held on February 26, 2013, a proposed Local Law entitled "A LOCAL LAW PERMITTING ALL-TERRAIN VEHICLE OPERATION ON CERTAIN PORTIONS OF BYRONS CORNERS ROAD (CR 49)."

Now, therefore, BE IT RESOLVED as follows:

Section 1. That a public hearing will be held on March 5, 2013, 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 Lucas, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 65 - 2013
FIXING DATE OF PUBLIC HEARING ON LOCAL LAW
(INTRODUCTORY LOCAL LAW NO. 7 - 2013), COUNTY OF LEWIS**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

WHEREAS, there will be presented and introduced at a meeting of this Board of Legislators to be held on February 26, 2013, a proposed Local Law entitled "A LOCAL LAW PERMITTING ALL-TERRAIN VEHICLE OPERATION ON CERTAIN PORTIONS OF NEFF ROAD (CR)."

Now, therefore, BE IT RESOLVED as follows:

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Section 1. That a public hearing will be held on March 5, 2013, 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 Lucas, seconded by Legislator King, and adopted.

**RESOLUTION NO. 66 - 2013
FIXING DATE OF PUBLIC HEARING ON LOCAL LAW
(INTRODUCTORY LOCAL LAW NO. 8 - 2013), COUNTY OF LEWIS**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

WHEREAS, there will be presented and introduced at a meeting of this Board of Legislators to be held on February 26, 2013, a proposed Local Law entitled "A LOCAL LAW PERMITTING ALL-TERRAIN VEHICLE OPERATION ON CERTAIN PORTIONS OF KESSLER ROAD (CR)."

Now, therefore, BE IT RESOLVED as follows:

Section 1. That a public hearing will be held on March 5, 2013, 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 King, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 67 - 2013
FIXING DATE OF PUBLIC HEARING ON LOCAL LAW
(INTRODUCTORY LOCAL LAW NO. 9 - 2013), COUNTY OF LEWIS**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

WHEREAS, there will be presented and introduced at a meeting of this Board of Legislators to be held on February 26, 2013, a proposed Local Law entitled "A LOCAL

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LAW PERMITTING ALL-TERRAIN VEHICLE OPERATION ON CERTAIN PORTIONS OF KRAEGER ROAD (CR)."

Now, therefore, BE IT RESOLVED as follows:

Section 1. That a public hearing will be held on March 5, 2013, 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 Lucas, seconded by Legislator Wallace, and adopted.

**RESOLUTION NO. 68 - 2013
FIXING DATE OF PUBLIC HEARING ON LOCAL LAW
(INTRODUCTORY LOCAL LAW NO. 10 - 2013), COUNTY OF LEWIS**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

WHEREAS, there will be presented and introduced at a meeting of this Board of Legislators to be held on February 26, 2013, a proposed Local Law entitled "A LOCAL LAW PERMITTING ALL-TERRAIN VEHICLE OPERATION ON CERTAIN PORTIONS OF BEECHER ROAD (CR)."

Now, therefore, BE IT RESOLVED as follows:

Section 1. That a public hearing will be held on March 5, 2013, 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 King, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 69 - 2013
FIXING DATE OF PUBLIC HEARING ON LOCAL LAW
(INTRODUCTORY LOCAL LAW NO. 11 - 2013), COUNTY OF LEWIS**

February 26, 2013

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

WHEREAS, there will be presented and introduced at a meeting of this Board of Legislators to be held on February 26, 2013, a proposed Local Law entitled "A LOCAL LAW PERMITTING ALL-TERRAIN VEHICLE OPERATION ON CERTAIN PORTIONS OF GEORGE KRAEGER ROAD (CR)."

Now, therefore, BE IT RESOLVED as follows:

Section 1. That a public hearing will be held on March 5, 2013, 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 Lucas, seconded by Legislator Fanning, and adopted.

OTHER BUSINESS:

There being no other business to come before the Board, the meeting adjourned on motion by Legislator Fanning, seconded by Legislator Boyd and carried at 5:34 p.m.

March 5, 2013

**REGULAR MEETING
March 5, 2013**

The meeting was called to order at 5:00 p.m. by Chairman Michael A. Tabolt.

Roll Call: All Legislators were present.

The Invocation was offered by Legislator Hathway, followed by Chairman Tabolt leading the Pledge of Allegiance to the Flag.

There were 50 persons present.

Chairman Tabolt announced approval of the February 5th and February 26th, 2013 meeting minutes.

REPORT OF THE RULES AND LEGISLATION COMMITTEE:

The Rules and Legislation Committee had met and recommends waiving the rules to allow action on late resolutions.

Richard Lucas, Chairman
Philip Hathway
Charles Fanning

Dated: March 5, 2013

Legislator Burke made a motion to waive the rules, seconded by Legislator Bush and carried. Legislator Wallace was opposed.

PRIVILEGE OF THE FLOOR:

Cliff White, Highmarket Wheelers ATV Club President, cited the many club members and business owners in the audience, impressing the importance of opening the proposed County road sections, as a precursor for Town officials opening connecting roads to ATV trails. Mr. White reported completion of 22 trails that will have posted signs. The goal is to develop as much off-road trail as possible, he stated, while affirming his commitment to accomplish that by forging good relationships with the landowners. He commended law enforcement for patrolling the trails, while stating there were no known issues.

Mr. Gordon J. Belair, Jr., retiree of the Onondaga County Sheriff's Department, relayed purchasing a house on the Liberty Road in Montague two years ago. He expressed aggravation owing to a minority of ATV operators that tear up the roads and property, terming them out of control. He proclaimed not being against ATV or snowmobile enthusiasts, but would like some consideration. Town officials have yet to respond to his request to erect signs to enhance safety. Mr. Belair requests that County officials consider these issues when opening trail connecting road sections.

March 5, 2013

PRESENTATION OF COMMUNICATIONS AND NOTICES:

The Clerk announced that Resolutions 65 through 69-2013 adopted by the Board at their 2/26/13 special meeting, were presented in error to set public hearing dates to openTown roads for ATV travel, which are outside the Board's jurisdiction.

The Clerk reported that Bruce R. Krug had submitted written opposing views to opening roads to ATV travel, a copy of which had been distributed to each Legislator.

Charlotte Beagle, Chairwoman of the "Save Our Statue Committee" extended an invitation for Legislators to participate in a rededication ceremony of the refurbished 1883 Civil War Soldiers and Sailors Monument, to be held in conjunction with Lowville's traditional Memorial Day Parade on May 27, 2013.

Assemblyman Ken Blankenbush acknowledged receipt and is mindful of the Board's resolution opposing the New York State Secure Ammunition and Firearms Enforcement (SAFE) Act of 2013, and would consider same in the event action to amend or rescind the legislation were proposed. Several other County Legislatures have adopted similar opposing resolutions.

The Chenango County Board of Supervisors has adopted a resolution opposing proposed amendments to the Election Law that would require voting be allowed 14 days before a general election and 7 days before a primary election, at a minimum of 5 polling places; as well as legislation imposing "Same Day Voter Registration". Attendant costs imposed upon County budgets would be yet another unfunded mandate.

The Fulton County Board of Supervisors has adopted a resolution urging Congress to amend the Federal Property and Administrative Services Act of 1949. Title IX of this Act outlines the process to hire architects, engineers and other professional services for public works projects that utilize federal funding, which requires governments to select professional service firms based solely on qualifications, without regard for cost.

REPORTS OF COUNTY OFFICERS AND DEPARTMENTS:

Copies of County Attorney Richard Grahams' memorandum, delineating the procedure to open roads to ATV travel; and Highway Superintendent David Becker's statement relative to his review of the proposed roads to be opened, had been distributed to each Legislator.

The Clerk reported that each Legislator had also received a copy of the 2/14/13 Junkyard Review Board, and 2/26/13 Youth Bureau Advisory Board meeting minutes; the Treasurer's February monthly report; the 2/22/13 Solid Waste audit report; the 2/19 and 2/28/13 Highway Audit reports; and the 2012 Annual Report of the Public Health Department.

March 5, 2013

County Sealer Barbara Cooper had submitted her January/February 2013 report, to be placed on file.

Treasurer Patricia O'Brien and Real Property Tax Director Linda Gydesen have submitted approved applications for corrected 2012 tax rolls for property owned by Stephen M. Callaghan; John Jones, II; Amy Morgan; The State of New York; Percy Sullivan; Harold Tiff, Jr. & Karen Mono; and Clayton & Eleanor Weiler.

REPORTS OF STANDING COMMITTEES:

Legislator Philip Hathway, Hospital Committee Chairman, reported that January admissions, emergency room visits, and out-patient visits had all exceeded budgeted levels; and in-patient revenues had increased by 33%. Accounts payables have been reduced from 138 to 113 days; and Hospital debt to the County of \$4.7 Million mirrors the pension cost.

Legislator Hathway, again, commended Stroudwater representatives for their thorough and knowledgeable analysis of Hospital operations. They had reported their 12-point improvement plan to the Board of Managers and physicians at a recent retreat. Subsequently, the Stroudwater Group assisted to develop an implementation plan, with a goal toward self-sustainment by the end of 2013. They confidently assured the Hospital is appropriately positioned to respond to the implications of "Obamacare".

Legislator Hathway announced that Jennifer Shaver from Claxton/Hepburn Hospital has been hired to fill the Director of Patient Care vacancy created by retiring David Wood, after 33 years.

Legislator Hathway announced the Harrisville clinic is now open three day per week; and that the employee-of-the-month was Diane Lewis of the Stores Department.

Legislator Jack Bush, Buildings and Grounds Committee Chairman, reported the committee's plan to tour prospective local buildings to relocate County personnel currently housed in St. Peter's School. The Committee will meet with Village of Lowville officials to discuss sewer issues, and the condition and safety concerns on Stowe Street that were stated at the recent public informational forum.

Citing the importance of having expertise before commencing new construction, Legislator Bush made a motion to authorize the Buildings and Grounds Committee to advertise for, and subsequently interview interested persons for construction manager. The committee would be prepared with a recommendation, if, or when, the County Board chose to move forward with construction on Outer Stowe Street. The motion was seconded by Legislator King and unanimously carried.

Chairman Tabolt referenced receipt of a letter from the NYS Department of Transportation asking if the County would like to reclaim an abandoned .48 acre parcel at

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the intersection of Route 12 and the Ross Road. A late resolution was enacted to reclaim the respective parcel.

Legislator John Boyd, Courts and Law Enforcement Committee Chairman, announced that the Beaver River Central School boys basketball team had recently won the Class C championship game at the Syracuse Carrier Dome, and will move on to the State quarterfinals.

Legislator Richard Lucas, Economic Development/Insurance Committee Chairman, announced the committee would meet on 3/21/13 at 2 p.m. for the consultant's report following their overall analysis of the County workers' compensation program.

Human Resource and Civil Service personnel have determined that 12 of the 32 Trail Coordinator applicants meet required qualifications. The committee will select candidates and schedule interviews.

Legislator Charles Fanning, Transportation Committee Chairman, reported receipt of four (4) bids and made a motion to award the low bid of \$3.95/cubic yard for crushing to Villager Construction for Lewis County Highway purposes from 4/1/2013 to 3/31/2014.

The motion was seconded by Legislator King and carried.

Legislator Fanning made a motion to accept all stone bids and all concrete bids, based on project location, effective from 4/1/2013 to 3/31/2014. The bid tally sheet has been placed on file with the Clerk of the Board. The motion was seconded by Legislator Lucas and carried. Legislator Bush abstained.

Legislator Fanning announced that asphalt bids were scheduled to be opened on 3/20/13.

Legislator William Burke, Social Services/Office For Aging/Youth Bureau Committee Chairman reported an in-depth discussion about reinstating the Journal and Republican's allotted space for students to voice their opinions on various issues. The Youth Advisory Board also discussed the upcoming 5/22/13 Homeless Summit and National Night Out. They recognized Lowville Academy & Central School representative Brooke Lyndaker for attaining a national Scholastic and Fine Arts Best Portfolio Award.

Legislator Burke reminded that HEAP assistance is still available through 3/15/13; and that Office For Aging staff had conducted public forums in Lowville and Lyons Falls to educate on the Empower NY Program for energy saving tips. Due to the conflict with several committee meetings on 3/20/13, the Mayors For Meals program will be re-scheduled.

Legislator Burke reported several proposed contracts relative to Social Services; one specifically would assist Cornell Cooperative Extension while they await receipt of

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Federal funds. There are also several proposed job creations for the Summer Youth and Youth-at-Risk Programs.

Due to a recent resignation, Legislator Burke made a motion to authorize Commissioner Stacy Alvord to fill one full-time permanent Social Welfare Examiner position, seconded by Legislator Boyd and carried.

Chairman Tabolt reported that the Economic Development and Taxation Committees have reviewed two prospective parcels in the delinquent property tax auction. One parcel is adjacent to County land on the Fish Creek Road in Greig, which may be ideal for off-road recreation trails. The other is an 85-acre parcel in Osceola, which may be a beneficial site for a radio tower. Removing the parcels from the auction would provide time to research whether either of the initiatives had merit. If not, they could be included in the next auction, he said.

Legislator Fanning was concerned there had been no discussion at the Board level, invoking the parcels could be back on the tax rolls. County Manager David Pendergast reported that Motorola's tower study indicates there should be a tower erected in the Osceola area. He estimated only 5 or 6 acres of the 85-acre parcel would be needed, with the remainder sold by auction. Sheriff Carpinelli concurred, while agreeing the need for further research to determine the feasibility of a tower location. Legislator King favored removing the parcel from the auction to allow time for that determination.

Legislator Hathway posed the Greig property may accommodate off-road trails. Referencing stated interest of prospective property owners, Legislator Lucas also suggested consideration to develop recreational trails on a portion of the Osceola parcel. A late resolution was then enacted to remove both parcels from the delinquent property auction, if, indeed, they were not reclaimed by the owners.

Legislator Patrick Wallace, Taxation/Election Committee Chairman, reported that Real Property staff and Election Commissioners are concurrently working to formulate new maps that outline the boundaries of new County election districts.

In response to Legislator Lucas's request, Legislator Wallace reported the Committee's review of electronic technology for Legislative board meetings, stating it was not feasible and would slow down and disrupt the flow of the meeting. Legislator Lucas imparted the electronic process works in other places, opining the consequential extra time may prove beneficial. He proposed testing an electronic option with a couple of Legislators to avoid reams of paper copies and postage expense, predicting everything would be electronic within 10 years. In response to Legislator Fanning, Legislator Lucas predicts that cost savings would offset expense to purchase computer laptops for Legislators. Legislator Stanford disagreed, stating that electronic costs far exceed paper. Mr. Pendergast relayed the results of a previous comparison had indicated that paper costs are less than electronics. In conclusion, Legislator Wallace stated the Committee would continue to research options.

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Legislator Paul Stanford, Public Health/Mental Health Committee Chairman, reported the Public Health Department receives annual grant funding of \$940,337, being the primary financial resources for health care services, that may otherwise not be provided.

Legislator Stanford emphasized that Transitional Living Services (TLS) and Northern Regional Center for Independent Living (NRCIL) agencies are providing commendable services, while substantially crediting the many County employees that transitioned to TLS. He particularly credited them for expanding programs within the schools.

TLS plans to retain the original appearance of the "Old Jail" building, which will be named "The Gateway". They will commence building renovations estimated at \$1.3 Million, with a procured \$200,000 grant.

COUNTY MANAGER REPORT:

Mr. Pendergast relayed that despite Counties' pleas for assistance, very little substantive mandate relief has been indicated during State budget deliberations; although they appear committed to an on-time budget.

NYSAC has provided a County funding impact synopsis of Federal sequestration, which for Lewis is estimated between \$2.3 and \$2.8 Million in 2014.

PRIVILEGE OF THE FLOOR (Continued)

Denis Beausejour, owner of the Tug Hill Hideaway located on Fish Creek Road in West Leyden, impressed the boost to the economy facilitated by opening roads to ATV travel. He employs eight (8) people, whom could be retained year-round if accessing road sections are opened to connect ATV trails. Mr. Beausejour urged all those involved with trail development to strive to resolve issues as those posed by Montague resident Mr. Belair. In conclusion, he cited the substantial sales tax revenues that result from the trail system.

After confirming that no one else wished to comment on the proposed Local Laws, Chairman Tabolt closed the public hearing at 5:49 p.m.

Chairman Tabolt referenced the public hearing notice that was inadvertently not published for Local Law Introductory No. 1-2013 "Amending Local Law No. 2-2009 Regarding the Fees Charged for ATV Permits in the Lewis County Trail System". The Board will set the public hearing by resolution later today.

REPORT OF THE WAYS AND MEANS COMMITTEE:

March 5, 2013

**REPORT OF
WAYS AND MEANS COMMITTEE
ON THE EXAMINATION OF CLAIMS**

To: The Honorable County Legislators

The Ways and Means Committee reports that they have examined the claims presented for payment in the total amount of \$ 582,784.57 and recommend that they be audited and allowed for the amounts claimed.

Jack Bush, Chair
Philip Hathway, Committee
Jerry King, Committee

Dated: March 5, 2013

Approved on motion by Legislator Bush, seconded by Legislator Burke, and carried.

RESOLUTIONS:

**RESOLUTION NO. 70 - 2013
AUDITING AND ALLOWING CLAIMS**

Introduced by Legislator Jack Bush, Chairman of the Ways and Means Committee.

RESOLVED that the claims presented for payment in the total amount of \$ 582,784.57 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 Stanford, seconded by Legislator Wallace, and adopted by roll call vote:

All voted yea.

**RESOLUTION NO. 71 - 2013
FIXING DATE OF PUBLIC HEARING ON LOCAL LAW
(INTRODUCTORY LOCAL LAW NO. 1 - 2013), COUNTY OF LEWIS**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

WHEREAS, there was presented and introduced at a meeting of this Board of Legislators held on February 26, 2013, a proposed Local Law entitled "A LOCAL LAW

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AMENDING LOCAL LAW NO. 2 – 2009 REGARDING THE FEES CHARGED FOR ATV PERMITS IN THE LEWIS COUNTY TRAIL SYSTEM.”

Now, therefore, BE IT RESOLVED as follows:

Section 1. That a public hearing will be held on March 13, 2013, from 10:30 a.m. to 11:00 a.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 King, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 72 – 2013
RESOLUTION IN SUPPORT OF PROPOSED GENERAL PERMIT FOR
SILVICULTURAL TREATMENTS FOR SUSTAINABLE
FORESTRY IN THE ADIRONDACK PARK**

Introduced by Legislator Michael A. Tabolt, Chairman of the Lewis County Board of Legislators.

WHEREAS, the Adirondack Park Agency (APA) Act defines “Clearcutting” as the cutting of all or substantially all trees over six inches in diameter at breast height over any ten-year cutting cycle. The APA regulations further refine the term “substantially” to mean 30 basal area feet per acre rather than using the term “regeneration method” as defined by the Society of American Foresters, which includes a number of silvicultural treatments including seed tree, coppicing, shelterwood and group selection; and

WHEREAS, current APA permitting regulations require permits for all APA defined “Clearcutting” over 25 acres in aggregation of patches greater than eight (8) acres; and

WHEREAS, the APA Act defines “Forestry Use” as any management, including logging, of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of wood roads, skidways, landings, fences and forest drainage systems; and

WHEREAS, the proposed General Permit will encourage more forest owners to use professional forest management based upon best silvicultural practices that meet all current APA requirements; and

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WHEREAS, the goal of APA oversight of forest practices should be to encourage healthy regenerated forests stocked with a mixture of high quality, desirable species; and

WHEREAS, more than 2.7 million acres of the Adirondacks are now constitutionally protected forest preserve which cannot be manipulated to protect these forest stands from invasive insects and disease; and

WHEREAS, the proposed General Permit recognizes that only a limited number of international third part certification systems such as FSC, SFI and PEFC and DEC approved management on 480 a and DEC-Conservation Easements work to create healthy, sustainable forests; and

WHEREAS, the proposed General Permit creates incentives for forest owners to use forest practices that will provide healthy forests for the future; and

WHEREAS, existing third party certifications employ high standards, transparency, and audits to ensure accountability; and

WHEREAS, these specific third party certifications use broader standards, such as requiring sustainable forest management, that are beyond the current APA requirements.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby declares support for the proposed General Permit for Silvicultural Treatments for Sustainable Forestry in the Adirondack Park.

Section 2. That the Clerk is hereby directed to forward a certified copy of this resolution to Governor Andrew Cuomo, Congressman Bill Owens, Senate Majority Leader Dean Skelos, Senator Elizabeth Little, Senator Hugh Farley, Senator James L. Seward, Senator Joseph A. Griffo, Senator Patricia Ritchie, Senator Kathy Marchione, Assemblyman Dan Stec, Assemblywoman Janet L. Duprey, Assemblyman Tony Jordan, Assemblyman Mark Butler, Assemblyman Kenneth Blankenbush, NYSAC Executive Director Steven Acquario, the Legislature of each of the 12 Adirondack Counties, the Adirondack Association of Towns and Villages; the Adirondack Park Agency, DEC Region 5 Director Bob Stegeman; and DEC Region 6 Director Judy Drabicki.

Moved by Legislator Boyd, seconded by Legislator Stanford, and adopted.

RESOLUTION NO. 73 – 2013
RESOLUTION URGING ADOPTION OF NEW YORK STATE
ASSEMBLY BILLS A.88 AND A.824
REQUIRING LENDING INSTITUTIONS TO PROVIDE
CONTACT INFORMATION FOR VACANT STRUCTURES

March 5, 2013

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

WHEREAS, vacant, abandoned and foreclosed homes and structures have proliferated throughout New York State over the last five years; and

WHEREAS, vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structure, as well as the value of surrounding properties; and

WHEREAS, lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party; and

WHEREAS, New York State Assembly Bill A.88 and Assembly Bill A.824, currently pending, would make it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures; and require good faith in obtaining a foreclosure.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby declares support of New York State Assembly Bill A.88 and Assembly Bill A.824 and urges adoption thereof.

Section 2. That the Clerk is hereby directed to forward a certified copy of this resolution to State Senator Joseph Griffo; Assemblyman Kenneth Blankenbush and Assemblyman Michael P. Kearns.

Moved by Legislator Boyd, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 74 - 2013
AUTHORIZING OPENING OF CERTAIN PORTIONS OF
COUNTY ROADS FOR ATV SPECIAL EVENT**

Introduced by Legislator Charles Fanning, Member of the Economic Development Committee

WHEREAS, Barnes Corners Sno-Pals Snowmobile Club has requested that the Board of Legislators open:

- CR 18 Cronk Road; from County Property east to where Cronk Road in the Town of Pinckney begins;
- CR 29 West Road from Gardner Road to NYS Route 12;
- CR 38 Turin Road, all of;
- CR 43 East Road; from CR 38 Turin Road intersection to intersection of CR 38 East Main Street;

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- CR 38 East & West Main Streets in Village of Turin;
- CR 51 West Road; from CR 38 West Main Street south to Gomer Hill Road;
- CR 45 Mackay Road;
- CR 48 Highmarket Road from CR 45 Mackay Road to North Road;
- Houseville Road from NYS 26 to East Road;
- Lee Road from East Road to Milkhouse Road;
- Milkhouse Road all of;
- Burdick's Crossing all of;
- CR 39 Greig Road from Burdick's Crossing Road to Sweeney Road;

for a one day all terrain vehicle (ATV) rally event ("SNIRT") to be held on April 13, 2013; and

WHEREAS, Vehicle and Traffic Law § 2408 authorizes a governmental agency to review and approve requests for holding special events that involve the operation of ATV's; and

WHEREAS, this action is a "Type II" action for purposes of the State Environmental Quality Review Act, and the regulations promulgated thereunder, more particularly, 6 NYCRR § 617.5(15) which provides that "minor temporary uses of land having negligible or no permanent impact on the environment" do not require further environmental review; and

WHEREAS, Barnes Corners Sno-Pals Snowmobile Club, as a sponsor of the event, has agreed to indemnify and hold the County of Lewis, its officers, agents and employees harmless from any claim, liability, damage or cost of any nature whatsoever, including reasonable attorney fees incurred by reason of the conduct of the event or use of those portions of County Roads.

NOW, THEREFORE, be it resolved as follows:

Section 1. The Board of Legislators hereby authorizes the operation of ATV's on:

- CR 18 Cronk Road; from County Property east to where Cronk Road in the Town of Pinckney begins;
- CR 29 West Road from Gardner Road to NYS Route 12;
- CR 38 Turin Road, all of;
- CR 43 East Road; from CR 38 Turin Road intersection to intersection of CR 38 East Main Street;
- CR 38 East & West Main Streets in Village of Turin;
- CR 51 West Road; from CR 38 West Main Street south to Gomer Hill Road;
- CR 45 Mackay Road;
- CR 48 Highmarket Road from CR 45 Mackay Road to North Road;
- Houseville Road from NYS 26 to East Road;
- Lee Road from East Road to Milkhouse Road;

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- Milkhouse Road all of;
- Burdick's Crossing all of;
- CR 39 Greig Road from Burdick's Crossing Road to Sweeney Road;

for a one day all terrain vehicle (ATV) rally event to be held on April 13, 2013.

Section 2. That the permission granted herein is specifically conditioned upon Barnes Corners Sno-Pals Snowmobile Club entering into a written agreement with the County of Lewis whereby:

1. Barnes Corners Sno-Pals Snowmobile Club agrees to indemnify and hold the County of Lewis, its officers, agents and employees harmless from any loss, claim, liability, lawsuit, damage, cost or expense including reasonable attorney fees incurred by reason of injury to person(s) or property, including death arising out of or in any way connected with the conduct of the event or the use of those portions of County Roads for such event;
2. Barnes Corners Sno-Pals Snowmobile Club agrees to provide proof that it has obtained general liability insurance insuring such event in an amount not less than \$1,000,000 for injuries including wrongful death to any one person and in an amount not less than \$2,000,000 on account of any one occurrence and naming the County of Lewis as an additional insured; and
3. Such other terms as the Chairman of the Board of Legislators with the consultation of County Attorney may deem acceptable.

Section 3. That the Chairman of the Board of Legislators, or in his absence, the Vice-chairman, be and the same is hereby authorized to execute and deliver such written agreements or other documents as may be necessary to carry out the terms of this Resolution.

Section 4. That this Resolution shall take effect immediately.

Moved by Legislator King, seconded by Legislator Lucas.

Legislator Stanford suggested the resolution be tabled, because some of the road numbers in the resolution are incorrect.

To allow time for the County Attorney to clarify corrections, Legislator Lucas made a motion to table the resolution until the March 13, 2013 special meeting, seconded by Legislator Boyd and carried.

**RESOLUTION NO. 75 - 2013
RESOLUTION TO TRANSFER FUNDS
CONSUMER AFFAIRS**

March 5, 2013

Introduced by Legislator John Boyd, Chairman of the Consumer Affairs Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfer is hereby approved for the Consumer Affairs Department to cover expenses through the end of the year:

<u>From:</u>	<u>To:</u>	<u>Amount:</u>
A6610.4909 (Misc)	A6610.4403 (Printing)	\$33.27

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

Moved by Legislator Boyd, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 76 - 2013
RESOLUTION AUTHORIZING THE COUNTY OF LEWIS
TO ENTER INTO A LEASE RENEWAL AGREEMENT
WITH DAY ONE ASSOCIATES**

Introduced by Legislator Jack Bush, Chairman of the Buildings and Grounds Committee.

WHEREAS, Lewis County desires to enter into a Lease Renewal Agreement with Day One Associates for the purpose of renewing the lease at the property located at 7049 NYS Route 12S, Lowville, New York 13367.

NOW, THEREFORE, BE IT RESOLVED, that

Section 1. The Board of Legislators hereby approves the lease renewal by and between the County of Lewis and Day One Associates for the rental of property located at 7049 NYS Route 12S, Lowville, New York 13367, for a term commencing on March 6, 2013 through March 5, 2014 at a monthly rental of \$1,500.00 and for a term commencing on March 6, 2014 through March 5, 2015 at a monthly rental of \$1,750.00.

Section 2. The Chairman of the Board of Legislators, be and the same is hereby authorized to execute and deliver such lease upon such form as approved by the County Attorney.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator King, seconded by Legislator Bush, and adopted.

March 5, 2013

**RESOLUTION NO. 77 - 2013
RESOLUTION AUTHORIZING AGREEMENT WITH
TOSKI, SCHAEFER & COMPANY, P.C.
TO AUDIT DEFERRED COMPENSATION PROGRAM**

Introduced by Legislator Jerry King, Chairman of the County Officers' Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby approves the auditing plan as outlined in the Toski, Schaefer & Company, P.C. letter dated January 8, 2013, for an audit of the Lewis County Deferred Compensation Plan for the fiscal year ending December 31, 2012, and report their findings.

Section 2. That said Auditing services shall be at a cost of \$4,700.

Section 3. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to execute the respective engagement letter.

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

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 78 - 2013
RESOLUTION URGING ADOPTION OF PROPOSED
NY SENATE BILL S.1720A
FOR EQUITABLE DISTRIBUTION
OF CELL 911 SURCHARGE MONIES**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement and Emergency Management Committee.

WHEREAS, New York State imposes a \$1.20 per month surcharge on all cellular phone bills that was initiated following the 9/11/01 attacks, in an effort to address the serious communication failures and inadequacies exposed by that horrific event in communication systems used by first responders; and

WHEREAS, the people of New York State were told that this surcharge would be dedicated to rebuilding emergency communication systems throughout the State; and

WHEREAS, the State of New York has not equitably shared these funds. Last year over \$192 Million was collected State-wide from this surcharge, of which only \$9.3 Million was shared with local governments. Moreover, respective surcharges for the current year are expected to escalate to over \$210 Million; and

March 5, 2013

WHEREAS, proposed New York State Senate Bill S.1720A (Grisanti) would dramatically increase the sharing from this dedicated fund to first responder and emergency services to an annual amount equal to 58.3%. Enactment of this law would represent a significant funding source for local agencies to begin rebuilding and upgrading communication systems; and

WHEREAS, sharing from the Cell 911 Surcharge dedicated fund needs to be significantly increased in order to feasibly fully build the infrastructure for the complete emergency interoperable communications network.

Now, Therefore, BE IT RESOLVED, that the Lewis County Board of Legislators hereby urges adoption of proposed Senate Bill S.1720A that would provide the County with an equitable distribution of the State Cell 911 Surcharge revenues; and hereby directs the Clerk to forward a certified copy of this Resolution to Governor Andrew Cuomo, State Senator Joseph Griffo and State Assemblyman Kenneth Blankenbush.

Moved by Legislator Boyd, seconded by Legislator King, and adopted.

**RESOLUTION NO. 79 -2013
RESOLUTION TO APPROPRIATE FUNDS
CAPITAL COUNTY ROAD STRIPING**

Introduced by Legislator Jack Bush., Chairman of the Ways & Means Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget appropriation is hereby approved in the Capital County Road Striping account, balance of \$55,000.00:

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

HAI50310(Interfund transfer)	\$8,800.00
HAI(5150.4)Striping	\$8,800.00

Moved by Legislator Fanning, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 80 - 2013
RESOLUTION AUTHORIZING THE IMPLEMENTATION AND
FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL AID-ELIGIBLE
COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT TO FUND THE
LOCAL SHARE OF FEDERAL-AID ELIGIBLE AND INELIGIBLE PROJECT
COSTS, AND APPROPRIATING FUNDS THEREFOR (PIN 775307)**

March 5, 2013

Introduced by Legislator Charles Fanning, Chairman of the Transportation Committee.

WHEREAS, a Project for the Bridge Replacement on Salmon River Road over Mad River (PIN 775307; BIN 3340310) (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such a program to be borne at the ratio of 80% federal funds and 20% non-federal funds; and

WHEREAS, the County of Lewis desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the PE/Design; Right of Way Incidentals & Acquisition and Construction/CI/CS Phases of the Project;

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

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

Section 2. That the Lewis County Board of Legislators hereby authorizes the Chairman of the Lewis County Board of Legislators, to pay in the first instance 100% of the federal and non-federal share of the cost of the PE/Design; Right of Way Incidentals & Acquisition and Construction/CI/CS Phases work for the Project or portions thereof.

Section 3. That the sum of \$214,000.00 is hereby appropriated from County general funds, and made available to cover the cost of participation in the PE/Design Phase of the Project and the sum of \$8,657.00 for the Right of Way Incidentals & Acquisition Phase of the Project and the sum of \$933,338.00 in the Construction/CI/CS Phase of the Project.

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

Section 5. That the Chairman of the Lewis County Board of Legislators, be and he hereby is authorized to execute all necessary Agreements, on behalf of the Lewis County Board of Legislators, with the New York State Department of Transportation, in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of the Project costs and permanent funding of the local share of federal-aid- eligible Project costs and all Project costs within appropriations therefore that are not so eligible.

Section 6. That the Lewis County Highway Superintendent, or in his absence the deputy superintendent, be and the same is hereby authorized to execute all necessary consultant agreements, right-of-way certifications, reimbursement requests for Federal Aid

March 5, 2013

on behalf of the Lewis County and any other document, not including the Agreement with NYS DOT, that may be necessary to carry out the terms of this Resolution.

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

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

Moved by Legislator King, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 81 – 2013
RESOLUTION TO APPROPRIATE FUNDS
TRANSPORTATION DEPARTMENT**

Introduced by Legislator Charles Fanning, Chairman of the Transportation Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget appropriation is hereby approved in the Highway Department Account for the purchase of two (2) loader scales to be located at the New York State Department of Transportation:

<u>Appropriate from:</u>	
D599 (Fund Balance)	\$20,000.00
<u>Increase Expense:</u>	
D5142.49 (Snow Material)	\$20,000.00

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

Moved by Legislator Stanford, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 82 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
LEWIS COUNTY GENERAL HOSPITAL**

Introduced by Legislator Philip Hathway, Chairman of the Hospital 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 Lewis County General Hospital, to create the following positions:

March 5, 2013

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Registered Professional Nurse (2)	Full-Time	\$26.12-\$32.93/hr.

Section 2. That one permanent full-time Licensed Professional Nurse position is hereby abolished.

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

Moved by Legislator Hathway, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 83 – 2013
RESOLUTION TO TRANSFER FUNDS
LEGISLATIVE**

Introduced by Legislator Jack Bush, Chairman of the Ways & Means Committee.

BE IT RESOLVED, as follows:

Section 1. That the following transfer is hereby approved in the Legislative account to cover invoices for consulting expenses:

<u>From:</u>	<u>Amount</u>
A9950.9921 (Cty Bldg Project)	\$150,000.00
<u>To:</u>	
A1010.4901 (Prof Services)	\$150,000.00

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

Moved by Legislator Boyd, seconded by Legislator Stanford, and adopted.

**RESOLUTION NO. 84 – 2013
RESOLUTION TO TRANSFER FUNDS
PROBATION DEPARTMENT**

Introduced by Legislator John Boyd, Chairman of the Courts & Law Enforcement Committee.

BE IT RESOLVED, as follows:

Section 1. That the following transfer is hereby approved in the Probation Department fund from Contingency fund for Sex Offender Treatment costs:

<u>From:</u>	
A1990.4999 (Contingency)	\$5,000.00

March 5, 2013

To:
A3140.4901 (Prof Serv) \$5,000.00

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

Moved by Legislator Boyd, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 85 – 2013
RESOLUTION APPOINTING MEMBERS TO PUBLIC HEALTH
HEALTH SERVICES ADVISORY BOARD**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

BE IT RESOLVED, as follows:

Section 1. That the following individuals are hereby appointed to the Health Services Advisory Board for a term to commence March 6, 2013 and expire on December 31, 2016:

Daniel Root, MD
Shereen Palmer, MD
Harry O'Connor, DVM

The following individuals are appointed for a term to commence March 6, 2013 and expire on December 31, 2015:

Irene Uttendorfsky, RN
Sue Gydesen, MSW
Cheryl Kelly, RN

The following individuals are appointed for a term to commence March 6, 2013 and expire on December 31, 2014:

Paul Stanford
Bob Mackenzie, EMS Coordinator

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

Moved by Legislator Boyd, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 86 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY PUBLIC HEALTH AND
CENTRAL NEW YORK HEALTH SYSTEMS AGENCY**

March 5, 2013

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

WHEREAS, the Lewis County Public Health wishes to accept a proposal and enter into an agreement with Central New York Health Systems Agency (Health e Connections Health Planning) for the purpose of assisting with development of the community health assessment; and

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes an agreement between the Lewis County Public Health Agency and Central New York Health Systems Agency (Health e Connections Health Planning) for the purpose of assisting with development of the community health assessment.

Section 2. That this is for the period beginning March 1, 2013 through November 30, 2013 at a cost of \$10,000.

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 Bush, seconded by Legislator Stanford, and adopted.

**RESOLUTION NO. 87 - 2013
RESOLUTION APPROVING AMENDMENT TO AGREEMENT BETWEEN
LEWIS COUNTY PUBLIC HEALTH AGENCY ON BEHALF OF
THE COUNTY OF LEWIS AND HEALTH RESEARCH, INC. (HRI)**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

WHEREAS, the Lewis County Public Health Agency and Health Research, Inc. ("HRI") entered into a grant agreement on or about the 7th day of November, 2012 regarding an Integrated Cancer Services Program in the amount of \$40,263.00; and

WHEREAS, it is now desired to amend that amount to \$43,976.00 for the same period of June 30, 2012 to June 29, 2013; and

WHEREAS, the Board of Legislators agrees to accept amendment.

NOW, THEREFORE, BE IT RESOLVED, as follows:

March 5, 2013

Section 1. That the Lewis County Board of Legislators hereby authorizes an amendment to the grant agreement between the Lewis County Public Health Agency and the Health Research, Inc. for the purpose of an Integrated Cancer Services Program for the period of June 30, 2012 and ending June 29, 2013, to the amount of \$43,976.00.

Section 2. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Agreement, pending approval by the County Attorney.

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

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 88 – 2013
RESOLUTION TO TRANSFER FUNDS
CERTIFIED HOME HEALTH AGENCY & HOSPICE**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfer is hereby approved in the CHHA & Hospice accounts for the payment of benefit time for employees transferred to the Lewis County General Hospital, balance of A9950.9921 is \$835,786.00:

Transfer from:

A9950.9921 (Capital County Project) \$188,874.95

Transfer to:

A4088.4901 (CHHA & Hospice Prof Serv) \$188,874.95

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

Moved by Legislator Lucas, seconded by Legislator King, and adopted.

**RESOLUTION NO. 89 – 2013
RESOLUTION TO APPROPRIATE FUNDS
PUBLIC HEALTH**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

BE IT RESOLVED, as follows:

Section 1. That the following budget increased appropriation is hereby approved for the 2012-2013 Cost of Living Adjustment (COLA) Funds:

March 5, 2013

<u>Account</u>	<u>Description</u>	<u>Amount</u>
A34461	COLA-PH	\$23,761.00
A4020.4909	COLA-Misc.	\$23,761.00

Section 2. That the following programs provide COLA funds:

Immunization Program	\$ 2,406.00
Lead Program	\$ 1,734.00
Cancer Services Program	\$18,280.00
CHSCN -	<u>\$ 1,341.00</u>
	\$23,761.00

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

Moved by Legislator Burke, seconded by Legislator Stanford, and adopted.

**RESOLUTION NO. 90 – 2013
RESOLUTION TO APPROPRIATE FUNDS
PUBLIC HEALTH**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

BE IT RESOLVED, as follows:

Section 1. That the following budget appropriation increase is hereby approved for the 2010 Office of Homeland Security Project#: SH10-1082-E00:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
A44897	OHS Grant-2010	\$14,250.00
A4092.4906	OHS Grant-2010	\$14,250.00

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

Moved by Legislator Lucas, signed by Legislator Bush, and adopted.

**RESOLUTION NO. 91 - 2013
MEMORIALIZING SUPPORT FOR PARTICIPATION IN A STUDY
REGARDING SHARED PUBLIC SAFETY COMMUNICATION CENTER
SERVICES WITH VARIOUS COUNTIES, AND AUTHORIZING THE COUNTY
OF LEWIS TO ENTER INTO INTERMUNICIPAL AGREEMENTS**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement Committee.

March 5, 2013

WHEREAS, the Counties of Onondaga, Oswego, Madison, Cayuga, Cortland, Jefferson and Lewis (hereinafter the "Counties") desire to consider the implications of sharing Public Safety Communication Center services, as well possible consolidation of those services; and

WHEREAS, sharing of such services would likely result in streamlining of municipal resources and promote municipal economy in all seven (7) Counties; and

WHEREAS, it is likely that additional counties in the region would consider joining in the grant application and participate in the feasibility study; and

WHEREAS, the County of Onondaga, being lead agency to complete the application, together with the other six (6) Counties and any other additional counties in the region that may come forth, seek to apply for a joint grant from the New York State Shared Municipal Services Incentive Grant Program to assist with funding a feasibility study to assess the possible sharing or consolidation of Public Safety Communication Center services.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby supports the participation of Lewis County entering in the feasibility study considering the implications of sharing or consolidating Public Safety Communication Center services between the seven (7) Counties and any other counties in the region that may wish to participate.

Section 2. That the County of Onondaga shall act as Lead Applicant and the other Counties shall act as co-applicants and the project for which the grant application shall be submitted is for the Counties of Onondaga, Oswego, Madison, Cayuga, Cortland, Jefferson and Lewis, and any other counties in the region that may wish to participate to conduct a feasibility study to determine whether there are financial and operational efficiencies to be achieved in the event that the participating Counties either share or consolidate Public Safety Communication Center services.

Section 3. That the maximum amount of money to be applied for in the grant application shall be \$25,000 per county, with each county contributing a maximum local share of \$2,500 toward the study.

Section 4. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to execute, seal and deliver said Agreement along with any related inter-municipal agreements that may be necessary to implement said grant, subject to approval by the County Attorney as to form.

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

Moved by Legislator Burke, seconded by Legislator Wallace, and adopted.

March 5, 2013

**RESOLUTION NO. 92 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO SOCIAL SERVICES**

Introduced by Legislator William Burke, Chairman of the Social 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 Department of Social Services, to create the following positions:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Social Welfare Examiner	Temporary Part-time	Grade 20 \$16.59-\$17.92
Office Specialist	Temporary Part-time	Grade 11 \$13.37-\$14.45

Section 2. That Commissioner Stacy Alvord is authorized to fill said positions for the period from April 1, 2013 through December 31, 2013.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator Stanford, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 93 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO SOCIAL SERVICES**

Introduced by Legislator William Burke, Chairman of the Social 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 Department of Social Services, to create the following positions for the Summer Youth Employment Program:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Summer Youth Counselor	Temporary Full-time June 10, 2013 to Sept. 30, 2013	\$12.00/hr.
Summer Youth PINS Counselor (2)	Temporary Full-time June 24, 2013 to Aug. 20, 2013	\$12.00/hr.

March 5, 2013

Section 2. That Commissioner Stacy Alvord is authorized to fill said positions for the period of time attendant to each.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 94 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO SOCIAL SERVICES**

Introduced by Legislator William Burke, Chairman of the Social 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 Department of Social Services, to create the following positions:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Student Worker (Up to 5)	Temporary Full-time	\$8.75hr.

Section 2. That Commissioner Stacy Alvord is authorized to fill said positions for the Lewis County Highway Department for the period from July 1, 2013 through September 30, 2013.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator Burke, seconded by Legislator Fanning, and adopted.

**RESOLUTION NO. 95 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO SOCIAL SERVICES**

Introduced by Legislator William Burke, Chairman of the Social 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 Department of Social Services, to create the following positions for the Supervision and Treatment Services for Juveniles Program:

March 5, 2013

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Student Worker (Up to 10)	Temporary	\$7.25/hr.

Section 2. That Commissioner Stacy Alvord is authorized to fill said positions for the period from April 1, 2013 through March 31, 2014, in accordance with eligibility criteria for hours ranging from 6 to 35 per week, depending on need. Some employees may be year-round, while others will work during summer and school vacations.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator King, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 96 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO SOCIAL SERVICES**

Introduced by Legislator William Burke, Chairman of the Social 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 Department of Social Services, to create the following positions for the Summer Youth Employment Program:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Student Worker (Up to 50)	Temporary Full-time	\$7.25/hr.
Student Worker Coach (Up to 5)	Temporary Full-time	\$7.50/hr.

Section 2. That Commissioner Stacy Alvord is authorized to fill said positions for the period from July 1, 2013 to September 30, 2013.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator King, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 97 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN DEPARTMENT
OF SOCIAL SERVICES AND COMMUNITY ACTION PLANNING COUNCIL
OF JEFFERSON COUNTY, INC.**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

March 5, 2013

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby authorizes an Agreement between the County of Lewis, by and through the Department of Social Services, and the Community Action Planning Council of Jefferson County, Inc. for the purpose of conducting registration and inspection of family day care and school aged child care providers in Lewis County.

Section 2. That the term of this Agreement shall be from January 1, 2013 through December 31, 2013 at a cost not to exceed \$31,920.00.

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

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

Moved by Legislator Stanford, seconded by Legislator Lucas, and adopted.

RESOLUTION NO. 98 - 2013
RESOLUTION AUTHORIZING
MEMORANDUM OF UNDERSTANDING BETWEEN
LEWIS COUNTY DEPARTMENT OF SOCIAL SERVICES AND
LEWIS COUNTY CORNELL COOPERATIVE EXTENSION

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby authorizes a Memorandum of Understanding between the County of Lewis, by and through the Lewis County Department of Social Services, and Lewis County Cornell Cooperative Extension ("CCE") for the purpose of having CCE provide training for eligible participants in the Food Stamp Program to learn appropriate methods of budgeting and nutrition.

Section 2. That the term of this Memorandum of Understanding shall be from March 5, 2013 through September 30, 2013 for an amount not to exceed \$22,550.

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

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

Moved by Legislator Wallace, seconded by Legislator Boyd, and adopted.

March 5, 2013

**RESOLUTION NO. 99 - 2013
RESOLUTION AUTHORIZING A MEMORANDUM OF AGREEMENT
BETWEEN LEWIS COUNTY DEPARTMENT OF SOCIAL SERVICES
AND CARL A. FENESCEY**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

WHEREAS, the Lewis County Department of Social Services (“DSS”) wishes to enter into a Memorandum of Agreement with Carl A. Fenescey, who is qualified to provide consultation and training needed to assure safety and security at DSS in the proposed plans for the new county office building and to develop a plan for the likely event of managing volatile and dangerous clients; and

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That the Board of Legislators hereby approves the Memorandum of Agreement with Carl A. Fenescey to provide consultation and training to assure safety and security at DSS in the proposed plans for the new county office building for the period of February 15, 2013 through December 31, 2013 at a cost of \$100 per hour for up to 16 hours.

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Bush, seconded by Legislator Stanford, and adopted.

**RESOLUTION NO. 100 - 2013
RESOLUTION AUTHORIZING AGREEMENT
BETWEEN DEPARTMENT OF SOCIAL SERVICES AND
LEXISNEXIS – ACCURINT FOR GOVERNMENT**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

WHEREAS, LexisNexis provides an Accurint for Government service that is a fast and efficient search technology which allows agencies to instantly locate both people and businesses and authenticate their identities; and

March 5, 2013

WHEREAS, the Lewis County Department of Social Services (“DSS”) will use this program for the support unit as well as other units within the Department and the County’s Law Department; and

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That the Board of Legislators hereby approves the Agreement between the Lewis County Department of Social Services and LexisNexis Accurint For Government for the purpose of search technology to locate people and businesses and authenticate their identities.

Section 2. That this is for the period beginning February 1, 2013 through January 31, 2015 for a two year Agreement at a cost of \$7,584.00 (41% Local Share, 55 % Federal and 4% Income Incentive Support).

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 King, seconded by Legislator Bush, and adopted.

RESOLUTION NO. 101 – 2013
RESOLUTION TO TRANSFER FUNDS SOCIAL SERVICES

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

Whereas, Supervision and Treatment Services Juvenile Program (STSJP) funds will be used to pay youth directly.

Now, Therefore, BE IT RESOLVED, as follows:

Section 1. That the following funds be appropriated within the STSJP funding accounts:

<u>From:</u>		
A6123.4999	DSS Juvenile Del.	\$5,400.00
<u>To:</u>		
A6123.1999	STSJP Youth-JD Pay	\$5,000.00
A6123.8999	STSJP Youth -JD Fringes	400.00

March 5, 2013

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

Moved by Legislator Burke, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 102 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
SOLID WASTE DEPARTMENT**

Introduced by Legislator Charles Fanning, Chairman of the Solid Waste 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 Solid Waste Department, to create the following positions:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Laborer (2)	Permanent Part-time	Grade 1 \$8.75/hr.

Section 2. That Solid Waste Coordinator Peter Wood is hereby authorized to fill said positions effective immediately.

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

Moved by Legislator Fanning, seconded by Legislator Stanford, and adopted.

Standard Work Day and Reporting Resolution
RS 2417-A
 (12/10)



Office of the New York State Comptroller
 New York State and Local Retirement System
 Employees' Retirement System
 Police and Fire Retirement System
 110 State Street, Albany, New York 12244-0001

BE IT RESOLVED, that the Lewis County / Location code 10023 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 time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Tier 1 (Check only if member is in Tier 1)	Not Submitted (Check box if no record of activities completed or timekeeping system)
Elected Officials									
Legislator	Michael A. Taboiti	0690	3973974-3	6	1/1/2012-12/31/2013	N	18.66	<input type="checkbox"/>	<input type="checkbox"/>
Legislator	Richard C. Lucas	0156	4178815-9	6	1/1/2012-12/31/2013	N	6.25	<input type="checkbox"/>	<input type="checkbox"/>
Legislator	Paul M. Stanford	0156	3486023-9	6	1/1/2012-12/31/2013	N		<input type="checkbox"/>	<input checked="" type="checkbox"/>
County Treasurer	Patricia O'Brien	9252	3440925-0	8	1/1/2012-12/31/2015	N	20.52	<input type="checkbox"/>	<input type="checkbox"/>
Appointed Officials									
Director Real Property Tax	Linda D. Gydesen	1208	4246625-0	8	3/27/2012-9/30/2013	Y	20	<input type="checkbox"/>	<input type="checkbox"/>
County Attorney	Richard J. Graham	1790	3903251-1	8	1/1/2012-12/31/2013	N	29.83	<input type="checkbox"/>	<input type="checkbox"/>
Veterans Service Director	Derek Davey	1679	3492288-0	8	1/1/2013-12/31/2013*	Y	20	<input type="checkbox"/>	<input type="checkbox"/>

If additional rows are needed, please use form RS2417-B and attach.

On this 6 day of March, 2013 _____ Date enacted: 03/05/2013

(Signature of clerk)

I, Teresa Clark, clerk of the governing board of the Lewis County, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 5th day of March, 2013 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of 10 members, and that 10 of such members were present at such meeting and that 10 of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto Set my hand and the seal of the Lewis County _____
 (Name of Employer)

This document consists of 3 page(s) (see additional RS2417-B forms attached).



(seal)

March 5, 2013

**RESOLUTION NO. 104 – 2013
RESOLUTION APPROVING CORRECTION OF TAX BILL**

Introduced by Legislator Patrick Wallace, Chairman of the Taxation Committee.

WHEREAS, pursuant to the franchise agreements between Time Warner Cable, TCI and the Towns of Croghan, Diana, Greig, Lewis, Leyden, Lowville, Lyonsdale, Martinsburg, New Bremen, Watson and West Turin, which allowed them to deduct from taxes the franchise paid to the Towns.

Now, Therefore, BE IT RESOLVED as follows:

Section 1: That payment for the listed parcels be accepted as follows:

Croghan	#538.00-08-00.000	\$ 58.62	Charge Town:	\$ 12.32
	#538.00-08-06.000	645.31		105.35
	#538.00-05-06.000	71.70		11.70
Diana	#552.00-05-08.000	192.85		47.29
	#552.00-05-00.000	122.90		38.19
Greig	#542.02-07-09.000	1,255.01		542.05
Lewis Leyden	#550.00-10-11.000	144.96		138.18
	#550.00-07-00.000	60.10		24.09
	#550.00-07-12.000	1,195.29		337.09
Lowville	#550.00-10-12.000	588.73		166.03
	#550.00-05-00.000	415.68		163.21
	#550.00-05-13.000	622.06		169.73
Lyonsdale	#550.00-07-00.000	106.02		60.99
	#550.00-07-00.000	361.79		208.14
Martinsburg	#542.02-05-15.000	679.32		419.31
New Bremen	#552.00-08-00.000	8.34		3.90
	#542.05-08-05.000	110.11		35.46
	#552.00-08-02.000	1,475.48		471.15
Watson	#542.02-05-21.000	312.05		212.58
	#542.02-07-21.000	320.48		218.33
	#542.02-08-21.000	210.85		143.64
West Turin	#550.00-07-00.000	116.19		51.82
	#550.00-07-00.000	393.00		<u>175.29</u>
				\$3,755.84

Section 2. That the County Treasurer is hereby directed to adjust, apportion, and charge back to Towns such amount in the manner prescribed by law for a total amount of \$3,755.84.

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

Moved by Legislator Burke, seconded by Legislator Lucas, and adopted.

March 5, 2013

**RESOLUTION NO. 105 - 2013
RESOLUTION WITH REFERENCE TO
ADJUSTMENT ON STATE LANDS**

Introduced by Legislator Patrick Wallace, Chairman of the Taxation Committee.

BE IT RESOLVED as follows:

Section 1. That the County Treasurer is hereby directed to adjust, apportion, and charge back such amount in the manner prescribed by law, in connection with the following State Lands:

1. Town of Montague – ORPT approved transition for Fire is 1,988,650, submitted as 4,353,060. Deduct: \$454.84 from Fire Protection.
2. Town of West Turin – 333.00-54-02.000-ORPTS has not approved transitions for fire districts. Deduct: \$448.74 from fire protection.
3. State of New York Payment sent was short by \$.04. Deduct: \$.04 from County Tax amount.

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

Moved by Legislator Boyd, seconded by Legislator Wallace, and adopted.

**RESOLUTION NO. 106 - 2013
RESOLUTION AUTHORIZING RENEWAL PERIOD FOR
AGREEMENT BETWEEN THE COUNTY OF LEWIS AND
THE UNIFIED COURT SYSTEM**

Introduced by Legislator Jack T. Bush, Chairman of the Buildings and Grounds Committee.

WHEREAS, the County of Lewis and the Unified Court System, Fifth Judicial District, have an existing contract with a five year term and wish to establish a renewal period for the purpose of providing cleaning services and minor repairs for the period of April 1, 2012 through March 31, 2013; and

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby approves the renewal period of the contract between the County of Lewis and the Unified Court System, Fifth Judicial District, for the provision of cleaning services and minor repairs for the period of April 1, 2012 through March 31, 2013 at a cost not to exceed \$110,950.

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Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 107 - 2013
RESOLUTION TO APPROPRIATE FUNDS
WORKFORCE INVESTMENT ACT**

Introduced by Legislator William Burke, Chairman of the Employment and Training Committee.

BE IT RESOLVED as follows:

Section 1. That the following year-end budget changes within the Youth Program are hereby approved for the Program Year 2013, for the period from April 1, 2012 – June 30, 2014:

<u>Youth</u>	<u>Amount</u>
CD6290.1999 (Wages)	(\$7,000.00)
<u>Youth</u>	
CD6290.4909 (Contractual)	\$7,000.00

Section 2. That this resolution shall take effect immediately.

Moved by Legislator King, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 108 - 2013
RESOLUTION TO APPROPRIATE FUNDS
WORKFORCE INVESTMENT ACT**

Introduced by Legislator William Burke, Chairman of the Employment and Training Committee.

BE IT RESOLVED as follows:

NOA#PY11-07

Section 1. That the following funds be appropriated for the Program Year 2011, 1/1/13 – 3/31/14, Rapid Response Discretionary – Dislocated Worker Interface Solutions, dated January 31, 2013 through the New York State Department of Labor, as follows:

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<u>Dislocated Workers- Interface</u>	
CD6291.4901	\$ 13,000.00
WIA Revenue	
CD47910	\$ 13,000.00

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

Moved by Legislator Burke, seconded by Legislator Lucas, and adopted.

RESOLUTION NO. 109 - 2013
RESOLUTION AUTHORIZING RESOURCE ALLOCATION PLAN
WITH NYS OFFICE OF CHILDREN AND FAMILY SERVICES

Introduced by Legislator William Burke, Chairman of the Youth Bureau Committee.

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

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby approves the Resource Allocation Plan between the County of Lewis and the New York State Office of Children and Family Services (OFCS) for the 2013 program year, in the amount of \$21,383.00

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

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

Moved by Legislator Burke, seconded by Legislator Wallace, and adopted.

RESOLUTION NO. 110 - 2013
RESOLUTION RESCINDING RESOLUTION NO. 418-2012 REGARDING
CERTAIN ADMINISTRATIVE PERSONNEL PRESENTLY
EMPLOYED AT LEWIS COUNTY GENERAL HOSPITAL

Introduced by Legislator Michael Tabolt, Chairman of the Board of Legislators.

WHEREAS, the Board of Managers for Lewis County General Hospital ("LCGH") had heretofore proposed to transition certain administrative personnel from County

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employment to employment by a Limited Liability Company (LLC) which would then contract with LCGH for administrative services; and

WHEREAS, to accommodate that proposal, on November 6, 2012, the Board of Legislators adopted Resolution No. 418-2012 for the purpose of amending the Lewis County Health Plan with respect to certain administrative personnel presently employed by LCGH to provide health insurance in retirement if they agreed to transition their employment to the LLC; and

WHEREAS, the Board of Managers for LCGH has since determined that it no longer wishes to make the transition to an LLC as contemplated by Resolution NO. 418-2012; and

WHEREAS, the Board of Legislators wishes to rescind Resolution No. 418-2012 as no longer necessary.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. The Board of Legislators hereby rescinds Resolution No. 418-2012 and the same shall be deemed null and void and no longer in effect.

Section 2. This resolution shall take effect immediately.

Moved by Legislator Boyd, seconded by Legislator Stanford, and adopted.

**RESOLUTION NO. 111 - 2013
RESOLUTION ESTABLISHING THE "LEWIS COUNTY DIALYSIS
UNIT CAPITAL RESERVE FUND" UNDER SECTION 6-C
OF THE GENERAL MUNICIPAL LAW**

Introduced by Legislator Jack T. Bush, Chairman of the Ways and Means Committee.

WHEREAS, the Board of Managers for the Lewis County General Hospital ("Hospital") has proposed to construct an addition to the existing Hospital building for the purpose of housing a dialysis unit together with related equipment; and

WHEREAS, the Board of Legislators wishes to establish a capital reserve fund entitled "Lewis County Dialysis Unit Capital Reserve Fund" pursuant to General Municipal Law § 6-C for the purpose of designating the funds to be appropriated therein towards the capital improvements related to that project.

NOW, THEREFORE, BE IT RESOLVED as follows:

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SECTION 1. The Board of Legislators hereby establishes a capital reserve fund to finance the cost of construction, reconstruction or acquisition of capital improvements, to wit: the construction of a building to house a dialysis unit to adjoin the Lewis County General Hospital, 7785 North State Street, Lowville, New York 13367. The scope of the construction project shall be determined by the results of the preliminary studies and designs prepared by the architects retained by the County and as approved by the Board of Legislators. It is estimated that cost for this capital project will be \$ 1.9 million.

SECTION 2. The aforesaid capital reserve fund shall be known as the "Lewis County Dialysis Unit Capital Reserve Fund."

SECTION 3. The Board of Legislators may now or hereafter appropriate such funds as it deems necessary for the purposes described herein. The monies in such fund shall at all times be deposited and maintained in a separately identifiable bank account or investment account.

SECTION 4. The County Treasurer shall maintain a separate account for such capital reserve fund. Such account shall show:

- a. The date and amount of each sum paid into the fund.
- b. The interest earned by such fund.
- c. The capital gains or losses resulting from the sale of investments of the fund.
- d. The interest or capital gains which have accrued to the fund.
- e. The amount and date of each withdrawal from the fund.
- f. The assets of the fund, indicating the cash balance therein and a schedule of the amounts invested in federal or state obligations.

The County Treasurer, at the termination of each fiscal year, shall render a detailed report of the operation and condition of such fund to the Board of Legislators.

SECTION 5. The County Treasurer, in his or her discretion, may invest the moneys in each such fund in the manner provided in Section Eleven of the General Municipal Law, as the same may be amended from time to time. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the fund.

SECTION 6. No expenditure shall be made from the fund except by authorization of the Board of Legislators pursuant to the provisions of Section 6-C of the General Municipal Law.

SECTION 7. Pursuant to Local Finance Law § 33.10[a], neither the creation of the Lewis County Dialysis Unit Capital Reserve Fund, nor the expenditure of money for an object or purpose within the established purposes of such fund shall be subject to a mandatory or a permissive referendum.

SECTION 8. This Resolution shall take effect immediately.

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Moved by Legislator Bush, seconded by Legislator Burke.

Legislator King inquired availability of respective financing revenues. Mr. Pendergast stated there was a \$300,000 Empire State Development grant and \$900,000 NYSDOH discretionary funds. Dialysis Unit construction is estimated at \$1.9 Million.

Hospital CEO Eric Burch stated he awaits receipt of the finalized lease agreement with DaVita. The lease, he said, calls for \$130,000 per year for 10 years, with two, 5-year extension options.

Mr. Pendergast reported discussions with Fiscal Advisors regarding a Bond Anticipation Note (BAN). They will pose their analysis report next week, which will consider the outstanding BAN for the Beaver River Health Center; as well as an estimated \$3 Million for Meditech computer upgrades. Atty. Graham distinguished that this resolution was solely to create the Capital Account; appropriations therefor are yet to be determined.

The resolution was then adopted.

**RESOLUTION NO. 112 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO SOCIAL SERVICES**

Introduced by Legislator William Burke, Chairman of the Employment and Training 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 Department of Social Services, to increase the hours of the Job Readiness Training Instructors from 17.5 hours to 21.0 hours per week, effective March 6, 2013.

Section 2. That this resolution shall take effect immediately.

Moved by Legislator King, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 113 - 2013
RESOLUTION ADOPTING AND OTHERWISE TREATING
LOCAL LAW NO. 1 – 2013, COUNTY OF LEWIS**

Introduced by Legislator Richard Lucas, Chairman Economic Development Committee.

March 5, 2013

WHEREAS, the Highmarket Wheelers ATV Club has presented the Board of Legislators with a request to add certain off-road trails to the Lewis County ATV Trail System as described in Exhibit "A" annexed hereto and that access to such trails be provided through the opening of certain County roads or portions thereof to all terrain vehicles (ATVs); and

WHEREAS, as a consequence, the Board of Legislators has caused a site-specific environmental review of the proposed trails and road segments, consistent with the GEIS and the Statement of Findings issued thereunder by the Board of Legislators on January 28, 2009, and also consistent with the provisions of Local Law No. 2 – 2009, "A LOCAL LAW ESTABLISHING THE LEWIS COUNTY TRAIL SYSTEM" (herein, "Local Law No. 2"); and

WHEREAS, both Local Law No. 2 and the Statement of Findings contemplate future amendments to the Lewis County ATV Trail System through the addition of trails and/or the opening of interconnecting roads and set forth procedures for making such amendments and additions; and

WHEREAS, the Board of Legislators has completed its review under SEQRA with respect to the additional trails and proposed interconnecting roads identified in Exhibit "A" attached hereto and by Resolution No. 57 – 2013, and based upon an investigation and analysis conducted by the Board's environmental consultants, has found and determined that adding these trails and interconnecting roads to the Lewis County Trail ATV System will not result in a significant environmental impact; and

WHEREAS, a resolution was duly adopted by the Board of Legislators on February 26, 2013, directing that a public hearing be held by said Board on March 5, 2013, from 5:00 p.m. to 5:30 p.m. at the Second Floor Board Room of the Courthouse, 7660 North State Street, Lowville, New York 13367, to hear all interested parties on a proposed Local Law entitled, "A LOCAL LAW PERMITTING ALL-TERRAIN VEHICLE OPERATION ON 0.30 MILES OF MACKAY ROAD (CR 45)"; and

WHEREAS, notice of said public hearing was duly advertised in the Watertown Daily Times, the official newspaper designated by the County, on February 28, 2013, and posted on the bulletin board of the Lewis County Courthouse, 7660 North State Street, Lowville, New York, at least five (5) days prior to such public hearing; and

WHEREAS, said public hearing was duly held at such location at such time and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

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

March 5, 2013

NOW, THEREFORE, the Board of Legislators hereby resolves to make the following Legislative Findings:

1. That Board of Legislators has carefully reviewed a Memorandum from the County Attorney detailing the legal obligations of the Board when considering opening a County highway or portion thereof to ATV use.
2. The Highmarket Wheelers ATV Club had initially proposed adding certain off-road trails to the Lewis County ATV Trail System and opening certain interconnecting County road segments to ATVs in July of 2012. The initial proposal was turned down by the Board of Legislators, as they did not believe at the time that the proposal for opening roads to ATVs complied with the requirements of Vehicle and Traffic Law § 2405.
3. Since that time, the Highmarket Wheelers ATV Club has solicited numerous property owners for permission to construct additional off-road ATV trails and has revised their proposal accordingly.
4. The Board of Legislators has conducted a review of the potential adverse impacts the opening of the proposed interconnecting County Roads consistent with 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 after an investigation and analysis conducted by the Board’s environmental consultants, has found and determined that adding these trails to the Lewis County Trail ATV System will not result in a significant environmental impact;
5. The Board of Legislators has also reviewed the annual ATV Activity Report as compiled by the Lewis County Sheriff’s Department.
6. The County Highway Superintendent has reviewed the roads or portions thereof that are proposed to be opened to ATV traffic, and has provided the Board with his written opinion that such roads or portions thereof are presently opened to all classes of motor vehicle traffic and that opening said roads or portions thereof to ATV traffic will not significantly impact traffic safety at those localities.
7. In light of all the information submitted, reviewed and/or received during the public hearing, the Board of Legislators hereby finds and determines that with respect to that portion of Mackay Road (CR 45) as described herein, that it is otherwise impossible for ATV’s to gain access to the southerly end of the trail located on the property of DiMichel; and that it is otherwise impossible for ATV’s to gain access to the northerly end of the trail located on the property of Mauro absent the adoption of this Local Law.

BE IT FURTHER RESOLVED, as follows:

Section 1. This Local Law (Introductory No. 2 – 2013), County of Lewis, being “A LOCAL LAW PERMITTING ALL-TERRAIN VEHICLE OPERATION ON 0.30

March 5, 2013

MILES OF MACKAY ROAD (CR 45)”; be and the same hereby is designated as Local Law No. 1 –2013, County of Lewis.

Section 2. That Local Law No. 1 – 2013, County of Lewis, with designation stated above, be and the same is hereby enacted, waiving any and all defects and informalities in the adoption thereof and shall take effect immediately upon filing with the Secretary of State.

Moved by Legislator King, seconded by Legislator Bush.

Legislator Stanford expressed concern for the lawsuit on appeal by the County relative to opening of roads for ATV travel, that is yet to be adjudicated. He inquired the impact if the Court decision goes against the County’s position.

Legislator King credited Cliff White for all the work he had done to contact all the landowners along the roads proposed to be opened, several of which now agree with the trail system. Mr. White stated his plans to revisit the dissenting landowners along the respective roads, in an effort to win their favor toward ATV trails.

Legislator Bush was pleased that the primary issue of opening “road-to-road” no longer exists with the proposed openings.

Legislator Hathway stated that upon receipt of the court decision, the Board would react accordingly. However, he opines that due diligence has been put forth, adding that he had accompanied Highway Superintendent David Becker to tour every mile of road posed for opening.

In consideration of Mr. White’s assertion for ongoing efforts with landowners, Legislator King relayed optimism that off-road trails would replace road miles in the future.

Legislator Boyd affirmed his confidence in Highway Superintendent David Becker’s recommendation to open the specified roads.

The resolution was then adopted by the following roll call vote:

YEAS: Boyd, Burke, Bush, Fanning, Hathway, King, Lucas, Wallace, Tabolt

NAYS: Stanford

ABSENT: None

**RESOLUTION NO. 114 - 2013
RESOLUTION ADOPTING AND OTHERWISE TREATING
LOCAL LAW NO. 2 – 2013, COUNTY OF LEWIS**

March 5, 2013

Introduced by Legislator Richard Lucas, Chairman Economic Development Committee.

WHEREAS, the Highmarket Wheelers ATV Club has presented the Board of Legislators with a request to add certain off-road trails to the Lewis County ATV Trail System as described in Exhibit "A" annexed hereto and that access to such trails be provided through the opening of certain County roads or portions thereof to all terrain vehicles (ATVs); and

WHEREAS, as a consequence, the Board of Legislators has caused a site-specific environmental review of the proposed trails and road segments, consistent with the GEIS and the Statement of Findings issued thereunder by the Board of Legislators on January 28, 2009, and also consistent with the provisions of Local Law No. 2 – 2009, “A LOCAL LAW ESTABLISHING THE LEWIS COUNTY TRAIL SYSTEM” (herein, “Local Law No. 2”); and

WHEREAS, both Local Law No. 2 and the Statement of Findings contemplate future amendments to the Lewis County ATV Trail System through the addition of trails and/or the opening of interconnecting roads and set forth procedures for making such amendments and additions; and

WHEREAS, the Board of Legislators has completed its review under SEQRA with respect to the additional trails and proposed interconnecting roads identified in Exhibit “A” attached hereto and by Resolution No. 57 – 2013, and based upon an investigation and analysis conducted by the Board’s environmental consultants, has found and determined that adding these trails and interconnecting roads to the Lewis County Trail ATV System will not result in a significant environmental impact; and

WHEREAS, a resolution was duly adopted by the Board of Legislators on February 26, 2013, directing that a public hearing be held by said Board on March 5, 2013, from 5:00 p.m. to 5:30 p.m. at the Second Floor Board Room of the Courthouse, 7660 North State Street, Lowville, New York 13367, to hear all interested parties on a proposed Local Law entitled, “A LOCAL LAW PERMITTING ALL-TERRAIN VEHICLE OPERATION ON 1.75 MILES OF MACKAY ROAD (CR 45)”;

WHEREAS, notice of said public hearing was duly advertised in the Watertown Daily Times, the official newspaper designated by the County, on February 28, 2013, and posted on the bulletin board of the Lewis County Courthouse, 7660 North State Street, Lowville, New York, at least five (5) days prior to such public hearing; and

WHEREAS, said public hearing was duly held at such location at such time and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

March 5, 2013

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

NOW, THEREFORE, the Board of Legislators hereby resolves to make the following Legislative Findings:

1. That Board of Legislators has carefully reviewed a Memorandum from the County Attorney detailing the legal obligations of the Board when considering opening a County highway or portion thereof to ATV use.
2. The Highmarket Wheelers ATV Club had initially proposed adding certain off-road trails to the Lewis County ATV Trail System and opening certain interconnecting County road segments to ATVs in July of 2012. The initial proposal was turned down by the Board of Legislators, as they did not believe at the time that the proposal for opening roads to ATVs complied with the requirements of Vehicle and Traffic Law § 2405.
3. Since that time, the Highmarket Wheelers ATV Club has solicited numerous property owners for permission to construct additional off-road ATV trails and has revised their proposal accordingly.
4. The Board of Legislators has conducted a review of the potential adverse impacts the opening of the proposed interconnecting County Roads consistent with 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 after an investigation and analysis conducted by the Board’s environmental consultants, has found and determined that adding these trails to the Lewis County Trail ATV System will not result in a significant environmental impact;
5. The Board of Legislators has also reviewed the annual ATV Activity Report as compiled by the Lewis County Sheriff’s Department.
6. The acting County Highway Superintendent has reviewed the roads or portions thereof that are proposed to be opened to ATV traffic, and has provided the Board with his written opinion that such roads or portions thereof are presently opened to all classes of motor vehicle traffic and that opening said roads or portions thereof to ATV traffic will not significantly impact traffic safety at those localities.
7. In light of all the information submitted, reviewed and/or received during the public hearing, the Board of Legislators hereby finds and determines that with respect to that portion of Mackay Road (CR 45) described herein, that it is otherwise impossible for ATV’s to gain access to the southerly end of the trail located on the property of Mauro and that it is otherwise impossible to gain access to the northerly end of a trail located on the property of Buczek, which trail traverses 0.75 miles through the property of Buczek and Kotary, absent the adoption of this Local Law.

March 5, 2013

BE IT FURTHER RESOLVED, as follows:

Section 1. This Local Law (Introductory No. 3 – 2013), County of Lewis, being “A LOCAL LAW PERMITTING ALL-TERRAIN VEHICLE OPERATION ON 1.75 MILES OF MACKAY ROAD (CR 45)”, be and the same hereby is designated as Local Law No. 2 – 2013, County of Lewis.

Section 2. That Local Law No. 2 – 2013, County of Lewis, with designation stated above, be and the same is hereby enacted, waiving any and all defects and informalities in the adoption thereof and shall take effect immediately upon filing with the Secretary of State.

Moved by Legislator Lucas, seconded by Legislator Fanning, and adopted.

YEAS: Boyd, Burke, Bush, Fanning, Hathway, King, Lucas, Wallace, Tabolt

NAYS: Stanford

ABSENT:

**RESOLUTION NO. 115 - 2013
RESOLUTION ADOPTING AND OTHERWISE TREATING
LOCAL LAW NO. 3 – 2013, COUNTY OF LEWIS**

Introduced by Legislator Richard Lucas, Chairman Economic Development Committee.

WHEREAS, the Highmarket Wheelers ATV Club has presented the Board of Legislators with a request to add certain off-road trails to the Lewis County ATV Trail System as described in Exhibit "A" annexed hereto and that access to such trails be provided through the opening of certain County roads or portions thereof to all terrain vehicles (ATVs); and

WHEREAS, as a consequence, the Board of Legislators has caused a site-specific environmental review of the proposed trails and road segments, consistent with the GEIS and the Statement of Findings issued thereunder by the Board of Legislators on January 28, 2009, and also consistent with the provisions of Local Law No. 2 – 2009, “A LOCAL LAW ESTABLISHING THE LEWIS COUNTY TRAIL SYSTEM” (herein, “Local Law No. 2”); and

WHEREAS, both Local Law No. 2 and the Statement of Findings contemplate future amendments to the Lewis County ATV Trail System through the addition of trails and/or the opening of interconnecting roads and set forth procedures for making such amendments and additions; and

WHEREAS, the Board of Legislators has completed its review under SEQRA with respect to the additional trails and proposed interconnecting roads identified in Exhibit “A”

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attached hereto and by Resolution No. 57 – 2013, and based upon an investigation and analysis conducted by the Board’s environmental consultants, has found and determined that adding these trails and interconnecting roads to the Lewis County Trail ATV System will not result in a significant environmental impact; and

WHEREAS, a resolution was duly adopted by the Board of Legislators on February 26, 2013, directing that a public hearing be held by said Board on March 5, 2013, from 5:00 p.m. to 5:30 p.m. at the Second Floor Board Room of the Courthouse, 7660 North State Street, Lowville, New York 13367, to hear all interested parties on a proposed Local Law entitled, “A LOCAL LAW PERMITTING ALL-TERRAIN VEHICLE OPERATION ON 0.79 MILES OF MACKAY ROAD (CR 45)”;

WHEREAS, notice of said public hearing was duly advertised in the Watertown Daily Times, the official newspaper designated by the County, on February 28, 2013, and posted on the bulletin board of the Lewis County Courthouse, 7660 North State Street, Lowville, New York, at least five (5) days prior to such public hearing; and

WHEREAS, said public hearing was duly held at such location at such time and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

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

NOW, THEREFORE, the Board of Legislators hereby resolves to make the following Legislative Findings:

6. That Board of Legislators has carefully reviewed a Memorandum from the County Attorney detailing the legal obligations of the Board when considering opening a County highway or portion thereof to ATV use.

7. The Highmarket Wheelers ATV Club had initially proposed adding certain off-road trails to the Lewis County ATV Trail System and opening certain interconnecting County road segments to ATVs in July of 2012. The initial proposal was turned down by the Board of Legislators, as they did not believe at the time that the proposal for opening roads to ATVs complied with the requirements of Vehicle and Traffic Law § 2405.

8. Since that time, the Highmarket Wheelers ATV Club has solicited numerous property owners for permission to construct additional off-road ATV trails and has revised their proposal accordingly.

9. The Board of Legislators has conducted a review of the potential adverse impacts the opening of the proposed interconnecting County Roads consistent with 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

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(collectively referred to hereinafter as “SEQRA”) and after an investigation and analysis conducted by the Board’s environmental consultants, has found and determined that adding these trails to the Lewis County Trail ATV System will not result in a significant environmental impact;

10. The Board of Legislators has also reviewed the annual ATV Activity Report as compiled by the Lewis County Sheriff’s Department.

11. The County Highway Superintendent has reviewed the roads or portions thereof that are proposed to be opened to ATV traffic, and has provided the Board with his written opinion that such roads or portions thereof are presently opened to all classes of motor vehicle traffic and that opening said roads or portions thereof to ATV traffic will not significantly impact traffic safety at those localities.

12. In light of all the information submitted, reviewed and/or received during the public hearing, the Board of Legislators hereby finds and determines that with respect to that portion of Mackay Road (CR 45) described herein, that it is otherwise impossible for ATV’s to gain access to the southerly end of the trail located on the property of landowner Kotary; and that it is otherwise impossible for ATV’s to gain access to the northerly end of the trail located on the property of landowner Ernst, absent the adoption of this Local Law.

BE IT FURTHER RESOLVED, as follows:

Section 1. This Local Law (Introductory No. 4 – 2013), County of Lewis, being “A LOCAL LAW PERMITTING ALL-TERRAIN VEHICLE OPERATION ON 0.30 MILES OF MACKAY ROAD (CR 45)”; be and the same hereby is designated as Local Law No. 3 –2013, County of Lewis.

Section 2. That Local Law No. 3 – 2013, County of Lewis, with designation stated above, be and the same is hereby enacted, waiving any and all defects and informalities in the adoption thereof and shall take effect immediately upon filing with the Secretary of State.

Moved by Legislator Bush, seconded by Legislator Burke, and adopted.

YEAS: Boyd, Burke, Bush, Fanning, Hathway, King, Lucas, Wallace, Tabolt

NAYS: Stanford

ABSENT:

**RESOLUTION NO. 116 - 2013
RESOLUTION ADOPTING AND OTHERWISE TREATING
LOCAL LAW NO. 4 – 2013, COUNTY OF LEWIS**

March 5, 2013

Introduced by Legislator Richard Lucas, Chairman Economic Development Committee.

WHEREAS, the Highmarket Wheelers ATV Club has presented the Board of Legislators with a request to add certain off-road trails to the Lewis County ATV Trail System as described in Exhibit "A" annexed hereto and that access to such trails be provided through the opening of certain County roads or portions thereof to all terrain vehicles (ATVs); and

WHEREAS, as a consequence, the Board of Legislators has caused a site-specific environmental review of the proposed trails and road segments, consistent with the GEIS and the Statement of Findings issued thereunder by the Board of Legislators on January 28, 2009, and also consistent with the provisions of Local Law No. 2 – 2009, “A LOCAL LAW ESTABLISHING THE LEWIS COUNTY TRAIL SYSTEM” (herein, “Local Law No. 2”); and

WHEREAS, both Local Law No. 2 and the Statement of Findings contemplate future amendments to the Lewis County ATV Trail System through the addition of trails and/or the opening of interconnecting roads and set forth procedures for making such amendments and additions; and

WHEREAS, the Board of Legislators has completed its review under SEQRA with respect to the additional trails and proposed interconnecting roads identified in Exhibit “A” attached hereto and by Resolution No. 57 – 2013, and based upon an investigation and analysis conducted by the Board’s environmental consultants, has found and determined that adding these trails and interconnecting roads to the Lewis County Trail ATV System will not result in a significant environmental impact; and

WHEREAS, a resolution was duly adopted by the Board of Legislators on February 26, 2013, directing that a public hearing be held by said Board on March 5, 2013, from 5:00 p.m. to 5:30 p.m. at the Second Floor Board Room of the Courthouse, 7660 North State Street, Lowville, New York 13367, to hear all interested parties on a proposed Local Law entitled, “A LOCAL LAW PERMITTING ALL-TERRAIN VEHICLE OPERATION ON 0.55 MILES OF HIGHMARKET ROAD (CR 48)”; and

WHEREAS, notice of said public hearing was duly advertised in the Watertown Daily Times, the official newspaper designated by the County, on February 28, 2013, and posted on the bulletin board of the Lewis County Courthouse, 7660 North State Street, Lowville, New York, at least five (5) days prior to such public hearing; and

WHEREAS, said public hearing was duly held at such location at such time and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

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

NOW, THEREFORE, the Board of Legislators hereby resolves to make the following Legislative Findings:

1. That Board of Legislators has carefully reviewed a Memorandum from the County Attorney detailing the legal obligations of the Board when considering opening a County highway or portion thereof to ATV use.
2. The Highmarket Wheelers ATV Club had initially proposed adding certain off-road trails to the Lewis County ATV Trail System and opening certain interconnecting County road segments to ATVs in July of 2012. The initial proposal was turned down by the Board of Legislators, as they did not believe at the time that the proposal for opening roads to ATVs complied with the requirements of Vehicle and Traffic Law § 2405.
3. Since that time, the Highmarket Wheelers ATV Club has solicited numerous property owners for permission to construct additional off-road ATV trails and has revised their proposal accordingly.
4. The Board of Legislators has conducted a review of the potential adverse impacts the opening of the proposed interconnecting County Roads consistent with 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 after an investigation and analysis conducted by the Board’s environmental consultants, has found and determined that adding these trails to the Lewis County Trail ATV System will not result in a significant environmental impact;
5. The Board of Legislators has also reviewed the annual ATV Activity Report as compiled by the Lewis County Sheriff’s Department.
6. The County Highway Superintendent has reviewed the roads or portions thereof that are proposed to be opened to ATV traffic, and has provided the Board with his written opinion that such roads or portions thereof are presently opened to all classes of motor vehicle traffic and that opening said roads or portions thereof to ATV traffic will not significantly impact traffic safety at those localities.
7. In light of all the information submitted, reviewed and/or received during the public hearing, the Board of Legislators hereby finds and determines that with respect to that certain portion of Highmarket Road (CR 48) as described herein, that it is otherwise impossible for ATV’s to gain access to the southerly end of an ATV trail located on the property of landowner Ernst and that is otherwise impossible to gain access to the northerly end of an ATV trail located on the property of landowner Young, absent the adoption of this Local Law.

BE IT FURTHER RESOLVED, as follows:

Section 1. This Local Law (Introductory No. 5 – 2013), County of Lewis, being “A LOCAL LAW PERMITTING ALL-TERRAIN VEHICLE OPERATION ON 0.55

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MILES OF HIGHMARKET ROAD (CR 48)”; be and the same hereby is designated as Local Law No. 4 –2013, County of Lewis.

Section 2. That Local Law No. 4 – 2013, County of Lewis, with designation stated above, be and the same is hereby enacted, waiving any and all defects and informalities in the adoption thereof and shall take effect immediately upon filing with the Secretary of State.

Moved by Legislator Fanning, seconded by Legislator Wallace, and adopted.

YEAS: Boyd, Burke, Bush, Fanning, Hathway, King, Lucas, Wallace, Tabolt

NAYS: Stanford

ABSENT:

**RESOLUTION NO. 117 - 2013
RESOLUTION ADOPTING AND OTHERWISE TREATING
LOCAL LAW NO. 5 – 2013, COUNTY OF LEWIS**

Introduced by Legislator Richard Lucas, Chairman Economic Development Committee.

WHEREAS, the Highmarket Wheelers ATV Club has presented the Board of Legislators with a request to add certain off-road trails to the Lewis County ATV Trail System as described in Exhibit "A" annexed hereto and that access to such trails be provided through the opening of certain County roads or portions thereof to all terrain vehicles (ATVs); and

WHEREAS, as a consequence, the Board of Legislators has caused a site-specific environmental review of the proposed trails and road segments, consistent with the GEIS and the Statement of Findings issued thereunder by the Board of Legislators on January 28, 2009, and also consistent with the provisions of Local Law No. 2 – 2009, “A LOCAL LAW ESTABLISHING THE LEWIS COUNTY TRAIL SYSTEM” (herein, “Local Law No. 2”); and

WHEREAS, both Local Law No. 2 and the Statement of Findings contemplate future amendments to the Lewis County ATV Trail System through the addition of trails and/or the opening of interconnecting roads and set forth procedures for making such amendments and additions; and

WHEREAS, the Board of Legislators has completed its review under SEQRA with respect to the additional trails and proposed interconnecting roads identified in Exhibit “A” attached hereto and by Resolution No. 57 – 2013, and based upon an investigation and analysis conducted by the Board’s environmental consultants, has found and determined

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that adding these trails and interconnecting roads to the Lewis County Trail ATV System will not result in a significant environmental impact; and

WHEREAS, a resolution was duly adopted by the Board of Legislators on February 26, 2013, directing that a public hearing be held by said Board on March 5, 2013, from 5:00 p.m. to 5:30 p.m. at the Second Floor Board Room of the Courthouse, 7660 North State Street, Lowville, New York 13367, to hear all interested parties on a proposed Local Law entitled, "A LOCAL LAW PERMITTING ALL-TERRAIN VEHICLE OPERATION ON CERTAIN PORTIONS OF BYRONS CORNERS ROAD (CR 49)"; and

WHEREAS, notice of said public hearing was duly advertised in the Watertown Daily Times, the official newspaper designated by the County, on February 28, 2013, and posted on the bulletin board of the Lewis County Courthouse, 7660 North State Street, Lowville, New York, at least five (5) days prior to such public hearing; and

WHEREAS, said public hearing was duly held at such location at such time and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

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

NOW, THEREFORE, the Board of Legislators hereby resolves to make the following Legislative Findings:

1. That Board of Legislators has carefully reviewed a Memorandum from the County Attorney detailing the legal obligations of the Board when considering opening a County highway or portion thereof to ATV use.
2. The Highmarket Wheelers ATV Club had initially proposed adding certain off-road trails to the Lewis County ATV Trail System and opening certain interconnecting County road segments to ATVs in July of 2012. The initial proposal was turned down by the Board of Legislators, as they did not believe at the time that the proposal for opening roads to ATVs complied with the requirements of Vehicle and Traffic Law § 2405.
3. Since that time, the Highmarket Wheelers ATV Club has solicited numerous property owners for permission to construct additional off-road ATV trails and has revised their proposal accordingly.
4. The Board of Legislators has conducted a review of the potential adverse impacts the opening of the proposed interconnecting County Roads consistent with 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 after an investigation and analysis conducted by the Board's environmental consultants, has found and determined that adding these trails to the Lewis County Trail ATV System will not result in a significant environmental impact;

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5. The Board of Legislators has also reviewed the annual ATV Activity Report as compiled by the Lewis County Sheriff's Department.

6. The County Highway Superintendent has reviewed the roads or portions thereof that are proposed to be opened to ATV traffic, and has provided the Board with his written opinion that such roads or portions thereof are presently opened to all classes of motor vehicle traffic and that opening said roads or portions thereof to ATV traffic will not significantly impact traffic safety at those localities.

7. In light of all the information submitted, reviewed and/or received during the public hearing, the Board of Legislators hereby finds and determines that it is otherwise impossible for ATV's to gain access to the southerly end of an ATV trail located on the property of landowner Morczek and that it is otherwise impossible to gain access to the northerly end of a trail located on the property of landowner Mann, absent the opening of that portion of Byrons Corners Road (CR 49) a distance of 1.41 miles as described in this Local Law.

BE IT FURTHER RESOLVED, as follows:

Section 1. This Local Law (Introductory No. 6 – 2013), County of Lewis, being "A LOCAL LAW PERMITTING ALL-TERRAIN VEHICLE OPERATION ON CERTAIN PORTIONS OF BYRONS CORNERS ROAD (CR 49)"; be and the same hereby is designated as Local Law No. 5 –2013, County of Lewis.

Section 2. That Local Law No. 5 – 2013, County of Lewis, with designation stated above, be and the same is hereby enacted, waiving any and all defects and informalities in the adoption thereof and shall take effect immediately upon filing with the Secretary of State.

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

YEAS: Boyd, Burke, Bush, Fanning, Hathway, King, Lucas, Wallace, Tabolt

NAYS: Stanford

ABSENT:

**RESOLUTION NO. 118 - 2013
RESOLUTION AUTHORIZING THE COUNTY OF LEWIS
TO RECLAIM CERTAIN PARCELS FROM TAX AUCTION**

Introduced by Legislator Jack Bush, Chairman of the Ways and Means Committee.

WHEREAS, the County of Lewis ("County") has heretofore commenced a foreclosure proceeding pursuant to Real Property Tax Law Article 11 against certain parcels of land where the taxes are delinquent; and

WHEREAS, the County has moved for a Default Judgment where the taxpayers have defaulted in responding to the Notice and Petition of Foreclosure and for a Final

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Judgment in Foreclosure awarding Lewis County with full and complete title to each such parcel of real property wherein the real property has not been contested, redeemed, withdrawn, canceled or otherwise removed pursuant to law from said proceeding; and

WHEREAS, upon being awarded title to such properties, the County of Lewis wishes to withhold two parcels from the tax auction and to retain such parcels for the County's own use and benefit as follows:

Town of Osceola – Tax Parcel ID: 359.00-01-02.112

Town of Greig – Tax Parcel ID: 292.00-02-68.000

NOW THEREFORE, BE IT RESOLVED, that

Section 1. The Board of Legislators hereby authorizes the County Treasurer to withhold the above described tax parcels from the tax auction and declares that the title to the herein described parcels shall remain in the name of the County of Lewis for the County's benefit unless and until further action by the Board of Legislators.

Section 2. That this Resolution shall take effect immediately.

Moved by Legislator Bush, seconded by Legislator King, and adopted.

**RESOLUTION NO. 119 - 2013
RESOLUTION AUTHORIZING ACCEPTANCE OF
OWNERSHIP OF PARCEL OF LAND AT THE INTERSECTION OF
ROUTE 12 AND THE ROSS ROAD**

Introduced by Legislator Michael Tabolt, Chairman of the Board of Legislators.

WHEREAS, New York State Department of Transportation (“NYSDOT”) has offered to convey to Lewis County fee title to a parcel of land, consisting of 0.476 acres of land, located along New York State Route 12 and the Ross Road in the Town of Lowville and more particularly described in the tax map attached hereto (the “Property”); and

WHEREAS, NYSDOT has determined that the Property is no longer needed by NYSDOT; and

WHEREAS, the County of Lewis agrees to accept the Abandonment of NYSDOT's Maintenance and Jurisdiction and accept ownership of this parcel.

NOW THEREFORE, BE IT RESOLVED, that

Section 1. The Board of Legislators hereby authorizes the acceptance of ownership of the 0.476 acre parcel of land along New York State Route 12 and the Ross Road in the Village of Lowville.

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Section 2. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to make, execute, seal and deliver such writings, documents or instruments necessary to fulfill the intent of this Resolution on such form(s) as may be approved by the County Attorney.

Section 3. That this Resolution shall take effect immediately.

Moved by Legislator Bush, seconded by Legislator Boyd, and adopted.

OTHER BUSINESS:

Cliff White thanked the Legislators, Chairman Tabolt and specifically County Attorney Richard Graham for their time and efforts to formulate the appropriate paperwork.

Legislator Burke announced a blood drive on 3/19/13 at the Lowville Firehall.

Legislator Lucas made a motion to enter executive session at 6:32 p.m. to discuss specific personnel, seconded by Legislator Wallace and carried. Following the session, Legislator Bush moved to re-enter regular session at 7:50 p.m., seconded by Legislator Boyd and carried.

There being no other business to come before the Board, the meeting adjourned on a motion by Legislator Fanning, seconded by Legislator Wallace and carried.

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**SPECIAL MEETING
March 13, 2013**

The meeting was called to order at 10:30 a.m. by Chairman Michael A. Tabolt.

Roll Call: All Legislators were present.

The Invocation was offered by Legislator Hathway, followed by Chairman Tabolt leading the Pledge of Allegiance to the Flag.

There were 22 persons present.

REPORT OF THE RULES AND LEGISLATION COMMITTEE:

The Rules and Legislation Committee had met and recommend waiving the rules to allow action on late resolutions.

Richard Lucas, Chairman
Philip Hathway
Charles Fanning

Dated: March 13, 2013

Legislator Burke made a motion to waive the rules, seconded by Legislator Bush and carried.

Chairman Tabolt opened the public hearing for comments on Local Law (Introductory No. 1-2013) "Amending Local Law No. 2-2009 Regarding the Fees Charged for ATV Permits for the Lewis County Trail System".

PRIVILEGE OF THE FLOOR:

Highmarket Wheelers ATV Club President Cliff White relayed meeting with the Economic Development Committee, at which complaints and objections to the proposed increased fees and procedures for ATV permits were aired. He invoked his club as the only one in the County to build ATV trails last year, reporting there were 22 more trails to complete. Mr. White reported having 14 volunteers who devote time for trail work. Additionally, their club generates revenues through grants, and fund raisers such as 50-50 raffles, poker runs and many other events. Their club members adamantly oppose raising the permit fee to \$25, instead suggests a \$10 fee, with the clubs reducing their membership fee to \$15. He declared that "Without memberships you're not going to have a trail system", adding that operators do not want to ride exclusively in reforestation areas. Quoting a previous report by Committee Chairman Richard Lucas, Mr. White referenced 2012 ATV permit sales equating \$80,000, estimating that \$30,000 of that amount should be available for trails. In light of disgruntled club members, and reduced membership, Mr. White does not deem it possible to maintain reforestation areas as previously proposed.

REPORTS OF STANDING COMMITTEES:

March 13, 2013

Legislator Jack Bush, Buildings and Grounds Committee Chairman, reported touring local buildings last week for relocation of employees currently housed at St. Peter's School.

The consensus of the committee is to move the Office For the Aging and Board of Elections' staff and voting machines into the ground floor at the Lowville Commons, and leasing one room on the upper floor for storage needs. Secondly, they propose to move the Highway and Solid Waste Department staff into existing office space of the Leroy Nichols Memorial Building, also referred to as the "Pepsi Building" located at the Fairgrounds. The leases would be for a period of up to 24 months.

Legislator Bush reported the Lowville Commons space would be partially at \$17/sq. ft. and the currently leased portion would continue at \$10/sq. ft., equating an annual total of \$54,139. There are minimal build-out requirements to be addressed with the owners.

Legislator Bush relayed speaking with Hospital CEO Eric Burch and confirmed that Public Health staff could remain at the hospital campus for the next two years.

Chairman Tabolt informed that some Legislators have differing opinions about leasing, instead wanting to discuss purchasing real estate. Legislator Lucas inquired whether the school building is definitely being sold. Legislators Burke and King each impressed that time is of the essence to relocate the personnel, while also wanting to confirm the St. Peters' sale.

Legislator Patrick Wallace, Election Committee Chairman, reported discussing space needs with Election Commissioners this morning.

Legislator Fanning reported that the Commissioners informed of proposed State legislation that would require Counties to offer early voting for 14 days prior to general, special and primary elections. Currently, 32 of the 50 States offer early voting. The law would require additional personnel and impose substantial expense. The Commissioners expressed opposing views for the near impossibility to find willing and trained individuals to cover nine (9) polling sites for 14 days, including weekends. Also, the cost to transport voting machines back to secured storage each evening. The Election Committee recommends the Board enact an opposing resolution similar to that of the Inter-County Legislative Committee of the Adirondacks. Legislator Lucas asserted the resolution oppose the initiative in its entirety, without support for an opt-in option. Early voting opportunities already exist through absentee ballots, he stated. A respective late resolution was enacted to oppose the Early Voting Act.

Legislator Richard Lucas, Economic Development Committee Chairman, announced that interviews of Trail Coordinator candidates are scheduled on 3/15/13.

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Legislator Lucas proposed to sponsor a follow-up resolution to oppose the State Secure Ammunition and Firearms Enforcement (SAFE) ACT that requires gun owners to verify ownership every five years. He wants to promulgate the Board's opposition.

PRIVILEGE OF THE FLOOR (Cont'd)

Lewis County Sheriff Deputy Michael Leviker asked how the County tracks allotted ATV permits that business owners do not sell. Chamber of Commerce Executive Director Anne Merrill reported that in the past there was one business that did not return a few unsold permits. Legislator Lucas distinguished this as the first time hearing such a report, asserting that legal recourse should be pursued in such instances.

In response to Legislator Stanford, Chamber of Commerce employee Donna Stenoski stated they do not police the types of ATV's purchasing permit stickers. She explained there is an executed contract with each business that sells the permits, thereby agreeing to submit the permit fee with the applications, and to return unsold permits to the Chamber of Commerce.

Ms. Stenoski stated that in 2011 there was one business that did not return a few unsold permits, which she realized only after the permit holder called to renew their permit, for which she had no record. She had alerted the County and followed up several times with the business owner about the unsold permits, to no avail.

Legislators Hathway, Fanning and Lucas each affirmed the committee's intent to work with the clubs that are building the off-road trails, to financially support those who are doing the work. The previous process, they said, was not working.

Mr. Floyd Rivers inquired the reason for the increased permit fee to \$65 and bypassing the previously agreed \$25 club membership portion. Legislator Lucas stated that \$25 of every permit sale is deposited into the Trail Fund, and is available to pay clubs for building trails and maintenance; as well as law enforcement and educational related expense.

Mr. Francis Roy, Black River Valley 4-Wheeler Club President, invoked that the new procedures will negatively impact on club memberships, because of additional membership fees. He relayed concern for the lack of volunteers to work on the trails; and exclaimed that the "system was working fine before".

In response to an inquiry from Patricia White, Legislator Lucas reiterated that all collected permit fee revenues were deposited into the Trail Fund, 100% of which is available for trail related expense, although could not recite the percentage of allocation for specific categorical expenses. The Local Law would be effective upon filing with the Department of State. In response to her query for trail fund balances, Legislator Lucas advised she submit a Freedom of Information Law (FOIL) request to the County Attorney.

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Ms. Kelly Kovach inquired what businesses would be selling permits, and if they would be available on weekends. She was concerned that clubs may no longer choose to sell permits. Legislator Lucas stated the Chamber of Commerce determines the businesses and negotiates all contracts.

In response to Mr. Rivers' inquiry for the name of the business that did not submit unsold ATV permits, County Attorney Richard Graham informed that allegations against specific businesses shall not be addressed in open forum. However, Donna Stenoski affirmed that the business in question was not allowed to sell permits after 2011.

Joseph Onyon, Tug Hill Adirondack ATV Association President, took grave exception to Legislators' earlier comments that the trail permit system does not work! He has log maintenance sheets as proof of the many hours spent by himself and other volunteers to build and maintain trails, including dozer work to move trees and pull stumps. Mr. Onyon referenced previous complaints by County officials that certain clubs were not infusing received permit funds back into the trail system. Accordingly, last year the change was made to allot on-line membership fees to the Association to support ongoing trail development and maintenance.

In 2012 the Association received \$18,000, of which \$10,000 was expensed for trail work, insurance, stone, and lumber on trails in all areas; \$4,000 for a new trailer and generator, and \$2,000 for other new equipment. Mr. Onyon reported the monies are expended to those doing the work, and are accountable.

Legislator Lucas affirmed that Legislators agree wholeheartedly that the maintenance program is working tremendously, and commended all the volunteers. It's the financing procedures, he said, that we are taking issue.

Chairman Tabolt declared the hearing closed at 11:20 a.m.

RESOLUTIONS:

**RESOLUTION NO. 120 - 2013
RESOLUTION ADOPTING AND OTHERWISE TREATING
LOCAL LAW NO. 6 – 2013, COUNTY OF LEWIS**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

WHEREAS, a resolution was duly adopted by the Board of Legislators on March 5, 2013, directing that a public hearing be held by said Board on March 13, 2013, from 10:30 a.m. to 11:00 a.m. at the Second Floor Board Room of the Courthouse, 7660 North State Street, Lowville, New York 13367, to hear all interested parties on a proposed Local Law entitled, "A LOCAL LAW AMENDING LOCAL LAW NO. 2 – 2009 REGARDING THE

March 13, 2013

FEES CHARGED FOR ATV PERMITS IN THE LEWIS COUNTY TRAIL SYSTEM”;
and

WHEREAS, notice of said public hearing was duly advertised in the Watertown Daily Times, the official newspaper designated by the County, on March 7, 2013, and posted on the bulletin board of the Lewis County Courthouse, 7660 North State Street, Lowville, New York, at least five (5) days prior to such public hearing; and

WHEREAS, said public hearing was duly held at such location at such time and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

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

Now, Therefore, BE IT FURTHER RESOLVED, as follows:

Section 1. This Local Law (Introductory No. 1 – 2013), County of Lewis, being “A LOCAL LAW AMENDING LOCAL LAW NO. 2 – 2009 REGARDING THE FEES CHARGED FOR ATV PERMITS IN THE LEWIS COUNTY TRAIL SYSTEM”, be and the same hereby is designated as Local Law No. 6 –2013, County of Lewis.

Section 2. That Local Law No. 6 – 2013, County of Lewis, with designation stated above, be and the same is hereby enacted, waiving any and all defects and informalities in the adoption thereof and shall take effect immediately upon filing with the Secretary of State.

Moved by Legislator Lucas, seconded by Legislator Hathway and adopted.

YEAS: Boyd, Burke, Bush, Fanning, Hathway, King, Lucas, Wallace, Tabolt

NAYS: Stanford

ABSENT:

**RESOLUTION NO. 121 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY PUBLIC HEALTH AND
NATALIE LAURINE**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

WHEREAS, Lewis County Public Health Agency entered into a grant agreement with the New York State Department of Health Cancer Services Program and also contracted with Natalie Lauraine as an outreach assistant for this program on the 16th day of May, 2012; and

March 13, 2013

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes an agreement between Lewis County Public Health Agency and Natalie Lauraine as an outreach assistant for the New York State Department of Health Cancer Services Program.

Section 2. That said Agreement is for the period beginning May 16, 2012 through May 16, 2014 at \$15.00 per hour, plus mileage reimbursement at the IRS rate.

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 Bush, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 122 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO SOCIAL SERVICES**

Introduced by Legislator William Burke, Chairman of the Social 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 Department of Social Services, to create the following positions:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Social Welfare Examiner	Temporary Full-time	Grade 20 \$16.59-\$17.92

Section 2. That the Temporary Part-time Social Welfare Examiner position created by Resolution No. 92-2013 is hereby abolished.

Section 3. That Commissioner Stacy Alvord is authorized to fill said positions for the period from April 1, 2013 through December 31, 2013.

Section 4. That this resolution shall take effect immediately.

Moved by Legislator Boyd, seconded by Legislator Burke, and adopted.

March 13, 2013

**RESOLUTION NO. 123 - 2013
AUTHORIZING OPENING OF CERTAIN PORTIONS OF
COUNTY ROADS FOR ATV SPECIAL EVENT**

Introduced by Legislator William Burke, Member of the Economic Development Committee.

WHEREAS, Barnes Corners Sno-Pals Snowmobile Club has requested that the Board of Legislators open:

- CR 18 Cronk Road; from County Property east to where Cronk Road in the Town of Pinckney begins;
- CR 29 West Road from Gardner Road to NYS Route 12;
- CR 62 Turin Road, all of;
- CR 43 East Road; from CR 62 Turin Road intersection to intersection of CR 38E East Main Street;
- CR 38 E East & 38W West Main Streets in Village of Turin;
- CR 51 West Road; from CR 38W West Main Street south to Gomer Hill Road;
- CR 45 Mackay Road;
- CR 48 Highmarket Road from CR 45 Mackay Road to North Road;
- Houseville Road from NYS 26 to East Road; CR 34
- Lee Road from East Road to Milkhouse Road; CR 79
- Burdick's Crossing all of; CR 36
- CR 40 Greig Road from Burdick's Crossing Road to Sweeney Road;

for a one day all terrain vehicle (ATV) rally event ("SNIRT") to be held on April 13, 2013; and

WHEREAS, Vehicle and Traffic Law § 2408 authorizes a governmental agency to review and approve requests for holding special events that involve the operation of ATV's; and

WHEREAS, this action is a "Type II" action for purposes of the State Environmental Quality Review Act, and the regulations promulgated there-under, more particularly, 6 NYCRR § 617.5(15) which provides that "minor temporary uses of land having negligible or no permanent impact on the environment" do not require further environmental review; and

WHEREAS, Barnes Corners Sno-Pals Snowmobile Club, as a sponsor of the event, has agreed to indemnify and hold the County of Lewis, its officers, agents and employees harmless from any claim, liability, damage or cost of any nature whatsoever, including reasonable attorney fees incurred by reason of the conduct of the event or use of those portions of County Roads.

NOW, THEREFORE, be it resolved as follows:

March 13, 2013

Section 1. The Board of Legislators hereby authorizes the operation of ATV's on:

- CR 18 Cronk Road; from County Property east to where Cronk Road in the Town of Pinckney begins;
- CR 29 West Road from Gardner Road to NYS Route 12;
- CR 62 Turin Road, all of;
- CR 43 East Road; from CR 62 Turin Road intersection to intersection of CR 38E East Main Street;
- CR 38 E East & 38W West Main Streets in Village of Turin;
- CR 51 West Road; from CR 38W West Main Street south to Gomer Hill Road;
- CR 45 Mackay Road;
- CR 48 Highmarket Road from CR 45 Mackay Road to North Road;
- Houseville Road from NYS 26 to East Road; CR 34
- Lee Road from East Road to Milkhouse Road; CR 79
- Burdick's Crossing all of; CR 36
- CR 40 Greig Road from Burdick's Crossing Road to Sweeney Road;

for a one day all terrain vehicle (ATV) rally event to be held on April 13, 2013.

Section 2. That the permission granted herein is specifically conditioned upon Barnes Corners Sno-Pals Snowmobile Club entering into a written agreement with the County of Lewis whereby:

4. Barnes Corners Sno-Pals Snowmobile Club agrees to indemnify and hold the County of Lewis, its officers, agents and employees harmless from any loss, claim, liability, lawsuit, damage, cost or expense including reasonable attorney fees incurred by reason of injury to person(s) or property, including death arising out of or in any way connected with the conduct of the event or the use of those portions of County Roads for such event;

5. Barnes Corners Sno-Pals Snowmobile Club agrees to provide proof that it has obtained general liability insurance insuring such event in an amount not less than \$1,000,000 for injuries including wrongful death to any one person and in an amount not less than \$2,000,000 on account of any one occurrence and naming the County of Lewis as an additional insured; and

6. Such other terms as the Chairman of the Board of Legislators with the consultation of County Attorney may deem acceptable.

Section 3. That the Chairman of the Board of Legislators, or in his absence, the Vice-chairman, be and the same is hereby authorized to execute and deliver such written agreements or other documents as may be necessary to carry out the terms of this Resolution.

Section 4. That this Resolution shall take effect immediately.

Moved by Legislator Boyd, seconded by Legislator Lucas.

March 13, 2013

Legislator Burke made a motion to amend the resolution to add County Route 51 West Road from Gomer Hill Road to NY State Route 26, seconded by Legislator Bush.

Legislator Lucas clarified this action would allow ATV travel during the one day SNIRT RUN event to the Towpath Inn and Snow Ridge businesses, that would otherwise be excluded. The motion was unanimously carried.

The resolution was then adopted.

**RESOLUTION NO. 124 - 2013
RESOLUTION OPPOSING PROPOSED LEGISLATION A.689/S.1461
ESTABLISHING EARLY VOTING FOR
GENERAL, PRIMARY AND SPECIAL ELECTIONS**

Introduced by Legislator Patrick Wallace, Chairman of the Elections Committee.

WHEREAS, A.689 (Silver)/S.1461 (Stewart-Cousins) has been introduced in the New York State Legislature establishing early voting in primary, general and special elections in the State of New York; and

WHEREAS, said bill would allow early voting to take place up to 14 days before a general election and up to a week before a primary or special election, from 8:00 a.m. until 7:00 p.m. on every early voting day including Saturday and Sunday; and

WHEREAS, County Boards of Elections would be required to select a minimum of five polling places throughout their respective County and provide election inspectors at each location; and

WHEREAS, County Boards of Elections would also be required to follow the same polling place protocols that are observed on election day on all early voting days; and

WHEREAS, the costs associated with staffing early voting locations and printing county paper ballots associated with early voting in Lewis County have been estimated at \$80,000 for general elections and \$40,000 for primary elections; and

WHEREAS, the 2% tax cap and insufficient relief from State-imposed mandates has already placed an unprecedented strain on local governments to provide more services with less funding.

Now, Therefore, BE IT RESOLVED:

Section 1. That the Lewis County Board of Legislators hereby opposes proposed Bill A.689 (Silver)/S.1461 (Stewart-Cousins) legislation in its entirety requiring Counties to implement early voting.

March 13, 2013

Section 2. That the Clerk is hereby directed to forward certified copies of this resolution be forwarded to Governor Andrew Cuomo; Senator Joseph Griffo; Assemblyman Kenneth Blankenbush and NYSAC.

Moved by Legislator Fanning, seconded by Legislator Boyd, and adopted.

OTHER BUSINESS:

Chairman Tabolt informed the need for an executive session to discuss a prospective real estate purchase, and specific personnel. Legislator King moved to enter executive session, seconded by Legislator Fanning and carried at 11:25 p.m. Following the session, Legislator Bush moved to re-enter regular session at 12:07 p.m., seconded by Legislator Boyd and carried.

Legislator Bush made a motion to authorize a lease agreement with Lowville Partnership for 4,268 sq. ft. for office space for an annual cost of \$54,139; and office space at the Fairgrounds Pepsi Building from the Lewis County Agricultural Society for a monthly amount not to exceed \$1,200. The lease agreements will be for a period up to 24 months. Legislator King seconded the motion. During the Lewis County Fair, parking spaces will be reserved for County employees.

Legislator Fanning made an amending motion to allow a purchasing option for the Lowville Commons, seconded by Legislator Hathway. The amended motion was defeated by a roll call vote of 5 to 5. Legislators Bush, King, Lucas, Wallace and Tabolt were opposed.

The motion to approve leasing agreements at the Lowville Commons and Pepsi Building, was then unanimously carried.

Legislator Bush made a motion to approve advertising bids for constructing a new 45,000 sq. ft. two-floor office building on Outer Stowe Street. The first floor, he said, would house the 911 Dispatch Center, Emergency Management and Emergency Medical Services personnel; and the Department of Social Services will occupy the second floor. He reminded that over \$800,000 has been expended for architectural and engineering services for the proposed building. The motion was seconded by Legislator Lucas.

Legislator Lucas opined the Board is expected to consider future needs when planning new construction, for the benefit of all taxpayers, distinguishing that Legislators are also taxpayers. He submits that due diligence has been done to explore leasing and/or purchasing options and favors moving forward with the new construction.

In response to Legislator Stanford, Legislator Bush announced the Committee is scheduled to meet with Village of Lowville officials later today to discuss their concerns.

In consideration of the 2% or \$270,000 estimated annual appropriation for 10 years, Legislator Hathway exclaimed that "taxpayers are maxed out"! The supposed surplus,

March 13, 2013

thereafter, would never go back to the taxpayers. He expressed genuine concern for current obligations, encompassing the Court House, radio project, Hospital Dialysis Unit and Meditech computer system, equating up to \$30 Million bonds against a \$40 Million levy. Accordingly, he objects to a new building construction.

Citing the State Social Services financing estimated between \$4.5-\$5 Million of the construction costs, Legislator Bush stated that we all pay State taxes. He proclaimed it beneficial for Lewis County to recover some State taxes, that alternatively would be allocated to support other areas of New York.

Legislator Lucas reiterated Legislator Hathway's breakdown of the 2% levy increase, equating a \$10 - \$14 increase for the average property owner, terming the new construction as fiscally prudent to address County space needs well into the future. Responding, Legislator Hathway stated the increase would be compounded by other County project expenses, in addition to Town and school tax increases. While understanding the reasons for a new building, Legislator Hathway conceded his conservative nature impels him to reject imposing a greater tax burden on persons who are already struggling.

Legislator Stanford surmised that \$14 may burden senior citizens or low income persons just getting by.

Legislator Fanning expressed concern, inquiring whether the County could adequately respond to prospective Federal and/or State deficit funding cuts.

Legislator King reported his opposition to purchase the Lowville Commons because it does not conform to County needs. He favors a central building to house personnel under one roof, as much more efficient and cost effective.

In response to Legislator Burke's inquiry, Atty. Graham explained that State Social Services funding reimbursement formulas are pursuant to State statute, unless amended through State Legislative action.

Legislator Lucas affirmed his favor to move forward with new construction, particularly citing the substantial expenditures to-date for architectural and engineering services.

Legislator Wallace expressed support to move forward with new construction and terminate leasing relationships.

Chairman Tabolt relayed laboring over both options because either imposes increased taxpayer expense. However, he feels the better plan for the next generation is to go forward with new construction, particularly considering the State financial reimbursements. He recounted the Board's discretion to approve construction, pending bid proposals.

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In response to Legislator Hathway, Legislator Bush reported the committee had been authorized to request proposals from qualified persons to serve as “Clerk of the Works”. The Committee will be prepared to recommend a contract if the Board approves construction.

The motion to move forward to advertise bids for the new building construction was approved by a roll call vote of 6 to 4. Legislators Boyd, Fanning, Hathway and Stanford were opposed.

It was confirmed that the 911 Dispatch Center would be housed on the ground floor of the new construction.

Chairman Tabolt informed that a purchase order for the Wladis Law Firm had been held at his request, until further review by the Ways and Means Committee. The committee had discussed and previously approved payment for December services, but the invoice in question is for January services. The Wladis Law Firm is requesting approval for prior-to-audit payment.

Legislator Lucas suggested delaying payment until Mr. Wladis justifies the invoiced amount to the Ways and Means Committee. Legislator Lucas made a motion to authorize the Committee to approve prior-to-audit payment of \$26,158.40 to Wladis Law Firm pending a satisfactory explanation by phone conference, seconded by Legislator Bush and carried.

Legislator Bush suggested having the Wladis Law Firm perform services only when specifically requested by the Board. In consideration of their past consulting input, Legislator King affirmed the Board’s authority to confer with the firm about the radio project, as needed.

Legislator Bush made a motion to enter executive session to discuss specific personnel at 12:51 p.m., seconded by Legislator Burke and carried. The session commenced at 12:58 p.m. following a short recess. Following the session, Legislator Fanning moved to re-enter regular session at 1:12 p.m., seconded by Legislator Stanford and carried.

There being no other business to come before the Board, the meeting adjourned on motion by Legislator Fanning, seconded by Legislator Stanford and carried.

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**REGULAR MEETING
April 2, 2013**

The meeting was called to order at 5:00 p.m. by Chairman Michael A. Tabolt.

Roll Call: All Legislators were present, except Legislator Lucas whom had been excused.

The Invocation was offered by Legislator Hathway, followed by Chairman Tabolt leading the Pledge of Allegiance to the Flag.

There were 25 persons present.

Chairman Tabolt announced approval of the March 5th and March 13th, 2013 meeting minutes.

At the Chairman's request, the Clerk of the Board read a proclamation commemorating April 2013 as "Fair Housing Month", thereby encouraging fair housing opportunities for all citizens.

REPORT OF THE RULES AND LEGISLATION COMMITTEE:

The Rules and Legislation Committee had met and recommends waiving the rules to allow action on late resolutions.

Philip Hathway
Charles Fanning

Dated: April 2, 2013

Legislator Fanning made a motion to waive the rules, seconded by Legislator Bush and carried.

PRIVILEGE OF THE FLOOR:

Mr. Floyd Rivers of Glenfield reiterated his request for information relative to one Lewis County business that had not returned unused 2011 ATV permit stickers or attendant monies to the Chamber of Commerce. Legislator Hathway relayed receipt of respective information from Executive Director Anne Merrill, stating he would forward the information to County Atty. Graham, who would follow up to review and address any legal issues.

Legislator Stanford inquired who authorized terminated employee Robert Deihl access to his former Trail Coordinator's computer, while expressing concern for possible negative impact for ongoing related litigation. Chairman Tabolt stated he had authorized access as a good faith effort to assist Mr. Deihl with prospective employment opportunities. It was a judgment call, he said. While apologizing in hindsight for his supposed error,

April 2, 2013

Chairman Tabolt charged the Human Resource Committee to develop standardized protocols for responding to future requests by terminated employees.

County Manager David Pendergast relayed Mr. Diehl's request to retrieve self-created logos and posters, as well as some pictures. After consulting with Chairman Tabolt and Atty. Graham, Mr. Diehl was allowed supervised access to the computer.

PRESENTATION OF COMMUNICATIONS AND NOTICES:

The Clerk read a letter authored by Charles Merriam to commend the Board and Cliff White for all their efforts to enhance the ATV trail system in Lewis County. To quote, "As a tourist and grateful visitor, I think your area is very beautiful, and a joy to visit".

Terry Martino, Adirondack Park Agency Executive Director, appreciably acknowledged receipt of the Board's resolution supporting proposed general permit for silvicultural treatments for sustainable forestry in the Adirondack Park.

The Orleans County Legislature has forwarded resolutions opposing proposed amendments to the Election Law to require early voting; and the Governor's proposal to limit Industrial Development Agencies' ability to grant State sales tax exemptions as part of local economic development efforts; and in support of legislation to protect the privacy of NYS pistol license and concealed carry permit holders.

The Delaware County Board of Supervisors has forwarded resolutions opposing amendment to the Election Law to require early voting; and the Governor's proposal to prevent plea bargaining of traffic infractions.

The Allegany County Legislature forwarded a resolution to support proposed legislation to require lending institutions to provide contact information on responsible parties for vacant structures and good faith in obtaining a foreclosure.

REPORTS OF COUNTY OFFICERS AND DEPARTMENTS:

The Clerk reported that each Legislator had received a copy of the 3/26/13 Youth Bureau Advisory Board meeting minutes; the Treasurer's March monthly report and 2013 first quarterly Bed Tax Report; the 3/22/13 Solid Waste audit report; the 3/25/13 Highway Audit report; and the Social Services and STOP DWI Program 2012 Annual Reports.

Treasurer Patricia O'Brien and Real Property Tax Director Linda Gydesen have submitted an approved application for corrected 2012 tax roll for property owner Gerianne Davenport-Lane.

REPORTS OF STANDING COMMITTEES:

April 2, 2013

Legislator Philip Hathway, Hospital Committee Chairman, reported that departmental year-to-date service revenues are at budgeted levels, except for the operating room which is impacted by the lack of an orthopedic surgeon. An illustration of the Hospital's revenue anticipation planning, is a recent re-negotiated insurance company contract that will result in additional revenues of \$230,000 annually. Re-negotiations for all future expiring contracts will be approached similarly, to impact favorable financial terms.

Legislator Hathway announced that Tina Bates, an Intensive Care Unit nurse, was elected as the 2012 employee-of-the-year by her co-employees. He also announced a Community Health and Awareness Day to be held on May 11, 2013.

The Hospital year-to-date operating loss is at the projected level of \$500,000; and their debt to the County stands at \$4.8 Million. Bids for construction of the Dialysis Unit are due by 4/24/13. Legislator Hathway concluded that he would provide more information on his proposed resolutions at the time of their presentation.

Legislator Jack Bush, Ways and Means/Buildings and Grounds Committee Chairman, reported plans to relocate the four departments currently located at St. Peter's School to the Court House and the Lowville Commons. The move will involve shifting of certain Court House employees to other areas in the building. Legislator Bush commended the respective employees who have been understanding and accommodating.

Legislator John Boyd, Courts and Law Enforcement Committee Chairman, made a motion to authorize Senior Code Enforcement Officer Ward Dailey to temporarily fill the Keyboard Specialist position in the Building Codes office during the disability period of the regular employee, effective immediately. The motion was seconded by Legislator Stanford and carried.

Legislator Jerry King, Human Resource Committee Chairman, announced that monthly committee meetings would be held at 8:30 a.m. on the Tuesday prior to the regular Board meetings.

Legislator King relayed that Sheriff Carpinelli would coordinate a tour of the jail for the Courts and Law Enforcement Committee.

Legislator Charles Fanning, member of the Economic Development Committee, reported interviewing several candidates for Recreation Trail Coordinator, but no candidate had been selected. The Human Resource Director was directed to re-advertised for applications with a due date of 4/19/13. Also, the committee plans to contact the NYS Department of Transportation to coordinate placement of welcoming signs at all main highway entrances into the County.

Legislator Philip Hathway, member of the Insurance/Workers' Compensation Committee, made a motion to authorize renewal of all County insurance liability policies pursuant to Rose and Kiernan, Inc.'s proposal dated 3/21/2013, in the amount of

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\$269,130.89, representing a 2.5 percent increase. The motion was seconded by Legislator King and carried.

Legislator Hathway made a motion to authorize Gilroy, Kiernan & Gilroy consultants to prepare a Request For Proposals for the purpose of conducting an actuarial study of the Lewis County Self-Insurance workers' compensation program. There is no attendant cost to prepare the proposal. The motion was seconded by Legislator Fanning and carried.

Legislator Charles Fanning, Transportation Committee Chairman, made a motion to accept both received asphalt bids from each Hanson and Barrett's Paving for the period 4/1/2013 to 3/31/2014 and documented by the bid tally sheet placed on file with the Clerk of the Board. The respective low bid from either vendor will be utilized based on project location. The motion was seconded by Legislator Wallace and carried. Legislator Bush abstained.

Legislator Fanning made a motion to add the Snell Road in Watson to the Highway striping list, seconded by Legislator Stanford and carried.

Legislator Fanning also reported the State had informed approval of \$278,248.03 additional CHIP's appropriations. The additional revenues will allow more road projects, which have yet to be determined.

Legislator William Burke, Social Services/Office For Aging/Youth Bureau Committee Chairman reported that the Journal and Republican has agreed to reinstate the "Student Voice" editorials in their weekly edition. The Youth Advisory Board is accepting funding applications through 4/19/13 for an amount up to \$2,000 for positive and direct services for youths. Student representatives are assisting with Summer Youth employment recruitment. The upcoming 5/22/13 "Homeless Summit" will raise awareness of homelessness and the lack of safe and affordable housing in Lewis County. Area youths are painting pictures to illustrate what homelessness means to them for display at the event.

Legislator Burke reported the HEAP program ended 3/15/13, but hardship funding is available.

Legislator Burke reported submission of the Social Services Department 2012 annual report. The County anticipates receipt of \$180,000, because the County's local share for Medicaid was less than projected for 2012. He announced that Commissioner Stacy Alvord's termed appointment expires in August, and will be advertised for applications.

Legislator Patrick Wallace, Election Committee Chairman, reported that the Election Commissioners, their staff and voting machines will be re-located to the Lowville Commons. The search continues for a viable temporary voting location.

April 2, 2013

Legislator Wallace made a motion to authorize Conservation Supervisor Rodney Buckingham to fill one part-time seasonal laborer position effective 5/1/13-10/31/13 at the rate of \$11.80 per hour. The motion was seconded by Legislator Stanford and carried.

Chairman Tabolt posed the issue of either upgrading or replacing the restrooms at the Singing Waters Park, suggesting a tour of the facilities. The 2012 Reforestation Department revenue of \$90,000 exceeded the \$68,000 projected level; and year-to-date revenues of \$26,000 are above projections. Conservation Supervisor Rodney Buckingham submits that a portion of the funds be used to upgrade the restrooms. As the past Committee Chairman, Legislator King referenced the issue with water at that location, and having done some related research, agreed to participate with future committee discussions. Chairman Tabolt asked that all Legislators be advised of the Singing Waters tour date.

Legislator Paul Stanford, Public Health/Mental Health Committee Chairman, urged support of his proposed resolutions to renew Public Health contracts.

Legislator Stanford reported that following an in-depth review of the proposal and subsequent interviews by the Community Services Board and sub-committees, they highly recommend to contract with Credo Community Center for alcohol and substance abuse services. Their agency is in good standing with the NYS Office of Alcohol and Substance Abuse. The plans include additional programs, while effecting cost savings for the County. Legislator Stanford urged approval of the contract.

COUNTY MANAGER REPORT:

Mr. Pendergast relayed a request from a company that has ATM's in several buildings throughout the State, to place a machine in the Court House. The County would receive 2.5% of every \$2.50 average transaction fee. The County Treasurer, County Clerk and Director of Real Property Tax each have indicated their support for an ATM, citing that many individuals may utilize the machine for payment of County taxes and fees.

Mr. Pendergast noted this as his last Board meeting prior to retirement effective April 30, 2013; after 34 years in government employment he deems it time to go fishing! He took the opportunity to thank the Board of Legislators for the privilege of working with them for the past few years to serve Lewis County residents. He thanked the Department Heads for their support, and particularly County Attorney Richard Graham for his legal counsel. He also thanked Treasurer Patricia O'Brien and former Treasurer Vicki Roy; Chairman Michael Tabolt and past Chairman Jack Bush for all their assistance and guidance; and most particularly the pleasure of working with Clerk of the Board Teresa Clark. All those in attendance stood and applauded Mr. Pendergast for his service.

REPORT OF THE WAYS AND MEANS COMMITTEE:

**REPORT OF
WAYS AND MEANS COMMITTEE
ON THE EXAMINATION OF CLAIMS**

April 2, 2013

To: The Honorable County Legislators

The Ways and Means Committee reports that they have examined the claims presented for payment in the total amount of \$ 1,143,279.46 and recommend that they be audited and allowed for the amounts claimed.

Jack Bush, Chair
Philip Hathway, Committee
Jerry King, Committee

Dated: April 2, 2013

Approved on motion by Legislator Stanford, seconded by Legislator Boyd, and carried.

**RESOLUTION NO. 125 - 2013
AUDITING AND ALLOWING CLAIMS**

Introduced by Legislator Jack Bush, Chairman of the Ways and Means Committee.

RESOLVED that the claims presented for payment in the total amount of \$ 1,143,279.46 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 Burke, seconded by Legislator Wallace, and adopted by roll call vote:

Ayes: Boyd, Burke, Bush, Fanning, Hathway, King, Stanford, Wallace, Tabolt

Nays: None

Absent: Lucas

**RESOLUTION NO. 126 – 2013
RESOLUTION TO TRANSFER FUNDS
COUNTY ATTORNEY**

Introduced by Legislator John Boyd, Chairman of the Courts & Law Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfer is hereby approved in the County Attorney's account to purchase computer accessories for the Assistant County Attorney; utilizing Capital Data Processing funds HAE9901.4, balance \$94,477.60:

April 2, 2013

<u>Increase Revenue:</u>	
A50310 (Inter-fund transfers)	\$72.63
<u>Increase Expense:</u>	
A1420.2909(Misc Equip)	\$72.63

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

Moved by Legislator Bush, seconded by Legislator King, and adopted.

**RESOLUTION NO. 127 - 2013
RESOLUTION TO TRANSFER FUNDS
CAPITAL DATA PROCESSING**

Introduced by Legislator Jack Bush, Chairman of the Ways & Means Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfer is hereby approved in the various accounts for the purchase of computers and security/firewall installations; funds to come from Capital Data Processing (HAE9901.4) HAE balance \$94,477.60:

<u>Increase Revenue:</u>	
A50310 (interfund transfers)	\$5,970.78
<u>Increase Expense:</u>	
A3620.2409 (Data Processing Eq)	\$1,746.00
A3110.2217 (Computers)	\$1,746.00
A1650.4409 (Data Processing)	<u>\$2,478.78</u>
	\$5,970.78

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

Moved by Legislator King, seconded by Legislator Stanford, and adopted.

**RESOLUTION NO. 128 - 2013
RESOLUTION APPROVING AGREEMENT BETWEEN
LEWIS COUNTY DEPARTMENT OF HIGHWAYS ON BEHALF OF
THE COUNTY OF LEWIS AND FOIT-ALBERT ASSOCIATES, PC**

Introduced by Legislator Charles Fanning, Chairman of the Transportation Committee.

WHEREAS, in connection with a federal-aid project funded through the New York State Department of Transportation ("NYSDOT") regarding the Salmon River Road over Mad River Bridge Replacement, PIN 7753.07, the Lewis County Highway Department on

April 2, 2013

behalf of the County of Lewis entered into an agreement on June 8, 2011 with Foit-Albert Associates, PC to provide architectural, engineering and surveying services; and

WHEREAS, extra services that were not anticipated as part of the original agreement are needed to complete the construction inspections for this project; and

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes an Agreement between the County of Lewis by and through the Lewis County Highway Department and Foit-Albert Associates, PC to provide additional construction inspection services in connection with the federal-aid project funded through the NYSDOT regarding the Salmon River Road over Mad River Bridge Replacement.

Section 2. That the additional funding amount is \$94,195 with the county amount being 5% of this total.

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 Boyd, seconded by Legislator Fanning.

Legislator Bush explained that the project must be completed before the trout start to spawn. Accordingly, Legislator Fanning, stated this imposes the need for 10-hour workdays instead of 8-hours, which inflates the cost.

The resolution was then adopted.

**RESOLUTION NO. 129 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO DEPARTMENT OF HIGHWAYS**

Introduced by Legislator Charles Fanning, Chairman of the Transportation Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby amends the Compensation Plan with reference to the Department of Highways, to create the following position:

April 2, 2013

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Clerk	Permanent Part-time (17 Hrs./Week)	Grade 7

Section 2. That the Clerk shall be a shared position 75% to Dept. of Highways and 25% to Solid Waste Department.

Section 3. That Highway Superintendent David Becker and Solid Waste Coordinator Pete Wood, are hereby authorized to fill said position in accordance with Civil Service regulations.

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

Moved by Legislator Stanford, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 130 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO DEPARTMENT OF HIGHWAYS**

Introduced by Legislator Charles Fanning, Chairman of the Transportation Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby amends the Compensation Plan with reference to the Department of Highways, to create the following positions:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Motor Equipment Operator-Light (3)	Temporary Full-time	Grade 15

Section 2. That Highway Superintendent David Becker is hereby authorized to fill said positions in accordance with Civil Service regulations, for the period from April 15, 2013 to September 26, 2013.

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

Moved by Legislator Wallace, seconded by Legislator King.

In response to Legislator King, Legislator Fanning stated that any portion of personnel costs for services performed relative to CHIP's projects would be charged to that account. He reminded the Board that the Highway Superintendent's request for the seasonal hires was removed from the budget to meet the 2% budget tax cap.

Legislator Hathway explained his support for the seasonal hires for flagging, otherwise required by regular employees, that would slow down road projects.

April 2, 2013

The resolution was then adopted. Legislator King was opposed.

**RESOLUTION NO. 131 – 2013
RESOLUTION TO APPROPRIATE FUNDS
TRANSPORTATION DEPARTMENT**

Introduced by Legislator Charles Fanning, Chairman of the Transportation Committee.

BE IT RESOLVED as follows:

Section 1. That the following appropriation is hereby approved in the Machinery Account to cover the replacement of a generator located on the shop mechanic truck:

<u>Appropriate from:</u>	<u>Amount</u>
DM599 (Fund Balance)	\$3,800.00
<u>Increase Expense:</u>	
DM5130.2206 (Shop Equip)	\$3,800.00

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

Moved by Legislator Bush, seconded by Legislator Stanford, and adopted.

**RESOLUTION NO. 132 – 2013
RESOLUTION TO APPROPRIATE FUNDS
TRANSPORTATION DEPARTMENT**

Introduced by Legislator Charles Fanning, Chairman of the Transportation Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget appropriations are hereby approved in the Highway Department Accounts to cover personnel expense for the three (3) Temporary summer Machine Equipment Operator -Light employees; funds to be appropriated from General Fund Contingency, balance \$134,867.00:

Part One:	
<u>Transfer from:</u>	<u>Amount</u>
A1990.4999 (Contingency)	\$42,000.00
<u>Transfer to:</u>	
A9901.9912 (County Road)	\$42,000.00

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Part Two:

Increase Revenue:

D50310 (Inter-fund Revenue) \$42,000.00

Increase Expense:

D5110.1999 (Pers Serv Maint) \$42,000.00

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

Moved by Legislator Bush, seconded by Legislator Burke, and adopted.

Legislator King was opposed.

**RESOLUTION NO. 133 - 2013
BOND RESOLUTION OF THE COUNTY LEGISLATURE OF THE COUNTY OF
LEWIS, NEW YORK (THE "COUNTY"), AUTHORIZING THE ISSUANCE OF
UP TO \$3,000,000 IN SERIAL BONDS OF THE COUNTY TO FINANCE
IMPROVEMENTS TO THE LEWIS COUNTY GENERAL HOSPITAL
CONSISTING OF THE ACQUISITION OF SOFTWARE AND HARDWARE**

Introduced by Legislator Philip Hathway, Chairman of the Hospital Committee.

WHEREAS, the County Legislature (the "Legislature") the County of Lewis, New York (the "County") proposes to authorize the issuance of \$3,000,000 in serial bonds of the County to finance improvements to the Lewis County General Hospital's computer system consisting of the acquisition of software and hardware, including related and appurtenant accessories and ancillary equipment and improvements; and

WHEREAS, the purchase of such equipment and the financing thereof through the issuance of the County's obligations constitutes a "Type II" action within the meaning of the State Environmental Quality Review Act and the regulations thereunder (collectively, "SEQRA"), and therefore no further actions or proceedings under SEQRA with respect to the Project need be taken by the County Legislature prior to authorizing the issuance of obligations or expenditure of funds for said purchase; and

WHEREAS, the Legislature now wishes to appropriate funds for such public improvements and purposes and to authorize the issuance of the County's serial bonds or bond anticipation notes to finance said appropriation.

NOW, THEREFORE, THE COUNTY LEGISLATURE OF THE COUNTY OF LEWIS HEREBY RESOLVES (by the favorable vote of at least two-thirds of all the members of such Board), AS FOLLOWS:

SECTION 1. The County is hereby authorized to issue \$3,000,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant

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to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance improvements to the Lewis County General Hospital's computer system consisting of the acquisition of software and hardware, including related and appurtenant accessories and ancillary equipment and improvements (collectively, the "Project").

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$3,000,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of up to \$3,000,000 in serial bonds of the County, or bond anticipation notes issued in anticipation of such serial bonds, and the levy and collection of taxes on all taxable real property within the County to pay the principal of said bonds and notes and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is five (5) years, pursuant to subdivision 32 of paragraph a. of Section 11.00 of the Law.

SECTION 4. The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in Section 1 of this resolution. The County shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 5. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the such serial bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and the said serial bonds and any bond anticipation notes issued in anticipation of the Bonds shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the real property within the County without legal or constitutional limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal and interest on the serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 6. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00 and Section 63.00 of the Law, the powers and duties of the Legislature relative to authorizing serial bonds and bond anticipation notes, including without limitation the determination of whether to issue bonds providing for

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substantially level or declining debt service, and all matters incidental thereto, and prescribing the terms, form and contents as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of the such bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Treasurer of the County, as the chief fiscal officer of the County (the "County Treasurer"). Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other bond resolutions of the County Legislature of the County, then the power of the Legislature to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the County Treasurer, as the chief fiscal officer of the County.

SECTION 7. The County Treasurer is hereby further authorized to take such actions and execute such documents as may be necessary (i) to ensure the continued status of the interest on the bonds authorized by this resolution and any bond anticipation notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and (ii) to designate the bonds authorized by this resolution and any bond anticipation notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 8. The County Treasurer is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 9. The intent of this resolution is to give the County Treasurer sufficient authority to execute those applications, agreements, instruments, certificates or to do any similar acts necessary or in the opinion of the County Treasurer advisable to effect the issuance of the bonds or bond anticipation notes authorized by this resolution without resorting to further action of the Legislature.

SECTION 10. This resolution shall take effect immediately and the Clerk of the Legislature is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in full, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the County for such purpose.

SECTION 11. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding

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contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

SECTION 12. This resolution shall take effect immediately upon its adoption.

Moved by Legislator Stanford, seconded by Legislator Hathway.

Legislator Hathway termed the current 1990 computer system as antiquated. The new system, he stated, will assist doctors to enhance accurate coding with resulting increased revenues. The plan is to combine the cost with the Bond Anticipation Note (BAN) will be combined with the Beaver Falls Medical Center which is due in August 2013, as recommended as an economical financing method. In consideration of the Hospital's revenue enhancement plan, Legislator Hathway is of the opinion that if they meet 75% of their 2013 and 2014 goal, they could easily cover this expense.

In response to Legislator King, Atty. Graham asserted that pursuant to Local Finance Law, even though the Hospital intends to pay the BAN, the County is required to pledge the good faith and credit of the County for the BAN.

The resolution was then adopted by the following vote taken and recorded in the public or open session of said meeting as follows:

AYES: Boyd, Burke, Bush, Fanning, Hathway, King, Stanford, Wallace, Tabolt

NAYS: None

ABSENT: Lucas

**RESOLUTION NO. 134 - 2013
RESOLUTION INITIATING SEQRA ENVIRONMENTAL REVIEW PROCESS
FOR EXPANSION AND RENOVATION OF THE MEDICAL ARTS BUILDING
OF THE LEWIS COUNTY GENERAL HOSPITAL**

Introduced by Legislator Philip Hathway, Chairman of Hospital Committee.

WHEREAS, the Board of Managers for the Lewis County General Hospital wish to construct a 7,200 square foot addition with a basement to the Medical Arts Building including renovations to the existing building, for the purpose of housing a dialysis unit located at the Lewis County General Hospital 7785 North State Street, Lowville, NY 13367(herein collectively, the "Project"); and

WHEREAS, the Board of Legislators finds and determines that the proposed Project will enhance the ability of the Lewis County General Hospital to provide high quality health care services in response to the needs of the community; and

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WHEREAS, the proposed Project is an activity that will result in construction, reconstruction and renovations or other activities that may affect the environment, and is directly undertaken or funded by an agency and therefore constitutes an “action” as that term is defined by Article 8 of the Environmental Conservation Law of the State of New York, and its implementing regulations found at Part 617, et seq. of the New York Codes, Rules and Regulations (“NYCRR”) (collectively referred to hereinafter as “SEQRA”).

NOW THEREFORE, be it resolved as follows:

Section 1. That the Board of Legislators finds and determines that the proposed construction of an addition, and the reconstruction and renovation of the Medical Arts Building located at 7785 North State Street, Lowville, New York 13367 constitutes an “UNLISTED” action as defined by 6 NYCRR § 617.2 (ak).

Section 2. That the Board of Legislators further determines that it shall proceed as the lead agency in this action and pursuant to 6 NYCRR 617.6(a)(3), directs that a short form Environmental Assessment Form (“EAF”) be prepared on its behalf by Bernier Carr and Associates, P.C., 327 Mullin Street, Watertown, New York 13601.

Section 3. That this Resolution shall take effect immediately.

Moved by Legislator Burke, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 135 - 2013
RESOLUTION TO ESTABLISH
CAPITAL HOSPITAL DIALYSIS UNIT**

Introduced by Legislator Jack Bush, Chairman of the Ways & Means Committee.

BE IT RESOLVED as follows:

Section 1. That the Capital Hospital Dialysis Unit is hereby established and the following budget appropriations are approved:

<u>Revenue:</u>	
HTB35910 (State Funds)	\$1,200,000
HTB57100 (Serial Bonds)	<u>726,650</u>
	\$1,926,650
<u>Expense:</u>	
HTB4510.4420 (Site Work)	\$ 100,000
HTB4510.4421 (Gen Const)	920,000
HTB4510.4422 (Mechanical)	126,000
HTB4510.4423 (Plumbing)	24,000
HTB4510.4424 (Electrical)	83,500
HTB4510.4425 (Misc)	506,700

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HTB1990.4 (Contingency)	<u>166,450</u>
	\$1,926,650

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

Moved by Legislator Boyd, seconded by Legislator Bush.

Legislator Hathway reported that Hospital administration continues to pursue available grant funding to cover the \$400,000 revenue shortfall. If they are unsuccessful to garner additional funding, then the rent revenues will be passed to the County for repayment of that sum.

The resolution was then adopted.

**RESOLUTION NO. 136 - 2013
RESOLUTION OPPOSING THE NEW YORK STATE SECURE AMMUNITION
AND FIREARMS ENFORCEMENT (S.A.F.E.) ACT OF 2013**

Introduced by Legislator Richard Lucas, District No. 8 Representative.

WHEREAS, the right to bear arms is guaranteed by the Second Amendment of the U.S. Constitution, as well as the Civil Rights Law of the State of New York, and were infringed on without due process; and

WHEREAS, the New York State Secure Ammunition and Firearms Enforcement Act of 2013 which was rushed to passage by the New York State Senate, Assembly and Governor without a single public hearing, will have a detrimental effect on hunters, sportsmen and legal gun owners; and

WHEREAS, this legislation imposes burdensome new regulations upon law abiding gun owners and will curtail the rights of law abiding citizens of this State; and

WHEREAS, this legislation, while denying the rights of law abiding citizens, fails to address the problem of acts of violence perpetrated by criminals and those who are dangerously mentally ill; and

WHEREAS, this legislation creates an environment in the State which is hostile to gun manufacture and ownership and finds the legislation to be little more than a thinly-veiled attempt at regulating lawful gun ownership out of existence; and

WHEREAS, classifying firearms as assault weapons because of one arbitrary feature effectively deprives people the right to possess firearms which have never before been designated as assault weapons and that only law abiding gun owners will be affected by these new provisions, while criminals will still have and use whatever weapons they want; and

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WHEREAS, being a predominantly rural county in upstate New York, the lawful ownership of firearms is and has been a valued tradition enjoyed by many of our citizens, the legislation effectively turns countless law-abiding gun owners into criminals for absolutely no reason; and

WHEREAS, there was absolutely no reason for the governor to issue a message of necessity to bring this bill to a vote as there is no emergency. The governor's actions appear to be a deliberate attempt to bypass the constitutional process; and

WHEREAS, requiring law-abiding gun owners to verify ownership of certain types of firearms every five years, in addition to registering them on their pistol licenses, which now also must be renewed every 5 years, does not increase the safety of the public and is unnecessarily burdensome to the residents of New York State; and

WHEREAS, limiting the number of rounds to seven versus ten is arbitrary and capricious, has no correlation to public safety, unfairly burdens law-abiding gun owners, and puts an undue burden on gun manufacturers to retool their manufacturing plants; and

WHEREAS, the only persons who will comply with the new high-capacity magazine ban are law-abiding citizens, leaving the same high-capacity magazines in the hands of those who choose not to obey the law; and

WHEREAS, any semi-automatic pistol that has one military-type feature will, under the new law, be considered an assault weapon is absurd because semi-automatic pistols do in fact come with a pistol grip, making nearly every semi-automatic pistol an assault weapon and serves no public safety interest in the slightest, and crosses the proverbial line from reasonable restrictions on gun ownership to outright harassment of law-abiding gun owners; and

WHEREAS, there are an estimated one million assault rifles in existence throughout New York, it is beyond comprehension that the legislature and the Governor would needlessly place police officers in a position where they might be called upon to confiscate the previously lawfully owned property of an American citizen without just compensation. There can be no denying the potential danger this prospect places upon law enforcement; and

WHEREAS, the Lewis County Board of Legislators does hereby affirm support of the Second Amendment of the U.S. Constitution and the respective rights afforded to our residents, and opposes attempts to infringe upon those rights.

Now, Therefore, BE IT RESOLVED, that the Lewis County Legislature hereby records their opposition to the enacted New York State Secure Ammunition and Firearms Enforcement Act of 2013, that fundamentally alters or abridges the right to keep and bear arms, restricting the rights of all gun owners, without addressing the problems of gun violence; and, be it further

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RESOLVED, that the Lewis County Legislature hereby calls upon the New York State Legislature and Governor Cuomo to set aside and annul the New York State Secure Ammunition and Firearms Enforcement Act of 2013 as an ill conceived and poorly drafted statute which abridges the rights of law abiding citizens of the State of New York; and, be it further

RESOLVED , that the Lewis County Board of Legislators further opposes any Federal legislation that would serve to impose new restrictions on those rights; and be it further

RESOLVED, that certified copies of this Resolution shall be forwarded to U.S. Senator Charles Schumer, U.S. Senator Kirsten Gillibrand, New York Governor Andrew Cuomo, State Senator Joseph Griffo, State Senator Patricia Ritchie, State Assemblyman Kenneth Blankenbush, State Assemblywoman Addie Russell and the New York State Association of Counties.

Moved by Legislator King, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 137 - 2013
RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN
THE COUNTY OF LEWIS AND
THE LOWVILLE VOLUNTEER FIRE DEPARTMENT**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

WHEREAS, the Lowville Volunteer Fire Department wishes to enter into a Training and Services Agreement with the County of Lewis for the purpose of providing annual training services which will include semi-annual inspection of all fire systems, access points, and system entry maps to verify conditions and revise and/or update as necessary; conduct active training exercises for various scenarios involving possible emergencies; appoint a member to the safety committee and meet quarterly; and participate in annual meetings to review and update the Training and Services Agreement; and

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

NOW, THEREFORE, be it resolved as follows:

Section 1. That the Board of Legislators hereby approves the contract with the Lowville Volunteer Fire Department to provide annual training services at a cost of \$2,000.00, for the period of April 1, 2013 through March 31, 2014.

Section 2. 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 as approved by the County Attorney.

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

Moved by Legislator Boyd, seconded by Legislator King.

Legislator King explained the Court House is a tax exempt building, and the building construction prohibits ladder truck access to some parts of the building. Therefore, firefighters must develop a plan and training, especially in the event that third-floor employees were trapped during a fire; opining they should be compensated for their time and efforts.

The resolution was then adopted.

**RESOLUTION NO. 138 - 2013
RESOLUTION AUTHORIZING CONTRACT WITH
CREDO COMMUNITY CENTER FOR
ALCOHOL AND SUBSTANCE ABUSE TREATMENT SERVICES**

Introduced by Legislator Paul Stanford, Chairman of the Mental Health Committee

WHEREAS, the Community Services Board is a local governmental unit established by the Lewis County Board of Legislators pursuant to the authority granted in Article 41 of the Mental Hygiene Law; and

WHEREAS, the Community Services Board is responsible to provide local or unified services and facilities directly and/or contract for the provision of those services by other units of local or state government, by voluntary agencies, or by professionally qualified individuals; and

WHEREAS, the Community Services Board issued a Request for Proposals in November, 2012 seeking a qualified organization interested in delivering outpatient chemical dependence services in Lewis County and to assume the service delivery presently being provided by the Lewis County Community Recovery Center; and

WHEREAS, the County has received a proposal from CREDO Community Center for The Treatment of Addictions, Inc. (herein "CREDO") dated January 31, 2013; and

WHEREAS, members of the Community Services Board, along with members of the Mental Health Committee of the Board of Legislators, and other key personnel have met with CREDO officials on numerous occasions to discuss the services being offered and development of a transition plan; and

WHEREAS, the Community Services Board after reviewing the proposal submitted by CREDO and considering the interviews and related meetings with CREDO officials, recommends to the Board of Legislators that it approve the proposal to provide Outpatient

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Medically-Supervised Chemical Dependence Treatment Services through a contract agency and recommends that the County enter into a contract with CREDO for such services;

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. The Board of Legislators hereby approves the proposal to provide Outpatient Medically-Supervised Chemical Dependence Treatment Services through a contract with CREDO Community Center for The Treatment of Addictions, Inc. in accordance with its Proposal dated January 31, 2013 to commence as soon as practical following approval by all necessary State agencies having oversight, and to continue for a period of three (3) years thereafter.

Section 2. That the Chairman, or the Vice-Chairman, of the Board of Legislators be and the same are hereby authorized to execute and deliver such agreement upon such form as approved by the County Attorney.

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

Moved by Legislator Stanford, seconded by Legislator Fanning, and adopted.

**RESOLUTION NO. 139 - 2013
RESOLUTION TO APPOINT MEMBER TO LEWIS COUNTY
COMMUNITY MENTAL HEALTH, DEVELOPMENTAL DISABILITIES
AND ALCOHOLISM SERVICES BOARD**

Introduced by Legislator Paul Stanford, Chairman of the Mental Health Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby appoints Philip E. McDowell of 7743 North State Street, Lowville, New York 13367, to the Lewis County Community Mental Health, Developmental Disabilities and Alcoholism Services Board.

Section 2. That the term of said appointment shall be effective from April 3, 2013 through December 31, 2016.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator Burke, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 140 - 2013
RESOLUTION TO APPOINT MEMBER TO
LEWIS COUNTY COMMUNITY MENTAL HEALTH, DEVELOPMENTAL
DISABILITIES AND ALCOHOLISM SERVICES BOARD
MENTAL HEALTH SUB-COMMITTEE**

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Introduced by Legislator Paul Stanford, Chairman of the Mental Health Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby appoints Kim Cavanagh of 5481 Elm Street, Apt. 2, Lowville, New York 13367, to the Mental Health Sub-Committee of the Lewis County Community Mental Health, Developmental Disabilities and Alcoholism Services Board.

Section 2. That the term of said appointment shall be effective from April 3, 2013 through December 31, 2016.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator Hathway, seconded by Legislator Fanning, and adopted.

**RESOLUTION NO. 141 – 2013
RESOLUTION TO AMEND BUDGET
MENTAL HYGIENE DEPARTMENT**

Introduced by Legislator Paul Stanford, Chairman of the Mental Health Committee.

Whereas, the Board of Legislators wishes to amend the Mental Hygiene budget to reflect the 2013 State Aid amount.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. This Board of Legislators hereby approves the following budget appropriations.

<u>Decrease Expense</u>		<u>Amount</u>
A4324.4700	NRCIL	\$20,424.00
A4324.4702	NRCIL Psychosocial Club	172,966.00
<u>Increase Expense</u>		<u>Amount</u>
A4324.4701	NRCIL Family Support	\$163,975.00
A4324.4703	NRCIL Peer Recovery Center	214,522.00
<u>Increase Revenue</u>		
A34903.1	NRCIL state aid	\$185,107.00

Section 2. That the within resolution shall take effect April 2, 2013.

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

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**RESOLUTION NO. 142 - 2013
RESOLUTION TO AMEND BUDGET
MENTAL HYGIENE DEPARTMENT**

Introduced by Legislator Paul Stanford, Chairman of the Mental Health Committee.

Whereas, the Board of Legislators wishes to amend the Mental Hygiene budget to reflect the 2013 State Aid amount.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. This Board of Legislators hereby approves the following budget appropriations:

<u>Increase Expense:</u>		<u>Amount</u>
A4318.4210	TLS SPOA Fund A	\$ 10,096.00
A4318.4211	TLS SPOA Fund B	6456.00
A4318.4216	TLS Supported Housing	551.00
A4318.4218	TLS Supported Housing-Service	<u>14800.00</u>
		\$ 31,903.00
<u>Increase Revenue</u>		
A34915	TLS State Aid	\$ 31,903.00

Section 2. That the within resolution shall take effect April 2, 2013.

Moved by Legislator Stanford, seconded by Legislator King, and adopted.

**RESOLUTION NO. 143 – 2013
RESOLUTION TO UN-APPROPRIATE FUNDS
PLANNING DEPARTMENT**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

BE IT RESOLVED, as follows:

Section 1. That the following changes take place in the Economic Development account to un-appropriate funds from the State for the Joint Infrastructure Management Initiative (JIMI) Project, local share shall increase.

<u>Decrease Revenue:</u>		
A39021 (State funds JIMI)		\$254.34
<u>Local Share:</u>		
A1990.4999 (Contingency)		\$254.34

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

Moved by Legislator King, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 144 - 2013
RESOLUTION APPROVING AGREEMENT BETWEEN
LEWIS COUNTY PUBLIC HEALTH AGENCY
ON BEHALF OF THE COUNTY OF LEWIS AND NYS DOH FOR
EARLY INTERVENTION PROGRAM**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

WHEREAS, the New York State Department of Health Bureau of Early Intervention wishes to enter into an agreement with Lewis County Public Health for the purpose of setting forth the terms and conditions for participation in the Early Intervention Program.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes an agreement between the County of Lewis, acting by and through the Lewis County Public Health Agency, and the New York State Department of Bureau of Early Intervention for the purpose of setting forth the terms and conditions for participation in the Early Intervention Program.

Section 2. That this is for the period beginning April 1, 2013 through March 31, 2018 at the New York State Department of Health approved rates.

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

Section 4. That this Resolution shall take effect immediately.

Moved by Legislator Burke, seconded by Legislator Wallace, and adopted.

**RESOLUTION NO. 145 – 2013
RESOLUTION TO TRANSFER FUNDS
PUBLIC HEALTH**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

BE IT RESOLVED, as follows:

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Section 1. That the following budget transfers are hereby approved in the Public Health accounts to cover advertising expense:

<u>From:</u>	<u>Account:</u>	<u>Amount:</u>
A4071.4409	Data Processing	\$1,000.00
A4071.4503	Educational Material	2,900.00
<u>To:</u>		
A4071.4907	Advertising	\$3,900.00

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

Moved by Legislator Stanford, seconded by Legislator Fanning, and adopted.

**RESOLUTION NO. 146 – 2013
RESOLUTION TO APPROPRIATE FUNDS
PUBLIC HEALTH**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

BE IT RESOLVED, as follows:

Section 1. That the following budget appropriation increase is hereby approved for the Traffic Grant-Child Safety Seat Program:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
A33893	Traffic Grant-Child Safety	\$500.00
A4072.4503	Educational Material	\$500.00

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

Moved by Legislator Bush, seconded by Legislator Stanford, and adopted.

**RESOLUTION NO. 147 – 2013
RESOLUTION TO TRANSFER FUNDS
SHARED SERVICES**

Introduced by Legislator Jack Bush, Chairman of the Ways and Means Committee.

BE IT RESOLVED, as follows:

Section 1. That the following budget transfer is hereby approved to pay invoices for rent to Lowville Partnership:

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<u>From:</u>	<u>Amount</u>
A1990.4999 (Contingency)	\$20,868.00
<u>To:</u>	
A1650.4803 (Rent)	\$20,868.00

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

Moved by Legislator Stanford, seconded by Legislator King, and adopted.

**RESOLUTION NO. 148 – 2013
RESOLUTION TO TRANSFER FUNDS
SHARED SERVICES**

Introduced by Legislator Jack Bush, Chairman of the Ways & Means Committee.

BE IT RESOLVED, as follows:

Section 1. That the following budget transfer is hereby approved to cover invoices for utilities at Lowville Commons:

<u>From:</u>	<u>Amount</u>
A1990.4999 (Contingency)	\$4,609.92
<u>To:</u>	
A1650.4803 (Rent)	\$4,609.92

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

Moved by Legislator King, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 149 - 2013
RESOLUTION AUTHORIZING AGREEMENT
BETWEEN THE COUNTY OF LEWIS AND
LANGONE & ASSOCIATES**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Committee.

WHEREAS, the County of Lewis is in the process of evaluating improvements to its emergency communications system and issued a Request for Proposals for a Radio Frequency Licensing Evaluation; and

WHEREAS, the County of Lewis has accepted the proposal of Langone & Associates, a wireless consulting company, and wishes to enter into an agreement with them for the preparation of a Radio Frequency Licensing Evaluation for the Lewis County Emergency Communications Project; and

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby approves the contract with Langone & Associates for the preparation of a Radio Frequency Licensing Evaluation for the Lewis County Emergency Communications Project at a cost not to exceed \$24,616.

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator King, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 150 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
THE DEPARTMENT OF SOCIAL SERVICES AND
BOONVILLE COMMUNITY CHILDCARE CENTER**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

WHEREAS, the Lewis County Department of Social Services wishes to purchase day care services through Boonville Community Childcare Center for eligible recipients; and

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

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby approves the contract with Boonville Community Childcare Center for the period of January 1, 2013 through December 31, 2013 at the Day Care market rate established by Boonville Community Childcare Center, and pursuant to the DSS Fair Market Rates as established by the State. The cost for eligible recipients is approximately 1% for the County and 99% federally reimbursed.

	Infant Under 1 ½	Toddler 1 ½ - 2	Preschool (3-5)	School Age Child Care (6-12)	Summer	School Vacation / Snow Day
Weekly: Full Time	\$190	\$180	\$170	\$160	\$160	\$140

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Daily: Part Time	\$42	\$40	\$38	\$35		
				\$11 (am)		
				\$11 (pm)		
Part-Day	\$28	\$27	\$25	\$23		
Hourly	\$6.75	\$6.75	\$6.25	\$6.25		

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Burke, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 151 - 2013
RESOLUTION ESTABLISHING COUNTY POLICY FOR
FOSTER CARE RATES**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

WHEREAS, The New York State Office of Children and Family Services provides to Social Services Districts the Maximum State Aid Rates allowed for Foster Care Programs including Room and Board Rates, the County is responsible to set the rates.

WHEREAS, The County rates for Room and Board have been increased once in the last five years and Lewis County Department of Social Services seeks to provide a rate increase; and to eliminate a "diaper allowance" and include this allowance in the actual day rate, a more efficient way to provide compensation to foster parents with young children.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. The Board of Legislators hereby authorizes an increase for the Foster Care Room and Board rate; special payments and Clothing Grant rates as listed in the charts below to become effective commencing April 1, 2013:

According to Age and Level Of Difficulty (LOD)	Rate/Day	Allowance (per month)
LOD 1=Normal Rate		
Age birth to 5	15.93	5.50

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Age 6 to 11	17.10	11.00
Age 12 and Over	18.19	22.00
LOD 2 = Special Rate ANY AGE	28.47	According to Age
LOD 3 = Exceptional ANY AGE	43.10	According to Age
PINS RESPITE	40.00	
Emergency Placement (Up to 14 Days)	20.00	
Special Payments: Mileage: Per mile reimbursed at federal IRS rate Birthday: \$35.00 Christmas: \$35.00 Independent Living Stipend: \$20/month for 16 years \$25/month for 17 years \$30/month for 18 years		

CLOTHING GRANT (seasonal)			
AGE	APRIL	AUGUST	DECEMBER
0-5	119.33	119.33	119.33
6-11	166.67	166.67	166.67
12-15	265.23	265.23	265.24
16 +	273.75	273.75	273.75

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

Moved by Legislator Hathway, seconded by Legislator Wallace, and adopted.

RESOLUTION NO. 152 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE DEPARTMENT OF SOCIAL SERVICES AND HAND IN HAND EARLY CHILDHOOD CENTER

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

WHEREAS, the Lewis County Department of Social Services wishes to purchase day care services through Hand in Hand Early Childhood Center for eligible recipients; and

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

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NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That the Board of Legislators hereby approves the contract with Hand in Hand Early Childhood Center for the period of January 1, 2013 through December 31, 2013 at the Day Care market rate established by Hand in Hand Early Childhood Center and pursuant to the DSS Fair Market Rates as established by the State. The cost for eligible recipients is approximately 1% for the County and 99% federally reimbursed.

	Infant Under 1 ½	Toddler 1 ½ - 2	Preschool (3-5)	School Age Child Care (6-12)	Summer	School Vacation / Snow Day
Weekly: Full Time	\$190	\$180	\$170	\$160	\$160	\$140
Daily: Part Time	\$42	\$40	\$38	\$35		
				\$11 (am)		
				\$11 (pm)		
Part-Day	\$28	\$27	\$25	\$23		
Hourly	\$6.75	\$6.75	\$6.25	\$6.25		

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Wallace, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 153 - 2013
RESOLUTION AUTHORIZING EXTENSION OF AN AGREEMENT
BETWEEN THE DEPARTMENT OF SOCIAL SERVICES AND
VOLUNTEER TRANSPORTATION CENTER, INC.**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

WHEREAS, the Lewis County Department of Social Services ("DSS") wishes to extend the Agreement with the Volunteer Transportation Center, Inc. to manage and supervise transportation requested by DSS for non-emergency Medicaid and Services; and

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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Section 1. That the Board of Legislators hereby approves the extension of the Agreement between the Lewis County Department of Social Services and Volunteer Transportation Center, Inc. to manage and supervise transportation requested by DSS for non-emergency Medicaid and Services for the period beginning January 1, 2013 and ending July 1, 2013.

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Burke, seconded by Legislator Fanning, and adopted.

**RESOLUTION NO. 154 – 2013
RESOLUTION WITH REFERENCE TO
ADJUSTMENT ON STATE LANDS**

Introduced by Legislator Patrick Wallace, Chairman of the Taxation Committee.

BE IT RESOLVED as follows:

Section 1. That the County Treasurer is hereby directed to adjust, apportion, and charge back such amount in the manner prescribed by law, in connection with the following land currently assessed to the People of the State of New York:

Town of Lowville – Parcel No. 212.11-05-03.100. The 15' x 40' parcel was transferred to the State of New York for the purpose of highway reconstruction. Cancel the 2011 County tax in the amount of \$48.59. The 2012 tax roll has been corrected to show a \$0 tax due.

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

Moved by Legislator Boyd, seconded by Legislator Wallace, and adopted.

**RESOLUTION NO. 155 – 2013
RESOLUTION TO TRANSFER FUNDS
TREASURER'S OFFICE**

Introduced by Legislator Jack Bush, Chairman of the Ways & Means Committee.

BE IT RESOLVED as follows:

April 2, 2013

Section 1. That the following budget transfer is hereby approved in the Treasurer's account for the purchase of a computer, funds to come from Capital Data Processing (HAE9901.4), HAE balance \$94,477.60:

<u>Increase Revenue:</u>	
A50310 (Inter-fund transfers)	\$2,554.50
<u>Increase Expense:</u>	
A1325.2409 (Data Processing)	\$2,554.50

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

Moved by Legislator Stanford, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 156 - 2013
RESOLUTION AMENDING ADMINISTRATIVE MANUAL
TO INCORPORATE NEW STATE REQUIREMENTS INTO
LEWIS COUNTY WORKERS' COMPENSATION POLICY**

Introduced by Legislator Richard Lucas, Chairman of the Workers' Compensation Committee.

WHEREAS, the New York State Workers' Compensation Board has amended and implemented Medical Treatment Guidelines effective March 1, 2013, requiring all carriers to incorporate those guidelines into their policies and procedures.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That this Board of Legislators hereby amends the Lewis County Administrative Manual to incorporate the amended Medical Treatment Guidelines, as adopted and implemented by the New York State Workers' Compensation Board effective March 1, 2013, into the Lewis County Workers' Compensation Policy.

Section 2. That the within resolution shall take effect immediately

Moved by Legislator Hathway, seconded by Legislator Fanning, and adopted.

**RESOLUTION NO. 157 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
THE COUNTY OF LEWIS AND PMA COMPANIES FOR
WORKERS' COMPENSATION PROGRAM**

Introduced by Legislator Richard Lucas, Chairman of the Workers' Compensation Committee.

April 2, 2013

WHEREAS, the parent company of EBS RMSCO, the County's current third party administrator for the workers' compensation program, has advised their decision to terminate all their contractual agreements for these services; and

WHEREAS, subsequent to their review of submitted proposals, the consulting firm of Gilroy, Kiernan & Gilroy recommends the County enter an Agreement with PMA Companies for said services.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That this Board of Legislators hereby authorizes an Agreement between the County of Lewis, by and through the Lewis County Self-Insurance Plan, and PMA Companies for the purpose of providing workers' compensation claim administration pursuant to the terms outlined in their May 21, 2012 proposal.

Section 2. That the term of said Agreement shall be for the period April 15, 2013 through April 15, 2016, at the base annual cost of \$32,950.

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

Section 4. That the within resolution shall take effect immediately

Moved by Legislator Stanford, seconded by Legislator Bush, and adopted.

RESOLUTION NO. 158 - 2013
RESOLUTION AUTHORIZING NOTE AND MORTGAGE SUBORDINATION
(COUNTY OF LEWIS TO HERBERT AND BETTY ROWSAM)

Introduced by Michael A. Tabolt, Chairman of the Lewis County Board of Legislators.

WHEREAS, Herbert E. and Betty J. Rowsam (the "Borrowers") were granted a Mortgage to the County of Lewis dated April 8, 2010, and recorded in the Lewis County Clerk's Office on November 19, 2010 in 2010 of Mortgages, at Page 006118 and 006119 to secure payment of a loan in the amount of \$32,510.00 and \$2,600.00, pursuant to a program administered by Snow Belt Housing Company, Inc.; and

WHEREAS, the Borrower is about to execute and deliver to Community Bank, N.A. a new note and mortgage in the amount of \$25,000.00 with interest and the Lender has refused to accept the new note and mortgage unless the mortgage held by the County of Lewis be subordinated to such mortgage not to exceed \$25,000.00.

NOW, THEREFORE, BE IT RESOLVED as follows:

April 2, 2013

Section 1. That the Chairman of the Lewis County Board of Legislators is hereby authorized and directed to issue and sign a Mortgage Subordination for the afore-described Mortgage, upon such terms as may be acceptable to the County Attorney.

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

Moved by Legislator Burke, seconded by Legislator Wallace, and adopted.

At 6:29 p.m. Legislator Hathway made a motion to enter executive session for an update report from Atty. Graham on union negotiations and litigation, seconded by Legislator King and carried. Following the session, Legislator Stanford moved to re-enter regular session at 6:55 p.m., seconded by Legislator Bush and carried.

The following resolution was then presented.

RESOLUTIONS (Cont'd)

**RESOLUTION NO. 159 - 2013
RESOLUTION AUTHORIZING AGREEMENT WITH
WLADIS LAW FIRM**

Introduced by Legislator Jack Bush, Chairman of the Ways and Means Committee.

WHEREAS, Mark N. Wladis has submitted a proposal for two separate agreements with a term of one year commencing on February 1, 2013; first, a Legal Services Agreement at a monthly rate of \$8,000.00; and secondly a Government Relations Retainer Agreement at a monthly rate of \$5,000.00; and

WHEREAS, the Wladis Law Firm will identify funding opportunities for priority programs and projects through federal programs, state legislative assistance and the grants and public funding processes, including the preparation of grant and other funding request packages; and

WHEREAS, the Wladis Law Firm will develop and maintain important relationships on behalf of the County with State Agencies and Departments; as well as coordinate with the County's delegations at the Federal and State government levels; and

WHEREAS, the Board of Legislators wishes to retain said services.

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 and the Wladis Law Firm, for the purposes a Legal Services Agreement and a Government Relations Retainer Agreement as afore-stated

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in this Resolution, for the period from February 1, 2013 to February 1, 2014, for an annual cost not to exceed \$156,000.00.

Section 2. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to execute, seal and deliver said Agreement upon the approval of the County Attorney as to form.

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

Moved by Legislator Boyd, seconded by Legislator Bush.

Legislator Burke expressed opposition to hiring a law firm without specific projects; particularly comparing the firm's nominal \$5,000 monthly retainer agreement with St. Lawrence County. There are several other similar firms willing to provide services, he added.

Contrarily, Legislator King invoked that \$195,000 paid to the firm in 2012 resulted in \$2.3 Million revenues, stating "We got our bang for our buck". He deems it important to capture all available grant funds for the Hospital and the ongoing Radio project, submitting that all Departmental operations may utilize and benefit from the services.

Legislator Bush affirmed his support, citing the firm's track record to garner ten times the amount of funding for every dollar expensed.

Chairman Tabolt agreed that the firm has done a great job; but going forward would like to develop a project list to pursue funding. There are other consultants willing to assist the County at a lesser cost. He suggested tabling the motion to allow time to research other options.

Legislator King cited the \$3 Million bonding for computer upgrades, purporting that possible grant funding could offset those costs. He declared that County officials would not have recognized or realized the \$2.3 Million grant funding without the benefit of The Wladis Law Firm; adding, the County does not have the expertise. He suggests authorizing a one-year agreement and decide thereafter dependent upon their performance. In response to Legislator Fanning, Legislator King conceded there was not a budget appropriation for the firm's expense.

Chairman Tabolt relayed receipt of a consultant's proposal, that references their accomplishments include garnering \$20 Million for Onondaga County. He affirmed his confidence in the Wladis firm's abilities and does not dispute their performance; but would like review other prospects before authorizing an agreement; as well as develop a specific project agenda.

In response to Legislator Hathway, Hospital CEO Eric Burch stated that the firm had researched, but has been unable to identify available grant funding for the Meditech computer upgrades.

April 2, 2013

Legislator Burke made a motion to table the resolution, seconded by Legislator Stanford.

Legislator Hathway asked for clarification whether the plan was to retain differing firms at an hourly rate for each project; asserting it would not be cost effective. Chairman Tabolt responded that if a list of projects is identified, without a determined consultant, then the Board may want to reconsider the Wladis proposal at that time.

Legislator King invoked his support for the Wladis agreement, terming it more efficient to have one firm available for all County operational needs, stating it would be money well spent compared to resulting grant funds. Legislator Hathway assumed the firm's desire to continue their contract beyond one year as their incentive to maximize performance.

County Attorney Graham asserted that a retainer agreement is a predetermined monthly payment regardless of performance or accountability therefor.

The motion to table was defeated by the following roll call vote:

YEAS: Burke, Fanning, Stanford, Wallace, Tabolt
NAYS: Boyd, Bush, Hathway, King
ABSENT: Lucas

The resolution was then defeated by the following roll call vote:

YEAS: Boyd, Bush, Fanning, Hathway, King
NAYS: Burke, Stanford, Wallace, Tabolt
ABSENT: Lucas

RESOLUTION NO. 160 - 2013
RESOLUTION AUTHORIZING AND RATIFYING CONTRACT BETWEEN
THE COUNTY OF LEWIS AND LOCAL 825 OF THE CIVIL SERVICE
EMPLOYEES ASSOCIATION, INC. [ROAD PATROL UNIT]

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

WHEREAS, the existing contract between the County of Lewis and Local 825 of the Civil Service Employee's Association, Road Patrol Unit ("CSEA") expired on December 31, 2010; and

WHEREAS, the negotiating teams representing the County of Lewis and the CSEA, have developed a tentative agreement dated April 2, 2013, and shall be effective for the period beginning January 1, 2011 and expire on December 31, 2015;

April 2, 2013

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby approves the agreement as developed by the negotiating teams memorialized as a Tentative Agreement dated April 2, 2013.

Section 2. That the Chairman, the Vice-Chairman, of the Board of Legislators be and the same is hereby authorized to make, execute, seal and deliver a contract between the County of Lewis and the Civil Service Employee's Association for the period January 1, 2011 through December 31, 2015 upon such form as may be approved by the County Attorney.

Section 3. That a copy of the final executed agreement be filed in the Office of the Clerk of the Board of Legislators; and that the County shall produce copies of such contract for distribution to employees of the CSEA Local 825, Road Patrol Unit.

Section 4. That this resolution shall take effect immediately.

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted by roll call vote:

Ayes: Boyd, Burke, Bush, Stanford, Wallace, Tabolt

Nays: Fanning, Hathway, King

Absent: Lucas

OTHER BUSINESS:

There being no other business to come before the Board, Legislator Fanning made a motion to adjourn at 6:58 p.m., seconded by Legislator Stanford and carried.

April 23, 2013

SPECIAL MEETING
April 23, 2013

The meeting was called to order at 10:08 a.m. by Chairman Michael A. Tabolt.

Roll Call: All Legislators were present, except Legislator Bush, whom had been excused.

The Invocation was offered by Legislator Hathway, followed by the Pledge of allegiance to the Flag led, by Chairman Tabolt.

REPORT OF THE RULES AND LEGISLATION COMMITTEE:

The Rules and Legislation Committee had met and recommend waiving the rules to allow action on late resolutions.

Richard Lucas, Chairman
Philip Hathway
Charles Fanning

Dated: April 23, 2013

Legislator Lucas made a motion to waive the rules, seconded by Legislator Burke and carried.

REPORTS OF STANDING COMMITTEES:

Legislator Charles Fanning, Solid Waste Committee Chairman, made a motion to authorize purchase of a 2013 one-ton Ford truck with plow from Nortz & Virkler, Inc. in the amount of \$36,025.00, seconded by Legislator Boyd and carried.

Legislator Fanning took exception to the procedures for new hires or filling vacancies, whereby the information is sent directly to the Human Resource Department, without being presented to the jurisdictional committee. He agreed the procedure is appropriate for the Hospital, but not for County Departments. The jurisdictional committee, he stated, should be able to make a recommendation.

Chairman Tabolt clarified that the Human Resource process is to assure proper postings and advertisements. Committee Chairman Legislator King relayed wanting to avoid prior mistakes with hiring processes, however, was admittedly unaware of the latest Human Resource Director's directive to County Department Heads, that seemingly omits the Departmental committees.

Legislator King made a motion to enter executive session at 10:17 a.m. to discuss specific personnel, seconded by Legislator Stanford and carried. Following the session, Legislator Lucas moved to re-enter regular session at 10:26 a.m., seconded by Legislator King and carried.

April 23, 2013

Legislator King stated he would review the hiring protocols at the April 30th Human Resource Committee meeting, and thereafter, report to the Board.

Legislator Richard Lucas, Economic Development Committee Chairman, reported receipt of six additional applications for Trail Coordinator, and the Committee plans to review and schedule interviews.

RESOLUTIONS:

**RESOLUTION NO. 161 - 2013
RESOLUTION APPOINTING
INTERIM DIRECTOR OF PUBLIC HEALTH**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

WHEREAS, the Board of Legislators in Lewis County also serves as the Board of Health pursuant to Public Health Law § 356(1); and

WHEREAS, in that capacity, the Board of Legislators wishes to make an appointment to the position of Interim Director of Public Health.

NOW THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby appoints Penny A. Ingham as Interim Director of Public Health, who shall have the authority and responsibility to administer and manage the public health programs within Lewis County pursuant to the Public Health Law and applicable regulations.

Section 2. That Lewis County Board of Legislators hereby authorizes an employment contract with the Interim Director of Public Health pursuant to which the Interim Director of Public Health shall receive compensation at the rate of \$35.00 per hour, and shall work a minimum of ten (10) hours per week. The term of said interim appointment shall commence April 22, 2012 and continue for a period of ninety (90) days or until the appointment of a full time Director of Public Health is made, whichever occurs first.

Section 3. That this appointment is expressly made subject to approval by the NYS Commissioner of Health.

Section 4. That this resolution shall take effect immediately.

Moved by Legislator Boyd, seconded by Legislator Stanford.

Several Legislators commented favorably on Mrs. Ingham's education, experience and performance capability.

April 23, 2013

Chairman Tabolt urged the Public Health Committee to timely review applications, interview and make their recommendation to the Board.

Mr. Pendergast stated that counties may share a Public Health Director, although Jefferson County, he said, is currently canvassing to fill their Director position due to recent retirement. Atty. Graham affirmed a County Director is required for State Aid eligibility.

The resolution was then adopted.

**RESOLUTION NO. 162 - 2013
RESOLUTION TO AMEND COMPENSATION PLAN
WITH REFERENCE TO TRAIL PROGRAM**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

BE IT RESOLVED, as follows:

Section 1. That this Board of Legislators hereby amends the Compensation Plan of the County of Lewis, with reference to the Trail Program, to authorize hiring seasonal laborers to assist with trail development as follows:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Laborer (2)	Temporary Part-time	Grade C4 (\$11.58/hr.)

Section 2. That said positions are effective May 6 through November 1, 2013.

Section 3. That the within resolution shall be effective immediately.

Moved by Legislator Lucas, seconded by Legislator Boyd.

Legislator Lucas reported the trails will open on May 1, 2013, impressing the need for a coordinator to supervise the workers. ATV permit revenues are utilized to finance the personnel costs. Chairman Tabolt relayed he had confirmed the ATV used by the Trail Coordinator has a current registration and insurance coverage. However, it should be serviced and prepared for trail work.

Legislator Fanning made a motion to amend the resolution to authorize filling the laborer positions effective immediately, seconded by Legislator King and carried.

Legislator Lucas made a motion to amend the resolution to appropriate an amount up to \$16,000.00 from ATV permit revenue to finance related personnel costs, seconded by Legislator King and carried.

April 23, 2013

The resolution was then adopted.

OTHER BUSINESS:

The Clerk of the Board read a proclamation declaring the Month of April 2013 as National Donate Life month, encouraging citizens to register for organ donation.

There being no other business to come before the Board, the meeting adjourned on motion by Legislator Boyd, seconded by Legislator Stanford and carried at 10:42 a.m.

May 7, 2013

**REGULAR MEETING
May 7, 2013**

The meeting was called to order at 5:03 p.m. by Chairman Michael A. Tabolt.

Roll Call: All Legislators were present, except Legislators Lucas and Hathway whom had been excused.

The Invocation was offered by Chairman Tabolt with a moment of silence for all deceased during the past month; followed by the Pledge of Allegiance to the Flag.

There were 34 persons present.

Legislator Wallace made a motion to amend the April 2, 2013 meeting minutes, to correct the authorized hourly rate for the Reforestation part-time seasonal laborer to \$11.58 per hour, seconded by Legislator Stanford, and carried.

Chairman Tabolt then announced approval of the April 23, 2013 meeting minutes.

REPORT OF THE RULES AND LEGISLATION COMMITTEE:

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

Philip Hathway
Charles Fanning

Dated: May 7, 2013

Legislator Fanning made a motion to waive the rules, seconded by Legislator Burke and carried.

At the Chairman's request, the Clerk of the Board read a proclamation to declare May as "Foster Parent Recognition Month", and recognized and thanked Lewis County Foster Parents Hope Graves, Henry Bardo, Todd and Amanda Waugh, Steven and Wendy Carlson, Loren and Chris Bush, Jeremy and Sharlene Noftsier, Arlen and Marsha Roggie, Wayne and Joanna Dailey, Clifford and Juanita Young, and Adam and Amanda Zehr, many of whom were present.

PRIVILEGE OF THE FLOOR:

Joanne Dicob, Friends of Hospice Board of Directors' President, presented a check in the amount of \$59,000.00 representing the last payment to the County in support of Hospice operations. The program is now under the auspices of the Lewis County General Hospital, where a special room has been dedicated for Hospice patients, and another as a congregate family room. Through a contractual agreement with Kathleen Merrick, massage therapy services are now available to patients and/or their care givers. Funds are also available to assist patients with supply purchases or treatment payments.

May 7, 2013

In conclusion, Mrs. Dicob reported the annual “Epicurean Delight” fund raising event, featuring fare from many local restaurants, was again a great success; affirming they would continue fund raising events to provide quality of life services.

Chairman Tabolt and Legislator Fanning each thanked Joanne, and commended the humbling services provided through Friends of Hospice; while assuring the organization’s commitment to provide ongoing services.

Village of Lowville Mayor Donna Smith relayed impending parking issues on North State Street and Trinity Avenue, which spaces are proposed to be limited to 2-hour parking. In response to complaints of all-day parking which detracts from downtown business and post office access, she had conducted a random survey to confirm there are some all-day parked cars. Mayor Smith encouraged feedback and participation at an upcoming public hearing on 6/19/13, prior to a responding decision by the Village Board of Trustees.

PRESENTATION OF COMMUNICATIONS AND NOTICES:

Assemblywoman Janet Duprey acknowledged receipt of the Board’s resolution supporting proposed general permit for silvicultural treatments for sustainable forestry in the Adirondack Park, indicating she forwarded a letter to Fred Monroe, Executive Director of the Adirondack Park Local Government Review Board.

Assemblyman Blankenbush and NYSAC acknowledged receipt of the Board’s resolution opposing proposed Legislation to establish early voting for general, primary and special elections. NYSAC also acknowledged receipt of the resolution requesting the State Legislature and Governor Cuomo to annul the SAFE ACT of 2013.

The Croghan Town Board has adopted a resolution to not support the Lewis County Legislator’s decision to move forward to construct a new office building, citing unfavorable economic times, highest unemployment rate of 13%, sequester with Federal and State governments, and the overburden upon taxpayers.

The Broome, Niagara and Tompkins County Legislatures have each forwarded resolutions requesting the State Legislature to repeal the SAFE ACT of 2013.

The Essex and Tioga County Legislatures have each forwarded resolutions to oppose enactment of legislation to require early election voting.

Kathleen Merrick, owner of Open Sky Healing Arts Center, penned a note of thanks to the Board for their letter of support for a rural business enterprise grant application to assist her business expansion.

REPORTS OF COUNTY OFFICERS AND DEPARTMENTS:

May 7, 2013

The Clerk reported that each Legislator had received a copy of the Treasurer's April monthly report, the 4/24/13 Solid Waste audit report; and the 4/4 and 4/25/13 Highway Audit reports.

The following Apportionment of Mortgage Tax Report for the period from 10/01/2012 to 03/31/2013 had been distributed to each Legislator:

APPORTIONMENT OF MORTGAGE TAX
October 1, 2012 through March 31, 2013

	<u>KEY</u>	<u>VALUATION</u>	<u>AMOUNT</u>
Town of Croghan		191,817,445	\$20,340.06
Village of Croghan	.023599819	9,053,714	<u>491.62</u>
			\$20,831.68
Town of Denmark		137,720,100	\$21,571.39
Village of Castorland	.037621963	10,362,601	931.41
Village of Copenhagen	.091055405	25,080,319	<u>2,254.27</u>
			\$24,757.07
Town of Diana		150,797,892	\$ 9,235.21
Village of Harrisville	.052705458	15,895,744	<u>513.83</u>
			\$ 9,749.04
Town of Greig		202,007,821	\$16,323.20
Town of Harrisburg		32,496,883	\$ 2,719.64
Town of Lewis		66,228,598	\$ 6,201.56
Town of Leyden		79,187,698	\$ 5,250.73
Village of Port Leyden	.060212789	9,530,745	<u>336.42</u>
			\$ 5,587.15
Town of Lowville		221,137,312	\$36,229.59
Village of Lowville	.317914622	140,605,570	<u>16,886.32</u>
			\$53,115.91
Town of Lyonsdale		79,882,885	\$ 3,205.02
Village of Lyons Falls	.017036296	2,721,817	57.14
Village of Port Leyden	.027313160	4,363,708	<u>91.60</u>
			\$ 3,353.76

May 7, 2013

Town of Martinsburg		63,186,166	\$ 9,814.26
Town of Montague		34,819,656	\$ 937.33
Town of New Bremen		146,906,029	\$19,278.47
Village of Croghan	.033699339	9,901,272	<u>672.33</u>
			\$19,950.80
Town of Osceola		41,043,518	\$ 996.21
Town of Pinckney		33,684,662	\$ 3,620.23
Town of Turin		52,569,645	\$ 9,752.62
Village of Turin	.075687975	7,957,780	<u>798.60</u>
			\$10,551.22
Town of Watson		177,238,669	\$17,596.20
Town of West Turin		125,008,980	\$ 7,768.65
Village of Constableville	.043183678	10,796,695	393.37
Village of Lyons Falls	.103983270	25,997,685	<u>947.21</u>
			\$ 9,109.23

GRAND TOTAL: \$215,214.49

To County of Lewis \$107,712.17

Patrick Wallace, Chairman
Charles Fanning
Paul Stanford
Taxation Committee

Dated: May 7, 2013

WARRANT

TO: The Treasurer of the County of Lewis

You are hereby notified by the Board of Legislators of Lewis County that the sum of \$215,214.49 from the tax on mortgages from October 1, 2012 through March 31, 2013 has been apportioned to the Tax Districts entitled to same and, you are hereby directed to pay the respective Supervisors the amount due to the towns, to their Village Treasurers the amount due the villages, and to the County of Lewis the amount stated, according to the foregoing schedule, pursuant to the provisions of Section 261 of the Tax Law.

Given under the hands of the Chairman and the Clerk of the Board of Legislators of Lewis County, and the seal of the Board of Legislators being hereto affixed on the 8th day of May 2013.

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Michael A. Tabolt, Chairman
Teresa K. Clark, Clerk of the Board

REPORTS OF STANDING COMMITTEES:

Legislator William Burke, member of the Hospital Committee, announced the respective February and March employee-of-the-month as Sue Carmen and Mike Nagy. Health Awareness Day will be held 5/11/13 at the Hospital facility. Year-to-date, \$1,266,000 in revenue enhancements and/or savings have been realized, of the Hospital's 2013 action plan goal of \$4 Million. The bids of \$90,000.00 for the Dialysis Unit project are 5% under budget projections; and the Executive Committee will consider whether to issue letters of intent to the successful bidders.

Legislator Jack Bush, Ways and Means/Buildings and Grounds Committee Chairman, reported that maintenance crews are busy sprucing up lawns and parking lots. He also reported interviewing two "Clerk of the Works" applicants for the new building construction project, but awaits further clarifying information before recommending an agreement.

The Committee had opened bids earlier today for leasing approximately 20 acres of agriculture land adjacent to the public safety building. Legislator Bush reported sponsoring a late resolution to award a 5-year contract for the high bid of \$117.50 per acre.

Legislator John Boyd, Courts and Law Enforcement Committee Chairman, read a memo informing that "National Police Week" was first started by former President John F. Kennedy in 1962. Events will be held throughout the country to honor fallen, retired and active police personnel from May 12-18, 2013. A local appreciation event will be held on May 17, 2013 at the Beaver River Central School. As part of the 'blue light' campaign, residents are encouraged to display ribbons and lights to support police personnel.

Legislator Jerry King, Human Resource Committee Chairman, invited any interested Legislator to participate in upcoming candidate interviews.

Legislator Charles Fanning, member of the Economic Development Committee, reported the Committee is recommending Jacqueline Mahoney be appointed as Recreation Trail Coordinator.

The Brantingham Business Association has requested the County open road sections in the Town of Greig for an ATV trail ride on June 15th. After their review, Sheriff Carpinelli and Highway Superintendent David Becker have each given their approval for the one-day event. Legislator Fanning asked for the Board's approval to allow the Association to advertise the event, pending official authorization to open the road sections at the June 4, 2013 Board meeting. He made a motion to authorize the Committee to review the final plans to open portions of the Greig Road, Blue Street and Pine Grove Road, seconded by Legislator King. Legislator King asked Sheriff Carpinelli and Mr. Becker to review the final plans and confirm their recommendation. Legislator Stanford

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voiced concern that participants are controlled so they don't drift outside the outlined trail, particularly citing that motor vehicles have the right-of-way on roadways. Mr. Neil Pepper explained the route would be appropriately signed, and volunteers would be at intersections to direct and guide participants.

Sheriff Carpinelli relayed meeting with Forest Rangers and NYSDEC officials to discuss issues stemming from the recent SNIRT RUN. They recommend creating civilian safety teams, as well as properly stenciled signs on road pavement to direct the ATV traffic. Also, that a meeting be held after each event to identify and improve on the safety team concept.

The motion was then carried, with Legislator Stanford opposed.

Legislator Fanning thanked the Chamber of Commerce for overseeing completion of the ATV trail maps, which are now on sale.

Legislator Charles Fanning, Transportation Committee Chairman, made a motion to authorize Highway Superintendent David Becker to temporarily fill one full-time MEO Light position effective immediately, throughout the regular employee's leave of absence. The motion was seconded by Legislator Bush and carried.

Legislator Fanning reported receipt of FEMA's approval to utilize the balance of funds for proposed alternate projects, because the Herman Bush Road bridge had not been removed. Paving of the Brantingham Road will be a priority project. Highway crews, he stated, are sweeping roads, will start re-profiling on 5/20/13, and paving thereafter. The Committee will be reviewing Mr. Becker's proposed projects to be financed by additional CHIP's revenues.

Legislator William Burke, Social Services/Office For Aging/Youth Bureau Committee Chairman reported that Commissioner Alvord had briefed the committee on the State's impending Medicaid takeover, that will require local staff training on the new enrollment system to prepare for continued operations through 2014. Additional Medicaid program savings of \$73,000.00 are projected during the 2013-2014 fiscal year.

Legislator Burke, again, encouraged Legislators to participate in the May 22nd Homelessness Summit to be held at the Lowville Elks Lodge. The County Social Services and Youth Bureau, as well as several agencies, church and youth groups are collectively sponsoring the event.

Legislator Burke also reported the Mental Hygiene Department is participating in a "Walk For Wellness" on 5/8/13. A Mother's Day luncheon will be held at all senior meal sites on 5/13/13. The annual Senior Health and Wellness picnic will be held on 6/14/13 at the Lowville Fairgrounds, with a "Patriotism" theme. Ticket sales will end on 5/31/13.

Legislator Burke reported that Office For Aging staff are being trained, in partnership with Public Health staff, to offer a Chronic Disease Self-Management Program.

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The intent is to teach persons with varying health issues how to better manage their health and treatment. The realm of program offerings include mental and physical fitness, appropriate use of medications, communicating with family and friends, nutrition, decision making and how to evaluate new treatments.

Legislator Bush reported that relocation of the Office for Aging and Board of Election offices shall be complete by June 30th.

The Lowville Commons owner has agreed to install electrical wiring and minor accommodations.

Legislator Paul Stanford, Public Health Committee Chairman, reported that Interim Director Penny Ingham is working 10 hours per week. He urged support of his proposed resolutions to renew Public Health contracts.

COUNTY TREASURER REPORT:

Patricia O'Brien reported filing the 2012 annual financial report with the State Department of Taxation and Finance, and had distributed a copy to each Legislator with a summary of all end-of-year closing transfers.

COUNTY MANAGER REPORT:

Acting County Manager Michael A. Tabolt relayed a request from Public Health Fiscal Manager Paula Kauffman to travel to Washington, D.C. from July 22-July 26, 2013, for computer software training used to track revenues and expenses. The cost is \$1,100.00 per person, which will be financed by grant funds. The hotel and meal costs will be borne by the participating employees.

Legislator King made a motion to authorize the travel to Washington, D.C., seconded by Legislator Bush and carried.

Sr. Building Codes Officer Ward Dailey has been utilizing the Trail Coordinator vehicle, which will no longer be available when the new Coordinator starts. He proposes to use his personal vehicle for County related travel, if he could fill up at the County's gasoline tank. Legislator King voiced objection, stating it was not good practice. Legislator Burke suggested a vehicle be purchased. Legislator Tabolt stated it is County policy for employees to submit for mileage reimbursement for use of their personal vehicle for County business. County Attorney Graham stated that employees utilizing their personal vehicle may claim a deduction for tax purposes. Legislator King proposed that Mr. Dailey submit for mileage reimbursement. He further suggested researching for an available vehicle within the County's fleet; and all Legislators indicated their agreement.

Chairman Tabolt relayed hearing Court House employee concerns with security due to threatening issues. Security Officers currently respond to employee calls, and Claude Stewart stated they stand ready to revert to everyone entering the building through the

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magnetometer. Employees may receive a special card that would allow them to go through without being screened. Legislator King impressed the importance of following up to prosecute perpetrators to the full extent of the law.

Attorney Graham referenced the County's Workplace Violence Policy, which provides a reporting mechanism and appropriate response for such incidents.

Chairman Tabolt appointed himself, Legislator King and Sheriff Michael Carpinelli to a Task Force to meet with all employees for input and development of a security policy for the County Court House building.

Chairman Tabolt reported that new toilets and flooring had been installed at the Singing Waters Park restroom building.

He announced that the Division of Homeland Security and Emergency Services had informed approval of a County grant award of \$808,615 to support funding improvements emergency radio communications systems. Prior to approving an agreement, Spillman Company representatives have agreed to provide additional information.

RESOLUTIONS:

At this time, Coach Lynn Petzoldt, and the entire Beaver River Central School Boys Basketball Team, were presented the following Resolution:

RESOLUTION NO. 163 - 2013
RESOLUTION COMMENDING BEAVER RIVER CENTRAL SCHOOL
BOYS' BASKETBALL TEAM

Introduced by Chairman Michael A. Tabolt and Legislator John Boyd, District No. 4 Representative.

WHEREAS, the Beaver River Central School Boys' Basketball Team had won 18 straight games and attained the Section 3, Class C Championship title, at the Carrier Dome in Syracuse, New York.

Now, Therefore, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby commends the Beaver River Central School Boys' Basketball Team (20-1) for their determination and perseverance that catapulted them to the top of their Class C Division.

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

Moved by Legislator Boyd, seconded by Legislator Fanning, and adopted.

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Mr. Petzoldt thanked the Board for their commendation, and referred with pride to the boys becoming future leaders of our community.

REPORT OF THE WAYS AND MEANS COMMITTEE:

**REPORT OF
WAYS AND MEANS COMMITTEE
ON THE EXAMINATION OF CLAIMS**

To: The Honorable County Legislators

The Ways and Means Committee reports that they have examined the claims presented for payment in the total amount of \$ 1,072,359.35 and recommend that they be audited and allowed for the amounts claimed.

Jack Bush, Chair
Jerry King, Committee

Dated: May 7, 2013

Approved on motion by Legislator Stanford, seconded by Legislator Burke, and carried.

RESOLUTIONS, CON'T.

**RESOLUTION NO. 164 - 2013
AUDITING AND ALLOWING CLAIMS**

Introduced by Legislator Jack T. Bush, Chairman of the Ways and Means Committee.

RESOLVED that the claims presented for payment in the total amount of \$ 1,072,359.35 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 Stanford, seconded by Legislator King, and adopted by roll call vote:

YEAS: Boyd, Burke, Bush, Fanning, King, Stanford, Wallace, Tabolt

NAYS: None

Absent: Hathway, Lucas

**RESOLUTION NO. 165 - 2013
RESOLUTION AUTHORIZING AMENDMENT TO AGREEMENT
BETWEEN THE COUNTY OF LEWIS AND
BERNIER CARR & ASSOCIATES, P.C.**

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Introduced by Legislator Jack Bush, Chairman of the Buildings and Grounds Committee

WHEREAS, the County of Lewis has heretofore entered into an Agreement with Bernier, Carr & Associates, P.C. for the purpose of providing architectural and design services for (i) a three-story County office building (third floor being a shell only) to be located on the County's property on Outer Stowe Street in the Village of Lowville to house the Department of Social Services, the County Clerk's DMV office, the 911 Dispatch Center, and others; and (ii) to renovate the building that presently houses the Department of Social Services; and

WHEREAS, the County of Lewis and Bernier Carr and Associates desire to amend the contract to make the following changes: Second floor re-design – change from three stories to two stories; redesign of second floor; re-design of first floor; and study of former DSS building systems for re-use.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby approves an amendment to the agreement between the County of Lewis and Bernier, Carr & Associates, P.C. in which the following changes will be added: Second floor re-design – change from 3 stories to 2 stories; redesign of second floor; re-design of first floor; and study of former DSS building systems for re-use; at a cost not to exceed \$47,000.00.

Section 2. That the Chairman, or the Vice-Chairman, of the Board of Legislators be and the same is hereby authorized to make, execute, seal and deliver such Agreement upon such form as may be approved by the County Attorney.

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

Moved by Legislator King, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 166 - 2013
RESOLUTION AUTHORIZING A LEASE AGREEMENT
BETWEEN THE COUNTY OF LEWIS AND
LOWVILLE COMMONS, LLC**

Introduced by Legislator Jack Bush, Chairman of the Buildings and Grounds Committee.

WHEREAS, Lewis County ("Tenant") desires to enter into a Lease Agreement with Lowville Commons, LLC ("Landlord") for the purpose of leasing approximately 3,831 square feet on the first floor plus an additional 1,280 square feet on the second floor of the building to accommodate the following Lewis County departments: Office For The Aging,

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Highway Department, Solid Waste Department, Board of Elections, and all uses related and incidentals thereto; and

WHEREAS, the term of the Lease shall be five (5) years provided however, that the Tenant at their sole option may terminate the lease after twenty-four months by providing notice of intention to terminate the lease at least six (6) months prior to the conclusion of the twenty-fourth month of the lease and thereafter at any time provided the Tenant gives six (6) months advanced notice; and

WHEREAS, the Landlord has offered to rent to the Tenant an additional 437 square feet of office space located on the second floor on a month to month basis.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes a Lease Agreement by and between the County of Lewis and Lowville Commons, LLC, for the rental of property located at The Lowville Commons, 7550 South State Street, Lowville, New York 13367, for a term commencing on May 1, 2013 through April 30, 2018 at a rental rate annexed hereto and marked as Exhibit "B" of the lease agreement.

Section 2. That the Chairman of the Board of Legislators, or the Vice-Chairman, be and the same is hereby authorized to execute and deliver such Lease Agreement upon such form as may be approved by the County Attorney.

Section 3. That this Resolution shall take effect immediately.

Moved by Legislator Boyd, seconded by Legislator Bush.

Legislator Bush made a motion to amend the first section to remove the Highway Department and Solid Waste Department. Those Departments were re-located to the Court House. The motion was seconded by Legislator King and carried.

The resolution was then adopted.

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**Letter of Intent Lewis County April 17, 2013
Exhibit "B"**

Second Floor	1280 sq.ft. 437 sq.ft.
First Floor	3831 sq.ft.
Total	5548 sq.ft.

Rent Schedule:

	Monthly	Annual
Year One	\$6,472.67	\$77,672.00
Year Two	\$6,602.17	\$79,225.44
Year Three	\$6,734.16	\$80,809.92
Year Four	\$6,868.87	\$82,426.15
Year Five	\$7,006.22	\$84,074.67

Beginning Lease Rate \$14.00

Annual Escalator 102.0%

**RESOLUTION NO. 167 - 2013
RESOLUTION AUTHORIZING AMENDMENT TO INTER-MUNICIPAL
AGREEMENT BETWEEN LEWIS COUNTY CODES DEPARTMENT AND
THE VILLAGE OF LOWVILLE**

Introduced by Legislator John Boyd, Chairman of the Building Codes Committee.

WHEREAS, General Municipal Law § 119-u [4](d) and in particular, Village Law § 7-741[4](d) authorize a Village to enter into an inter-municipal agreement with a county to carry out all or a portion of the ministerial functions related to land use regulation within such Town or Village and to provide for a land use administration and enforcement program which may replace individual land use administration and enforcement programs, if any, the terms and conditions of which shall be set forth in such agreement; and

WHEREAS, Lewis County and the Village of Lowville have heretofore entered into an inter-municipal agreement whereby the Lewis County Codes Department provides

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administration and enforcement of the Village of Lowville's land use and zoning laws commencing January 1, 2011; and

WHEREAS, the parties wish to amend the inter-municipal agreement to include administration and enforcement of the flood damage prevention provisions of the Code found at Chapter 112 of the Village of Lowville Code, and further to provide that the term of the Agreement shall be extended through December 31, 2013;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes an amendment to the Inter-municipal Agreement by and between the County of Lewis and the Village of Lowville to add the following Code enforcement services:

- Administration and enforcement of the flood damage prevention provisions of the Code found at Chapter 112 of the Village of Lowville Code.

Section 2. That the Board of Legislators hereby authorizes a further amendment to the Inter-municipal Agreement by and between the County of Lewis and the Village of Lowville to extend the term thereof through and including December 31, 2013. Except as specifically amended herein the terms and conditions of the Inter-municipal Agreement dated December 28, 2013 shall remain in full force and effect.

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 Stanford, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 168 - 2013
RESOLUTION TO TRANSFER FUNDS
COUNTY CLERK**

Introduced by Legislator Jack Bush, Chairman of the County Clerk's Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget changes are hereby approved in the County Clerk's Department for the creation and funding of the Record Storage account:

<u>Transfer from:</u>	
A1990.4999 (Contingency)	\$1,000.00
<u>Transfer to:</u>	
A1410.4910 (Record Storage)	\$1,000.00

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

Moved by Legislator Fanning, seconded by Legislator Stanford, and adopted.

**RESOLUTION NO. 169 - 2013
RESOLUTION TO TRANSFER FUNDS
CAPITAL DATA PROCESSING**

Introduced by Legislator Jack Bush, Chairman of the Ways & Means Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget changes are hereby approved in the various accounts, for the purchase of a smart ups backup, hard drive, server and a printer, utilizing Capital Data Processing funds (HAE9901.4), HAE balance \$85,882.70:

<u>Increase Revenue:</u>	
A50310 (Inter-fund transfers)	\$6,687.20
<u>Increase Expense:</u>	
A1680.4605 (Data Proc)	\$ 468.80
A3110.4409 (Data Proc)	<u>6,218.40</u>
	\$6,687.20

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

Moved by Legislator Wallace, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 170 - 2013
RESOLUTION TO TRANSFER FUNDS
CAPITAL DATA PROCESSING**

Introduced by Legislator Jack Bush, Chairman of the Ways & Means Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfer is hereby approved in the various accounts for the purchase of VLA Windows Server and an APC Smart UPS Battery Backup, utilizing Capital Data Processing funds (HAE9901.4), HAE balance \$85,882.70:

<u>Increase Revenue:</u>	
A50310(interfund transfers)	\$868.79

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Increase Expense:

A3110.4409(Data Proc)	\$316.29
A3110.4409(Data Proc)	<u>552.50</u>
	\$868.79

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

Moved by Legislator Stanford, seconded by Legislator Wallace, and adopted.

**RESOLUTION NO. 171 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
ECONOMIC DEVELOPMENT DEPARTMENT**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development 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 Economic Development Department, to create the following positions:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Planner	Full-Time	Grade 30
Senior Planner	Full-Time	Grade 34

Section 2. That Director of Economic Development Eric Virkler is hereby authorized to fill one of the above captioned positions, dependent upon experience and credentials of the selected applicant, pursuant to Civil Service rules and regulations.

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

Moved by Legislator Boyd, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 172 - 2013
RESOLUTION TO TRANSFER FUNDS
BOARD OF ELECTION'S OFFICE**

Introduced by Legislator Patrick Wallace, Chairman of the Election's Committee.

BE IT RESOLVED as follows:

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Section 1. That the following budget transfer is hereby approved for the purchase of a computer for the Board of Elections, funds to come from Capital Data Processing (HAE9901.4), HAE balance \$94,477.60:

<u>Increase Revenue:</u>	
A50310 (Inter-fund transfers)	\$1,164.00
<u>Increase Expense:</u>	
A1450.4407 (supplies)	\$1,164.00

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

Moved by Legislator Stanford, seconded by Legislator King, and adopted.

RESOLUTION NO. 173 - 2013
RESOLUTION REAFFIRMING SUPPORT OF FIREARMS OWNERSHIP UNDER
THE SECOND AMENDMENT OF THE UNITED STATES CONSTITUTION

Introduced by Legislator Richard Lucas, District No. 8 Representative.

WHEREAS, the right to bear arms is guaranteed by the Second Amendment of the U.S. Constitution as well as the Civil Rights Law of the State of New York, which were infringed upon without due process; and

WHEREAS, the New York State Secure Ammunition and Firearms Enforcement Act of 2013 was rushed to passage by the New York State Senate, Assembly and Governor without a single public hearing; and

WHEREAS, the right of the people to have a voice in the governing of the State of New York has been blatantly disregarded only to be influenced by anti-gun rights activists such as Mayor Bloomberg and the Brady Campaign; and

WHEREAS, the lack of transparency in this administration shows that the Governor's actions appear to be a deliberate attempt to bypass the constitutional process; and

WHEREAS, 52 Counties in New York State have passed resolutions opposing the New York State Secure Ammunition and Firearms Enforcement Act of 2013; and

WHEREAS, although this new legislation is proposed to effect a reduction in violent crime, in 2011 the most current year for which FBI crime statistics are available, New York State had 771 homicides, 445 were committed with a firearm, 394 of that 445 were committed with a handgun, 5 were committed with a rifle, 16 were committed with a shotgun, in 30 the firearm type was unknown, 160 were committed with a cutting instrument, 143 were committed with another type of weapon, and 26 were committed with bare hands. Based on these statistics, the SAFE Act will do nothing to reduce violent crime,

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as the primary target of the legislation is the “assault rifle”, which would be included statistically with standard rifles and involved in less than 1% of New York homicides in 2011; and

WHEREAS, classifying firearms as assault weapons because of one arbitrary feature, essentially deprives law abiding gun owners the right to possess firearms, which have never before been designated as assault weapons, while having no impact whatsoever on criminals who will continue to use weapons of choice; and

WHEREAS, requiring law-abiding gun owners to verify ownership of certain types of firearms every five years crosses the proverbial line from reasonable restrictions on gun ownership to outright harassment of law-abiding gun owners; and

WHEREAS, according to the New York State Association of County Clerks, the NY SAFE ACT also creates new pistol license recertification requirements, which have been assigned to the State Police, but imposes increased application processing requirements for County Clerks’ offices; and

WHEREAS, with the passage of this law, the Governor has needlessly placed police officers in a precarious position where they may be called upon to confiscate previously and lawfully owned property of an American citizen, without just compensation.

Now, Therefore, it is hereby:

RESOLVED, that the Lewis County Board of Legislators does hereby oppose the enactment of the New York State Secure Ammunition and Firearms Enforcement Act of 2013, because it fundamentally alters or abridges the right to keep and bear arms as provided under the Second Amendment of the Constitution and Article 2, Section 4 of the Civil Rights Law, without addressing the problems of gun violence; and be it further

RESOLVED, that this Legislature hereby calls upon the New York State Legislature and Governor to repeal this ill conceived and poorly drafted statute which abridges the rights of law abiding citizens of the State of New York; and be it further

RESOLVED, that certified copies of this Resolution shall be forwarded to the Governor of the State of New York, Senator Joseph Griffo, Senator Patricia Ritchie, Assemblyman Kenneth Blankenbush, Assemblywoman Addie Russell and the New York State Association of Counties.

Moved by Legislator King, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 174 - 2013
RESOLUTION TO TRANSFER FUNDS
LEGISLATIVE BOARD**

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Introduced by Legislator Jack Bush, Chairman of the Ways & Means Committee.

BE IT RESOLVED, as follows:

Section 1. That the following budget transfer is hereby approved to cover legal advertising expense:

<u>From:</u>	<u>Amount</u>
A1010.4909 (Misc Exp)	\$92.24
<u>To:</u>	
A1010.4907 (Legal Notices)	\$92.24

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

Moved by Legislator Burke, seconded by Legislator King, and adopted.

**RESOLUTION NO. 175 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY MENTAL HYGIENE DEPARTMENT
AND CENTRAL NEW YORK HEALTH HOME NETWORK, LLC**

Introduced by Legislator Paul Stanford, Chairman of the Mental Hygiene Committee.

WHEREAS, the Central New York Health Home Network, LLC (“Health Home”) has been designated by the New York State Department of Health (“DOH”) as a health home under the Medicaid Health Home Program; and

WHEREAS, the Health Home intends to furnish Health Home Services to Medicaid fee-for-service beneficiaries assigned to the Health Home by DOH and to Medicaid recipients enrolled with Medicaid Managed Care organizations; and

WHEREAS, the Health Home desires to develop and maintain a health home network with medical care providers, behavioral healthcare providers, community based organizations and social services providers to provide Health Home enrollees access to needed services and ensure coordinated and integrated care; and

WHEREAS, the Health Home will establish an Advisory Committee that will furnish advice and assistance to the Health Home on both policy matters and program activities relating to the Health Home Network; and

WHEREAS, the County of Lewis wishes to enter into an Agreement with Central New York Health Home Network, LLC and the Board of Legislators wishes to accept such services.

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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 Mental Hygiene Department, and Central New York Health Home Network, LLC for the purpose of participating in the health home services to Medicaid fee-for-service beneficiaries assigned to the Health Home by Department of Health and to Medicaid recipients enrolled with Medicaid Managed Care organizations.

Section 2. 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 3. That the within Resolution shall take effect immediately.

Moved by Legislator Stanford, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 176 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY MENTAL HYGIENE DEPARTMENT AND TRANSITIONAL
LIVING SERVICES OF NORTHERN NEW YORK**

Introduced by Legislator Paul Stanford, Chairman of the Mental Hygiene Committee.

WHEREAS, the Lewis County Board of Legislators adopted Resolution No. 74-2012 authorizing an agreement between the County of Lewis and Transitional Living Services of Northern New York to provide per diem employee services for the term February 21, 2012 through September 30, 2012; and

WHEREAS, both parties wish to extend the ending date to December 31, 2013 with all other terms of the contract to remain in full force and effect.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That the Board of Legislators hereby authorizes the extension of the agreement between the County of Lewis and Transitional Living Services of Northern New York to provide per diem employee services to December 31, 2013 with all other terms of the contract to remain in full force and effect.

Section 2. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Contract, pending approval by the County Attorney.

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

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Moved by Legislator King, seconded by Legislator Bush, and adopted.

RESOLUTION NO. 177 - 2013
RESOLUTION APPROVING AGREEMENT BETWEEN
LEWIS COUNTY PUBLIC HEALTH AGENCY ON BEHALF OF
THE COUNTY OF LEWIS AND HEALTH RESEARCH, INC. (HRI)

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

WHEREAS, the Lewis County Public Health Agency has received a grant award from the Center Disease Control Prevent in the amount of \$267,500 for the purpose of Public Health Emergency Preparedness Program; and

WHEREAS, Lewis County Public Health Department is an eligible provider of these services; and

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes an Agreement between the Public Health Department and the Center Disease Control Prevent for the purpose of Public Health Emergency Preparedness Program for the period beginning July 1, 2012 and ending June 30, 2017 in the amount of \$267,500.

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Stanford, seconded by Legislator Bush, and adopted.

RESOLUTION NO. 178 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY PUBLIC HEALTH AND NYS DIVISION OF HOMELAND
SECURITY AND EMERGENCY SERVICES

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

WHEREAS, Lewis County Public Health has received a grant award from the New York State Division of Homeland Security and Emergency Services in the amount of \$27,778.00 to support health emergency preparedness planning efforts to prepare for and

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respond to a health emergency and to enhance a sustainable Homeland Security Planning Program; and

WHEREAS, the Board of Legislators wishes to accept such grant.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby approves the contract with the New York State Division of Homeland Security and Emergency Services for Lewis County Public Health in the amount of \$27,778.00 to support health emergency preparedness planning efforts to prepare for and respond to a health emergency and to enhance a sustainable Homeland Security Planning Program for the term of said contract from August 10, 2009 through July 31, 2013.

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Boyd, seconded by Legislator Fanning, and adopted.

**RESOLUTION NO. 179 - 2013
RESOLUTION APPROVING AGREEMENT BETWEEN
LEWIS COUNTY PUBLIC HEALTH AGENCY ON BEHALF OF THE
COUNTY OF LEWIS AND NYS DEPARTMENT OF HEALTH**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

WHEREAS, the New York State Department of Health wishes to enter into an extension agreement with Lewis County Public Health for the purpose of providing integrated cancer services for the clinical services contract #C023451 for the period of April 1, 2013 through October 31, 2013; and

WHEREAS, Lewis County Public Health Department is an eligible provider of these services.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Board of Legislators hereby authorizes an extension agreement between the County of Lewis, acting by and through the Lewis County Public Health Agency and the New York State Department of Health to provide integrated cancer services for the clinical services contract #C023451 for the period of April 1, 2013 through October 31, 2013 in the amount of \$28,748.00.

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Section 2. That the Chairman of the Board of Legislators, or the Vice-Chairman, be and the same is hereby authorized to execute and deliver such Agreement, pending approval by the County Attorney.

Section 3. That this Resolution shall take effect immediately.

Moved by Legislator Burke, seconded by Legislator Wallace, and adopted.

RESOLUTION NO. 180 - 2013
RESOLUTION APPROVING AGREEMENT BETWEEN
LEWIS COUNTY PUBLIC HEALTH AGENCY ON BEHALF OF THE
COUNTY OF LEWIS AND NYS DEPARTMENT OF HEALTH

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

WHEREAS, the New York State Department of Health wishes to enter into an extension agreement with Lewis County Public Health for the purpose of providing integrated cancer services for the state infrastructure contract #C023410 for the period of April 1, 2013 through October 31, 2013; and

WHEREAS, Lewis County Public Health Department is an eligible provider of these services.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Board of Legislators hereby authorizes an extension agreement between the County of Lewis, acting by and through the Lewis County Public Health Agency and the New York State Department of Health to provide integrated cancer services for the state infrastructure contract #C023410 for the period of April 1, 2013 through October 31, 2013 in the amount of \$79,648.00.

Section 2. That the Chairman of the Board of Legislators, or the Vice-Chairman, be and the same is hereby authorized to execute and deliver such Agreement, pending approval by the County Attorney.

Section 3. That this Resolution shall take effect immediately.

Moved by Legislator Stanford, seconded by Legislator Fanning, and adopted.

RESOLUTION NO. 181 - 2013
RESOLUTION APPROVING AGREEMENT BETWEEN LEWIS COUNTY
PUBLIC HEALTH AGENCY ON BEHALF OF THE COUNTY OF LEWIS AND
NYS DOH FOR LEAD POISONING PREVENTION

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Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

WHEREAS, the Lewis County Public Health Agency has received a grant award from the New York State Department of Health in the amount of \$21,623.00 for the purpose of childhood lead poisoning prevention activities; and

WHEREAS, Lewis County Public Health Department is an eligible provider of these services.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes a grant agreement between the County of Lewis, acting by and through the Lewis County Public Health Agency and the New York State Department of Health to provide childhood lead poisoning prevention activities for the period of October 1, 2012 through September 30, 2013 in the amount of \$21,623.00.

Section 2. That the Chairman of the Board of Legislators, or the Vice-Chairman, be and the same is hereby authorized to execute and deliver such Agreement.

Section 3. That this Resolution shall take effect immediately.

Moved by Legislator Stanford, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 182 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY PUBLIC HEALTH AGENCY
ON BEHALF OF THE COUNTY OF LEWIS AND NYS DOH FOR
RABIES CONTROL PROGRAM**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

WHEREAS, New York State Department of Health has offered a grant to the Lewis County Public Health Agency to provide aid to localities for rabies reimbursement for a period of five (5) years; and

WHEREAS, Lewis County Public Health Department is an eligible provider of these services.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes a grant agreement for rabies reimbursement between the County of Lewis, acting by and through the Lewis County Public Health Agency and the New York State Department of

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Health. This grant is allotted \$51,349.00 over a five (5) year period with the term commencing April 1, 2012 through March 31, 2017.

Section 2. That the Chairman of the Board of Legislators, or the Vice-Chairman, be and the same is hereby authorized to execute and deliver such Agreement.

Section 3. That this Resolution shall take effect immediately.

Moved by Legislator King, seconded by Legislator Fanning, and adopted.

**RESOLUTION NO. 183 - 2013
RESOLUTION TO TRANSFER FUNDS
PUBLIC HEALTH**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

BE IT RESOLVED, as follows:

Section 1. That the following budget transfer is hereby approved in the Public Health accounts:

<u>From:</u>			
A4096.4501	Education/Training		\$100.00
<u>To:</u>			
A4088.4501	Education/Training		\$100.00

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

Moved by Legislator King, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 184 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
THE COUNTY OF LEWIS AND THE STATE OF NEW YORK,
DEPARTMENT OF TAXATION AND FINANCE**

Introduced by Legislator Patrick Wallace, Chairman of the Taxation Committee.

WHEREAS, the Office of Real Property Tax Services ("ORPTS"), a division within the New York State Department of Taxation and Finance, wishes to assist Lewis County in complying through electronic capture and transmittal of bar-coded information on the RP-5217 form to facilitate the electronic collection of sales data and subsequent distribution of this data to ORPTS, assessors and County offices; and

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WHEREAS, ORPTS will provide the County a handheld barcode scanner to support the workflow established for electronically transmitting the bar-coded information, along with providing support, installation and user instructions; and

WHEREAS, the County of Lewis wishes to enter into an Agreement with the New York State Department of Taxation and Finance and the Board of Legislators wishes to accept such services.

NOW THEREFORE, BE IT RESOLVED, that

Section 1. That the Board of Legislators hereby authorizes the County of Lewis to enter into an agreement with the New York State Department of Taxation and Finance for the purpose of ORPTS providing Lewis County with a handheld barcode scanner to support the workflow established for electronically transmitting the bar-coded information on the RP-5217 form to facilitate the electronic collection of sales data and subsequent distribution of this data to ORPTS, assessors and County offices.

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 185 - 2013
RESOLUTION TO TRANSFER FUNDS
REFORESTATION**

Introduced by Legislator Patrick Wallace, Chairman of the Reforestation Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfer is hereby approved in the Reforestation Program Accounts to cover vehicle repairs:

<u>From:</u>	<u>Amount</u>
A8711.4703 (Vehicle Exp)	\$300.00
<u>To:</u>	
A8711.4701 (Vehicle Repairs)	\$300.00

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

Moved by Legislator Stanford, seconded by Legislator Wallace, and adopted.

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**RESOLUTION NO. 186 - 2013
RESOLUTION TO TRANSFER FUNDS
SHERIFF'S DEPARTMENT**

Introduced by Legislator John Boyd, Chairman of the Courts & Law Enforcement Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget changes are hereby approved in the Sheriff's Department accounts, due to the resignation of Cynthia Robbins, Secretary to the Sheriff:

<u>Decrease Revenue:</u>	
A25450 (Permits)	\$1,749.00
<u>Decrease Expense:</u>	
A3110.1101 (Pers Serv)	\$6,683.00
A3110.8999 (Fringe)	\$ 511.00
<u>Increase Expense:</u>	
A1010.4199 (Sp Contingency)	\$5,445.00

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

Moved by Legislator Boyd, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 187 - 2013
RESOLUTION AUTHORIZING AGREEMENT WITH
TOSKI & CO., P.C. TO AUDIT SINGING WATERS GRANT PROJECT**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

WHEREAS, the County of Lewis wishes to enter into an Agreement with Toski & Co., P.C. to assist in evaluating its compliance with New York State Office of Parks, Recreation and Historic Preservation Singing Waters grant project; and

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

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That the Board of Legislators hereby approves entering into an Agreement with Toski & Co., P.C. to assist in evaluating its compliance with New York State Office of Parks, Recreation and Historic Preservation Singing Waters grant project at a cost not to exceed \$1,700.00.

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Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Boyd, seconded by Legislator King, and adopted.

RESOLUTION NO. 188 - 2013
RESOLUTION AUTHORIZING AGREEMENT
BETWEEN DEPARTMENT OF SOCIAL SERVICES AND
THE RESOLUTION CENTER OF JEFFERSON AND LEWIS COUNTIES, INC.

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

WHEREAS, the Lewis County Department of Social Services (“DSS”) wishes to enter into an Agreement with the Resolution Center of Jefferson and Lewis Counties, Inc. to provide mediators to facilitate the process of DSS administering child welfare services for youth and families in Lewis County; and

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes an Agreement between the County of Lewis, by and through the Department of Social Services, and the Resolution Center of Jefferson and Lewis Counties, Inc. for the purpose of providing mediators to facilitate the process of DSS administering child welfare services for youth and families in Lewis County.

Section 2. That the term of this Agreement shall be from April 1, 2013 through December 31, 2013 for an amount not to exceed \$250.00 for each Family Team Meeting and \$25.00 for each meeting scheduled that the family fails to arrive without a prior cancellation.

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 Stanford, seconded by Legislator Burke, and adopted.

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**RESOLUTION NO. 189 - 2013
RESOLUTION AUTHORIZING AMENDMENT TO AGREEMENT
BETWEEN THE COUNTY OF LEWIS AND
MOUNTAIN VIEW PREVENTION SERVICES, INC.
STOP DWI**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Committee

WHEREAS, the County of Lewis has entered into an Agreement with Mountain View Prevention Services, Inc. ("MVPS") to serve as the DWI Coordinator for Lewis County pursuant to Vehicle & Traffic Law § 1197 which authorizes the development of a program to coordinate the efforts of interested parties and agencies in the formulation and execution of alcohol traffic safety programs including enforcement, adjudication, rehabilitation and education; and

WHEREAS, MVPS desires to amend the agreement to increase the amount of the contract by \$5,222.00 for the purpose of having the DWI Coordinator work on recovering outstanding DWI fines.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby approves an amendment to the agreement between the County of Lewis and Mountain View Prevention Services, Inc. in which MVPS provides DWI Coordinator services consistent with Vehicle & Traffic Law § 1197 and to increase the amount of the contract so the DWI Coordinator can work on recovering outstanding DWI fines.

Section 2. That this is for a term beginning May 1, 2013 through December 31, 2013 at a cost not to exceed \$5,222.00.

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

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

Moved by Legislator Burke, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 190 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
THE COUNTY OF LEWIS AND
HAROFF AUCTION & REALTY, INC.**

Introduced by Legislator Michael A. Tabolt, Chairman of Board of Legislators

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WHEREAS, the County is the owner of certain real property acquired through tax sale proceedings and otherwise, which it desires to sell with reserve at public auction; and

WHEREAS, Haroff Auction & Realty, Inc. wishes to enter into an agreement with the County of Lewis for the purpose of conducting these auctions of real property; and

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby approves the contract with Haroff Auction & Realty, Inc. to conduct these auctions of real property for the time period commencing January 1, 2013 and ending December 31, 2015.

Section 2. The fee for these services and the sole compensation for the services rendered shall be a buyer's premium in the amount of 10% of the bid price, to be added to the buyer's accepted bid price. In addition, the Contractor shall receive an advertising recapture fee equal to 1.5% of the amount of the bid, to be added to the bidder's accepted bid price.

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 Boyd, seconded by Legislator Fanning, and adopted.

**RESOLUTION NO. 191 - 2013
RESOLUTION APPOINTING MEMBERS TO
TRAFFIC SAFETY BOARD**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board.

Whereas, Carol Paluck and Allen Matuszczak have resigned from the Traffic Safety Board.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby appoints the following individuals to the Lewis County Traffic Safety Board, effective immediately:

Ann Wolff of Lewis County Opportunities, Inc., 8265 State Route 812, Lowville, New York 13367, to fill the un-expired term of Carol Paluck through December 31, 2014

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Reginald Hoch of Lowville Academy & Central School Transportation Department, State Street, Lowville, New York 13367, to fill the un-expired term of Allen Matuszczak, through December 31, 2015

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

Moved by Legislator Boyd, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 192 - 2013
RESOLUTION TO TRANSFER FUNDS
TRAIL MAINTENANCE**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

BE IT RESOLVED, as follows:

Section 1. That the following transfer of funds is hereby approved in the Trail Maintenance accounts to cover laborer personnel costs; revenues not met with permit fees shall be taken from Trail Maintenance reserves:

<u>From:</u>	
A7990.4604 (Trail Maint)	\$22,564.00
<u>To:</u>	
A7990.1999 (Pers Serv)	\$16,000.00
A7990.8999 (Fringe)	<u>6,564.00</u>
	\$22,564.00

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

Moved by Legislator Boyd, seconded by Legislator Wallace, and adopted.

**RESOLUTION NO. 193 - 2013
RESOLUTION AUTHORIZING AMENDMENT TO AGREEMENT BETWEEN
LEWIS COUNTY AND THE PAIGE GROUP FOR MARKETING AND
PROMOTION SERVICES OF THE THE LEWIS COUNTY PUBLIC
TRANSPORTATION SYSTEM**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

WHEREAS, the Lewis County Board of Legislators adopted Resolution No. 205-2012 authorizing an agreement between the County of Lewis and The Paige Group to provide a marketing plan to help increase usage of the transportation system and increase

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consumer understanding of the various bus runs offered for Lewis County, dated June 6, 2012 through December 31, 2012; and

WHEREAS, both parties wish to amend the original agreement to extend the ending date to December 31, 2013 with all other terms of the contract to remain in full force and effect.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes the amendment of the June 6, 2012 agreement between the County of Lewis and The Paige Group to provide a marketing plan to help increase usage of the transportation system and increase consumer understanding of the various bus runs offered for Lewis County by extending the same to December 31, 2013 with all other terms of the contract to remain in full force and effect.

Section 2. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Contract, pending approval by the County Attorney.

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

Moved by Legislator Bush, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 194 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO TREASURER'S OFFICE**

Introduced by Legislator Jack Bush, Chairman of the Ways and Means Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby amends the Compensation Plan of the County of Lewis to authorize County Treasurer Patricia O'Brien to fill one full-time permanent Account Clerk position in her office, effective June 5, 2013.

Section 2. That said position shall be filled in accordance with Civil Service rules and regulations.

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

Moved by Legislator King, seconded by Legislator Boyd, and adopted.

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**RESOLUTION NO. 195 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO VETERANS' SERVICES**

Introduced by Legislator Jerry King, Chairman of the Veterans' 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 Veterans' Service Agency, to set the following salary:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Veteran's Service Director	Full-time	\$36,775.00

Section 2. That the above 2013 annual salary shall be effective immediately.

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

Moved by Legislator Boyd, seconded by Legislator Wallace, and adopted.

**RESOLUTION NO. 196 - 2013
RESOLUTION AUTHORIZING APPOINTMENTS TO
JEFFERSON-LEWIS WORKFORCE INVESTMENT BOARD**

Introduced by Legislator William Burke, Chairman of the Employment and Training Committee.

WHEREAS, the Workforce Investment Act of 1998, Public Law 105-220 requires that there be established a local Workforce Investment Board to oversee local job training services and activities; and

WHEREAS, Chapter 2, Section 117 (a)(b) of the Workforce Investment Act authorizes the establishment, membership and composition of the local Workforce Investment Board; and

WHEREAS, Chapter 2, Section 117 (c) of the Workforce Investment Act authorizes the appointment and certification for local Workforce Investment Board membership; and

WHEREAS, Article V of the Workforce Investment Board By-Laws indicates the procedures for membership on the Board; and

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WHEREAS, the Counties of Jefferson and Lewis seek to appoint individuals to the local Workforce Investment Board who have interest and experience in the delivery of local workforce development services.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes the Chairman of the Board to appoint the following individuals to serve as members of the Jefferson-Lewis Workforce Investment Board:

Matt Cooper of Bernier, Carr & Associates to replace and serve out the term of John Tabolt of Interface Solutions, for a term to expire on June 30, 2014; and

Tracey Yarina of Fibermark to replace and serve out the term of Fibermark representative Jim Hummer, for a term to expire on June 30, 2015; and

Reappointments as follows for a term to expire on June 30, 2016:

Jack Boak, B.O.C.E.S. District Superintendent

Cliff Donaldson, Commissioner's Representative to the North Country

Rich McNulty, Vice-President of Human Resources at Kinney Drugs, Inc.

Lynn Murray, owner of Murcrest Farms

Jill Pippin, Dean of Continuing Education at Jefferson Community College

Audrey Sargent, Vice-President of Human Resources & Safety at Hi-Lite Markings, Inc.

Joseph Todora, Nursing Home Administrator at Lewis County General Hospital

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

Moved by Legislator Burke, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 197 - 2013
RESOLUTION RE-APPOINTING MEMBERS TO YOUTH
BUREAU ADVISORY BOARD**

Introduced by Legislator William Burke, Chairman of the Youth Bureau Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby re-appoints the following individuals as members of the Lewis County Youth Bureau Advisory Board:

John Exford
Scott Mathys

TPAC-Tobacco Prevention Awareness Cessation Coalition
Lewis County Opportunities, Inc.

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Tina Stanford	South Lewis Central School Board of Directors
Rhonda Vanucchi	Community Member
Dan Cushing	Lowville Academy Central School
Mike Leviker	Sheriff's Office

Section 2. That the term of said appointments shall be effective May 7, 2013 through May 7, 2015.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator Burke, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 198 - 2013
RESOLUTION DECLARING "MAYDAY FOR MANDATE RELIEF" AND
URGING THE STATE TO ADOPT LAWS THAT DO NOT IMPOSE
FURTHER FISCAL STRESS ON LOCAL GOVERNMENTS AND TAXPAYERS
AND BUILD UPON RECENT EFFORTS TO REFORM COSTLY UNFUNDED
MANDATES**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board.

WHEREAS, counties are mandated to administer and finance dozens of state and federal programs; and

WHEREAS, many counties in New York State face significant fiscal challenges made worse by the recent recession and slow economic recovery; and

WHEREAS, these county fiscal challenges are also directly tied to state-imposed mandates and in recent years reduced state reimbursement; and

WHEREAS, the New York State Association of Counties has identified 9 state mandates that consume 90 percent of all county property taxes levied across the state (outside of New York City), representing over \$4 billion in county property taxes levied. These mandates include: Medicaid, Public Assistance Safety Net, Child Welfare Protective and Preventive Care, Special Education Pre-School, Early Intervention, Probation, Indigent Defense, Youth Detention, and Pensions; and

WHEREAS, these mandated and fixed employee costs can consume more than 80 percent of a county's total budget, leaving fewer local dollars that can be devoted to local programs and services; and

WHEREAS, these State mandates are the root cause of high county property and sales taxes in New York and have led to a decline in the delivery of important local services.

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NOW, THEREFORE, BE IT RESOLVED, that the Lewis County Board of Legislators hereby declares the month of May to be "Mayday for Mandate Relief" to raise awareness that decisions made in Albany have a direct impact on the property tax levy and local community services here in Lewis County; and

BE IT FURTHER RESOLVED, that the Lewis County Board of Legislators strongly encourages Governor Cuomo and the State Legislature to continue working to enact meaningful mandate relief; and

BE IT FURTHER RESOLVED, that the Lewis County Board of Legislators calls upon State Lawmakers to enact legislation preventing future unfunded mandates without corresponding State Aid to pay for them; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be forwarded to NYSAC who will then forward copies to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

Move by Legislator Stanford, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 199 - 2013
RESOLUTION AUTHORIZING LEASE OF
VACANT COUNTY LAND**

Introduced by Legislator Jack Bush, Chairman of the Buildings and Grounds Committee.

WHEREAS, the County of Lewis is the fee title owner of a certain parcel of land located in the Town and Village of Lowville, County of Lewis and State of New York consisting of approximately 19 acres of vacant land and more commonly referred to as Tax Map No. 212.15-01-34.000; and

WHEREAS, the property is not needed for County purposes;

WHEREAS, the Board of Legislators issued a request for proposals seeking person(s) who were interested in leasing the said Property from the County for a term commencing May 7, 2013 through and including May 6, 2018; and

WHEREAS, the Board received three bids for leasing the Property, the highest of which was from Janusz A. Karelus, who offered to lease the Property at rental rate of \$117.50 per acre for a term of five (5) years; and

WHEREAS, the Board of Legislators wishes to accept the bid of Mr. Karelus and enter into a lease agreement under those terms.

NOW, THEREFORE, be it resolved as follows:

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Section 1. The Board of Legislators hereby authorizes a Lease Agreement with Janusz A. Karelus, to the lease the above referenced Property at rental rate of \$117.50 per acre for a term of five (5) years commencing May 7, 2013 and terminating on May 6, 2018.

Section 2. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to make, execute, seal and deliver such writings, documents or instruments necessary to fulfill the intent of this Resolution on such form(s) as may be approved by the County Attorney.

Section 3. That this Resolution shall take effect immediately.

Moved by Legislator Boyd, seconded by Legislator King, and adopted.

**RESOLUTION NO. 200 - 2013
RESOLUTION TO REQUEST NYS HOME RULE LEGISLATION
TO CONTINUE SALES TAX INCREASE**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

WHEREAS, Tax Law §1210(36), as added by Chapter 47 of the Laws of 2004 and as further amended by Chapter 251 of the Laws of 2011, authorized and empowered the County of Lewis to adopt and amend local laws, ordinances or resolutions imposing an additional three-quarters of one percent (3/4 %) sales and compensating use tax for the period ending November 30, 2011; and

WHEREAS, by Resolution No. 332 -- 2011, the Board of Legislators implemented such additional sales tax, which pursuant to §1210 (36) of the Tax Law, will expire on November 30, 2013; and

WHEREAS, such additional sales tax revenue has enabled the Board of Legislators to mitigate the need for increased property taxes and the County of Lewis continues to experience such budgetary pressures as would justify an extension of the time in which it may impose such additional sales tax.

NOW, THEREFORE, be it resolved as follows:

Section 1. That the Lewis County Board of Legislators hereby requests that the New York State Legislature pass such necessary and appropriate "Home Rule Legislation" as would allow the County of Lewis to impose the additional three-quarters of one percent (3/4%) local sales tax for the period beginning December 1, 2013 and ending November 30, 2015.

Section 2. That the Board of Legislators respectfully requests that the New York State Legislature adopt such Home Rule Legislation at its earliest convenience to allow the Lewis County Board of Legislators sufficient time to plan for the 2014 budget year.

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

Moved by Legislator Bush, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 201 - 2013
RESOLUTION TO REQUEST NYS HOME RULE LEGISLATION
TO CONTINUE SALES TAX INCREASE**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

WHEREAS, Tax Law §1210(36), as added by Chapter 47 of the Laws of 2004 and as further amended by Chapter 251 of the Laws of 2011, authorized and empowered the County of Lewis to adopt and amend local laws, ordinances or resolutions imposing an additional three-quarters of one percent (3/4%) sales and compensating use tax for the period ending November 30, 2013; and

WHEREAS, by Resolution No. 322 - 2011, the Board of Legislators implemented such additional sales tax which, pursuant to §1210(36) of the Tax Law, will expire on November 30, 2013; and

WHEREAS, such additional sales tax revenue has enabled the Board of Legislators to mitigate the need for increased property taxes and the County of Lewis continues to experience such budgetary pressures as would justify an extension of the time in which it may impose such additional sales tax.

NOW, THEREFORE, be it resolved as follows:

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

- a) The Board of Legislators has worked diligently over the last several years to cut expenses in its budget where ever possible, to contain both short term and long term expenses and reduce the burdens placed upon the local taxpayer. Despite such efforts, the Board finds that it must also look to increase revenues, if and when possible.
- b) That the Board is anticipating significant increases in capital expenditures over the next few years in order to repair, replace, and in some cases upgrade its infrastructure.
- c) That an increase of the allowable sales tax imposed by the County of Lewis from three-quarters of one percent (3/4%) to one percent (1%) will enhance County revenues while spreading the burden thereof over a greater portion of the populace, and therefore reduce the budgetary pressures that are placed upon the real property tax warrant.

Section 2. Therefore, the Board of Legislators respectfully requests that that in lieu of extending the authorization for the above referenced three-quarters of one percent (3/4%) sales tax, the New York State Legislature pass such necessary and appropriate "Home Rule Legislation" as would allow the County of Lewis to impose an additional one

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percent (1%) local sales tax for the period beginning December 1, 2013 and ending November 30, 2015.

Section 3. That the Board of Legislators respectfully requests that the New York State Legislature adopt such Home Rule Legislation at its earliest convenience to allow the Lewis County Board of Legislators sufficient time to plan for the 2014 budget year.

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

Moved by Legislator Boyd, seconded by Legislator Bush.

Chairman Tabolt clarified this as an additional one-quarter of one percent sales tax, which may avoid increasing real property taxes, to assist financing of emergency radio upgrades, as well as maintaining expenses associated with State mandates.

Sales tax is imposed upon everyone, stated Legislator Bush, terming a more fair tax.

Legislator King cited his previous opposition to any tax increase, but now concedes that a sales tax is more fair, specifically to finance the emergency radio upgrade project. Legislator Boyd voiced his concurrence.

Legislator Fanning also favored increasing the sales tax instead of property tax, stating it worth the attempt to request approving State legislation.

The resolution was then adopted.

**RESOLUTION NO. 202 - 2013
RESOLUTION AUTHORIZING DISCHARGE OF MORTGAGE
(COUNTY OF LEWIS TO DIANE M. AND PATRICK F. MAHAR)**

Introduced by Michael A. Tabolt, Chairman of the Lewis County Board of Legislators.

WHEREAS, Diane M. and Patrick F. Mahar were granted a Mortgage to the County of Lewis dated December 12, 2000, and recorded in the Lewis County Clerk's Office on August 13, 2001, in Liber 602 of mortgages at Page 150 to secure payment of a loan in the amount of \$5,935.00, 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:

May 7, 2013

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 Bush, seconded by Legislator Fanning, and adopted.

**RESOLUTION NO. 203 - 2013
RESOLUTION APPOINTING LEWIS
COUNTY TRAIL COORDINATOR**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby appoints Jacqueline L. Mahoney of 9107 Ridge Road, Castorland, New York 13620, as the Lewis County Trail Coordinator.

Section 2. That the term of said appointment shall be effective May 28, 2013.

Section 3. That the annualized salary shall be \$47,000.

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

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

OTHER BUSINESS:

Chairman Tabolt thanked the Board for authorizing a summer laborer hire, who has been working on trail maintenance, particularly in Houseville, where 10 loads of stone have been dumped to address issues in that area.

At the request of Floyd Rivers, Legislator Bush made a motion to forward the Resolution reaffirming support of firearms ownership under the Second Amendment of the United States Constitution, to U.S. Senators Schumer and Gillibrand. The motion was seconded by Legislator Boyd and carried.

The Clerk read a proclamation to declare "May as Mental Health Month".

Chairman Tabolt had appointed the following individuals to the Comprehensive Economic Development Strategy Committee for the period 5/1/2013 to 4/30/2015: Richard

May 7, 2013

Porter, Michael Giocondo, Arleigh Rice, Terry Thisse, Cheryl Shenle-O'Neill, Randall Schell, Paul Mooney and Eric Burch.

Legislator Fanning made a motion to enter executive session at 6:37 p.m., seconded by Legislator Burke to discuss employee union contracts, and carried. Following the session, Legislator Bush moved to re-enter regular session at 7:23 p.m., seconded by Legislator Boyd and carried.

There being no other business to come before the Board, Legislator Fanning made a motion to adjourn, seconded by Legislator Boyd and carried.

May 28, 2013

**SPECIAL MEETING
May 28, 2013**

The meeting was called to order at 10:05 a.m. by Chairman Michael A. Tabolt.

Roll Call: All Legislators were present, except Legislators Fanning and King, whom had been excused.

The Invocation was offered by Legislator Hathway, followed by the Pledge of Allegiance to the Flag led, by Chairman Tabolt.

There were 2 citizens present.

REPORT OF THE RULES AND LEGISLATION COMMITTEE:

The Rules and Legislation Committee had met and recommend waiving the rules to allow action on late resolutions.

Richard Lucas, Chairman
Philip Hathway

Dated: May 28, 2013

RESOLUTIONS:

**RESOLUTION NO. 204 - 2013
RESOLUTION URGING APPROVAL OF HOME RULE REQUEST
AND TO ADOPT NEW YORK STATE SENATE BILL NO. S.5103
AND COMPANION ASSEMBLY BILL NO. A.7371**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board.

WHEREAS, by Resolution No. 200 - 2013, the Board of Legislators of Lewis County requested Home Rule Legislation as would allow the County of Lewis to continue to impose the additional three-quarters of one percent (.75%) local sales tax for the period beginning December 1, 2013 and ending November 30, 2015; and

WHEREAS, the County of Lewis continues to experience such budgetary pressures as would justify an extension of the time in which it may impose such additional sales tax and such additional sales tax revenue will enable the Board of Legislators to mitigate the need for increased property taxes; and

WHEREAS, said legislation has been introduced in both houses of the State Legislature, as Senate Bill No. S.5103 and Assembly Bill No. A.7371, respectively; and

WHEREAS, Article 9, § 2(B) (2) of the New York State Constitution and Section 40 of the Municipal Home Rule Law require a home rule request be made to the State Legislature before the bills may become law.

May 28, 2013

NOW, THEREFORE, be it resolved as follows:

Section 1. The Lewis County Board of Legislators hereby makes this Home Rule request to the State Legislature to enact the following: New York State Senate Bill No. S.5103 and the companion bill in the Assembly Bill No. A.7371.

TITLE OF BILL: An act to amend the tax law, in relation to extending the authorization granted to the County of Lewis to impose an additional three-quarters of one percent of sales and compensating use taxes.

PURPOSE: To extend the authorization granted to Lewis County to impose an additional three-quarters of one percent of sales and compensating use taxes.

SUMMARY OF PROVISIONS: Extends the authorization of the additional three-quarters of one percent sales and compensating use tax until November 30, 2015 and provides for an immediate effective date.

Section 2. The Clerk of the Board is hereby directed to forward certified copies of this Resolution to State Senator Joseph Griffo and Assemblyman Kenneth Blankenbush.

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

Moved by Legislator Boyd, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 205 - 2013
RESOLUTION URGING APPROVAL OF HOME RULE REQUEST
AND TO ADOPT NEW YORK STATE SENATE BILL NO. S.4983
AND COMPANION ASSEMBLY BILL NO. A.7599**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board

WHEREAS, by Resolution No. 201- 2013, the Board of Legislators of Lewis County requested Home Rule Legislation as would allow the County of Lewis to impose an additional one percent (1%) local sales tax for the period beginning December 1, 2013 and ending November 30, 2015.

WHEREAS, the County of Lewis continues to experience such budgetary pressures including significant increases in capital expenditures over the next few years in order to repair, replace, and upgrade its infrastructure as would justify imposing such additional sales tax and to mitigate the need to increase property taxes to pay for such projects; and

WHEREAS, said legislation has been introduced in both houses of the State Legislature, as Senate Bill No. S.4983 and Assembly Bill No. A.7599, respectively; and

WHEREAS, Article 9, § 2(B) (2) of the New York State Constitution and Section 40 of the Municipal Home Rule Law require a home rule request be made to the State Legislature before the bills may become law.

May 28, 2013

NOW, THEREFORE, be it resolved as follows:

Section 1. The Board of Legislators hereby makes this home rule request to the State Legislature to enact the following: New York State Senate Bill S.4983 and the companion bill in the Assembly Bill A.7599:

TITLE OF BILL: An act to amend the tax law, in relation to extending the authorization granted to the County of Lewis to impose an additional one percent (1%) of sales and compensating use taxes.

PURPOSE: To extend the authorization granted to Lewis County to impose an additional one percent (1%) of sales and compensating use taxes.

SUMMARY OF PROVISIONS: Authorizes the imposition of an additional one percent (1%) sales and compensating use tax effective December 1, 2013 and continuing until November 30, 2015.

Section 2. The Clerk of the Board is hereby directed to forward certified copies of this Resolution to State Assemblyman Kenneth Blankenbush and State Senator, Joseph Griffo.

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

Moved by Legislator Boyd, seconded by Legislator Hathway.

In response to Legislator Lucas, Legislator Hathway stated the additional revenue would be dedicated to the emergency radio upgrade and new building construction projects.

Citing the taxpayer opposition to the new building construction, Legislator Stanford asserted that if additional sales tax revenue were dedicated to the building project, it may be more palatable to property owners. Alternatively, Legislator Hathway suggested a less favorable property tax increase would be needed; while clarifying the sales tax increase would be reconsidered every two years, prior to the sunset date. He further predicted a 2014 budget reduction, due to the Hospital's assumption of the Certified Home Health Agency and Hospice Programs, supported by \$775,000 current year funding.

Legislator Lucas indicated support for a sales tax increase if the funds were dedicated to the aforementioned projects, specifically to avoid a property tax increase.

County Attorney Graham clarified that upon State Legislative approval, the Board of Legislators would consider a resolution to impose the additional sales tax percentage and dedicate the respective funds to specified projects.

Referencing previous comments by Senator Griffo, Legislator Burke relayed skepticism for State Legislative approval of the sales tax increase.

The resolution was then adopted.

May 28, 2013

RESOLUTION NO. 206 - 2013
RESOLUTION TO REQUEST NYS HOME RULE LEGISLATION
TO IMPOSE A SURCHARGE ON WIRELESS COMMUNICATIONS SERVICE IN
THE COUNTY OF LEWIS

Introduced by Legislator Michael A. Tabolt, Chairman of the Board.

WHEREAS, Article 6 of the County Law sets forth the State Legislature's recognition of the paramount importance of the health, safety and welfare of the citizens of the state and further recognizes that when the lives or property of its citizens are in imminent danger that timely and appropriate assistance must be rendered; and

WHEREAS, Article 6 further acknowledges that the enhanced emergency telephone service known as E911 provides substantial benefits to the community and that these enhancements not only significantly reduce the response time of emergency services but also represent the state of the art in fail-safe emergency telephone system technology; and

WHEREAS, the State Legislature further found that a major obstacle to the establishment of an E911 system in the various counties within the state is the cost of the telecommunication equipment and services which are necessary to provide such system; and

WHEREAS, as a result of these findings, the State Legislature has heretofore granted Home Rule Requests to amend Article 6 to allow many counties the ability to adopt, amend or repeal local laws to impose a surcharge in an amount not to exceed thirty cents per month on wireless communications service within such counties in order to assist in the payment of the costs associated with establishing and maintaining an E911 system and thereby considerably increase the potential for providing all citizens of this state with the valuable services inherent in an E911 system; and

WHEREAS, Lewis County is one of the few counties who have not heretofore requested permission to implement the above described surcharge, and therefore makes this request in order to help defray the cost of equipment upgrades and infrastructure improvements.

NOW, THEREFORE, be it resolved as follows:

Section 1. That the Lewis County Board of Legislators hereby requests that the New York State Legislature pass such necessary and appropriate "Home Rule Legislation" as would allow the County of Lewis to adopt, amend or repeal local laws to impose a surcharge in an amount not to exceed thirty cents per month on wireless communications service in the County of Lewis. The surcharge shall be imposed on each wireless communications device and shall be reflected and made payable on bills rendered for wireless communications service that is provided to a customer whose place of primary use is within the county.

Section 2. That the Board of Legislators respectfully requests that the New York State Legislature adopt such Home Rule Legislation at its earliest opportunity to allow the Lewis County Board of Legislators sufficient time to plan for the 2014 budget year.

May 28, 2013

Section 3. The Clerk of the Board is hereby directed to forward certified copies of this Resolution to State Assemblyman Kenneth Blankenbush and State Senator, Joseph Griffo.

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

Moved by Legislator Boyd, seconded by Legislator Bush.

Chairman Tabolt reported the State-imposed surcharge on cell phones was implemented to assist Counties to maintain 911 centers, however, only 7 percent of respective State proceeds are distributed to Counties. Lewis is one of only 10 Counties Statewide that has not implemented an additional cell phone surcharge, which would equate an additional \$15,000 to offset 911 center costs. Chairman Tabolt further relayed that Senator Griffo has indicated sparse support among his colleagues to impose additional surcharges.

Legislator Lucas's sentiments to oppose additional fees for seemingly nominal proceeds, were echoed by other Legislators.

The resolution was then defeated with Legislators Tabolt and Boyd in favor; Legislators Burke, Bush, Hathway, Lucas, Stanford and Wallace opposed; and Legislators Fanning and King absent.

**RESOLUTION NO. 207 - 2013
RESOLUTION AUTHORIZING AN AGREEMENT
BETWEEN THE COUNTY OF LEWIS AND
HUEBER-BREUER CONSTRUCTION CO., INC.**

Introduced by Legislator Jack Bush, Chairman of the Buildings and Ground Committee.

WHEREAS, the County of Lewis intends to undertake a project entitled "New County Office Building," consisting of (i) constructing a two-story County office building to be located on the County's property on Outer Stowe Street in the Village of Lowville to house the Department of Social Services, the County Clerk's DMV office, the 911 Dispatch Center, and others (the "Project"); and

WHEREAS, the Owner wishes to hire a Clerk of the Works to be the Owner's agent to oversee and administer the Project; and

WHEREAS, the Board of Legislators has heretofore issued a Request for Proposals for Clerk of the Works services, received proposals, and interviewed several prospective candidates; and

WHEREAS, the Board of Legislators, after reviewing the proposals received for the Clerk Of The Works, wish to enter into a contract with Hueber-Breuer Construction Co., Inc.

NOW THEREFORE, BE IT RESOLVED, that

May 28, 2013

Section 1. The Board of Legislators hereby approves the Agreement with Hueber-Breuer Construction Co., Inc. to act as “Clerk of the Works” for the Project.

Section 2. The Clerk of the Works shall be paid at the rate of \$94.00 per hour for 9 hour days on weekdays; \$141.00 per hour for work in excess of 9 hours per day on weekdays; \$141.00 per hour for work on Saturdays; and \$188.00 per hour for work on Sundays. Pre-construction services shall be billed at the rate of \$89.00 per hour.

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 as approved by the County Attorney.

Section 4. That this Resolution shall take effect immediately.

Moved by Legislator Bush, seconded by Legislator Lucas.

Legislator Bush stated the engineers would be reviewing the architectural drawings with Bernier, Carr & Associates to assure appropriateness and accuracy to avoid a repeat of building structural problems experienced with the new Court House.

In response to Legislator Burke, Legislator Bush asserted that if the Board does not go forward with the project, then the Clerk of the Works contract would be null and void, with the exception of pre-construction architectural review.

The resolution was then adopted.

OTHER BUSINESS:

There being no other business to come before the Board, the meeting adjourned on motion by Legislator Bush, seconded by Legislator Hathway and carried at 10:26 a.m.

June 4, 2013

**REGULAR MEETING
June 4, 2013**

The meeting was called to order at 5:00 p.m. by Chairman Michael A. Tabolt.

Roll Call: All Legislators were present.

The Invocation was offered by Legislator Hathway, followed by Chairman Tabolt leading the Pledge of Allegiance to the Flag.

There were 20 persons present.

Chairman Tabolt announced approval of the May 7th and May 28th, 2013 meeting minutes.

REPORT OF THE RULES AND LEGISLATION COMMITTEE:

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

Richard Lucas, Chairman
Philip Hathway
Charles Fanning

Dated: June 4, 2013

Legislator Lucas made a motion to waive the rules, seconded by Legislator Bush and carried.

PRIVILEGE OF THE FLOOR:

Mr. Jake Ledoux and Ms. Ashley Willits were present to accept the following enacted resolution commending their achievements in the renown New York State Future Farmers of America organization. They each graciously accepted the honor, expressing gratitude for the opportunity to represent Lewis County.

**RESOLUTION NO. 208 - 2013
RESOLUTION TO COMMEND ASHLEY WILLITS AND JAKE LEDOUX
NYS FUTURE FARMERS OF AMERICA**

Introduced by Chairman Michael A. Tabolt, Chairman of the Board of Legislators.

WHEREAS, local officials have always recognized and appreciated the importance of agriculture as the primary industry in Lewis County; and

WHEREAS, The Future Farmers of America is a national youth organization, known for their dedication to the vocation of agriculture; and

June 4, 2013

WHEREAS, it gives us great pleasure to learn that two local students are the first ever from Lewis County to attain the esteemed leadership roles of President and Vice-President of the New York State Future Farmers of America.

Now, Therefore, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby acknowledges and commends the efforts of each Ashley Willits of Lowville Academy & Central School for achieving the distinguished role of New York State Future Farmers of America President; and Jake Ledoux of Beaver River Central School as New York State Future Farmers of America Vice-President.

Section 2. That this Board of Legislators is confident that Ashley Willits and Jake Ledoux will admirably represent Lewis County in their respective capacities.

Section 3. That as a record of the revered achievements of Ashley Willits and Jake Ledoux, the Board of Legislators hereby directs this resolution be printed in the official Journal of Proceedings of the Lewis County Board of Legislators, and that a certified copy thereof be forwarded to each Ashley Willits and Jake Ledoux.

Moved by Legislator Burke, seconded by Legislator Boyd, and adopted.

PRIVELEGE OF THE FLOOR, CONT.

Sheriff Michael Carpinelli urged the Board to inform of their decision whether to progress with the new building construction and/or the emergency communication system projects. Legislator Hathway personally defers a decision pending the State Legislature's consideration of the County's Home Rule request to impose an additional one-quarter of one percent sales tax. The respective revenue would cover the project costs, which otherwise are beyond the County's financial capability. Legislator Bush added, the Board's decision would largely depend upon receipt of construction bid proposals.

PRESENTATION OF COMMUNICATIONS AND NOTICES:

The Fulton County Board of Supervisors forwarded a resolution opposing proposed Legislation to establish early voting for general, primary and special elections.

The Delaware, Essex, Fulton, Sullivan and Yates County Legislatures have each forwarded resolutions declaring "Mayday for mandate Relief" and urging the State Legislator to adopt Laws that do not impose further fiscal stress on local governments and taxpayers.

The St. Lawrence County Legislature forwarded a resolution opposing the closure of the St. Lawrence Psychiatric Center.

REPORTS OF COUNTY OFFICERS AND DEPARTMENTS:

June 4, 2013

The Clerk reported that each Legislator had received a copy of the Treasurer's May report; the 5/21/13 Solid Waste audit report; the 5/20/13 Highway Audit report; the 5/15/23 minutes of the Youth Bureau Advisory Board; and the Auction Summary Report prepared by Haroff Auction & Realty, Inc. for the 5/8/13 Tax Foreclosure Real Estate Auction.

REPORTS OF STANDING COMMITTEES:

Legislator Philip Hathway, Hospital Committee Chairman, reported budgetary expenditures and revenues are within year-to-date projections; and that Dialysis Unit construction has commenced. The Hospice Program has received an excellent evaluation rating from the NYS Dept. of Health; and Legislator Hathway highly commended their wound care performance and documentation.

Legislator Jack Bush, Buildings and Grounds Committee Chairman, made a motion to authorize Treasurer Patricia O'Brien to temporarily fill one full-time Senior Account Clerk position, for a period up to one year. The current employee will be promoted to Benefits Specialist, which is subject to a civil service test. The motion was seconded by Legislator Boyd and carried.

Legislator Bush announced that the agreement has been executed with the Lowville Commons' owner; and Office For Aging and Board of Election offices would be relocated there by June 30th.

Legislator John Boyd, Courts and Law Enforcement Committee Chairman, reported there were about 200 attendees for the Police Appreciation Night recently held at the Beaver River Central School.

Legislator Jerry King, member of the Courts and Law Enforcement Committee, referred to an earlier presentation by C & S Engineers; urging support of his sponsored late resolutions for a \$40,000 agreement with C&S to develop a request for proposals. Also, a \$70,000 agreement with Langone & Associates to secure required radio frequencies, which may take up to one year.

Chairman Tabolt invoked discussion about the awarded \$50,000 Public Safety Answering Point (PSAP) grant, specifically naming the Spillman CAD and Cassidian phone products, with an annual \$50,000-\$52,000 maintenance cost. Research continues to confirm inclusive services and obtain comparison pricing. Cheryl Lalonde distinguished the current annual maintenance cost of \$18,000 is for the CAD system only. The Spillman product will encompass all Sheriff programs. Sheriff Carpinelli divulged the current company is not providing proper services, and, moreover, had installed an erroneous or lower level upgrade than what the County had paid for. Yesterday, he stated, their company representative quoted an unofficial price above \$500,000 to upgrade the entire system, which he suggested would be a much lower grade product than Spillman's.

There was general agreement that Spillman's is a good product, but Chairman Tabolt inquired the Board's willingness to commit to \$50,000 annual maintenance costs.

June 4, 2013

Legislator Burke submits that new equipment shouldn't require as much maintenance in the first three years, vying for lower upfront costs. Chairman Tabolt asked the Committee to meet later this week and make a recommendation on the issue; as well as consider who should be assigned grant writing responsibilities.

Legislator King made a motion to authorize C & S Engineers to formulate a request for proposals for the emergency communications system in accordance with the PSAP grant allowances, seconded by Legislator Boyd. Sheriff Carpinelli acclaimed Spillman representatives' good faith efforts, who have traveled to Lewis County twice thus far to identify communication needs. The motion then carried.

A late resolution was enacted as proposed by Legislator King, to hire James A. Swords as Director of Human Resources.

A late resolution was enacted as proposed by Legislator King, to create the position of Deputy Director of Human Resources.

Legislator Richard Lucas, Economic Development Committee Chairman, commended the performance of newly appointed Trail Coordinator Jackie Mahoney.

He then referenced proposed State legislation passed by the Senate to allow registration of utility vehicles (UTV's), while citing the unlikelihood for Assembly approval. Legislator Lucas lauded the efforts of Assemblyman Blankenbush for co-sponsoring an amended Bill to authorize a 2-year trial within the 5-County region, outside the Adirondack Park Blue Line, to determine the economic impact, or whether the higher weight vehicles cause environmental damage.

Legislator Charles Fanning, Transportation Committee Chairman, reported completion of re-profiling by 6/5/13; paving would begin 6/10/13; and Brantingham Road repairs on 6/13/13.

Legislator William Burke, Social Services/Office For Aging/Youth Committee Chairman reported Youth Advisory Board project awards to the Brantingham Reading & Technology Center; Lowville Police Department for the Safe Child I.D. project; Summer Youth Reading Program at the Harrisville Free Library; safety equipment for the Port Leyden Little League; and the Character Counts Program at South Lewis Central School.

Legislator Burke reported the Office For Aging will sponsor a Father's Day luncheon on 6/17/13. The Senior Health and Wellness Picnic will be held on 6/14/13 at the Lewis County Fairgrounds with a "Patriotic" theme. Guest speaker Sheriff Carpinelli will speak about fraudulent scams targeting senior citizens; and the Randy Streeter Senior-of-the-Year Award will be announced.

Legislator Burke urged support for his sponsored resolutions for Social Services service agreement renewals. Evaluation of the Food Stamp Program indicates greater efficiency for response time and error rates, even though case loads have increased. The

June 4, 2013

5/22/13 Homeless Summit focused on the lack of local safe and affordable housing; and a dinner had been held in appreciation of foster parents.

Legislator Burke reported that during the past season, Social Services and Office For the Aging staff processed 2,538 HEAP applications, responded to 1,009 emergency heat situations, and 9 households in need of heating equipment; equating Federal funds of 1,885,658, inclusive of County administrative costs of \$113,000.

Legislator Patrick Wallace, Reforestation Committee Chairman, announced the recent resignation of Foreman Rodney Buckingham.

Legislator Paul Stanford, Public Health/Mental Health Committee Chairman, urged support of sponsored resolutions for Public Health contract renewals.

He also reported the transition of the alcohol and substance abuse services to the CREDO Foundation is progressing, with an estimated takeover date of 9/1/13. He commended Interim Director of Community Services Sarah Bullock, urging support of a resolution to extend her interim appointment as recommended by the Community Services Board.

COUNTY MANAGER REPORT:

Acting County Manager Michael Tabolt commended Information Technology Assistants for their commitment, resulting lower cost to purchase and install State required computer software and equipment upgrades in the Probation Department. They worked as a team until late Friday evening to meet the June 1st deadline.

In light of Mr. Buckingham's resignation, it is suggested the Reforestation laborer be supervised by the Trail Coordinator, who may assume Conservation Foreman duties. The budgetary savings for not replacing the Foreman could be re-appropriated to the Planning Department to offset proposed personnel cost for an individual to assist the Trail Coordinator, as well as grant writing responsibilities.

Legislator Fanning expressed his support to combine personnel duties. Mr. Tabolt also referred to the impending termination of the Transportation Coordinator through the Office For Aging, proposing reallocation of those duties and respective budgetary appropriations to the Planning Department. He charged the Economic Development Committee to review and submit a personnel proposal.

Mr. Tabolt reported a \$1,800.00 expense for Reforestation truck repairs, which is also used for trail work. Dependent upon work site locations it may be more advantageous to allow the Trail Coordinator discretion for her and/or the Reforestation and Trail laborers to utilize their personal vehicles. Legislator Lucas made a motion to authorize the Trail Coordinator and laborers to use their personal vehicles for County business, as necessary, at the discretion and authorization of the Trail Coordinator. Documentation to account for

June 4, 2013

mileage must be submitted for auditing purposes. The motion was seconded by Legislator Bush and carried.

In response to Legislator Stanford, Legislator Fanning confirmed that repairs of the Singing Waters restrooms had been completed by Highway personnel.

A new server and computers have been installed at the Public Health Department, but County Information Technology staff cannot handle the additional technical support at this time. Mr. Tabolt relayed that Hospital Administrator Eric Burch indicated willingness to handle their technical support effective immediately.

The Village of Lowville has requested to annex their water project parcel located on the Number Three Road. In accordance with rules and regulations, if annexed, the water parcel would become tax exempt, equating \$7,866.00 annually. As a trade-off, Mr. Tabolt had posed to Mayor Donna Smith to straighten the boundary line of the Mountain View Prevention parcel and do some Stowe Street repairs. The Mayor could not commit, stating the repairs are contingent upon the impending Board of Legislators' decision for new building construction. Legislator Bush urged deferral for the annexation decision, indicating that timely collaborative efforts could be beneficial to both parties. There was no opposition, although general agreement to defer consideration for the property annexation.

Mr. Tabolt reported the committee had initially met to discuss Court House security issues. The considerations are to do nothing; have everyone go through the magnetometer; lock the front door and allow employee access through the side door; or employee issued stamped identification to bypass the magnetometer. Sheriff Carpinelli has agreed to post staff at the front door during Board meetings. Legislator King had missed the initial meeting, but suggested training and/or phone hook ups. Legislator Stanford cited lack of parking and previous senior citizen objections to walk further and go through security. The committee will further discuss considerations.

Mr. Tabolt invited all Legislators to a 6/5/13 Department Head's meeting to discuss operational policies. Also, on 6/11/13 an individual, recommended by union representatives, will present an outline for workplace violence training.

REPORT OF THE WAYS AND MEANS COMMITTEE:

**REPORT OF
WAYS AND MEANS COMMITTEE
ON THE EXAMINATION OF CLAIMS**

To: The Honorable County Legislators

The Ways and Means Committee reports that they have examined the claims presented for payment in the total amount of \$ 871,654.94 and recommend that they be audited and allowed for the amounts claimed.

June 4, 2013

Jack Bush, Chair
Philip Hathway, Committee
Jerry King, Committee

Dated: June 4, 2013

Approved on motion by Legislator Lucas, seconded by Legislator King, and carried.

**RESOLUTION NO. 209 - 2013
AUDITING AND ALLOWING CLAIMS**

Introduced by Legislator Jack T. Bush, Chairman of the Ways and Means Committee.

RESOLVED that the claims presented for payment in the total amount of \$ 871,654.94, 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 Burke, seconded by Legislator Boyd, and adopted by roll call vote:

All voted yea.

**RESOLUTION NO. 210 - 2013
RESOLUTION URGING ADOPTION OF NEW YORK STATE LEGISLATION
S.1720/A.4357 TO AMEND THE SHARING FORMULA FOR
WIRELESS E911 SURCHARGE MONIES**

Introduced by Legislators Michael A. Tabolt, Chairman of the Board and John Boyd, Chairman of the Courts and Law Enforcement Committee.

Whereas, in 1991, the NYS Legislature enacted a statute to impose a monthly surcharge of \$.70 per cell phone bill, thereafter increasing the surcharge to \$1.20 per cell phone in 2002; and

Whereas, the surcharge was listed on bills as a 911 surcharge, until most recently being changed to Public Service surcharge; and

Whereas, New York State has collected approximately \$1.2 Billion since the inception of the 1991 surcharge; and

June 4, 2013

Whereas, in 2012 alone, the State of New York collected \$210 Million, of which only \$9.3 Million was distributed to Counties to support costly maintenance of local 911 centers; and

Whereas, New York is one of only seven in the Union that do not forward the entire 911 surcharge collections to the Counties, thereby disqualifying Counties for certain available Federal grant funds; and

Whereas, the proposed State Legislation would direct a greater percentage of State 911 surcharge revenues to Counties for 911 centers.

Now, Therefore, BE IT RESOLVED,

Section 1. That the Lewis County Board of Legislators hereby urges the State Legislature and Governor Cuomo to enact S.1720/A.4357 that would revise the sharing formula for wireless E911 surcharges to ensure that local governments receive necessary funds to upgrade 911 call centers and maintain emergency dispatch operations to enhance public safety.

Section 2. That the Clerk is hereby directed to forward certified copies of this Resolution to Governor Andrew Cuomo, Senator Joseph Griffo, Assemblyman Kenneth Blankenbush, and the New York State Association of Counties.

Moved by Legislator Bush, seconded by Legislator Boyd, and adopted.

RESOLUTION NO. 211 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE COUNTY
OF LEWIS AND THYSSENKRUPP ELEVATOR CORPORATION

Introduced by Legislator Jack Bush, Chairman of the Buildings and Grounds Committee.

WHEREAS, ThyssenKrupp Elevator Corporation wishes to enter into an agreement with the County of Lewis for the purpose of providing maintenance elevator equipment services; and

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby approves the contract with ThyssenKrupp Elevator Corporation to provide maintenance elevator equipment services for the period of January 1, 2014 through January 1, 2017 at a cost not to exceed \$11,688.00 per year.

June 4, 2013

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Boyd, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 212 - 2013
RESOLUTION AUTHORIZING AN INCREASE IN
PISTOL PERMIT FEES IN THE LEWIS COUNTY CLERK'S OFFICE**

Introduced by Legislator Jack Bush, Chairman of the County Clerk Committee.

WHEREAS, the Lewis County Clerk has requested an increase for pistol permit fees to cover camera and printing equipment expenses, especially for future replacement costs as his staff has processed 50 new permits and 281 amendments year-to-date; and

WHEREAS, the Board of Legislators wishes to grant such request.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby approves the increase in pistol permit fees as set forth below effective June 5, 2013.

	Current Fee	Proposed Fee
Application	\$5.00 on submission. Additional \$10.00 when issued.	\$20.00 (we would collect this at time of submission which would then cover the cost of issuance.)
Amendment Form	\$3.00	\$3.00
Pistol Acquired	\$3.00 for each	\$3.00 for each
Pistol Disposed	\$3.00 for each	\$3.00 for each
Copy of License	\$5.00	\$13.00 (this would include the amendment and cost of printing license.)
Dealer License	\$10.00	\$10.00
Gunsmith License	\$10.00	\$10.00
Transfer in	\$5.00	\$13.00 (this would include the amendment and cost of printing the license.)
Transfer out	\$5.00	\$5.00

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

Moved by Legislator Burke, seconded by Legislator King, and adopted.

June 4, 2013

**RESOLUTION NO. 213 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
AND AUTHORIZE TRANSFER OF FUNDS
WITH REFERENCE TO BOARD OF ELECTIONS**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

WHEREAS, due to additional and extended responsibilities of the Election Specialist; and

WHEREAS, pursuant to NYS Election Law 3-300, every County Board of Elections shall appoint clerks, fix their number, assign their duties, and establish their salaries, within the amounts appropriated.

Now, Therefore, 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 Board of Elections, to set the following 2013 annual salary:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Election Specialists	Full-time	\$29,000.00

Section 2. That the following transfer of funds is hereby approved to support the increased and aforesated 2013 salary in the Board of Elections:

<u>From:</u>	<u>To:</u>	<u>Amount</u>
A1450-4901 (Inspectors)	A1450-1999 (Personnel)	\$9,000.00

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

Moved by Legislator Stanford, seconded by Legislator King.

Chairman Tabolt relayed the Commissioners' inability to retain a Specialist due to the low salary, illustrated by the revolving employee turnover in that position. Legislator Stanford expressed support to increase the salary, citing the \$4,500.00 for required Specialist training and certification, which is lost upon the employee's resignation.

The resolution was then adopted.

**RESOLUTION NO. 214 - 2013
RESOLUTION AUTHORIZING GRANT APPLICATION
TO DIVISION OF HOMELAND SECURITY
AND EMERGENCY SERVICES**

June 4, 2013

Introduced by Legislator John Boyd, Chairman of the Emergency Management Committee.

WHEREAS, the Emergency Management Department has received notification of grant approval from the Division of Homeland Security and Emergency Services for funding in the amount of \$29,790 to cover a portion of emergency managers annual compensation to ensure that county safety and emergency plans are up to date.

NOW, THEREFORE, be it resolved as follows:

Section 1. That the Board of Legislators hereby approves the Grant Agreement between the County of Lewis and the Division of Homeland Security and Emergency Services in the amount of \$29,790.00, for the grant period from 6/1/2012 to 5/31/2014.

Section 2. That the Chairman, or Vice-Chairman, of the Board of Legislators be and the same is hereby authorized to execute, seal and deliver said Grant Agreement.

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

Moved by Legislator Burke, seconded by Legislator Stanford, and adopted.

RESOLUTION NO. 215 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
THE COUNTY OF LEWIS AND FOOD BANK OF CENTRAL NEW YORK

Introduced by Legislator John Boyd, Chairman of the Emergency Management Committee.

BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby approves an Agreement between the County of Lewis, by and through the Office of Emergency Management, and Food Bank of Central New York, to cooperate in disaster preparedness, mitigation, response and recovery in order to work most effectively for the term beginning May 1, 2013 through April 30, 2014.

Section 2. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to execute, seal and deliver said Agreement, pending approval by the County Attorney.

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

Moved by Legislator Boyd, seconded by Legislator Stanford, and adopted.

June 4, 2013

**RESOLUTION NO. 216 - 2013
RESOLUTION TO APPROPRIATE FUNDS
FIRE AND EMERGENCY MANAGEMENT**

Introduced by Legislator John Boyd, Chairman of the Emergency Management Committee.

BE IT RESOLVED, as follows:

Section 1. That the following appropriation is hereby approved for Fiscal Year 2012 HazMat Grant:

A43052.2	FY12 HazMat CFDA#97.067	\$5,000.00
A3416.4908	FY12 HazMat CFDA#97.067	\$5,000.00

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

Moved by Legislator Boyd, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 217 - 2013
RESOLUTION TO TRANSFER FUNDS
TRANSPORTATION DEPARTMENT**

Introduced by Legislator Charles Fanning, Chairman of the Transportation Committee.

BE IT RESOLVED as follows:

Section 1. That the following transfer of funds is hereby approved in the Highway Department Accounts, for the creation of a new Budgeted Sign account:

<u>From:</u>		
D5110.4909		\$40,000.00
<u>To:</u>		
D5222.499 (Budgeted Sign)		\$40,000.00

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

Moved by Legislator Fanning, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 218 - 2013
RESOLUTION AUTHORIZING AND RATIFYING
COLLECTIVE BARGAINING AGREEMENT BETWEEN LEWIS COUNTY
GENERAL HOSPITAL AND LOCAL 825 OF THE CIVIL SERVICE
EMPLOYEES ASSOCIATION, INC. [HOSPITAL EMPLOYEES]**

June 4, 2013

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

WHEREAS, pursuant to General Municipal Law § 128, the Board of Managers for the Lewis County General Hospital (“Hospital”) is responsible for “the general superintendence, management and control of the said hospital and . . . of all matters relating to the government, discipline, contracts and fiscal concerns thereof, . . .;” and

WHEREAS, the existing collective bargaining agreement between Lewis County General Hospital and Local 825 of the Civil Service Employee’s Association, Hospital Employees Unit (“CSEA”) expired on December 31, 2011; and

WHEREAS, the negotiating teams representing LCGH and CSEA, have developed a Memorandum of Agreement dated April 2, 2013 that sets forth the terms of the collective bargaining agreement to be effective for the period beginning January 1, 2012 and expiring on December 31, 2015; and

WHEREAS, the Board of Managers has heretofore approved the aforesaid Memorandum of Agreement.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby ratifies the agreement as developed by the negotiating teams representing LCGH and the CSEA and memorialized in a Memorandum of Agreement dated April 2, 2013.

Section 2. The Collective Bargaining Agreement in its final form shall be made available for review by the Chairman of the Board of Legislators and the County Manager, prior to its signature by the Lewis County General Hospital Administrator.

Section 3. That a copy of the resolution of the Hospital Board of Managers authorizing the execution of the Memorandum of Agreement, together with a copy of the fully executed Collective Bargaining Agreement shall be filed in the Office of the Clerk of the Board of Legislators.

Section 4. That this resolution shall take effect immediately.

Moved by Legislator Hathway, seconded by Legislator Boyd.

In response to Legislator Wallace, Legislator Hathway reported the Agreement was slightly different from other County union contracts due to the distinguished category of employees. Chairman Tabolt stated it was comparative to similar Hospital agreements throughout the State.

The resolution was then adopted. Legislator Fanning was opposed.

June 4, 2013

**RESOLUTION NO. 219 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
LEWIS COUNTY GENERAL HOSPITAL**

Introduced by Legislator Philip Hathway, Chairman of the Hospital 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 Lewis County General Hospital, to create the following positions:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Registered Professional Nurse (2)	Full-Time	\$26.12-\$32.93/hr.
CT Technologist	Full-Time	\$21.64-\$29.57/hr.

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

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 220 - 2013
RESOLUTION TO TRANSFER FUNDS
JUDGMENTS AND CLAIMS**

Introduced by Legislator Michael Tabolt, Chairman of the Board of Legislators.

BE IT RESOLVED, as follows:

Section 1. That the following transfer of funds from the Contingency account to Judgments & Claims account shall cover Office of Mental Health court ordered payments; balance of Contingency \$67,134.74:

<u>From:</u>	<u>Amount</u>
A1990.4999 (Contingency)	\$60,000.00
<u>To:</u>	
A1930.4999 (Judgments & Claims)	\$60,000.00

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

Moved by Legislator Boyd, seconded by Legislator Hathway, and adopted.

**RESOLUTION NO. 221 - 2013
RESOLUTION AUTHORIZING AGREEMENT WITH CREDO
COMMUNITY CENTER FOR ALCOHOL AND SUBSTANCE ABUSE COUNSELOR**

June 4, 2013

Introduced by Legislator Paul Stanford, Chairman of the Mental Hygiene Committee.

WHEREAS, the Community Services Board is a local governmental unit established by the Lewis County Board of Legislators pursuant to the authority granted in Article 41 of the Mental Hygiene Law; and

WHEREAS, the Community Services Board is responsible to provide local or unified services and facilities directly and/or contract for the provision of those services by other units of local or state government, by voluntary agencies, or by professionally qualified individuals; and

WHEREAS, the Community Services Board has reviewed the proposal from CREDO Community Center and recommends to the Board of Legislators that it approves the proposal to provide a counselor for Outpatient Medically-Supervised Chemical Dependence Treatment Services for Lewis County residents.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby approves the contract with CREDO Community Center for a staffing agreement for the Community Recovery Center to provide a counselor for Outpatient Medically-Supervised Chemical Dependence Treatment Services for Lewis County residents, for the term beginning June 1, 2013 and ending December 31, 2013 at a cost of \$30.00 per hour for approximately 16-24 hours per week.

Section 2. That the Chairman, or the Vice-Chairman, of the Board of Legislators be and the same are hereby authorized to execute and deliver such agreement, upon such form as approved by the County Attorney.

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

Moved by Legislator Boyd, seconded by Legislator King, and adopted.

**RESOLUTION NO. 222 - 2013
RESOLUTION TO TRANSFER FUNDS
MENTAL HYGIENE DEPARTMENT**

Introduced by Legislator Paul Stanford, Chairman of the Mental Hygiene Committee.

BE IT RESOLVED as follows:

Section 1. This Board of Legislators hereby approves the following budget transfers from the fund balance to cover 2012 expenses for Transitional Living Services:

<u>From:</u>		<u>Amount</u>
A599	Fund Balance	\$95,261.00

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A4318.4216	Sup. Housing Rent	\$23,812.00
A4318.4218	Sup. Housing Services	31,353.00
A4318.4221	Case Mgmt Blended	6,363.00
A4318.4222	Case Mgmt Blended Client	4,201.00
A4318.4223	Case Mgmt. CICM	1,488.00
A4318.4224	Case Mgmt. CICM Client	293.00
A4318.4220	Case Mgmt. Non Medicaid	15,496.00
A4318.4213	MICA	<u>12,255.00</u>
		\$95,261.00

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

Moved by Legislator Fanning, seconded by Legislator Stanford, and adopted.

**RESOLUTION NO. 223 - 2013
RESOLUTION AUTHORIZING AGREEMENT
BETWEEN THE COUNTY OF LEWIS AND
ONEIDA-LEWIS CHAPTER, NYSARC**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby approves the contract with Oneida-Lewis Chapter, NYSARC to deliver vocational training services within the Sheltered Workshop and transportation to Sheltered Workshop for disabled individuals for the term beginning January 1, 2013 through December 31, 2013 at a cost not to exceed \$25,000.

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Bush, seconded by Legislator Stanford, and adopted.

**RESOLUTION NO. 224 - 2013
RESOLUTION TO TRANSFER FUNDS
PROBATION DEPARTMENT**

Introduced by Legislator John Boyd, Chairman of the Courts & Law Enforcement Committee.

June 4, 2013

BE IT RESOLVED as follows:

Section 1. That the following transfer of funds is hereby approved in the Probation Department accounts to purchase new computers utilizing Capital Data Processing funds from HAE9901.9; balance \$80,581.19:

<u>Increase Revenue:</u>	
A50310 (Inter-fund transfers)	\$4,907.00
<u>Increase Expense:</u>	
A3140.4409 (Data Processing)	\$4,907.00

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

Moved by Legislator Boyd, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 225 - 2013
RESOLUTION EXTENDING APPOINTMENT OF
INTERIM DIRECTOR OF PUBLIC HEALTH**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

WHEREAS, pursuant to Resolution No. 161-2013 the Board authorized an employment contract with Penny Ingham to serve as Interim Director of Public Health through July 22, 2013; and

WHEREAS, Penny Ingham has informed that she would not be available until September 2, 2013 to assume full-time responsibilities and duties as the Director of Public Health.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby approves an extension of the employment contract with Penny Ingham to serve as Interim Director of Public Health through September 2, 2013.

Section 2. That all other terms of the employment contract shall remain in full force and effect through September 2, 2013.

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

Moved by Legislator Stanford, seconded by Legislator Burke, and adopted.

June 4, 2013

**RESOLUTION NO. 226 - 2013
RESOLUTION AUTHORIZING AGREEMENT
BETWEEN LEWIS COUNTY PUBLIC HEALTH AGENCY
AND JEFFERSON COUNTY PUBLIC HEALTH SERVICE**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

WHEREAS, the County of Lewis, acting by and through the Lewis County Public Health Agency wishes to enter into an Agreement with Jefferson County Public Health Service for diagnosis and treatment of sexually transmitted diseases, (“STD’s”) including human immunodeficiency virus (“HIV”) counseling and testing for Lewis County residents; and

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes an Agreement between the County of Lewis, acting by and through the Lewis County Public Health Agency, to enter into an Agreement with Jefferson County Public Health Service for diagnosis and treatment of STD’s including HIV counseling and testing for Lewis County residents for the period commencing January 1, 2012 through December 31, 2014.

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Lucas, seconded by Legislator Stanford, and adopted.

**RESOLUTION NO. 227 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY PUBLIC HEALTH DEPARTMENT
AND NEW YORK STATE DEPARTMENT OF HEALTH
BUREAU OF EARLY INTERVENTION**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

WHEREAS, the Lewis County Public Health Agency has received a grant award from the New York State Department of Health in the amount of \$22,008.00 for administrative costs for the purpose of identifying and evaluating as early as possible those infants and toddlers whose healthy development is compromised and provide appropriate intervention to improve child and family development; and

June 4, 2013

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes an Agreement between the Public Health Department and the New York State Department of Health for the purpose of administering the Early Intervention Program for the period beginning October 1, 2012 and ending September 30, 2013 in the amount of \$22,008.00.

Section 2. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Agreement, pending approval by the County Attorney.

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

Moved by Legislator Stanford, seconded by Legislator King, and adopted.

**RESOLUTION NO. 228 - 2013
RESOLUTION AUTHORIZING GRANT APPLICATION TO
NEW YORK STATE DEPARTMENT OF HEALTH
FOR IMMUNIZATION-BILLING OPERATIONS**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee

WHEREAS, New York State Department of Health Bureau of Immunizations (“NYSDOH”) assists local health departments in obtaining essential technological resources to implement or enhance immunization billing processes; and

WHEREAS, the Lewis County Public Health Department (“Department”) desires to submit a grant application to NYSDOH to apply for funds up to \$40,000 that will enable the Department to assess, develop, and enhance their immunization billing operations.

NOW, THEREFORE, be it resolved as follows:

Section 1. That the Board of Legislators hereby approves the above referenced grant application.

Section 2. That the Chairman, or Vice Chairman, of the Board of Legislators be and the same is hereby authorized to execute, seal and deliver such documents, writings and agreement to effectuate the intent of this Resolution and to take all steps necessary to advance this project, upon such terms as may be approved by the Lewis County Attorney.

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

Moved by Legislator Bush, seconded by Legislator Boyd, and adopted.

June 4, 2013

**RESOLUTION NO. 229 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY PUBLIC HEALTH AND
SPECIAL PROGRAMS, INC. – D/B/A LITTLE LUKES**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

WHEREAS, Lewis County Public Health, through the New York Early Intervention System and Special Programs, Inc., d/b/a Little Lukes, (“Trading Partner”) electronically exchange information and data in connection with certain healthcare transactions; and

WHEREAS, Lewis County Public Health and Trading Partner desire to address certain requirements that are now or will become applicable to the parties under regulations issued pursuant to the Administrative Simplification provisions of the Health Insurance, Portability and Accountability Act of 1996 including, without limitation, the Standards for Electronic Transactions, which were issued in their final form on August 17, 2002, and the Security Standards, which were issued in their final form on February 20, 2003.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby approves the Trading Partner Agreement by and between Lewis County Public Health and Special Programs, Inc., d/b/a Little Lukes, for the purpose of electronically exchanging information and data in connection with certain healthcare transactions for the Early Intervention Program beginning April 1, 2013.

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Burke, seconded by Legislator Wallace, and adopted.

**RESOLUTION NO. 230 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN LEWIS COUNTY
PUBLIC HEALTH AND JACK VENESKY, CPA & ASSOCIATES**

Introduced by Legislator William Burke, Chairman of the Public Health Committee.

WHEREAS, Jack Venesky, CPA & Associates wishes to enter into an agreement with the Lewis County Public Health to provide professional accounting and cost reporting services; and

June 4, 2013

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby approves the contract with Jack Venesky, CPA & Associates to provide professional accounting and cost reporting services for the term beginning April 1, 2013 through December 31, 2015 at a cost of \$7,500 per year.

Section 2. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Contract.

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

Moved by Legislator Bush, seconded by Legislator Stanford, and adopted.

**RESOLUTION NO. 231 - 2013
RESOLUTION APPROVING AGREEMENTS BETWEEN LEWIS COUNTY
PUBLIC HEALTH AGENCY AND VARIOUS PROVIDERS FOR
PRESCHOOL SPECIAL EDUCATION PROGRAM**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That the Board of Legislators hereby approves the contracts related to the following agencies that provide services to the Preschool Special Education Program for children with special education and health care needs for the period beginning July 1, 2013 and ending June 30, 2014 at a cost in accordance with the rates set forth by the State Education Department.

AGENCY CONTRACTORS	TERM
Special Programs, Inc. (d/b/a Little Lukes)	07/01/13 – 06/30/14
Milestones Children’s Center	07/01/13 – 06/30/14
The Rowland Center, Inc.	07/01/13 – 06/30/14
Upstate Cerebral Palsy	07/01/13 – 06/30/14
Madison-Oneida BOCES	07/01/13 – 06/30/14
Central Association for the Blind and Visually Impaired	07/01/13 – 06/30/14
Jefferson Rehabilitation Center	07/01/13 – 06/30/14
Margaret L. Williams Developmental Evaluation Center	07/01/13 – 06/30/14
Lewis County General Hospital	07/01/13 – 06/30/14
St. Lawrence-Lewis BOCES	07/01/13 – 06/30/14

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INDEPENDENT CONTRACTORS	TERM
Sandra Beasock, PT	07/01/13 – 06/30/14
Tina Sullivan, OT	07/01/13 – 06/30/14
Christine Lee, OT	07/01/13 – 06/30/14
Valerie Cole Seydler, SLP	07/01/13 – 06/30/14
Patricia Jones, SLP	07/01/13 – 06/30/14
Susan Gydesen, CSW	07/01/13 – 06/30/14

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Fanning, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 232 - 2013
RESOLUTION TO TRANSFER FUNDS
PUBLIC HEALTH**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

BE IT RESOLVED, as follows:

Section 1. That the following budget transfers are hereby approved in the Public Health accounts to cover line item expenditures:

<u>From:</u>	<u>Account</u>	<u>Amount</u>
A4013.4409	Data Processing	\$ 1,000.00
A4086.4407	Supplies	25.00
A4088.1999	Pers Svs-Comm Hlth Asmt's	5,000.00
A4096.4409	Data Processing	1,250.00
A4097.4409	Data Processing	<u>1,525.00</u>
		\$ 8,800.00

<u>To:</u>		
A4013.4407	Supplies	\$ 1,000.00
A4086.4401	Postage	25.00
A4086.4909	Miscellaneous	275.00
A4088.4901	Professional Services	5,000.00
A4096.4407	Supplies	1,250.00
A4097.4407	Supplies	<u>1,250.00</u>
		\$ 8,800.00

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

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Moved by Legislator Burke, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 233 - 2013
RESOLUTION TO TRANSFER FUNDS
REFORESTATION**

Introduced by Legislator Patrick Wallace, Chairman of the Reforestation Committee.

BE IT RESOLVED as follows:

Section 1. That the following transfer of funds is hereby approved in the Reforestation Program Account, for renovations of the Singing Waters Facilities; balance of Contingency \$67,134.74:

<u>From:</u>	
A1990.4999 (Contingency)	\$545.05
<u>To:</u>	
A8711.4909 (Misc Exp)	\$545.05

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

Moved by Legislator Fanning, seconded by Legislator King, and adopted.

**RESOLUTION NO. 234 - 2013
RESOLUTION TO AMEND COMPENSATION PLAN TO CREATE
SEASONAL PARKS & RECREATION SHERIFF PATROLS**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement Committee.

BE IT RESOLVED as follows:

Section 1. The Board of Legislators hereby amends the Compensation Plan of the County of Lewis with reference to the Sheriff's Department, to create the following temporary law enforcement patrols for the Summer Parks and Recreation Program:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Deputy Sheriff (4)	Temporary Part-time	Grade 23
Recreation Aide (3)	Temporary Part-time	Grade 6

Section 2. That Sheriff Michael Carpinelli is hereby authorized to fill said positions effective from May 1, 2013 through September 30, 2013.

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

Moved by Legislator Bush, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 235 - 2013
RESOLUTION TO TRANSFER FUNDS
SHERIFF'S DEPARTMENT**

Introduced by Legislator John Boyd, Chairman of the Courts & Law Enforcement Committee.

BE IT RESOLVED as follows:

Section 1. That the following transfer of funds is hereby approved in the Sheriff's Department accounts to cover personnel expense for hiring a new Corrections Officer as required by the Commission of Corrections; balance of County Projects \$496,911.05:

<u>From:</u>		
A9950.9921 (County Projects)		\$60,157.00
<u>To:</u>		
A3150.1101 (Reg Payroll)		\$44,934.00
A3150.8999 (Fringe)		<u>15,223.00</u>
		\$60,157.00

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

Moved by Legislator Burke, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 236 - 2013
RESOLUTION TO APPROPRIATE FUNDS
SHERIFF'S DEPARTMENT**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement Committee.

BE IT RESOLVED as follows:

Section 1. That the following appropriation be approved for a radio for the Sheriff's Department Parks and Recreation patrols, using donations from Flat Rock Windpower, LLC.

<u>Increase Revenues</u>	<u>Amount:</u>
A27053.2 (Contrib. Parks & Rec. & Other)	\$ 1,150.00

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<u>Increase Expense:</u>	<u>Amount</u>
A3112.4999 (Sheriff – Parks & Rec.)	\$ 1,150.00

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

Moved by Legislator Lucas, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 237 - 2013
RESOLUTION AUTHORIZING DISCHARGE OF MORTGAGE
(COUNTY OF LEWIS TO JAMES AND CLARA DAVOY)**

Introduced by Michael A. Tabolt, Chairman of the Lewis County Board of Legislators.

WHEREAS, James and Clara Davoy were granted a Mortgage to the County of Lewis dated December 6, 2007, and recorded in the Lewis County Clerk's Office on May 21, 2008, as Instrument Number 2008-002527 to secure payment of a loan in the amount of \$1,555.00, 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 Hathway, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 238 - 2013
RESOLUTION AUTHORIZING AGREEMENT
BETWEEN DEPARTMENT OF SOCIAL SERVICES AND
CHILDREN'S HOME OF JEFFERSON COUNTY**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

WHEREAS, Children's Home of Jefferson County ("Agency") is a foster care agency authorized by the New York State Office of Children and Family Services to provide foster care services; and

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WHEREAS, the Lewis County Department of Social Services wishes to enter into an agreement with this Agency to utilize their services of foster care and emergency respite care services; and

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes an agreement between the County of Lewis, by and through the Department of Social Services, and Children's Home of Jefferson County, for the provision of foster care services and emergency respite care services for the term beginning January 1, 2013 through December 31, 2013 at a cost in accordance with the rates set forth by the state in the Agreement.

Section 2. 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 3. That the within Resolution shall take effect immediately.

Moved by Legislator Lucas, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 239 - 2013
RESOLUTION AUTHORIZING AGREEMENT
BETWEEN DEPARTMENT OF SOCIAL SERVICES AND
DANSER AND KNUDSEN PSYCHOLOGICAL SERVICES, P.C.**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

WHEREAS, the Lewis County Department of Social Services wishes to enter into an Agreement with Danser and Knudsen Psychological Services, P.C., to receive psychological services to families whose children have been named in an indicated child abuse and/or maltreatment report; those who have been assessed at risk of foster care placement; or whose placements could be shortened through the provision of such services; and

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes an Agreement between the County of Lewis, by and through the Department of Social Services, and Danser and Knudsen Psychological Services, P.C. for the purpose of providing psychological services to families whose children have been named in an indicated child abuse and/or

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maltreatment report; those who have been assessed at risk of foster care placement; or whose placements could be shortened through the provision of such services.

Section 2. That the term of this Agreement shall be from January 1, 2013 through December 31, 2013 for an amount not to exceed \$70.00 per hour for therapy; \$110.00 per hour for psychological evaluations; \$65.00 per hour for clients receiving group treatment; and \$135.00 per hour for expert court testimony.

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

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

Moved by Legislator Burke, seconded by Legislator Wallace, and adopted.

**RESOLUTION NO. 240 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY DEPARTMENT OF SOCIAL SERVICES
AND THE HOUSE OF THE GOOD SHEPHERD**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

WHEREAS, the Lewis County Department of Social Services wishes to enter into an agreement with The House of the Good Shepherd for the provision of foster care services; and

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That the Board of Legislators hereby approves the contract with The House of the Good Shepherd for the provision of foster care services for the period of January 1, 2013 through December 31, 2013 at a cost in accordance with the rates set forth by the state in the Agreement.

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator King, seconded by Legislator Lucas, and adopted.

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**RESOLUTION NO. 241 - 2013
RESOLUTION AUTHORIZING AGREEMENT
BETWEEN DEPARTMENT OF SOCIAL SERVICES AND
INSIGHTS FORENSIC COUNSELING**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

WHEREAS, Insights Forensic Counseling (“Agency”), located at 120 Washington Street, Watertown, New York, provides individual, family, and group counseling; and

WHEREAS, the Lewis County Department of Social Services wishes to enter into an agreement with this Agency to utilize their services; and

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes an agreement between the County of Lewis, by and through the Department of Social Services, and Insights Forensic Counseling for the provision of services for counseling to clients referred by the Lewis County Department of Social Services.

Section 2. That the term of this agreement shall be January 1, 2013 through December 31, 2013 at a cost not to exceed \$75.00 per session and attendance at meetings; \$45.00 for group counseling; and \$500.00 for assessments.

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

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

Moved by Legislator Boyd, seconded by Legislator Fanning, and adopted.

**RESOLUTION NO. 242 - 2013
RESOLUTION AUTHORIZING AGREEMENT
BETWEEN DEPARTMENT OF SOCIAL SERVICES AND
THE RESOLUTION CENTER OF JEFFERSON AND LEWIS COUNTIES, INC.**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

WHEREAS, the Lewis County Department of Social Services wishes to enter into an Agreement with the Resolution Center of Jefferson and Lewis Counties, Inc. for the

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purpose to allow sixteen Lewis County PINS Diversion youths to enroll in a Youth Court Program entitled "Why Try Curriculum Program", which provides diversion education services; and

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes an Agreement between the County of Lewis, by and through the Department of Social Services, and the Resolution Center of Jefferson and Lewis Counties, Inc. for the purpose of allowing sixteen Lewis County PINS Diversion youths to enroll in a Youth Court Program entitled "Why Try Curriculum Program", which provides diversion education services.

Section 2. That the term of this Agreement shall be from July 8, 2013 through July 19, 2013 for an amount not to exceed \$5,518.00.

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

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

Moved by Legislator Burke, seconded by Legislator King, and adopted.

**RESOLUTION NO. 243 - 2013
RESOLUTION AUTHORIZING AGREEMENT
BETWEEN THE DEPARTMENT OF SOCIAL SERVICES AND
VOLUNTEER TRANSPORTATION CENTER, INC.**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

WHEREAS, the Lewis County Department of Social Services ("DSS") wishes to enter into an Agreement with the Volunteer Transportation Center, Inc. to manage and supervise transportation requested by DSS for non-emergency Medicaid and Services using volunteer drivers with their own vehicles to provide child welfare and adult service transportation services; and

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That the Board of Legislators hereby approves the extension of the Agreement between the Lewis County Department of Social Services and Volunteer

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Transportation Center, Inc. to manage and supervise transportation requested by DSS for non-emergency Medicaid and Services using volunteer drivers with their own vehicles to provide child welfare and adult service transportation services.

Section 2. That this is for the period beginning July 1, 2013 and ending December 31, 2014 at a cost of a one-time payment of \$2,500 for recruitment of volunteer and program upkeep costs and \$4.50 per unit for dispatch and administration costs throughout the agreement period.

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 Burke, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 244 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO SOLID WASTE DEPARTMENT**

Introduced by Legislator Charles Fanning, Chairman of the Solid Waste 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 Solid Waste Department, to create the following position:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Laborer	Part-Time (up to 19 hrs/week)	Grade 1 -\$8.75/hr.

Section 2. That Solid Waste Coordinator Pete Wood is hereby authorized to fill said position effective June 5, 2013.

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

Moved by Legislator Stanford, seconded by Legislator Fanning, and adopted.

**RESOLUTION NO. 245 - 2013
RESOLUTION TO TRANSFER FUNDS
STOP DWI PROGRAM**

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Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement Committee.

BE IT RESOLVED, as follows:

Section 1. That the following budget transfer is hereby approved in the Stop DWI accounts to cover additional professional services to be performed by the Coordinator through Mountain View Prevention Services:

<u>From:</u>	Amount
A4252.4901 (DWI-DA)	\$5,222.00
<u>To:</u>	
A3315.4901 (Prof Serv)	\$5,222.00

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

Moved by Legislator Burke, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 246 - 2013
RESOLUTION TO CREATE AND APPROPRIATE FUNDS
FOR STUDENT WORKER PROGRAM**

Introduced by Legislator Michael Tabolt, Chairman of the Board of Legislators.

Whereas, the Pratt-Northam Foundation is providing funds to establish a Student Worker Program for college eligible or in-college students during the summer of 2013 at an hourly rate of \$7.25, minimum wage, and;

Whereas, the cost to the County of Lewis would only be for the fringe benefits other than Social Security.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That upon approval by the Pratt-Northam Foundation, the following amounts shall be appropriated to expense account #'s. A.6380.1999- \$13,050.00 and A.6380.8999 \$1,002.00 and revenue account No. A27052- \$14,052.00.

Section 2. That the students employed shall be distributed to the County Departments as approved by the Foundation.

Section 3. That in conjunction with this program the title of Student Worker is hereby created and the number of positions with this title will be dependent on the amount of the grant awarded by the Foundation.

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

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Moved by Legislator Boyd, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 247 - 2013
RESOLUTION AUTHORIZING GRANT APPLICATION
TO PRATT NORTHAM FOUNDATION
FOR SUMMER WORKERSHIP PROGRAM**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

WHEREAS, Lewis County Public Health is responsible for identifying, assessing and addressing health issues affecting the County. Their mission is to prepare and educate the people of Lewis County to ensure their health and safety, and also to be recognized as the leader in the prevention of disease, preparedness for disaster, and promotion of life-long health; and

WHEREAS, the Lewis County Public Health Department desires to submit a grant application to the Pratt Northam Foundation for funds to support a Summer Workership Program that will enable Lewis County Public Health to hold their 6th Annual Family Fit 'N Fun Faire and a Health Run/Walk.

NOW, THEREFORE, be it resolved as follows:

Section 1. That the Board of Legislators hereby approves the above referenced grant application.

Section 2. That the Interim Director of Public Health, or her designee, be and the same is hereby authorized to execute, seal and deliver application documents.

Section 3. That the Chairman, or Vice-Chairman, of the Board of Legislators be and the same is hereby authorized to execute, seal and deliver documents, writings and Agreement to effectuate the intent of this Resolution and to take all steps necessary to advance this project, upon such terms as may be approved by the Lewis County Attorney.

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

Moved by Legislator Hathway, seconded by Legislator Wallace, and adopted.

**RESOLUTION NO. 248 - 2013
RESOLUTION TO AMEND COMPENSATION PLAN
WITH REFERENCE TO TREASURER'S OFFICE**

Introduced by Legislator Jack Bush, Chairman of the Ways & Means Committee.

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Whereas, the Benefit Specialist at the Treasurer's Office has submitted her intent to retire effective June 29, 2013; and

Whereas, the duties of the Benefit Specialist are essential to the Treasurer's Office operations.

Now, Therefore, 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 Treasurer's Office, to re-create the following position:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Benefit Specialist	Full-time	\$38,500

Section 2. That Treasurer Patricia O'Brien is hereby authorized to fill said position effective June 30, 2013.

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

Moved by Legislator Lucas, seconded by Legislator King, and adopted.

**RESOLUTION NO. 249 - 2013
RESOLUTION TO TRANSFER FUNDS
TREASURER'S OFFICE**

Introduced by Legislator Jack Bush, Chairman of the Ways & Means Committee.

BE IT RESOLVED, as follows:

Section 1. That the following fund transfer is hereby approved in the Treasurer's Department accounts to cover banking charges from Key Bank:

<u>From:</u>	<u>Amount</u>
A1325.4901 (Prof Services)	\$3,528.86
<u>To:</u>	
A1325.4905 (Banking Fees)	\$3,528.86

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

Moved by Legislator King, seconded by Legislator Boyd, and adopted.

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**RESOLUTION NO. 250 - 2013
RESOLUTION TO APPROPRIATE FUNDS
WORKFORCE INVESTMENT ACT**

Introduced by Legislator William Burke, Chairman of the Employment and Training Committee.

BE IT RESOLVED as follows: NOA#PY11-08

Section 1. That the following funds be appropriated for the Program period, 1/1/13 – 3/31/14, Rapid Response Discretionary – Dislocated Worker Interface Solutions, dated April 30, 2013 through the New York State Department of Labor, as indicated below:

<u>Dislocated Workers- Interface</u>	
CD6291.4901	\$ 14,601.00
<u>WIA Revenue</u>	
CD47910	\$ 14,601.00

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

Moved by Legislator Boyd, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 251 - 2013
AUTHORIZING OPENING OF CERTAIN PORTIONS OF
COUNTY ROADS FOR ATV SPECIAL EVENT**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee

WHEREAS, Black River Valley 4 wheelers ATV Club has requested that the Board of Legislators open:

- CR 39 Pine Grove Road, from Eatonville Road to Odett Road, a distance of 325 feet
- CR 40 Greig Road, from Odett Road to Main Street, Glenfield, a distance of 1.4 miles
- CR 53 Main Street, Glenfield, from Greig Road South, a distance of 200 feet
- CR 41 Blue Street, from Greig Road North, a distance of 700 feet

for a one day all terrain vehicle (ATV) rally event to be held on June 15, 2013; and

WHEREAS, Vehicle and Traffic Law § 2408 authorizes a governmental agency to review and approve requests for holding special events that involve the operation of ATV's; and

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WHEREAS, this action is a “Type II” action for purposes of the State Environmental Quality Review Act, and the regulations promulgated thereunder, more particularly, 6 NYCRR § 617.5(15) which provides that “minor temporary uses of land having negligible or no permanent impact on the environment” do not require further environmental review; and

WHEREAS, Black River Valley 4 wheelers ATV Club, as a sponsor of the event, has agreed to indemnify and hold the County of Lewis, its officers, agents and employees harmless from any claim, liability, damage or cost of any nature whatsoever, including reasonable attorney fees incurred by reason of the conduct of the event or use of those portions of County Roads.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. The Board of Legislators hereby authorizes the operation of ATV’s on:

- CR 39 Pine Grove Road, from Eatonville Road to Odett Road, a distance of 325 feet
- CR 40 Greig Road, from Odett Road to Main Street, Glenfield, a distance of 1.4 miles
- CR 53 Main Street, Glenfield, from Greig Road South, a distance of 200 feet
- CR 41 Blue Street, from Greig Road North, a distance of 700 feet

for a one day all terrain vehicle (ATV) rally event to be held on June 15, 2013.

Section 2. That the permission granted herein is specifically conditioned upon Black River Valley 4 wheelers ATV Club entering into a written agreement with the County of Lewis whereby:

7. Black River Valley 4 Wheelers ATV Club agrees to indemnify and hold the County of Lewis, its officers, agents and employees harmless from any loss, claim, liability, lawsuit, damage, cost or expense including reasonable attorney fees incurred by reason of injury to person(s) or property, including death arising out of or in any way connected with the conduct of the event or the use of those portions of County Roads for such event;
8. Black River Valley 4 Wheelers ATV Club agrees to provide proof that it has obtained general liability insurance insuring such event in an amount not less than \$1,000,000 for injuries including wrongful death to any one person and in an amount not less than \$2,000,000 on account of any one occurrence and naming the County of Lewis as an additional insured; and
9. Such other terms as the Chairman of the Board of Legislators with the consultation of County Attorney may deem acceptable.

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Section 3. That the Chairman of the Board of Legislators, or in his absence, the Vice-chairman, be and the same is hereby authorized to execute and deliver such written agreements or other documents as may be necessary to carry out the terms of this Resolution.

Section 4. That this Resolution shall take effect immediately.
Moved by Legislator King, seconded by Legislator Lucas.

Legislator Hathway commended Sheriff Michael Carpinelli and Highway Superintendent David Becker for their knowledgeable assistance to assure road length accuracy and safety during the upcoming event. This procedure, he stated, should set the pattern for all future road openings.

The resolution was then adopted. Legislator Stanford was opposed.

**RESOLUTION NO. 252 - 2013
RESOLUTION TO AUTHORIZE EXTENDING APPOINTMENT OF
INTERIM DIRECTOR OF COMMUNITY SERVICES**

Introduced by Legislator Paul Stanford, Chairman of the Mental Hygiene Committee.

WHEREAS, the appointment of Interim Director of Community Services Sarah Bullock shall terminate on June 30, 2013; and

WHEREAS, the Lewis County Community Services Board recommends extending her Interim appointment through December 31, 2014.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby approves extending the appointment of Sarah Bullock as Interim Director of Community Services through December 31, 2014.

Section 2. That said resolution shall take effect immediately.

Moved by Legislator Burke, seconded by Legislator Fanning, and adopted.

**RESOLUTION NO. 253 - 2013
RESOLUTION TO AUTHORIZE CLOSING PORTION OF
WEST ROAD IN TURIN DURING CONCERT EVENT**

Introduced by Legislator William Burke, District No. 7 Representative for the Town of Turin.

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Whereas, the owners of Snow Ridge Ski Resort will sponsor the moe.down concert event, which attracts thousands of tourists; and

Whereas, closure of a portion of the West Road would greatly enhance the safety of pedestrians, as well as ensure an open pathway for emergency and law enforcement vehicles.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby authorizes the closure of the West Road in the Town of Turin from the intersection of West Main Street northerly to the intersection of Route 26.

Section 2. That the West Road closure will be in effect from 10 a.m. on August 9, 2013 through 10 a.m. on August 12, 2013.

Section 3. That said road closure is contingent upon Snow Ridge Ski Resort, as the event sponsor, entering into an agreement with the County of Lewis to indemnify and hold the County harmless from all claims liability, damages and costs (including attorney fees) that may arise by reason of injury to person or property and arising out of the “moe.down” event.

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

Moved by Legislator Burke, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 254 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
THE COUNTY OF LEWIS AND C&S COMPANIES FOR THE
LEWIS COUNTY EMERGENCY COMMUNICATIONS PROJECT**

Introduced by Legislator Jerry King, Member of the Emergency Management Committee.

WHEREAS, the County of Lewis is in the process of preparing for an upgrade to the radio communications system for use by all emergency service agencies; and

WHEREAS, the County of Lewis has accepted the proposal of C&S Companies, a company that provides engineering, architecture, planning, environmental, and construction services, and wishes to enter into an agreement with them for the pre-design phase; and

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

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Section 1. That the Board of Legislators hereby approves the contract with C&S Companies for the pre-design phase of the Lewis County Emergency Communications Project for six (6) months at a cost not to exceed \$40,000. The Board of Legislators also approves a modification of the existing contract with C&S Companies that expired on December 31, 2012 to extend the same through December 31, 2013.

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Boyd, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 255 - 2013
RESOLUTION AUTHORIZING AGREEMENT
BETWEEN THE COUNTY OF LEWIS AND
LANGONE & ASSOCIATES**

Introduced by Legislator Jerry King, Member of the Emergency Management Committee.

WHEREAS, the County of Lewis is in the process of preparing for an upgrade to the radio communications system for use by all emergency service agencies; and

WHEREAS, the County of Lewis has accepted the proposal of Langone & Associates, a wireless consulting company, and wishes to enter into an agreement with them to provide the following services: (1) FCC Frequency Filing, (2) Meetings to Discuss Procurement Specifications, (3) Develop Procurement Specifications for Voice and Alert Paging Systems and to (4) Develop Procurement Specifications for a Microwave System; and

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby approves the contract with Langone & Associates for the consulting services regarding the Lewis County Emergency Communications Project at a cost not to exceed \$70,000.

Section 2. 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 3. That the within resolution shall take effect immediately.

June 4, 2013

Moved by Legislator Boyd, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 256 - 2013
RESOLUTION APPOINTING DIRECTOR OF
HUMAN RESOURCES/PERSONNEL OFFICER**

Introduced by Legislator Jerry King, Chairman, Human Resource Committee.

WHEREAS, pursuant to Local Law No. 2 – 2010, the Board of Legislators, has heretofore established the Lewis County Human Resources Department (“Department”) and empowered the Department to perform human resource management services for all employees of Lewis County, under the direction of the Director of Human Resources/Personnel Officer; and

WHEREAS, the Board of Legislators wish to appoint a Director of Human Resources/Personnel Officer who will oversee and manage the human resource function for all County employees and who will also serve as the Personnel Officer for the County of Lewis.

NOW, THEREFORE, be it resolved as follows:

Section 1. The Board of Legislators hereby appoints James A. Swords to the position of Director of Human Resources/Personnel Officer commencing Monday, June 17, 2013, or as soon thereafter as he assumes his duties, and whose term shall be six years pursuant to Civil Service Law § 15 (1)(b). The starting salary for this position is hereby set at \$95,000 and may be amended or modified at any time by further action of this Board.

Section 2. That this Resolution shall take effect immediately.

Moved by Legislator King, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 257 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO HUMAN RESOURCES DEPARTMENT**

Introduced by Legislator Jerry King, Chairman of the Human Resources 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 Human Resources Department, to create the following position:

June 4, 2013

<u>TITLE</u>	<u>STATUS</u>
Deputy Director of Human Resources	Full-time

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

Moved by Legislator King, seconded by Legislator Burke, and adopted.

RESOLUTION NO. 258 - 2013
RESOLUTION APPOINTING PUBLIC HEALTH DIRECTOR

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

WHEREAS, the Board of Legislators in Lewis County also serves as the Board of Health pursuant to Public Health Law § 356(1); and

WHEREAS, in that capacity, the Board of Legislators wishes to make an appointment to the position of Director of Public Health.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby appoints Penny A. Ingham as Director of Public Health, effective September 2, 2013, subject to the approval of the NYS Department of Health and successful completion of a Civil Service exam, if applicable.

Section 2. That this resolution shall take effect immediately.

Moved by Legislator Stanford, seconded by Legislator Lucas, and adopted.

Legislator King was opposed.

OTHER BUSINESS:

The clerk read proclamations signed by Chairman Tabolt to declare May 13 to May 17, 2013 as National Nursing Home Week; and June 14, 2013 as National Senior Health & Wellness Day in Lewis County.

Legislator Hathway reiterated his concerns about the un-served areas for emergency radio communications, and requests the Committee to contact the Department of Defense, possibly through the Fort Drum Regional Liaison Organization, to assure the upgraded system will provide coverage in those areas.

Legislator Burke made a motion at 6:53 p.m. to enter executive session for a report on litigation from County Attorney Richard Graham, seconded by Legislator Boyd and

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carried. Legislator Lucas was excused from the meeting. The Chairman declared a 5-minute recess. Following the session, Legislator Stanford moved to re-enter regular session at 7:14 p.m., seconded by Legislator Boyd and carried.

Chairman Tabolt announced that Dr. Manoj Vora will be returning to Lowville, after attaining his dream to climb Mount Everest, on June 7th at 3 p.m. and encouraged everyone to participate in the welcome home event at the Lowville Firehall.

There being no other business to come before the Board, the meeting adjourned on motion by Legislator Fanning, seconded by Legislator King and carried at 7:16 p.m.

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**REGULAR MEETING
July 2, 2013**

The meeting was called to order at 5:00 p.m. by Chairman Michael A. Tabolt.

Roll Call: All Legislators were present.

The Invocation was offered by Legislator Hathway, followed by Chairman Tabolt leading the Pledge of Allegiance to the Flag.

There were 24 persons present.

Chairman Tabolt announced approval of the June 4, 2013 meeting minutes.

REPORT OF THE RULES AND LEGISLATION COMMITTEE:

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

Richard Lucas, Chairman
Philip Hathway
Charles Fanning

Dated: July 2, 2013

Legislator Burke made a motion to waive the rules, seconded by Legislator Bush and carried.

PRIVILEGE OF THE FLOOR:

Sheriff Michael Carpinelli and Undersheriff James Monnat each referenced a news article reporting from a Mental Hygiene Committee meeting, indicating the Board is considering paying the Village of Lowville for police transports of mental hygiene patients. They took exception for not being asked for input. Sheriff Carpinelli reported that all law enforcement agencies respond to the transport requests as agreed between the Village, County and State Police. If the patient is a Village resident, he said, the Village transports the individual; and residents outside the Village are transported by either County or State law enforcement, based on closest car at that time. Undersheriff Monnat expressed concern that the issue could potentially inject untoward relations between the law enforcement agencies, which must work collaboratively to maximize their limited resources in the best interest of public safety and service.

Legislator Stanford, Mental Hygiene Committee Chairman, reported the Committee had learned from Director of Community Services Sarah Bullock, there is no legal authority to reimburse police agencies for transports. Furthermore, Chief Eric Fredenburg had indicated his uncertainty of the relative laws. The Committee, he stated, agreed to further research, while relating their willingness to consider paying for the service, but that no recommendation had been reached by the Committee. However, he was enlightened by

July 2, 2013

the Sheriff's and Undersheriff's clarifying comments, specifically the agreement between all law enforcement agencies for response to transport requests.

Legislator King affirmed that no decisive solution had been reached by the Committee. Chairman Tabolt relayed contacting Sheriff Carpinelli, but did not elaborate on the issue. Legislator Fanning imparted that Chief Fredenburg admittedly had referenced a section of law that did not pertain to the transports in question.

Sheriff Carpinelli reported collectively meeting with all law enforcement agencies, Mental Hygiene and Hospital officials upon taking his office in January 2012, affirming their agreement in regard to transport requests. He asserted "They do not want to be compensated, not even for mileage, because it is law enforcement's duty to respond".

Chairman Tabolt accepted Sheriff Carpinelli's offer to schedule a meeting with State and Village Police, and would confirm the date with the Mental Hygiene Committee.

Carmen Sweet, Lowville businessman, took exception to Legislator Burke's purported 'personal mission' to prevent the reappointment of Commissioner of Social Services Stacy Alvord. He stated that she has proven herself to the community and Legislators, citing increased caseloads, while not requesting additional staff. "If you give 100% as Stacy Alvord has", there would be no reason to believe you would not be re-appointed, he exclaimed. In conclusion, Mr. Sweet urged the Board to heed the supportive calls and letters they have all received during the past weeks, and re-appoint Commissioner Stacy Alvord.

PRESENTATION OF COMMUNICATIONS AND NOTICES:

On behalf of the Black River 4-Wheelers Association, Katie Roth penned a thank you note for the Board's approval to open roads to ATV travel during their inaugural "Hill and Valley Ride" event, the proceeds of which were donated to the Renee Beyer Memorial fund.

The Lowville Board of Trustees informed and renewed their opposing stance for any efforts by the Tug Hill Commission specifically, or any other governmental entity, to purchase the GVT railroad property in and near the Village of Lowville.

On behalf of the Harrisville Central School Prom Party Committee, Nicole Baker thanked the Board for the STOP DWI fund appropriation that financed their 2013 Lock-In, which assured a safe environment for prom participants.

NYSAC Executive Director Stephen Acquario acknowledged receipt of the Board's resolutions designating Mayday for mandate relief; urging the State legislature to repeal the SAFE Act of 2013; and urging amendment of the sharing formula for wireless surcharge revenues for New York counties.

July 2, 2013

The Clerk acknowledged receipt of the Fulton County Board of Supervisors' resolution urging the State Legislature to exempt firearm permit records from Freedom Of Information Law disclosure; and the Yates County Legislature's resolution supporting the prevention of introducing or moving aquatic invasive species in the Finger Lakes Region and connected navigable waterways.

REPORTS OF COUNTY OFFICERS AND DEPARTMENTS:

The Clerk reported that each Legislator had received a copy of the Treasurer's June report and 2nd Quarter Bed Tax revenue report; the 6/25/13 Solid Waste audit report; the 6/25/13 Highway Audit report; and the 6/13/13 minutes of the Junkyard Review Board.

REPORTS OF STANDING COMMITTEES:

Legislator Philip Hathway, Hospital Committee Chairman, respectively announced Tracy Domago and Mindy Lyndaker as April and May employees-of-the-month. The year-to-date operating loss through May is \$330,000 above the projected level. Also, the debt to the County has increased by \$146,000 to \$5 Million, which is largely impacted by no revenue receipts for CHHA and Hospice services, due to deactivation of the Medicaid number. However, the recent recertification has allowed Public Health staff to catch up on billing for previous services, and thereafter the Hospital anticipates monthly related revenue of \$100,000. Additionally, increased reimbursements will result upon designation as a critical care access facility, expected by mid-July.

Legislator Hathway reported conferring with Standard & Poor in conjunction with Attorney Graham and Treasurer Patricia O'Brien, to discern the County's bond rating. The preliminary report is due on 7/8/13, providing County officials two days to request an amendment, if desired, before the final bond rating report is issued on 7/10/13.

Legislator Jack Bush, Buildings and Grounds Committee Chairman, reported standard building maintenance work orders during the month of June. Additionally, the Highway and Solid Waste administrative personnel were moved to the Court House, and Board of Elections and Office For Aging offices have been relocated to the Lowville Commons. The St. Peter's building was thoroughly cleaned and vacated. He commended the maintenance personnel for their diligence and all County staff for their amicable cooperation. Legislator Bush specifically thanked the public for their patience, while apologizing for any inconvenience during the move.

Legislator Bush relayed that architect Rick Tague and Clerk of the Works Charlie Brueur have indicated that bids will be requested later this month for construction of the new building, anticipating figures to report by September.

Legislator Bush made a motion to authorize Maintenance Supervisor Frank Archer to fill a part-time cleaner at 15 hours per week, effective immediately. The motion was seconded by Legislator Stanford and carried.

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Legislator John Boyd, Courts and Law Enforcement Committee Chairman, made a motion to authorize Sheriff Carpinelli to fill one part-time correction officer, due to a promotion, seconded by Legislator Stanford and carried.

Legislator Boyd made a motion to authorize Sheriff Carpinelli to purchase a new patrol vehicle (SUV) for an estimated cost of \$35,000, to be financed through the Capital Equipment account. The motion was seconded by Legislator King and carried.

Legislator Boyd made a motion to authorize Chairman Tabolt to forward a letter to Lewis County Search & Rescue to recognize their commendable efforts to recruit and train new volunteer ambulance responders. The motion was seconded by Legislator Lucas and carried.

Legislator Jerry King, member of the Courts and Law Enforcement Committee, reported that requests for proposals will be advertised for radios, microwave and towers separately. A resolution will be put forth in August to approve the next phase of the emergency communications system as outlined in C & S Engineers' proposal.

Legislator Richard Lucas, Economic Development Committee Chairman, made a motion to authorize Trail Coordinator Jackie Mahoney to approve Reforestation purchase orders, seconded by Legislator King and carried.

Legislator Lucas reported that Jackie has met with all the ATV Clubs, and has started work on the snowmobile grant application. She is also working to capture the previously approved RPT grant funds.

Legislator Lucas announced that Frank Pace commenced employment today as Senior Planner.

Legislator Charles Fanning, Transportation/Solid Waste Committee Chairman, made a motion to award the low bid of \$50,301.00 to Van Bortel for the purchase of a Ford 550 Dump Truck for the Highway Department, seconded by Legislator Bush and carried.

Legislator Fanning reported that only half of the paving is done due to rainy weather; and repair of the Brantingham Road continues.

Legislator Fanning made a motion to award the low bid of \$34,189.00 from United Services GP, Inc. for the purchase of a 50-yard ejection compactor box for the Solid Waste Department, seconded by Legislator Boyd and carried.

Legislator Fanning reported that he and two other Legislators had toured the no-sort Herkimer County Recycling Center. A similar facility for Lewis County is cost prohibitive, but they would accept and pay a per Ton fee for our compacted no-sort recyclables.

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In response to Legislator Stanford, Legislator Fanning stated that road striping will be done after the paving is completed, but may not include newly surfaced roads.

Legislator William Burke, Social Services/Office For Aging/Youth Committee Chairman reported that settlement of the lawsuit for overbilling Medicaid for prescriptions, will result in \$71,000.00 reimbursement to the County. The Social Services appropriations are within year-to-date budget levels, partially impacted by a low number of foster care placements. He also reported that 34 youths commenced employment on 7/1/2013 through the Summer Youth Employment Program (SYEP).

Legislator Burke requested visitors to the new Office For Aging Lowville Commons location to utilize the front ramp entrance. The department has terminated the long-term ombudsman program. However, residents receiving long-term care will have a voice through Catholic Charities of the Diocese of Ogdensburg. In conclusion, he announced that "Senior Day" at the Lewis County Fair will be held on 7/18/13.

Legislator Patrick Wallace, Elections/Reforestation Committee Chairman, reported a leak at the Lowville Commons caused minor damage to voting machines. Chairman Tabolt confirmed the owner had done repairs.

Legislator Wallace relayed a request by Trail Coordinator Jackie Mahoney that she be allowed to define the status of trails and related grants before taking on Reforestation work, recognizing there were no urgent matters. The part-time laborer is painting and doing minor repairs at Singing Waters and upkeep at the Memorial Forest, but he does not want to work more than his scheduled two days per week.

Chairman Tabolt explained Jackie's willingness to assume Reforestation duties, but asks for assistance with the snowmobile trail grant and other grant applications. He charged the Economic Development Committee to work with Civil Service personnel to develop a feasible plan to combine the duties. Legislator Lucas responded agreement, and is convinced that the solution would evolve during the next few months.

Legislator Paul Stanford, Public Health/Mental Health Committee Chairman, urged support of sponsored resolutions for the Public Health Department. He responded to Legislator Hathway, that Public Health staff are working diligently to meet the August deadline for completion of Medicaid billings for previous services. They have already recovered a substantial amount of reimbursements.

COUNTY MANAGER REPORT:

Acting County Manager Michael Tabolt introduced newly appointed Director of Human Resources James Swords.

Chairman Tabolt had impressed the importance of the requisition and purchasing process to Department Heads; and proposes the Director of Human Resources oversee the workplace violence policy and training. Hospital Interim CFO Jeff Hellinger will provide

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an itemized bid report on 7/5/13 for oil changes and standard maintenance of County vehicles. At the Chairman's request, the Ways and Means Committee plans to compare proposed price quotes to the cost of hiring a part-time employee at \$11.50/hr. for these services, and make their recommendation to the Board.

After conferring with Court representatives, Chairman Tabolt affirmed the County is required to pay 50% of the expense for an individual sentenced to in-patient mental hygiene services for one year, and the State assumes the remainder.

A copy of the State's settlement with the Mohawk Reservation had been distributed to each Legislator. It prohibits casinos within eight (8) regional Counties, however, apportions revenues to each. Chairman Tabolt stated he would follow-up with Oswego County Administrator Philip Church, who had expressed disdain that involved Counties had not been informed prior to the settlement.

The Director of Human Resources had clarified the County's employment discharge policy and reviewed it with the Human Resource Committee. Legislators shall be given a copy for review, prior to a request to adopt the policy.

Chairman Tabolt had attended the recent SAFE Act rally at the Fairgrounds, at which he relayed the Board's opposing stance.

He and Treasurer Patty O'Brien had attended a Local Government Leadership seminar held in Watertown, at which State Comptroller DiNapoli reported a 10.4% market return on pension investments. He predicts that County contributions will increase through 2014, but level off thereafter.

Chairman Tabolt had also attended a public hearing sponsored by the Tug Hill Commission at the Lowville municipal office, for comments on acquisition of the railroad property. They have ceased all efforts for acquisition, after two local Town Boards affirmed their objection.

Senior Codes Officer Ward Dailey requests the Board's decision on whether to exempt building inspection charges to non-profit organizations, ie. churches and fire halls, which may equate an additional \$10,000.00 County revenue. The local law for building codes does not speak to this issue. Courts and Law Enforcement Committee member Legislator Lucas conveyed his understanding the exemption was encompassed in the local law. Therefore, the Committee will discuss and make their recommendation to the Board.

Chairman Tabolt reported that Jackie Mahoney is working to complete environmental reviews for trails to meet an August deadline. A copy of the environmental review report for the Houseville trail was placed on Legislators' desks today.

The Black River Valley Amateur Radio Club requests approval to place an antenna on the County's Crystaldale Tower and a UHF repeater on the Number Three Road Tower,

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to serve as a backup radio service. It would not interfere with the County's radio frequencies. An authorizing motion was made by Legislator King, seconded by Legislator Boyd and carried.

Although they are not legally required to do so, Chairman Tabolt relayed the Nature Conservancy has submitted a non-negotiable PILOT agreement for their 15,000 acre tract located in Lewis County, agreeing to pay the County \$3,500.00 annually. He will put for an authorizing resolution at the August meeting.

He commended NYSAC staff for their assistance with the sales tax extension legislation that was recently adopted by the State Legislature. He also recognized the benefit of participating in the Inter-County Legislative Committee of the Adirondacks, and asked his colleagues to indicate their willingness to attend meetings when he is unavailable.

Atty. Graham explained the NYS Department of Taxation and Finance cited technical language issues in the adopted Senate Bill to increase the County's sales tax by an additional one-quarter percent. He will confer with the regulatory department and Senator Griffo's staff for corrective language.

Human Resource Committee Chairman Jerry King made a motion to charge the Director of Human Resources to oversee the County's workplace violence policies and related training. The motion was seconded by Legislator Boyd and carried.

COUNTY TREASURER REPORT:

Patricia O'Brien reported distributing revenue and appropriation year-to-date reports to all Department Heads for review. They have been asked to report any potential shortfalls.

REPORT OF THE WAYS AND MEANS COMMITTEE:

**REPORT OF
WAYS AND MEANS COMMITTEE
ON THE EXAMINATION OF CLAIMS**

To: The Honorable County Legislators

The Ways and Means Committee reports that they have examined the claims presented for payment in the total amount of \$ 1,152,505.81 and recommend that they be audited and allowed for the amounts claimed.

Jack Bush, Chair
Philip Hathway, Committee
Jerry King, Committee

Dated: July 2, 2013

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Approved on motion by Legislator Burke, seconded by Legislator Lucas, and carried.

**RESOLUTION NO. 259 - 2013
AUDITING AND ALLOWING CLAIMS**

Introduced by Legislator Jack T. Bush, Chairman of the Ways and Means Committee.

RESOLVED that the claims presented for payment in the total amount of \$ 1,152,505.81 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 King, seconded by Legislator Boyd, and adopted by roll call vote:

All voted yea.

**RESOLUTION NO. 260 - 2013
RESOLUTION AUTHORIZING CHAIR TO FILE CERTIFICATE
DESIGNATING THE SECRETARY OF STATE AS THE AGENT FOR SERVICE
OF NOTICES OF CLAIM**

Pursuant to Section 53 of the General Municipal Law.

Introduced by Legislator John Boyd, Chairman of Courts and Law Committee

WHEREAS, the State Legislature has enacted and Governor Cuomo has signed into law Chapter 24 of the Laws of 2013, which, among other things, adds a new Section 53 to the General Municipal Law, effective June 15, 2013, and

WHEREAS, prior to the enactment of Chapter 24 of the Laws of 2013, a claimant seeking to bring a claim against a county had to serve a notice of claim upon the municipality by serving the Chair of the Board of Legislators, the Clerk of the Board of Legislators, the County Clerk, County Attorney or Treasurer; and

WHEREAS, Chapter 24 of the Laws of 2013 now permits claimants the alternative to serve notices of claim upon the Secretary of State rather than effecting personal service of such notices upon the county which is the subject of the claim, and

WHEREAS, the statute directs the Secretary of State to forward copies of notices of claim served in the above-referenced manner to the municipalities involved, and

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WHEREAS, Section 53 of the General Municipal Law requires that municipalities, including Lewis County, within thirty days after the effective date of the law, file a certificate in the office of the Secretary of State designating the Secretary of State as the agent for service of notices of claim and providing the name, post office address and electronic mail address of an officer, person or designee, nominee or other agent-in-fact for the transmittal of notices of claim served upon the secretary,

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. The Board of Legislators hereby authorizes and directs the Chairman to file not later than July 12, 2013 a certificate with the Secretary of State designating the Secretary of State as Lewis County's agent for the service of notices of claim.

Section 2. That the County Attorney is hereby designated to receive such notices of claim served in the manner set forth herein, and be it further

Section 3. That the Chair of the Board of Legislators is further authorized in such certificate, and in any amendments thereof as from time to time may be necessary, to provide the Secretary of State with the name, post office address and electronic mail address of the County Attorney.

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

Moved by Legislator Burke, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 261 - 2013
RESOLUTION TO TRANSFER FUNDS
BOARD OF LEGISLATORS**

Introduced by Legislator Jack Bush, Chairman of the Ways and Means Committee.

BE IT RESOLVED as follows:

Section 1. That a transfer of funds within the Board of Legislator accounts is hereby approved to cover legal notice and advertising costs as follows:

<u>From:</u>	<u>To:</u>	<u>Amount</u>
A1010.4901 (Prof Services)	A1010.4907 (Legal Notices/Adv)	\$300.00

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

Moved by Legislator Stanford, seconded by Legislator Fanning, and adopted.

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**RESOLUTION NO. 262 - 2013
RESOLUTION TO TRANSFER FUNDS
BUILDING CODES DEPARTMENT**

Introduced by Legislator John Boyd, Chairman of the Building Codes Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfer is hereby approved in the Building Codes accounts to cover vehicle expenses:

<u>Transfer from:</u>	
A3620.4703 (Fuel/oil)	\$600.00
<u>Transfer to:</u>	
A3620.4701 (Vehicle Maint)	\$600.00

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

Moved by Legislator Boyd, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 263 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO BUILDING MAINTENANCE DEPARTMENT**

Introduced by Legislator Jack Bush, Chairman of the Buildings and Grounds Committee.

Whereas, due to a resignation, Superintendent of Buildings Frank Archer is requesting to create and fill a building maintenance worker position.

Now, Therefore, 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 Buildings Maintenance Department, to create the following position:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Building Maintenance Worker	Full-time	Grade C21 (\$17.05/hr.)

Section 2. That Superintendent of Buildings Frank Archer is hereby authorized to fill said position effective immediately.

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

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Moved by Legislator Lucas, seconded by Legislator Hathway, and adopted.

RESOLUTION NO. 264 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE COUNTY OF
LEWIS AND TRANE BUILDING SERVICES

Introduced by Legislator Jack Bush, Chairman of the Buildings and Grounds Committee.

WHEREAS, Trane Building Services wishes to enter into an agreement with the County of Lewis for the purpose of providing and installing one (1) 24,000BTUH split AC system; and

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby approves the contract with Trane Building Services to provide and install one (1) 24,000BTUH split AC system at a cost not to exceed \$10,497.00.

Section 2. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Agreement, pending approval by the County Attorney.

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

Moved by Legislator King, seconded by Legislator Wallace, and adopted.

RESOLUTION NO. 265 - 2013
RESOLUTION TO TRANSFER FUNDS
BUILDINGS AND GROUNDS

Introduced by Legislator Jack, Chairman of the Buildings & Grounds Committee:

BE IT RESOLVED as follows:

Section 1. That the following transfer is hereby approved in the Buildings & Grounds accounts for the purchase of a computer, utilizing funds from Capital Data Processing (HAE9901.9), HAE balance \$75,677.78:

<u>Increase Revenue:</u>	
A50310 (Interfund transfers)	\$701.00

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Increase Expense:
A1620.4603 (Repairs & Maint Bldgs) \$701.00

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

Moved by Legislator Stanford, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 266 - 2013
RESOLUTION TO TRANSFER FUNDS
DATA PROCESSING**

Introduced by Legislator Patrick Wallace, Chairman of the Information Management Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfer is hereby approved in the Data Processing account to cover the purchase of a Server, utilizing Capital Data Processing funds (HAE9901.9); HAE balance \$75,677.78.

Increase Revenue:
A50310 (Inter-fund transfers) \$14,733.33
Increase Expense:
A1680.2217 (Computers) \$14,733.33

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

Moved by Legislator Wallace, seconded by Legislator King, and adopted.

**RESOLUTION NO. 267 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO DEPARTMENT OF HIGHWAYS**

Introduced by Legislator Charles Fanning, Chairman of the Transportation Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby amends the Compensation Plan with reference to the Department of Highways, to create the following position:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Motor Equipment Operator (Light)	Full-Time	Grade 15

July 2, 2013

Section 2. That Highway Superintendent David Becker is hereby authorized to fill said position in accordance with Civil Service regulations, effective immediately.

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

Moved by Legislator Stanford, seconded by Legislator Fanning, and adopted.

**RESOLUTION NO. 268 - 2013
RESOLUTION AUTHORIZING A FUEL STORAGE RENTAL
AGREEMENT BETWEEN THE NEW YORK STATE DEPARTMENT OF
TRANSPORTATION AND THE LEWIS COUNTY HIGHWAY DEPARTMENT**

Introduced by Legislator Charles Fanning, Chairman of the Transportation Committee.

WHEREAS, the County of Lewis, by and through the Lewis County Highway Department ("County") wishes to provide fuel storage space in support of its highway maintenance responsibilities for the New York State Department of Transportation ("NYSDOT") pursuant to Section 12 of the Highway Law.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes and approves a Fuel Storage Rental Agreement between the County of Lewis, by and through the Lewis County Highway Department, and the New York State Department of Transportation, pursuant to which NYSDOT will pay the sum of the weighted monthly average cost per gallon paid by the County for such gasoline and diesel fuel actually used by NYSDOT plus \$0.06 per gallon.

Section 2. That this Agreement is for the period beginning July 1, 2013 and ending June 30, 2018.

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 Bush, seconded by Legislator Wallace, and adopted.

**RESOLUTION NO. 269 - 2013
RESOLUTION APPROVING AGREEMENT BETWEEN
LEWIS COUNTY HIGHWAY DEPARTMENT
AND ROY TEITSWORTH, INC.**

July 2, 2013

Introduced by Legislator Charles Fanning, Chairman of the Transportation Committee.

WHEREAS, Lewis County Highway Department wishes to enter into an Auctioneers Municipal Online Auction Agreement with Roy Teitsworth, Inc. with offices located at 6502 Barber Hill Road, Geneseo, New York 14454; and

WHEREAS, the Lewis County Highway Department wishes to sell a 1988 Mack RM6904X 4WD Plow/Sander Truck; and

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes an Auctioneers Municipal Online Auction Agreement with Roy Teitsworth, Inc. between the County of Lewis, by and through the Lewis County Highway Department, to participate in the online auction to sell the county vehicle beginning July 9, 2013 through July 16, 2013.

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Bush, seconded by Legislator Hathway, and adopted.

**RESOLUTION NO. 270 - 2013
RESOLUTION TO TRANSFER FUNDS
TRANSPORTATION DEPARTMENT**

Introduced by Legislator Charles Fanning, Chairman of the Transportation Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfer is hereby approved in the Highway Department Accounts to correct original budget entries:

<u>From:</u>	
D5110.4909 (Do Not Use)	\$151,969.00
<u>To:</u>	
D5110.49 (Maint Materials)	\$151,969.00

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

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Moved by Legislator Fanning, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 271 - 2013
RESOLUTION TO APPROPRIATE FUNDS
TRANSPORTATION DEPARTMENT**

Introduced by Legislator Charles Fanning, Chairman of the Transportation Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget appropriation is hereby approved in the Highway Department Accounts for FEMA funding:

Increase Revenue:

D47850 (Disaster Asst Fed)	\$184,872.04
D37850 (Disaster Asst State)	\$ 30,810.21

Increase Expense:

D5333.499 (FEMA Expenses)	\$215,682.25
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Section 2. That the within resolution shall take effect immediately.

Moved by Legislator Fanning, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 272 - 2013
RESOLUTION TO APPROPRIATE FUNDS
TRANSPORTATION DEPARTMENT**

Introduced by Legislator Charles Fanning, Chairman of the Transportation Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget appropriation is hereby approved in the Highway Department Accounts, due to the receipt of additional CHIPS funding:

Increase Revenue:

D35011 (CHIPS Capital)	\$236,000.00
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Increase Expense:

D5150.499 (Paving materials)	\$231,000.00
D5150.488 (Paving Equip rental)	5,000.00

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Increase Revenue:
DM28019 (Rental Paving) \$5,000.00

Increase Expense:
DM5130.4406 (Tools) \$5,000.00

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

Moved by Legislator Stanford, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 273 - 2013
RESCIND RESOLUTON 132-2013
TRANSPORTATION DEPARTMENT**

Introduced by Legislator Charles Fanning, Chairman of the Transportation Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget change is hereby approved in the Highway Department Account to rescind Resolution 132-2013 and return funds to Contingency Fund due to receipt of additional CHIPS funding, balance of Contingency \$66,134.74:

Part One:

Decrease Revenue:
D50310 (Inter-fund Revenue) \$42,000.00

Decrease Expense:
D5110.1999 (Pers Serv Maint) \$42,000.00

Part Two:

Transfer from:
A9901.9912 (to County Road) \$42,000.00

Transfer to:
A1990.4999 (Contingency) \$42,000.00

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

Moved by Legislator Wallace, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 274 - 2013
RESOLUTION APPOINTING MEMBER TO
JUNKYARD REVIEW BOARD**

July 2, 2013

Introduced by Legislator Jerry King, Chairman of the Junkyard Committee.

BE IT RESOLVED as follows:

Section 1. That this Board of Legislators hereby appoints Joseph P. Chaisson of Post Office Box 145, West Leyden, New York 13489, to the Lewis County Junkyard Review Board.

Section 2. That the term of said appointment shall be effective from July 3, 2013 through December 31, 2017.

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

Moved by Legislator Boyd, seconded by Legislator King, and adopted.

**RESOLUTION NO. 275 - 2013
RESOLUTION AUTHORIZING AGREEMENT WITH
CREDO COMMUNITY CENTER FOR
SHARED SERVICES WITH KEYBOARD SPECIALIST**

Introduced by Legislator Paul Stanford, Chairman of the Mental Hygiene Committee

WHEREAS, CREDO Community Center (“CREDO”) provides Outpatient Medically-Supervised Chemical Dependence Treatment Services at the Mountain View Prevention Services building located at 7714 Number Three Road; and

WHEREAS, the Lewis County Mental Hygiene Department (“LCMHD”) is also located at this site and employs a full-time, permanent Keyboard Specialist at 35 hours per week; and

WHEREAS, CREDO wishes to share the services of the Keyboard Specialist and enter into an agreement with LCMHD to reimburse the County for 17.5 hours per week plus apportioned fringe benefits for said services, excluding holidays, vacation or sick leave.

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 Mental Hygiene Department, and CREDO Community Center for the purpose of sharing the services of a Keyboard Specialist with a term commencing September 1, 2013 through December 31, 2014.

July 2, 2013

Section 2. That the Chairman, or the Vice-Chairman, of the Board of Legislators be and the same are hereby authorized to execute and deliver such agreement upon such form as approved by the County Attorney.

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

Moved by Legislator Burke, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 276 - 2013
RESOLUTION TO APPOINT MEMBER TO
LEWIS COUNTY COMMUNITY MENTAL HEALTH, DEVELOPMENTAL
DISABILITIES AND ALCOHOLISM SERVICES BOARD**

Introduced by Legislator Paul Stanford, Chairman of the Mental Hygiene Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby appoints Shirley Tuttle-Malone, M.D. of 9559 Main Street, Beaver Falls, New York 13305, to the Lewis County Community Mental Health, Developmental Disabilities and Alcoholism Services Board.

Section 2. That the term of said appointment shall be effective from July 3, 2013 through December 31, 2016.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator Stanford, seconded by Legislator King, and adopted.

**RESOLUTION NO. 277 - 2013
RESOLUTION TO TRANSFER FUNDS
MENTAL HYGIENE**

Introduced by Legislator Paul Stanford, Chairman of the Mental Hygiene Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfer is hereby approved in the Mental Hygiene Accounts to cover copier and phone charges for the Community Recovery Center:

<u>From:</u>	
A4330.4901 (Prof Serv)	\$6,238.00

July 2, 2013

<u>To:</u>	
A4330.4405 (Copier)	\$3,810.00
A4330.4301 (phone)	\$2,428.00

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

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 278 - 2013
RESOLUTION TO APPROPRIATE FUNDS
OFFICE FOR THE AGING**

Introduced by Legislator William Burke, Chairman of the Office for the Aging Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget appropriation is hereby approved in the Office for the Aging for donations from Wal-Mart given to the department:

<u>Increase Revenues</u>	
A27051 (Contrib-OFA)	\$500.00
<u>Increase Expense</u>	
A6772.4919 (Other)	\$500.00

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

Moved by Legislator Burke, seconded by Legislator King, and adopted.

**RESOLUTION NO. 279 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO PROBATION DEPARTMENT**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement 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 Probation Department, to create the following position:

July 2, 2013

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Probation Officer Trainee	Full-time	Grade 27 (\$18.44 - \$19.93/hr)

Section 2. That Director MaryJo Burkhard is hereby authorized to fill said position effective immediately.

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

Moved by Legislator Boyd, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 280 - 2013
RESOLUTION TO TRANSFER FUNDS
PROBATION**

Introduced by Legislator John Boyd, Chairman of the Courts & Law Enforcement Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfer is hereby approved in the Probation account for purchase of a server, utilizing Capital Data Processing funds from Account HAE9901.9, balance \$80,581.19:

<u>Increase Revenue:</u>	
A50310 (Inter-fund transfers)	\$5,742.11
<u>Increase Expense:</u>	
A3140.4409 (Data Processing)	\$5,742.11

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

Moved by Legislator Boyd, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 281 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO PUBLIC HEALTH DEPARTMENT**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby establishes the 2013 annualized salary of the Director of Public Health at \$70,000.00, effective September 2, 2013.

July 2, 2013

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

Moved by Legislator Stanford, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 282 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO PUBLIC HEALTH DEPARTMENT**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

Whereas, the New York State Department of Health requires the Public Health Department to retain a minimum staff level based on their documented caseload for the Early Intervention Program; and

Whereas, the requirement may be met by authorizing an additional day per week for the Early Intervention Services Coordinator.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That this Board of Legislators hereby approves an increase from two (2) days per week to three (3) days per week for the Early Intervention Services Coordinator at the Public Health Department, to meet the State-imposed minimum staffing requirement.

Section 2. That said increase shall take effect on July 2, 2013.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator Stanford, seconded by Legislator King, and adopted.

**RESOLUTION NO. 283 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO PUBLIC HEALTH**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

WHEREAS, the Public Health Department has obtained a new grant through the NYS Department of Health for cancer program services; and

WHEREAS, it is requested to increase a part-time employee to full-time for related additional cancer program services.

Now, Therefore, BE IT RESOLVED as follows:

July 2, 2013

Section 1. That this Board of Legislators hereby authorizes to increase one part-time (4 day/wk) Public Health Case Manager to full time, effective immediately, for additional cancer program services.

Section 2. That this resolution shall take effect immediately.

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 284 - 2013
RESOLUTION APPROVING MEMORANDUM OF AGREEMENT BETWEEN
LEWIS COUNTY OFFICE FOR THE AGING AND
LEWIS COUNTY PUBLIC HEALTH AGENCY**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

WHEREAS, the Lewis County Public Health Agency ("Agency") agrees to enter into a Memorandum of Agreement with Lewis County Office for the Aging ("OFA") to provide Chronic Disease Self Management Peer Leader Training to OFA employees; and

WHEREAS, Lewis County Public Health Agency is an eligible provider of these services.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes a Memorandum of Agreement between Lewis County Office for the Aging and Lewis County Public Health Agency for the purpose of providing Chronic Disease Self Management Peer Leader Training to OFA employees at a cost of \$50.00 per person.

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Stanford, seconded by Legislator Fanning, and adopted.

**RESOLUTION NO. 285 - 2013
RESOLUTION TO TRANSFER FUNDS
REFORESTATION**

Introduced by Legislator Patrick Wallace, Chairman of Reforestation Committee.

BE IT RESOLVED as follows:

July 2, 2013

Section 1. That the following budget transfer is hereby approved in the Reforestation Program accounts to cover vehicle repairs:

<u>From:</u>		
A8711.1999 (Pers Serv)		\$1,847.52
<u>To:</u>		
A8711.4703 (Vehicle repair)		\$1,847.52

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

Moved by Legislator Boyd, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 286 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO SHERIFF'S DEPARTMENT**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement Committee.

WHEREAS, during the upcoming months several Dispatch Unit employees have requested medical leaves-of-absence; and

WHEREAS, it would be prudent to have a trained individual to cover during those times of absence.

Now, Therefore, 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 Sheriff's Department to create the following position:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Sheriff's Dispatcher-Correction Officer	Part-time	Grade 18

Section 2. That Sheriff Michael Carpinelli is hereby authorized to fill said position effective immediately.

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

Moved by Legislator Boyd, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 287 - 2013
RESOLUTION APPROVING AGREEMENT BETWEEN LEWIS COUNTY
SOLID WASTE DEPARTMENT AND PARADIGM SOFTWARE, LLC**

July 2, 2013

Introduced by Legislator Charles Fanning, Chairman of the Solid Waste Committee.

WHEREAS, Lewis County Solid Waste Department wishes to enter into a License Transfer Agreement with Paradigm Software, LLC ("Paradigm") and Development Authority of the North Country ("DANC"); and

WHEREAS, Paradigm and DANC entered into a System Implementation and Standard Support Services Agreement dated June 17, 1999 and they desire to amend the agreement to effect certain changes; and

WHEREAS, Paradigm consents to the transfer of the licenses and modules to the Lewis County Solid Waste and Recycling Department for the software program;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes a License Transfer Agreement between the County of Lewis by and through the Lewis County Solid Waste and Recycling Department and Paradigm Software, LLC and with Development Authority of the North Country ("DANC") that provides a software program which shall be effective beginning June 1, 2013 at a onetime cost for equipment of \$2,080.00.

Section 2. That the Standard Support Services Agreement will have recurring dates beginning July 1, 2013 through June 30, 2014 and Lewis County is responsible for the annual maintenance cost of \$1,950 beginning July 1, 2014.

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 Bush, seconded by Legislator Wallace, and adopted.

RESOLUTION NO. 288 -2013

STANDARD WORKDAY AND REPORTING RESOLUTION

Introduced by Legislator Michael A. Tabolt, Chairman of the Board.



Office of the New York State Comptroller
New York State and Local Retirement System
Employees' Retirement System
Police and Fire Retirement System
110 State Street, Albany, New York 12244-0001

Standard Work Day and Reporting Resolution
RS 2417-A

(12/10)

BE IT RESOLVED, that the LEWIS COUNTY / Location code 10023 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 time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Tier 1 (Check only if member is in Tier 1)	Not Submitted (Check box if no record of activities completed or timekeeping system)
Elected Officials									
Legislator	Paul M. Stamford	0156	3486023-9	6	01/01/2012-12/31/2013	N	3.19	<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
Appointed Officials									
Jail Physician	Sean Hamey, M.D.	4238	4101036-4	6	01/01/2012-12/31/2013	N	3.33	<input type="checkbox"/>	<input type="checkbox"/>
Election Commissioner	Ann M. Nertz	0551	3603835-2	8	01/01/2013-12/31/2014	N	21.59	<input type="checkbox"/>	<input type="checkbox"/>
Election Commissioner	Lindsay Burriss	6495	4346387-6	8	01/01/2013-12/31/2014	N	21.48	<input type="checkbox"/>	<input type="checkbox"/>

If additional rows are needed, please use form RS2417-B and attach.

Appointed Officials									
Election Specialist	Amy C. Makuch	6467	4348012-8	7	01/01/2013-12/31/2014	N	24.64	<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>

Employer Lewis County Location Code 10023 Page 2 of 2 (use with form RS 2417-A)

Moved by Legislator Hathway, seconded by Legislator Lucas,

and adopted.

July 2, 2013

**RESOLUTION NO. 289 - 2013
RESOLUTION TO CREATE AND APPROPRIATE FUNDS
FOR STUDENT WORKER PROGRAM**

Introduced by Legislator Michael Tabolt, Chairman of the Board of Legislators.

Whereas, the Pratt-Northam Foundation provides funds for a Student Worker Program for college eligible students for a period of 12 weeks at the minimum hourly rate of \$7.25; and

Whereas, the Planning Department has requested an additional Student Worker for the upcoming summer; and

Whereas, the cost to the County of Lewis will be solely for fringe benefits.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That upon approval by the Pratt-Northam Foundation, the amount of \$3,045.00 will be appropriated to expense account A6380.1999; and \$3,045.00 to revenue account A27052.

Section 2. That the student employed shall be designated to the County Planning Department.

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

Moved by Legislator Stanford, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 290 - 2013
RESOLUTION TO TRANSFER FUNDS
TRAIL MAINTENANCE**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

BE IT RESOLVED, as follows:

Section 1. That the following budget transfer is hereby approved in the Trail Maintenance accounts to create and fund a repairs & maintenance of equipment account:

<u>From:</u>	
A7990.4905 (Credit card fees)	\$ 4,000.00
A7990.4907 (Advertising)	\$ 6,000.00
<u>To:</u>	
A7990.4605 (Repairs & maint of equip)	\$10,000.00

July 2, 2013

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

Moved by Legislator Boyd, seconded by Legislator Lucas, and adopted.

RESOLUTION NO. 291 - 2013
RESOLUTION AUTHORIZING THE IMPLEMENTATION, AND FUNDING
IN THE FIRST INSTANCE OF THE STATE MASS TRANSPORTATION
CAPITAL PROGRAM AID 100% OF THE TRANSIT STATE DEDICATED FUND
PROGRAM AID AND THE STATE-ADMINISTERED FEDERAL PROGRAM AID
COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, TO FULLY FUND
THE LOCAL SHARE OF FEDERAL-AID ELIGIBLE AND INELIGIBLE
PROJECT COSTS, AND APPROPRIATING FUNDS THEREFOR

Introduced by Richard Lucas, Chairman of the Economic Development Committee.

WHEREAS, a project for the purchase of two (2) buses and related equipment (PIN 7792.01.304) and Passenger Shelters (PIN 7792.02.304), (the AProject@) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such a program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the County of Lewis desires to advance the above Project by making a commitment of 100% of the federal and non-federal share of the costs of the Mass Transportation Capital Project; and

WHEREAS, any State matching funds to this Federally-funded project may be used to fund up to 50% of the non-Federal share of federally-funding projects, but not to exceed 10% of the project costs; and

WHEREAS, any Transit State Dedicated Fund aid may not be used to fund the non-Federal share of federally-funded projects.

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

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

Section 2. That the Lewis County Board of Legislators hereby authorizes the Chairman of the Lewis County Board of Legislators to pay in the first instance 100% of the federal and non-federal share of the cost of the Mass Transportation Capital Project or portions thereof.

July 2, 2013

Section 3. That the sum of \$252,090 is hereby appropriated from County General Funds and made available to cover the cost of participation in the above phase of the Project.

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

Section 5. That the Chairman of the Lewis County Board of Legislators, be and he hereby is authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the Lewis County Board of Legislators, with the New York State Department of Transportation, in connection with the advancement or approval of the Project and providing for the administration of the Project and the Grantee's first instance funding of Project costs and permanent funding of the local share of federal-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible.

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

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

Moved by Legislator Lucas, seconded by Legislator Bush.

Legislator Lucas explained the \$280,000.00 grant will fund the purchase of two buses for operation by Birnie Bus Systems, and two shelters; 80% Federal, 10% State and the remaining 10% County and Birnie Bus Systems or approximately \$2,000.00 of the total project.

The resolution was then adopted.

**RESOLUTION NO. 292 - 2013
RESOLUTION TO TRANSFER FUNDS
WORKFORCE INVESTMENT ACT**

Introduced by Legislator William Burke, Chairman of the Employment and Training Committee.

BE IT RESOLVED as follows:

Section 1. That the following transfers within the Adult fund are hereby approved to cover wage expense:

July 2, 2013

<u>From:</u>		
CD6292.4999	\$12,000.00	CRT/OJT Checkbook
<u>To:</u>		
CD6292.1999	\$ 9,100.00	Wage Expense
CD6292.8999	<u>\$ 2,900.00</u>	Fringe Benefit Expense
	\$12,000.00	

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

Moved by Legislator Stanford, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 293 - 2013
RESOLUTION TO APPROPRIATE FUNDS
WORKFORCE INVESTMENT ACT**

Introduced by Legislator William Burke, Chairman of the Employment & Training Committee.

BE IT RESOLVED as follows: NOA#PY13-01

Section 1. That the following funds be appropriated for Program Year 2013 for the period April 1, 2013 – June 30, 2015 for Youth, per the Notice of Obligational Authority (NOA), #PY13-01, dated June 3, 2013 through the New York State Department of Labor, in the amount of \$56,309.10.

<u>YOUTH</u>	
CD6290.1999	\$42,809.10
CD6290.4909	\$ 2,500.00
CD6290.8999	<u>\$11,000.00</u>
	\$56,309.10

<u>WIA REVENUE</u>	
CD47910	\$56,309.10

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

Moved by Legislator Lucas, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 294 - 2013
RESOLUTION TO TRANSFER FUNDS
WORKFORCE INVESTMENT ACT**

Introduced by Legislator William Burke, Chairman of the Employment and Training Committee.

July 2, 2013

BE IT RESOLVED as follows: NOA #PY12-5

Section 1. In accordance with the Workforce Investment Board of Jefferson County request, and pursuant to Technical Advisory 12-5 dated May 30, 2012, the following transfer of funds is hereby approved from Dislocated Worker account to Adult account:

<u>From Dislocated Worker</u>	
CD6291.1999	\$2,000.00
CD6291.8999	\$3,000.00
<u>To Adult</u>	
CD6292.4999	\$5,000.00

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

Moved by Legislator Stanford , seconded by Legislator Burke , and adopted.

**RESOLUTION NO. 295 - 2013
RESOLUTION APPOINTING MEMBERS TO
YOUTH BUREAU ADVISORY BOARD**

Introduced by Legislator William Burke, Chairman of the Youth Bureau Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby appoints the following Students as Representatives of their respective high school, as members of the Lewis County Youth Bureau Advisory Board:

Serena Vargulick
Lowville Academy School District
7065 Snell Road
Lowville, NY 13367

Ryan Rubenzahl
Lowville Academy School District
5610 Ridgeview Terrace
Lowville, NY 13367

Christian Hamilton
Copenhagen Central School
PO Box 2
Copenhagen, NY 13626

Antonio Figueroa
Copenhagen Central School
17650 Cook Road
Watertown, NY 13601

Gaelyn Bronson
South Lewis Central School District
3115 West Street
Constableville, NY 13325

Nathan DeSantis
South Lewis Central School District
6025 James Street
Constableville, NY 13325

July 2, 2013

Section 2. That the term of said appointments shall be effective from July 3, 2013 and shall terminate either on the date of their high school graduation, or they cease to be full-time High School students.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator Boyd, seconded by Legislator Hathway, and adopted.

**RESOLUTION NO. 296 - 2013
DESIGNATING AND AWARDED CONTRACT FOR PLAN ADMINISTRATOR
FOR LEWIS COUNTY DEFERRED COMPENSATION PLAN**

Introduced by Legislator Jerry King, Chairman of the County Officers Committee.

WHEREAS, the County of Lewis has established a Deferred Compensation Plan for employees; and

WHEREAS, the Deferred Compensation Committee has accepted and reviewed proposals for the administration of the Deferred Compensation Plan for a five-year contract period as stipulated in Section 9003 of Subtitle II, Title 9 NYCRR; and

WHEREAS, the Deferred Compensation Committee hereby recommends to award such contract to MassMutual as Administrative Services Agency and Financial Organization pursuant to section 9003 of Subtitle II, Title 9 NYCRR; and

WHEREAS, the Deferred Compensation Committee hereby recommends to award such contract to Phil Sprague, Central New York Agency of MassMutual as Financial Adviser; and

WHEREAS, the Deferred Compensation Committee hereby recommends that State Street Bank & Trust Company be authorized to act as trustee of said Plan.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Chairman, or Vice-Chairman of the Lewis County Board of Legislators is hereby authorized and directed to execute all necessary documents to contract with MassMutual for administrative and financial services; and State Street Bank and Trust for trustee services, for the Lewis County Deferred Compensation Plan for the period from July 2, 2013, or as soon thereafter as possible, through July 1, 2018.

Moved by Legislator Bush, seconded by Legislator Stanford, and adopted.

**RESOLUTION NO. 297 - 2013
RESOLUTION APPOINTING MEMBER TO DEVELOPMENT
AUTHORITY OF THE NORTH COUNTRY**

July 2, 2013

Introduced by Legislator Charles Fanning, Chairman of the Solid Waste Committee.

BE IT RESOLVED as follows:

Section 1. That this Board of Legislators hereby re-appoints Gary Turck of 5203 Hillcrest Circle, Lowville, New York 13367, to the Development Authority of the North Country.

Section 2. That the term of said appointment shall be effective from August 5, 2013 through August 5, 2017.

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

Moved by Legislator Hathway, seconded by Legislator Boyd.

Legislator Lucas proudly relayed that Mr. Turck would become the next President of the Development Authority of the North Country.

The resolution was then adopted.

**RESOLUTION NO. 298 - 2013
RESOLUTION REGARDING NEGATIVE DECLARATION UNDER
SEQRA WITH REFERENCE TO THE EXPANSION
AND RENOVATION OF THE MEDICAL ARTS BUILDING
OF THE LEWIS COUNTY GENERAL HOSPITAL**

Introduced by Legislator Philip Hathway, Chairman of the Hospital Committee.

WHEREAS, the Board of Managers for the Lewis County General Hospital wish to construct a 7,200 square foot addition with a basement to the Medical Arts Building including renovations to the existing building, for the purpose of housing a dialysis unit located at the Lewis County General Hospital, 7785 North State Street, Lowville, NY 13367 (herein collectively, the "Project"); and

WHEREAS, the proposed Project is an activity that will result in construction, reconstruction and renovations or other activities that may affect the environment, and is directly undertaken or funded by an agency and therefore constitutes an "action" as that term is defined by Article 8 of the Environmental Conservation Law of the State of New York, and its implementing regulations found at Part 617, et seq. of the New York Codes, Rules and Regulations ("NYCRR") (collectively referred to hereinafter as "SEQRA");

WHEREAS, by Resolution No. 134-2013, adopted on April 2, 2013, the Board of Legislators initiated its environmental review, declared its intent to proceed as lead agency and determined that the proposed construction of an addition, and the reconstruction and

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renovation of the Medical Arts Building located at 7785 North State Street, Lowville, New York 13367 constitutes an “Unlisted” action as defined by 6 NYCRR § 617.2 (ak); and

WHEREAS, a short form Environmental Assessment Form (“EAF”), has been prepared by Bernier Carr and Associates, P.C., 327 Mullin Street, Watertown, New York 13601, and has been submitted to the Board of Legislators for their consideration and contains an assessment of the potential impacts to the environment that may result from this proposed action; and

WHEREAS, the Board of Legislators has duly considered the proposed action and the draft short form EAF, the proposed Negative Declaration, the criteria for determining significance set forth in 6 NYCRR Section 617.7(c) of the SEQRA regulations, Part 360 of the Department of Environmental Conservation Regulations (Title 6 of the New York Code Rules and Regulations), and such other information deemed appropriate.

NOW, THEREFORE, be it resolved as follows:

Section 1. That upon review of all of the forgoing, the Board of Legislators hereby finds and declares that the undertaking and funding of the Project as described herein will not result in any significant adverse environmental impact, and therefore, this is an action which does not include the potential for any significant adverse environmental impact.

Section 2. That the Board of Legislators hereby authorizes the Chairman, or the Vice-Chairman, to issue the attached negative declaration under SEQRA for the proposed Lewis County Comprehensive Plan.

Section 3. That the County of Lewis directs the Clerk of the Lewis County Board of Legislators to file the Negative Declaration with the records of the Board of Legislators, and any person who has requested a copy, and to maintain a file of the Negative Declaration readily accessible to the public.

Section 4. That this Resolution shall take effect immediately.

Moved by Legislator Stanford, seconded by Legislator Hathway, and adopted.

RESOLUTION NO. 299 - 2013
BOND RESOLUTION OF THE BOARD OF LEGISLATORS OF THE COUNTY OF LEWIS, NEW YORK (THE “COUNTY”), AUTHORIZING THE EXPANSION AND RENOVATION OF THE MEDICAL ARTS BUILDING OF THE LEWIS COUNTY GENERAL HOSPITAL; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$1,200,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$700,000 IN SERIAL BONDS OF THE COUNTY TO FINANCE SAID APPROPRIATION

Introduced by Legislator Michael Tabolt, Chairman of the Board of Legislators.

July 2, 2013

WHEREAS, the Board of Legislators (the “Board”) of the County of Lewis, New York (the “County”) proposes to authorize the issuance of \$700,000 in serial bonds of the County to finance the estimated cost of the construction of an approximately 7,200 square-foot addition to, and renovation of, the Medical Arts Building, located at the Lewis County General Hospital, 7785 North State Street, Lowville, for use as a dialysis center (the “Project”); and

WHEREAS, by resolution adopted on July 2, 2013, immediately prior to the adoption of this resolution, the Board determined pursuant to the State Environmental Quality Review Act of the Department of Environmental Conservation promulgated thereunder (collectively, “SEQRA”) that the Project and the financing thereof would not have a significant adverse environmental impact and authorized the issuance of a “negative declaration” (within the meaning of SEQRA) with respect to the Project; and

WHEREAS, the Board now wishes to appropriate funds for the Project and to authorize the issuance of the County’s serial bonds and bond anticipation notes to be issued to finance said appropriation.

NOW, THEREFORE, THE BOARD OF LEGISLATORS OF THE COUNTY OF LEWIS, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

The County is hereby authorized to undertake the Project and to issue \$700,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”) to finance a portion of the estimated cost of the Project.

It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$1,900,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (a) the application of \$1,200,000 in grant monies expected to be received by the County, (b) the issuance of \$700,000 in serial bonds of the County, or bond anticipation notes issued in anticipation of such serial bonds, authorized to be issued pursuant to Section 1 of this resolution and (c) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

It is hereby determined that the period of probable usefulness for the aforementioned specific objects or purposes is twenty-five (25) years, pursuant to subdivision 12(a)(1) of Section 11.00 of the Law.

The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. The County shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of “official intent” to reimburse the expenditures authorized herein

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with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the real property within the County subject to applicable statutory limits, if any. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of serial bonds and bond anticipation notes or the renewals of said obligations and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10 and 63.00 of the Law, the powers and duties of the County Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the County Treasurer, as the chief fiscal officer of the County (the "County Treasurer"). Further, pursuant to paragraph b. of Section 11.00 of the Law, in the event that bonds authorized by this resolution are combined for sale, pursuant to paragraph c. of Section 57.00 of the Law, with bonds to be issued for any of the other objects or purposes authorized by other resolutions of the Board, then the power of the Board to determine the "weighted average period of probable usefulness" (within the meaning of paragraph a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the County Treasurer, as the chief fiscal officer of the County.

The County Treasurer is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

The County Treasurer is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

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The intent of this resolution is to give the County Treasurer sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of the Board.

This resolution shall take effect immediately and the County Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in full, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the County for such purpose.

The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

This resolution shall take effect immediately.

Moved by Legislator Hathway, seconded by Legislator Lucas.

Legislator Stanford made a motion to amend the amount cited in the title of the Resolution to \$1,900,000, seconded by Legislator Hathway and carried.

The resolution was then adopted by the following roll call vote taken and recorded in the public or open session of said meeting, which resulted as follows:

AYES: Boyd, Burke, Bush, Fanning, Hathway, King, Lucas, Stanford, Wallace, and Tabolt.
NAYS: None

RESOLUTION NO. 300 - 2013
RESOLUTION ADOPTING THE NATIONAL INCIDENT
MANAGEMENT SYSTEM (NIMS) TO PREPARE FOR, PREVENT, RESPOND TO
AND RECOVER FROM DOMESTIC INCIDENTS IN LEWIS COUNTY

Introduced by Legislator Jerry King, member of the Emergency Management Committee.

Whereas, on February 28, 2003, President George W. Bush issued Homeland Security Presidential Directive-5, thereby directing the Department of Homeland Security to develop and administer a National Incident Management System (NIMS); and

July 2, 2013

Whereas, Homeland Security Presidential Directive-5 prescribes that State, Territorial, Tribal and Local Governmental entities are to become compliant with the NIMS in 2005; and

Whereas, the directive further provides that eligibility to participate in Federal preparedness grant funding will be conditioned on the adoption of and participation with NIMS for all future funding.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators does hereby adopt the National Incident Management System as the framework for the preparation for, prevention of, response to, and recovery from domestic disaster incidents in Lewis County.

Section 2. That pursuant to adoption of the National Incident Management System, Lewis County encourages all municipal officials, participating agencies and first response personnel, that are responsible for the preparation, prevention, response and recovery from domestic disaster incidents in Lewis County, to participate in training on the National Incident Management System.

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

Moved by Legislator Boyd, seconded by Legislator King, and adopted.

Legislator Lucas made a motion at 6:36 p.m. to enter executive session to discuss details of an individual's employment history, and for a litigation update from County Attorney Richard Graham, seconded by Legislator Burke and carried.

The Chairman declared a recess, and the session commenced at 6:44 p.m. At 7:57 p.m. Legislator Hathway moved to re-enter regular session, seconded by Legislator Fanning and carried.

RESOLUTIONS (Cont'd)

RESOLUTION NO. 301 - 2013
RESOLUTION APPOINTING LEWIS COUNTY MANAGER/BUDGET OFFICER
AND AUTHORIZING EMPLOYMENT AGREEMENT

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

BE IT RESOLVED as follows:

July 2, 2013

Section 1. In accordance with Local Law No. 4 of 1987, this Board of Legislators hereby appoints Brian J. Wohnsiedler of 13964 South Bonaparte Road, Harrisville, New York as County Manager/Budget Officer for the County of Lewis.

Section 2. That the annualized salary for Brian J. Wohnsiedler shall be \$70,000.

Section 3. That the Chairman, or Vice-Chairman, of the Board of Legislators, is hereby authorized to make, execute, seal and deliver an Employment Agreement with Brian J. Wohnsiedler, pending approval of the County Attorney.

Section 4. That the term of said Agreement shall commence on July 8, 2013, or as near thereafter dependent upon Brian J. Wohnsiedler meeting all prior employment requirements as directed by the Human Resource Department, and terminate on December 31, 2013.

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

Moved by Legislator King, seconded by Legislator Hathway.

Legislator Stanford made a motion to table until later in the meeting, seconded by Legislator Lucas, and carried by unanimous voice vote.

Legislator Lucas made a motion to table until a special meeting of the Board to be held on July 15, 2013 at 9:00 a.m., seconded by Legislator Boyd and adopted by the following roll call vote:

AYES: Boyd, Burke, Lucas, Stanford, Wallace, Tabolt

NAYS: Bush, Fanning, Hathway, King

OTHER BUSINESS:

Legislator Bush made a motion to set the time of the August 6, 2013 regular meeting to begin at 9:00 a.m. to accommodate the annual golf outing and dinner. The motion was seconded by Legislator Boyd and carried.

There being no other business to come before the Board, the meeting adjourned by motion of Legislator Fanning, seconded by Legislator Stanford and carried at 8:00 p.m.

July 15, 2013

**SPECIAL MEETING
July 15, 2013**

The meeting was called to order at 9:00 a.m. by Chairman Michael A. Tabolt.

Roll Call: All Legislators were present except Legislator Lucas, whom had been excused.

The Invocation was offered by Legislator Hathway, followed by Chairman Tabolt leading the Pledge of Allegiance to the Flag.

There were 3 persons present.

REPORT OF THE RULES AND LEGISLATION COMMITTEE:

The Rules and Legislation Committee had met and recommend waiving the rules to allow action on late resolutions.

Dated: July 15, 2013

Philip Hathway, Committee
Charles Fanning, Committee

Legislator Burke made a motion to waive the rules, seconded by Legislator Bush and carried.

REPORTS OF STANDING COMMITTEES:

Legislator Jack Bush, Ways and Means Committee Chairman, reported on the storage building next to the DSS building. The location is poor, causing water problems at the jail due to rain water run-off. The Committee is interested in advertising for someone to tear down and remove the old building and putting bids out for a new building. More information will be forth coming.

The Ways and Means Committee has been in contact with Treasurer Patty O'Brien regarding upcoming 2014 Budget preparation. Legislator Bush is confident that between the Ways and Means Committee, and with the efforts of fellow Legislators, a "financially prudent" 2014 budget for Lewis County's Tax Payers can be put forth.

Chairman Tabolt encouraged Legislator Bush to discuss the IDA proposal for a PILOT agreement with Lowville Medical Associates. Legislator Bush indicated confirmation from outside Counsel of the legality. With the PILOT comes the potential of 10-14 new jobs, and will bring in people from outside the county. The location is proposed to be at the old Elk's Club on Dayan Street. Legislator Bush feels that the Village of Lowville should react enthusiastically to the proposal given the positive impact it can bring. At present, they cannot see anything negative surrounding the proposal. The Lewis County IDA Board has already given approval, and now a signature from Chairman Tabolt is needed, with authorization from the Board, according to IDA Counsel Attorney Shawn Griffin.

July 15, 2013

In response to Legislator Hathway, Legislator Bush stated a copy of the agreement is available for Board review.

In response to questions, Legislator Bush indicated it is a standard PILOT; with the 50% tax break for the assessment of taxes to start, resulting in \$0 at the end, and would be for the standard length of 15 years, he believed.

Legislator Stanford asked what specific job creation was involved. Legislator Bush said his understanding is that there will be some Medical Specialties, creating 10-14 positions, with at least three Doctors, who will make referrals to Lewis County General Hospital.

Legislator Philip Hathway, member of the Economic Development Committee reported on the impending closure of HDK Lumber Mill in the Town of Diana, scheduled for 7/31/13. It has been a persistent issue keeping the mill open, with the present cost of fuel oil, in the quantity of about ¼ million gallons per year, to operate the dry kiln, which is a major factor in the closure. The offer for getting grants to assist in the switchover from an oil burning to a wood burning kiln have gotten no results. The Lewis County IDA, as well as the Economic Development Committee are stressing the importance of keeping this lumber mill open and running, and are working diligently to find a buyer that will continue to keep the mill operational. At the encouragement of the Board, Eric Virkler, Economic Planning Director, will also be giving this matter high priority in an effort to get resolve. A meeting will be held with Assemblyman Blankenbush, the individuals from HDK, and the Committee. Legislator Fanning stated that he and the Committee have been invited to Cortland to meet with the owners, it would be beneficial to perhaps have the entire group meet at once to discuss the importance of finding a buyer to run the mill and impact of the closure, which would result in the loss of 25 jobs. Legislator Fanning invoked that not only would it affect the employees, but the logging market as well for those that provide the lumber to the mill. Legislator Hathway offered that about five million board feet of lumber is run through the mill annually so the impact to the logging market would be significant, along with the financial loss for a small town like Harrisville. While the owner would be willing to discuss the matter, any discussion of changing the closing plans would be unsuccessful. It is Legislator Hathway's understanding there are two parties very interested in purchasing the mill for operation.

Legislator William Burke, Chairman of the Social Services Committee reported that interviews for Social Services Commissioner will be held on Friday, July 19th beginning at 9:00 a.m., and requested as many participants as possible to assist with those interviews.

COUNTY MANAGER REPORT:

Acting County Manager, Michael Tabolt informed the Board that at the Courts & Law Meeting, discussion was had concerning exemptions for building permits to non-profit agencies, but no conclusion was drawn. Legislator Boyd stated that there are 174 potential exemptions.

July 15, 2013

Legislator King asked how to determine who is or is not exempt from building permit fees? County Attorney Richard Graham stated that Local Law does not presently provide for any exemptions; any exemptions would need to be in writing.

Legislator King pointed out that it takes the Codes office time and effort with all Building Permits, and they get no money in return. He thought one idea would be to allow for no cost yearly inspections, but charge for any new construction.

Legislator Burke indicated the loss for the department equates to about \$10,000 per year.

Legislator Boyd will speak to Senior Code Enforcement Officer Ward Dailey to get information to present to the Board for a possible Committee of the Whole meeting.

Legislator Stanford made a motion to enter executive session to discuss specific personnel at 9:34 a.m., seconded by Legislator King and carried. Following the session, Legislator Bush moved to re-enter regular session at 10:05 a.m., seconded by Legislator Boyd and carried.

RESOLUTIONS:

**RESOLUTION NO. 302 - 2013
RESOLUTION REGARDING SEQRA REVIEW TO ADD A
NEW TRAIL TO THE LEWIS COUNTY ATV TRAIL SYSTEM
AND DECLARING NO SIGNIFICANT IMPACT**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development 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 (hereafter, "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,

July 15, 2013

2008, the Board of Legislators accepted the GEIS as complete and on January 28, 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, upon completion of its SEQR review, the Board of Legislators formally established the Lewis County Trail System (herein "Trail System") by adopting Local Law No. 2 – 2009, "A LOCAL LAW ESTABLISHING THE LEWIS COUNTY TRAIL SYSTEM" (herein, "Local Law No. 2"); and

WHEREAS, both Local Law No. 2 and the Statement of Findings contemplate future amendments to the Trail System through the addition of trails and/or the opening of interconnecting roads and set forth procedures for making such amendments, and in particular, the procedures for amending the GEIS in compliance with SEQRA prior to amending the Trail System; and

WHEREAS, the Trails Coordinator has presented the Board of Legislators with a request to add a certain off-road trail to the ATV Trail System in order to re-route ATV following the closure of a pre-existing trail. A description of the new trail is set forth in Exhibit "A" annexed hereto; and

WHEREAS, the Board of Legislators has caused a site-specific environmental review of the proposed trail, pursuant to Section 8.2 of the Statement of Finding by the Lewis County Soil & Water Conservation District; and

WHEREAS, a report detailing the findings of the site-specific review entitled "Houseville Trail SEQR Report" has been prepared for the Board of Legislators and distributed to them for review on July 2, 2013.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Board of Legislators has received a report, dated July 2, 2013 (the "Report") from the Soil and Water Conservation District, detailing their investigations and findings with respect to the proposed new trail identified in Exhibit "A", and with the assistance from County staff and counsel, has reviewed the same and compared it with the GEIS and the Statement of Findings.

Section 2. Based upon its review and analysis of the data contained in the Report, the Board of Legislators hereby finds and determines that:

- e. The Report adequately sets forth the relevant and material facts necessary for the Board of Legislators to make a decision;
- f. The Report adequately describes the consultant's investigations and analysis as to the significant adverse impacts and necessary mitigations for the specific sites;

July 15, 2013

- g. The consultant's findings set forth in the Report are consistent with the criteria identified and set forth in the GEIS and the Statement of Findings;
- h. The investigation and analysis of the sites described in Exhibit "A" did not reveal any environmental impacts that were either not addressed or were not adequately addressed in the GEIS and the Statement of Findings.

Section 3. As a consequence of these determinations, the Board of Legislators hereby finds and declares that the addition of the proposed trail described in Exhibit "A" to the Lewis County Trail System will not result in a significant environmental impact.

Section 4. The Board of Legislators further finds and declares that pursuant to 6 NYCRR Part 617.10(d), neither a supplemental Findings Statement nor a negative declaration need be prepared or filed and no further action need be taken with regard to the County's environmental review of the site identified in Exhibit "A," and therefore, the Board has completed its lead agency responsibilities under SEQRA with regard to these sites.

Section 5. That this Resolution shall take effect immediately.

Moved by Legislator Fanning , seconded by Legislator Boyd .

Attorney Graham stated for the record that at the last Board meeting, all Legislators had been provided a copy of the environmental report as provided by Soil & Water.

Trail Coordinator Jackie Mahoney provided the Board with a copy of the map showing the trail. She feels that it is important that everything be done right so there are no issues. There is a signed landowner agreement; the trail has been mapped; a SEQR has been completed, and there is no wetland impact. Additionally, the farmer that leases the property has no issue with signage to keep riders out of the fields, and Jackie will address any issues that may come up.

The Resolution was then adopted unanimously.

Exhibit "A"

All that tract or parcel of land, being located in the Town of Lewis, County of Lewis and State of New York and being a trail approximately twelve (12) to fifteen (15) feet wide, located upon the property presently owned by Mr. Kurt Linsenmaier, and BEGINNING at a point where the trail intersects NYS Route 26 opposite the Houseville Gulf Road, 15 feet South of an electrical pole and adjacent to the farmstead driveway; THENCE Northerly and parallel to an unoccupied barn and down into a former crop field a distance of approximately 575 feet; THENCE Southeasterly until the trail intersects with the Houseville Road, a distance of approximately 505 feet.

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**RESOLUTION NO. 303 - 2013
RESOLUTION TO INCORPORATE A NEW TRAIL INTO
THE LEWIS COUNTY ATV TRAIL SYSTEM**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development 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 (hereafter, "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 and on January 28, 2009, the Board of Legislators issued a written Statement of Findings setting forth the Board's conclusions and determinations, based upon the facts and analyses contained in the GEIS; and

WHEREAS, upon completion of its environmental review under SEQRA, the Board of Legislators formally established the Lewis County Trail System (herein "Trail System") by adopting Local Law No. 2 – 2009, "A LOCAL LAW ESTABLISHING THE LEWIS COUNTY TRAIL SYSTEM" (herein, "Local Law No. 2"); and

WHEREAS, both Local Law No. 2 and the Statement of Findings contemplate future amendments to the ATV Trail System through the addition of trails and/or the opening of interconnecting roads and set forth procedures for making such amendments and additions; and

WHEREAS, the Trails Coordinator has presented the Board of Legislators with a request to add a certain off-road trail to the ATV Trail System in order to re-route ATV following the closure of a pre-existing trail. A description of the new trail is set forth in Exhibit "A" annexed hereto; and

WHEREAS, the Board of Legislators has contemporaneously herewith completed its review under SEQRA with respect to the trail identified herein below, and based upon an investigation and analysis conducted by the Soil and Water Conservation District, has

July 15, 2013

found and determined that adding this trail to the Lewis County Trail ATV System will not result in a significant environmental impact; and

WHEREAS, the owner of the property where the trail is located has offered to enter into an Access Agreement that will permit the County to enter upon the owner's property for the purpose of constructing and maintaining an ATV trail that will be open to the public.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That the Board of Legislators hereby approves entering into an Access Agreement with each of the following property owner: Kurt Linsenmaier.

Section 2. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Access Agreement(s), upon approval by the County Attorney as to form.

Section 3. The trail located on the above referenced property and more fully described in the Supplemental Statement prepared by the Soil and Water Conservation District is hereby deemed incorporated into and made a part of the Lewis County Trail System.

Section 4. The Board of Legislators hereby authorizes the amendment of the maps of the Lewis County ATV Trail System as the same are published on the Lewis County website and elsewhere to include the trail described herein together with such other and further actions as may be necessary to administer and maintain such trails consistent with the Lewis County ATV Trail Plan, the GEIS and Statement of Findings, and Local Law No. 2 – 2009.

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

Moved by Legislator Boyd, seconded by Legislator King, and adopted.

Exhibit "A"

All that tract or parcel of land, being located in the Town of Lewis, County of Lewis and State of New York and being a trail approximately twelve (12) to fifteen (15) feet wide, located upon the property presently owned by Kurt Linsenmaier, and BEGINNING at a point where the trail intersects NYS Route 26 opposite the Houseville Gulf Road, 15 feet South of an electrical pole and adjacent to the farmstead driveway; THENCE Northerly and parallel to an unoccupied barn and down into a former crop field a distance of approximately 575 feet; THENCE Southeasterly until the trail intersects with the Houseville Road, a distance of approximately 505 feet.

July 15, 2013

**RESOLUTION NO. 304 - 2013
RESOLUTION TO AMEND THE LEWIS COUNTY
CORPORATE COMPLIANCE PROGRAM**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board.

WHEREAS, Lewis County provides medical and health related services for which it receives payments from Medicare, Medicaid and third part insurers. Such services are provided through several departments, including the Mental Hygiene Department (limited to alcohol and substance abuse treatment), the Public Health Department, and the Lewis County General Hospital and Residential Health Care Facility (collectively, "Covered Departments"); and

WHEREAS, pursuant to Social Services Law § 363-d and the regulations adopted thereunder (18 NYCRR Part 521, et. seq), to be eligible to receive medical assistance payments, certain providers, including those who are subject to Articles 28 or 36 of the Public Health Law (Lewis County Public Health Department), those who are subject to Article 31 of the Mental Hygiene Law (Lewis County Mental Hygiene Department) and those who receive or submit claims in excess of \$500,000 (Lewis County General Hospital and Residential Health Care Facility) are required to adopt and implement an effective compliance program; and

WHEREAS, on September 7, 2010, the Board of Legislators adopted Resolution No. 297 -- 2010, establishing the Lewis County Corporate Compliance Program (the "Compliance Program") to ensure that medical and health related services are provided in a manner that fully conforms to all applicable state and federal laws, rules and regulations and appointed a Corporate Compliance Committee (the "Compliance Committee") to assist with the day to day implementation of the Compliance Program; and

WHEREAS, the Compliance Committee recommends that the Compliance Program be revised in certain respects in order to better describe the policies and procedures in place, and to ensure that the Compliance Program is "effective" as that term is defined by the Office of Medicaid Inspector General; and

WHEREAS, the Compliance Committee further recommends that the Compliance Committee be amended to formally include a minimum of three County Legislators, to wit: the Chair of the Hospital Committee, the Chair of the Public Health Committee, and such other legislator(s) as may be appointed by the Chair of the Board.

NOW, THEREFORE, be it resolved as follows:

Section 1. The Lewis County Board of Legislators hereby adopts the revised Corporate Compliance Plan to assist its departmental staff in adhering to state and federal law, as well as health care program requirements, while conducting services in the highest ethical manner. Therefore, the within revised Corporate Compliance Plan is hereby declared to be the policy of Lewis County with regard to such compliance issues.

July 15, 2013

Section 2. The Board of Legislators hereby amends the Corporate Compliance Committee. The Compliance Committee shall be chaired by the County Attorney (Corporate Compliance Officer). The Compliance Committee will be comprised of the Public Health Director, the Director of Community Services, the Chief Executive Officer of the Lewis County General Hospital, the County Manager, the Compliance Officer(s) from each of the Covered Departments and a minimum of three County Legislators, to wit: the Chair of the Hospital Committee, the Chair of the Public Health Committee, and such other legislator(s) as may be appointed by the Chair of the Board

Section 3. Each of the Covered Departments, in consultation with the Compliance Committee, are hereby directed to conform their departmental compliance plans to the Corporate Compliance Program.

Section 4. The County Attorney, Director of Human Resources and Board Clerk are further directed to amend the County's Administrative Manual, Personnel Handbook, and related employment policies in order to incorporate the Code of Conduct, Disciplinary Policy, and Non-Intimidation/Non-Retaliation Policy as contained in the Corporate Compliance Plan into the County's employment policies and procedures.

Section 5. That this Resolution shall be effective immediately.

Moved by Legislator King, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 305 - 2013
FIXING DATE OF PUBLIC HEARING ON LOCAL LAW
(INTRODUCTORY LOCAL LAW NO. 7 - 2013), COUNTY OF LEWIS**

Introduced by Michael A. Tabolt, Chairman of the Board of Legislators.

WHEREAS, there will be presented and introduced at a meeting of this Board of Legislators to be held on August 6, 2013, a proposed Local Law entitled "LOCAL LAW TO AUTHORIZE PURCHASING BASED ON BEST VALUE ."

Now, therefore, BE IT RESOLVED as follows:

Section 1. That a public hearing will be held on August 6, 2013, from 9:00 a.m. to 9:30 a.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.

July 15, 2013

Moved by Legislator Stanford, seconded by Legislator Boyd.

In response to Legislator Hathway's inquiry as to what specifically this resolution was pertaining to, Attorney Graham stated that the General Municipal Law has recently been amended to raise the threshold for when public bidding is required, and also amended to allow for "Best Value" as an award criteria. Ordinarily, public bids are awarded to the lowest responsible bidder. Language has now been added so that in addition to lowest cost, things such as efficiency, quality, and long-term maintenance can be taken into consideration; a variety of values for the project or commodity in order to determine the best value. In order to implement, however, it must be done by Local Law.

Legislator Fanning clarified that this does not allow departments to purchase on their own to get a better deal without going through our current purchasing system. Attorney Graham confirmed.

The resolution was then adopted.

There being no other business to come before the Board, the meeting adjourned at 10:13 a.m. on motion by Legislator Fanning, seconded by Legislator Stanford and carried.

August 6, 2013

**REGULAR MEETING
August 6, 2013**

The meeting was called to order at 9:03 a.m. by Chairman Michael A. Tabolt.

Roll Call: All Legislators were present. Legislator Charles R. Fanning passed away on July 27, 2013.

Legislator Hathway offered a special Invocation in memory of Charles R. Fanning; followed by the Pledge of Allegiance to the Flag.

There were 13 persons present.

Mrs. Charles R. Fanning was present at the meeting and expressed gratitude for the kind gestures, including the following resolution read by the Clerk and enacted in memory of Legislator Charles R. Fanning:

**RESOLUTION NO. 306 - 2013
RESOLUTION IN MEMORIAM OF
CHARLES R. FANNING**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

WHEREAS, Charles R. Fanning of 3525 Deer River Road, Copenhagen, New York, recently departed this life on July 27, 2013; and

WHEREAS, Charles R. Fanning was chosen by the electorate to serve on the Lewis County Board of Legislators effective January 1, 2006 as the representative for District No. 3, being subsequently and continuously re-elected to serve in that capacity; and had served as Vice-Chairman of the Board of Legislators from January 8, 2013 until his untimely death; and

WHEREAS, he had tirelessly and diligently researched and studied issues to promulgate knowledgeable decisions, particularly those of interest to his constituents, while always mindful of Lewis County's entire citizenry; and

WHEREAS, it is proper for us as friends and members of this Board of Legislators to record our recognition and appreciation for the sincere, generous and valuable services rendered by our colleague Charles R. Fanning.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That as an enduring record and mark of respect to the memory of the deceased, Charles R. Fanning, a true friend and an honorable, upright and able public official, this resolution shall be printed in the official record of the proceedings of the

August 6, 2013

Board of Legislators of the County of Lewis, and a copy thereof be forwarded to the family of Charles R. Fanning.

Moved by the entire Legislative body and unanimously adopted.

Legislator Bush made a motion to dedicate the 2013 Journal of Proceedings in honor of Legislator Charles R. Fanning, seconded by Legislator Boyd and carried.

Chairman Tabolt announced approval of the July 2, 2013 meeting minutes.

REPORT OF THE RULES AND LEGISLATION COMMITTEE:

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

Richard Lucas, Chairman
Philip Hathway

Dated: August 6, 2013

Legislator Burke made a motion to waive the rules, seconded by Legislator Lucas and carried.

Chairman Tabolt opened the public hearing at 9:10 a.m. for comments on Local Law Introductory No. 7-2013 "To Authorize Purchasing Based on Best Value".

PRESENTATION OF COMMUNICATIONS AND NOTICES:

The Sullivan County Board of Legislators forwarded their Resolution in support of proposed State Legislation to provide residents and small business owners with tax credits for broadband deployment pursuant to the Rural Broadband Deployment Act.

REPORTS OF COUNTY OFFICERS AND DEPARTMENTS:

A copy of the State Comptroller's 7/19/13 report of examination letter, with findings and recommendations for the Lewis County program of maintenance and funding of bridge repairs, was given to each Legislator. A written response is required to be filed with the State Comptroller no later than November 4, 2013.

The Treasurer and Real Property Tax Director had submitted an approved corrected tax roll application for property owned by the State of New York within the Village of Lowville.

All Legislators received copies of the County Treasurer's July monthly report; the 7/23/13 Highway Audit report; the 7/22/13 Solid Waste Audit Report; the 2nd quarterly

August 6, 2013

report of Sr. Code Enforcement Officer; and the 7/23/13 minutes of the Youth Bureau Advisory Board meeting.

REPORTS OF STANDING COMMITTEES:

Legislator Philip Hathway, Hospital Committee Chairman, announced Christine Hamburg as the employee-of-the-month. The year-to-date operating loss through June is \$302,000 above the projected level, which may be offset by lower retirement pension costs yet to be determined. Construction of the Dialysis Unit proceeds on schedule with anticipated opening in March 2014. The bond proceeds for the computer system are due on 8/9/13; and the Hospital is now able to bill Medicare for certified home health and Hospice services. Legislator Hathway also urged support of the Board of Managers' unanimous recommendation to appoint Kevin McArdle to their Board.

Legislator Jack Bush, Buildings and Grounds Committee Chairman, reported routine building maintenance work orders during the month of July.

Legislator Bush relayed the Committee and Frank Archer had reviewed the new building architectural plans with Rick Tague and Clerk of the Works and directed some minor changes. Upon completion, they will meet again to review the revised plans.

Legislator Bush, as a member of the Transportation/Solid Waste Committee, reported completion of 18.3 paved miles and crews are now working on the shoulders. Striping is done, except for newly paved areas, because it won't stick to the surface. Also, the concrete is done on the Mad River Bridge. In response to Legislator Burke, Legislator Bush stated that road mowing will be done in the near future.

Legislator Bush also reported a new computer system was installed at the transfer stations for all transactions, which will provide instant updated information to office staff.

Legislator Bush made a motion to authorize purchasing a camera to be placed into the sewer system on Stowe Street by Bernier, Carr and Associates, at a cost between \$3,000- \$3,500, seconded by Legislator King and carried.

Legislator Bush made a motion to authorize an increase from \$.04 to \$.06 per gallon surcharge to all municipalities and entities purchasing petroleum products from the County effective July 1, 2013. The motion was seconded by Legislator Boyd and carried.

Legislator Hathway made a motion to authorize purchasing four (4) new cars through the Department of Social Services by utilizing Capital Equipment funds, with a resulting balance of \$260,000. Two of the vehicles will be designated to the Hospital, as well as transferring two (2) used cars to the Hospital for the Certified Home Health and Hospice programs. He further stated that the Friends of Hospice have also committed to purchase two (2) new cars. Hospital CEO Eric Burch indicated that some of the older cars that had been transferred to the Hospital may be returned to the County for sale. The motion was seconded by Legislator King and carried.

August 6, 2013

Legislator Bush made a motion to authorize Solid Waste Coordinator Pete Wood to fill a part-time laborer position (4 hrs/week) at the Croghan Transfer Station, due to a recent resignation. The motion was seconded by Legislator Stanford and carried.

Legislator John Boyd, Courts and Law Enforcement Committee Chairman, referenced the lawsuit filed by Iroquois Gas Transmission for assessment reductions on several parcels, which was deferred until later in the meeting for explanation by the County Attorney.

Legislator Jerry King, member of the Courts and Law Enforcement Committee, apologized for proposing a late resolution, while asking for support to engage a grant writer for the emergency communications system. The third round for funding applications was recently announced. Review of the submitted CAD proposals will take between 2-4 weeks.

Legislator King, County Officers/Human Resources Committee Chairman, reported meeting with employees and union representatives to discuss building security issues and policies. A designated committee will work under the direction of Human Resource Director James Swords to refine workplace violence policies and training.

Legislator Richard Lucas, Economic Development Committee Chairman, reported that trail work is appropriately proceeding. Trail Coordinator Jackie Mahoney, he said, has met with all the ATV Clubs, and is planning an all-inclusive round table discussion.

Legislator Lucas also relayed the Economic Development Department has been very busy, especially with efforts to thwart the impending closure of the HDK business in Harrisville.

Legislator Lucas made a motion to authorize the Chairman to prepare a letter in support of the request to the North Country Regional Economic Development Council Request for Priority Nomination for Priority Projects in the current Consolidated Funding Application round, by the Lewis County Development Corporation to rehabilitate the Croghan Dam. The motion was seconded by Legislator Boyd and carried.

Legislator William Burke, Social Services/Office For Aging/Youth Committee Chairman referenced the need to authorize an agreement for Social Services (DSS) to retain Office For Aging staff for outreach and processing of HEAP applications during the upcoming season. The program is totally financed by Federal funds. Under the supervision of DSS staff, summer youth workers have assisted to clean out the archived files in the records storage building.

Office For Aging personnel are working to distribute the 80 remaining farmers market coupons of the total 394, to eligible low-income senior citizens. The annual public hearing and Octoberfest will be held on 10/18/13 at the Copenhagen Firehall. There are many events planned, but tickets must be purchased prior to the event.

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Legislator Wallace reported that Trail Coordinator/Conservation Foreman Jackie Mahoney is reviewing all Reforestation contracts.

Legislator Paul Stanford, Public Health/Mental Health Committee Chairman, urged support of Penny Ingham's full-time appointment as Public Health Director effective 9/2/13. He also reported that CREDO plans to assume administration of the alcohol and substance abuse programs effective 9/3/13.

Chairman Tabolt then introduced Penny Ingham.

COUNTY MANAGER REPORT:

Acting County Manager Michael Tabolt referenced his earlier report on the Mohawk Indian Claim settlement, reporting there would be a public referendum at the November election on whether casinos would be allowed in surrounding counties. Distribution of casino revenues would be based on population.

Expounding on Legislator King's report, he referenced the discussion about building security issues, with agreement to avail Sheriff Carpinelli's training on verbal judo self-defense mechanisms.

The Information Technology Committee and staff will view Dell's computer software storage presentation tomorrow, and any interested Legislators are encouraged to attend.

Mr. Tabolt relayed an inquiry from St. Lawrence County Chairman of the Board Jonathan Putney for Legislator interest to serve on their task force to assist with the impending closure of the St. Lawrence Psychiatric Center, citing its use by Lewis County residents.

A copy of the County's Employment Termination Policy had been previously distributed to each Legislator for review. At the Chairman's request, Legislator King made a motion to officially adopt the policy, seconded by Legislator Bush and carried.

Mr. Tabolt also relayed a visit from State Comptroller's representative Tom Carpenter, who offered and encouraged contacting him for assistance with the status of State contracts and/or unusual pension inquiries.

He announced his plans to attend the NYSAC seminar to be held in Saratoga in September. There was no opposition expressed.

County Attorney Richard Graham reported receipt of Iroquois Gas Transmission's request to reduce their property assessment for parcels located in the Towns of Diana, Leyden, New Bremen and Watson. In accordance with the County's approved policy, the Town of New Bremen has submitted their request for County assistance with defense expenses, and he awaits the other Town requests. Typically, respective school districts are

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asked to contribute an equal proportionate share of defense costs, because they are also impacted. Atty. Graham will coordinate the defense plans in the most cost efficient manner, considering that all of the reduction requests are similar. He cautioned that their assessment reduction requests represent millions of dollars in tax revenue. However, he expressed optimism due to the County's success with similar previous assessment reduction litigation.

Atty. Graham then relayed an issue with the Home Rule Requests for extending the three-quarters of one percent sales tax beyond 11/30/13; and increasing the sales tax by an additional one-quarter percent. The State Assembly and Senate Bills are drafted by State Legislative staff, he said, without input from the County.

Upon receipt of approved Bills, the State Department of Taxation and Finance related to Atty. Graham discrepancies with the language relative to effective dates, and that the two separate Bills had been combined. The State agency officials are requiring an amended and adopted Home Rule Law which would require the State Legislature to convene a special session, at the Governor's discretion. Unless otherwise resolved, an estimated \$200,000 sales tax revenue would be in jeopardy, because the County sales tax rate would revert to three percent (3%) effective 12/1/2013. The Board could not impose the additional sale tax rate until 3/1/2014, thereby missing the holiday shopping period. Atty. Graham is conferring with State Legislative and agency officials, hopeful of a favorable outcome.

Legislator Hathway asked if the Information Technology staff could install software that would allow interested Legislators to have "read only" access to the County's financial electronic information system from their remote home computers. Legislators King and Bush expressed support for the electronic access, citing savings for paper and having instant access to assist during budget deliberations. Legislator King made a motion to direct staff to install appropriate software and protections for any interested Legislator's home computer for access to the financial information, seconded by Legislator Bush and carried.

There being no one wishing to speak, Chairman Tabolt closed the public hearing for comments on Local Law Introductory No. 7-2013 at 9:55 a.m.

REPORT OF THE WAYS AND MEANS COMMITTEE:

**REPORT OF
WAYS AND MEANS COMMITTEE
ON THE EXAMINATION OF CLAIMS**

To: The Honorable County Legislators

The Ways and Means Committee reports that they have examined the claims presented for payment in the total amount of \$ 1,417,437.87 and recommend that they be audited and allowed for the amounts claimed.

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Jack Bush, Chair
Philip Hathway, Committee
Jerry King, Committee

Dated: August 6, 2013

Approved on motion by Legislator Boyd, seconded by Legislator Lucas, and carried.

**RESOLUTION NO. 307 - 2013
RESOLUTION IN MEMORIAM OF
GERALD R. REED**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

WHEREAS, Gerald R. Reed of Route 12, Glenfield, New York, recently departed this life on July 16, 2013; and

WHEREAS, Gerald R. Reed had been appointed to the Lewis County Board of Legislators on March 8, 1985 as the Legislator representative for District No. 7, being subsequently and continuously re-elected to serve in that capacity until December 31, 1997; and

WHEREAS, it is proper for us as friends, acquaintances and members of this Board of Legislators to record our recognition and appreciation for the sincere, unselfish and valuable services rendered by the deceased.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That as an enduring record and mark of respect to the memory of the deceased, Gerald R. Reed, a true friend and an honorable, upright and able public official, this resolution shall be printed in the official record of the proceedings of the Board of Legislators of the County of Lewis, and a copy thereof be forwarded to the family of Gerald R. Reed.

Moved by Legislator Burke, seconded by Legislator Bush, and adopted.

**LOCAL LAW (INTRODUCTORY NO. 7-2013)
COUNTY OF LEWIS
A LOCAL LAW TO AUTHORIZE PURCHASING BASED ON BEST VALUE**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

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

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Section 1. Title: This law shall be known as the “Local Law to Authorize Purchasing Based on Best Value”.

Section 2. Legislative Findings and Declaration of Intent:

- a. General Municipal Law §103 ("Section 103") sets forth the general rules applicable to the awarding of contracts for public works and contracts for purchase by a municipality.
- b. Section 103 requires that contracts for public work involving an expenditure of more than thirty-five thousand dollars and all purchase contracts involving an expenditure of more than twenty thousand dollars, shall be awarded by the appropriate officer, board or agency of a municipality to the lowest responsible bidder furnishing the required security after advertisement for sealed bids.
- c. Section 103 further provides that a municipality may award purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the labor law) may be awarded on the basis of "best value," provided that the municipality implement such authority by local law.
- d. The Lewis County Board of Legislators hereby determines that it is in the best interest of the County of Lewis and its residents for the appropriate officer, board or agency of Lewis County, consistent with the purchasing policy established (and as may be amended from time to time) by the Board of Legislators, to have the authority to award purchase contracts on the basis of "best value" as defined herein.

Section 3. Definitions:

For purposes of this Local Law, the following terms shall be deemed to have the meaning set forth:

- a. “Best value” shall mean the basis upon which a contract may be awarded after a competitive bid for the purchase of goods or services to the bidder which optimizes quality, cost and efficiency, among responsive and responsible bidders. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for bidders that are small businesses or certified minority- or women-owned business enterprises as defined in subdivisions one, seven, fifteen and twenty of section three hundred ten of the executive law to be used in evaluation of offers for awarding of contracts for services. Factors that may be used to determine the "best value" and to award a contract to other than the lowest bidder, are:
 1. cost of maintenance for good(s) or service(s);
 2. durability of good(s) or service(s);
 3. quality of good(s) or service(s); or
 4. product life of good(s) or service(s)
- b. "Purchasing Agent" shall mean the appropriate officer, board, legislative committee or agency of Lewis County, consistent with the purchasing policy established (and as may be amended from time to time) by the Board of

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Legislators, to have the authority to award purchase contracts on the basis of "best value" as defined herein.

Section 3. Authority to Award Contracts:

On and after the effective date of this Local Law, the Purchasing Agent may award purchase contracts, including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Labor Law Article 8, on the basis of best value, as defined in State Finance Law §163, to a responsive and responsible bidder.

- a. Where the basis for award is the best value offer, Purchasing Agent shall document, in the procurement record and in advance of the initial receipt of offers, the determination of the evaluation criteria, which whenever possible, shall be quantifiable, and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.
- b. Where appropriate, the solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by the Purchasing Agent in their determination of best value.
- c. The election to award any such contract on the basis of best value shall be made by the Purchasing Agent in consultation with the Department Head and appropriate Legislative committee. In the event that no such election is made, purchase contracts will continue to be awarded to the lowest responsible bidder furnishing any required security in accordance with the Lewis County Purchasing Policy.

Section 4. Severability:

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date:

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

**RESOLUTION NO. 308 - 2013
RESOLUTION ADOPTING AND OTHERWISE TREATING
LOCAL LAW NO. 7 – 2013, COUNTY OF LEWIS**

Introduced by Michael A. Tabolt, Chairman of the Board of Legislators.

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WHEREAS, a resolution was duly adopted by the Board of Legislators on July 15, 2013, directing that a public hearing be held by said Board on August 6, 2013, from 9:00 a.m. to 9:30 a.m. at the Second Floor Board Room of the Courthouse, 7660 North State Street, Lowville, New York 13367, to hear all interested parties on a proposed Local Law entitled, "A LOCAL LAW TO AUTHORIZE PURCHASING BASED ON BEST VALUE"; and

WHEREAS, notice of said public hearing was duly advertised in the Watertown Daily Times, the official newspaper designated by the County, on August 1, 2013, and posted on the bulletin board of the Lewis County Courthouse, 7660 North State Street, Lowville, New York, at least five (5) days prior to such public hearing; and

WHEREAS, said public hearing was duly held at such location at such time and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

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

BE IT FURTHER RESOLVED, as follows:

Section 1. This Local Law (Introductory No. 7 – 2013), County of Lewis, being "A LOCAL LAW TO AUTHORIZE PURCHASING BASED ON BEST VALUE", be and the same hereby is designated as Local Law No. 7 –2013, County of Lewis.

Section 2. That Local Law No. 7 – 2013, County of Lewis, with designation stated above, be and the same is hereby enacted, waiving any and all defects and informalities in the adoption thereof and shall take effect immediately upon filing with the Secretary of State.

Section 3. That the Procurement Policy for the County of Lewis is hereby amended to incorporate the applicable provisions of the within Local Law into such Procurement Policy. The Clerk of the Board is hereby directed to make such amendments to the Procurement Policy as contained in the Administrative Manual for Lewis County upon such form as approved by the County Attorney, and to distribute the same to all Department Heads.

Moved by Legislator Lucas , seconded by Legislator Stanford , and adopted by the following roll call vote:

YEAS: Boyd, Burke, Bush, Hathway, King, Lucas, Stanford, Wallace, Tabolt

NAYS: None

ABSENT: None

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**RESOLUTION NO. 309 - 2013
AUDITING AND ALLOWING CLAIMS**

Introduced by Legislator Jack T. Bush, Chairman of the Ways and Means Committee.

RESOLVED that the claims presented for payment in the total amount of \$ 1,417,437.87 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 Boyd, seconded by Legislator Burke, and adopted by roll call vote:

All voted yea.

**RESOLUTION NO. 310 - 2013
DEFERRED COMPENSATION COMMITTEE RESOLUTION
TO AMEND AND RESTATE THE MODEL PLAN**

Introduced by Legislator Paul Stanford, Chairman of the County Officers' Committee.

WHEREAS, the New York State Deferred Compensation Board (the "Board"), pursuant to Section 5 of the New York State Finance Law ("Section 5") and the Regulations of the New York State Deferred Compensation Board (the "Regulations"), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of the County of Lewis (the "Model Plan") and offers the Model Plan for adoption by local employers; and

WHEREAS, the County of Lewis, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of the County of Lewis; and

WHEREAS, effective February 22, 2013 the Board amended the Model Plan to adopt provisions

- Including provisions related to the American Taxpayer Relief Act of 2012, expanding the ability of participants to convert all or a portion of their plan assets from a pre-tax account to an in-plan Roth account any time including while in employment.

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

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WHEREAS, upon due deliberation, the County of Lewis has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of the County of Lewis by adopting the amended Model Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Legislators for the County of Lewis hereby amends the Deferred Compensation Plan for Employees of the County of Lewis by adopting the amended Model Plan effective February 22, 2013, including the optional provisions in Schedule A.

That the within Resolution shall take effect immediately.

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

RESOLUTION NO. 311 - 2013
RESOLUTION AUTHORIZING EMERGENCY MANAGEMENT/FIRE
COORDINATOR TO APPOINT A CLERGY DEPUTY FIRE COORDINATOR

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement Committee.

WHEREAS, the Emergency Management/Fire Coordinator has requested authorization to appoint a member of the clergy as a Deputy Fire Coordinator to assist at an incident scene, or other location as determined by the Coordinator; and

WHEREAS, said Deputy Clergy Fire Coordinator shall be trained and certified to assist with victims, their family members, or emergency responders involving response pursuant to the Comprehensive Emergency Management Plan, Mass Casualty Plan, Mass Fatality Plan, Family Communication and Assistance Centers, Personal Debriefing and Consulting, Incident Command System, Set-up and operations of the County Command Trailer; and become familiar with overall communication systems.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby authorizes the Emergency Management/Fire Coordinator to appoint a Deputy Fire Coordinator as a Clergy, with specialized training in personal debriefing and consulting with victims, their family members or acquaintances, or emergency responders, at an incident scene or other determined location.

Section 2. That the Clergy Deputy Fire Coordinator shall serve at the pleasure of the Emergency Management/Fire Coordinator without remuneration.

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

Moved by Legislator Burke, seconded by Legislator King, and adopted.

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**RESOLUTION NO. 312 - 2013
AUTHORIZING THE ESTABLISHMENT OF A
LEWIS COUNTY FUND BALANCE MANAGEMENT POLICY
IN ACCORDANCE WITH GASB 54**

Introduced by Legislator Jack T. Bush, Chairman, Ways and Means Committee

WHEREAS, the County's financial statements are in compliance with the Government Accounting Standards Board Statement #54 regarding the classification of Fund Balance;

NOW, THEREFORE, BE IT RESOLVED,

Section 1. The Board of Legislators hereby declares and determines the following to be the official policy of Lewis County in the management of its fund balance and shall be known as the "Lewis County Fund Balance Management Policy":

**FUND BALANCE MANAGEMENT POLICY
COUNTY OF LEWIS**

The purpose of this policy is to establish a fund balance policy to address the needs of Lewis County ("County") and establish adequate reserves to ensure against unanticipated events that will not adversely affect the financial condition of the County and not jeopardize the continuation of necessary public services. This policy will ensure the County maintains adequate fund balance and reserves in the County's Governmental Funds to provide the capacity to:

1. Provide sufficient cash flow for daily financial needs.
2. Secure and maintain investment grade bond ratings.
3. To provide adequate reserves to offset significant economic downturns or revenue shortfalls, and
4. Provide adequate reserves for unforeseen expenditures related to emergencies.

Fund Balance for the County's Governmental Funds will be comprised of the following categories:

1. Nonspendable - amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact.
2. Restricted- amounts externally imposed by creditors (debt covenants), grantors, contributors, laws, or regulations of other governments.
3. Committed- amounts used for specific purposes pursuant to constraints imposed by formal action of the government's highest level of decision-making authority.

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- a. Amounts set aside based on self-imposed limitations established and set in place prior to year-end and can be calculated after year end.
- b. Limitation imposed at highest level and requires same action to remove or modify.
- c. Resolutions that lapse at year end.
4. Assigned- amounts that are constrained by the government's intent to be used for specific purposes, but are neither restricted or committed.
5. Unassigned- amounts that are not reported in any other classification.

The General Fund will be the only fund that will have an unassigned fund balance. Special Revenue Funds and Capital Project funds will consist of only nonspendable, restricted, committed and assigned categories of fund balance. Special Revenue Funds account for and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specified purposes other than debt service or capital projects. Capital Project Funds account for and report expenditures for capital outlays including acquisition or construction of capital facilities and other capital assets.

Unassigned Fund Balance-General Fund

Lewis County has adopted a fiscal policy that will provide for capital projects to be financed with debt and pay-as-you-go funding. In order to obtain the best possible financing, adopted policies are designed to maintain extremely favorable bond ratings. Part of the County's fiscal health is dependent on maintaining a fund balance position that is adequate to meet the County's needs and challenges.

Lewis County has therefore adopted a policy that directs management to maintain an unassigned fund balance as follows:

1. The County will strive to maintain an unassigned fund balance in the General Fund of \$10 million. The amount of unassigned fund balance should not fall below \$6 million.
2. To the extent that the General Fund unassigned fund balance exceeds \$10 million the balances may be utilized to fund capital expenditures or pay down outstanding County debt.
3. If a catastrophic economic event occurs that requires a 50% or more deviation from total budgeted revenue or expenditures then assigned fund balance can be reduced by action of the Lewis County Legislature.

Section 2. That a copy of the forgoing "Lewis County Fund Balance Management Policy" shall be filed with the Clerk of the Board and placed in the Administrative Policy Manual for the County of Lewis.

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

Moved by Legislator Burke , seconded by Legislator Boyd , and adopted.

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**RESOLUTION NO. 313 - 2013
RESOLUTION TO APPROPRIATE FUNDS
TRANSPORTATION DEPARTMENT**

Introduced by Legislator Jack T. Bush, Member of the Transportation Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget appropriation is hereby approved in the Highway Department Accounts for receipt of additional CHIPS funding as stated in Resolution No. 272-2013 :

<u>Increase Revenue:</u>	
D35011 (CHIPS capital)	\$42,248.00
<u>Increase Expense:</u>	
D5110.1999 (Pers Serv)	\$42,248.00

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

Moved by Legislator Boyd, seconded by Legislator Stanford, and adopted.

**RESOLUTION NO. 314 - 2013
RESOLUTION APPOINTING MEMBER
TO LEWIS COUNTY GENERAL HOSPITAL
BOARD OF MANAGERS**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

BE IT RESOLVED as follows:

Section 1. That pursuant to Section 127 of the General Municipal Law, the Board of Legislators hereby appoints Kevin M. McArdle of 7037 West Road, Lowville, New York 13367 to the Board of Managers of the Lewis County General Hospital, to fill the unexpired term of Thomas J. Spaulding.

Section 2. That the term of said appointment shall commence August 7, 2013 and expire on December 31, 2017.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator Hathway, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 315 - 2013
RESOLUTION TO TRANSFER FUNDS
JUDGMENTS AND CLAIMS**

August 6, 2013

Introduced by Legislator Michael Tabolt, Chairman of the Board of Legislators.

BE IT RESOLVED, as follows:

Section 1. That the following transfer is hereby approved from “To Capital Projects” account to Judgments & Claims account to cover court ordered payments, balance of To Capital Projects \$436,754.05:

<u>From:</u>	<u>Amount</u>
A9950.9921 (To Capital Projects)	\$60,000.00
<u>To:</u>	
A1930.4999 (Judgments & Claims)	\$60,000.00

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

Moved by Legislator King, seconded by Legislator Stanford, and adopted.

**RESOLUTION NO. 316 - 2013
RESOLUTION APPOINTING MEMBER TO
JUNKYARD REVIEW BOARD**

Introduced by Legislator Jerry King, Chairman of the Junkyard Committee.

WHEREAS, Allan Wahl has resigned as a member of the Lewis County Junkyard Review Board; and

WHEREAS, Virgenia Churchill has expressed an interest to fill said vacancy.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That this Board of Legislators hereby appoints Virgenia Churchill of 2145 North Osceola Road, Camden, New York 13316, to the Lewis County Junkyard Review Board, to serve the un-expired term of Allan Wahl.

Section 2. That the term of said appointment shall be effective from August 7, 2013 through December 31, 2014.

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

Moved by Legislator Lucas, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 317 - 2013
RESOLUTION TO TRANSFER FUNDS
LAW DEPARTMENT**

August 6, 2013

Introduced by Legislator John Boyd, Chairman of the Courts & Law Enforcement Committee:

BE IT RESOLVED as follows:

Section 1. That the following budget transfer is hereby approved in the County Attorney's account for the purchase of file cabinets, utilizing Capital Equipment funds (HAD9901.9) balance \$295,718.63:

<u>Increase Revenue:</u>	
A50310 (Interfund transfers)	\$362.92
<u>Increase Expense:</u>	
A1420.4407 (Supplies)	\$362.92

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

Moved by Legislator Burke, seconded by Legislator Lucas, and adopted.

RESOLUTION NO. 318 - 2013
RESOLUTION AUTHORIZING SUB-LEASE AGREEMENT
BETWEEN MOUNTAIN VIEW PREVENTION SERVICES, INC. AND
LEWIS COUNTY MENTAL HYGIENE DEPARTMENT

Introduced by Legislator Paul Stanford, Chairman of the Mental Hygiene Committee.

WHEREAS, the Lewis County Mental Hygiene Department ("Tenant") desires to enter into a Sub-Lease Agreement with Mountain View Prevention Services, Inc. ("Landlord") for the purpose of leasing approximately 469 square feet of office space at the Mountain View Prevention Services building located at 7714 Number Three Road; and

WHEREAS, the Board of Legislators wishes to enter into a sublease agreement;

NOW THEREFORE, BE IT RESOLVED, that

Section 1. The Board of Legislators hereby approves the Sub-Lease Agreement between Mountain View Prevention Services and the County of Lewis acting by and through the Lewis County Mental Hygiene Department commencing September 1, 2013 through December 31, 2013 at a rental cost of \$1,532.00 payable in equal monthly installments of \$383.00.

Section 2. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Agreement, upon approval by the County Attorney as to form.

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Section 3. That this Resolution shall take effect immediately.

Moved by Legislator Burke, seconded by Legislator Stanford, and adopted.

**RESOLUTION NO. 319 - 2013
RESOLUTION TO AMEND PROCUREMENT POLICY**

Introduced by Legislator Jack T. Bush, Chairman of Ways and Means Committee.

WHEREAS, the County wishes to amend its Procurement Policy consistent with recent changes in the law as well as recent personnel changes; and

WHEREAS, the County's Procurement Policy currently provides that public works contracts over \$20,000 and purchase contracts over \$10,000 shall be awarded only after public advertising soliciting formal bids; and

WHEREAS, General Municipal Law §103 has been amended to increase the threshold for competitive bids to provide that contracts for public work involving an expenditure of more than \$35,000 and all purchase contracts involving an expenditure of more than \$20,000, shall be awarded to the lowest responsible bidder after advertisement for sealed bids.

WHEREAS, General Municipal Law (GML), Chapter 24, Section 104-b (f) requires municipalities to amend Procurement Policy to include the names and titles of those responsible for purchasing biannually; and

WHEREAS, the Board of Legislators had previously designated David Pendergast as the sole responsible purchaser; and

WHEREAS, Mr. Pendergast has retired effective April 30, 2013;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby approves the amendment of the Lewis County Administrative Manual as follows:

- a. All references that require competitive bidding for public works contracts shall be amended to state that only those public works contracts involving an expenditure of more than \$35,000 shall require public bidding;
- b. All references that require competitive bidding for purchase contracts shall be amended to state that only those purchase contracts involving an expenditure of more than \$20,000 shall require public bidding;
- c. All references to David Pendergast as the sole responsible purchaser shall be amended to state that Michael A. Tabolt, acting County Manager, is the sole responsible bidder.

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Section 2. That the Clerk of the Board is hereby directed to make the amendments as herein set forth to the Administrative Manual upon such form as may be approved by the County Attorney and distribute the same to all Department Heads.

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

Moved by Legislator Boyd, seconded by Legislator King, and adopted.

**RESOLUTION NO. 320 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY PUBLIC HEALTH AGENCY AND
LEWIS COUNTY SHERIFF'S DEPARTMENT FOR JAIL NURSE**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

NOW, THEREFORE, be it resolved as follows:

Section 1. That the Board of Legislators hereby approves a Memorandum of Agreement by and between Lewis County Sheriff's Department and Lewis County Public Health Agency to provide jail nursing services with a licensed registered nurse in accordance with New York State Department of Corrections regulations for the term beginning July 1, 2013.

Section 2. 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 3. That the within resolution shall take effect immediately.

Legislator Stanford moved to table the resolution, seconded by Legislator King, and carried.

**RESOLUTION NO. 321 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY PUBLIC HEALTH DEPARTMENT
AND TURBETT ASSOCIATES**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

WHEREAS, Turbett Associates has heretofore developed, installed, supported and/or modified software programming in and upon County computers for the purpose of enabling or enhancing existing software to complete certain data retention, reporting and billing functions of Public Health. (hereinafter collectively "Software"). Such Software has

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included initial development of software and/or modification of existing commercially available software to meet the specific needs of Public Health computer systems.

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 Public Health Department and Turbett Associates for Software programming, licensing and support on a month-to-month basis at a cost of \$500.00 per month and an hourly rate of \$50.00 per hour for service above and beyond the normal scope; for a term commencing July 1, 2013.

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Stanford, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 322 - 2013
RESOLUTION TO APPROPRIATE FUNDS
PUBLIC HEALTH**

Introduced by Legislator Paul Stanford, Chairperson of the Public Health Committee:

BE IT RESOLVED, as follows:

Section 1. That the following budget appropriation is hereby approved in the Public Health Accounts for additional funding received through billing for the Home Health Agency to allow payment of the Final Billing for Professional Services from Jack Venesky, CPA – 2012 Cost Reports:

<u>Increase Revenues:</u>	
A16100 – Home Nursing Charges	\$11,245.00
<u>Increase Expenses:</u>	
A4010.4901 – Professional Services	\$11,245.00

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

Moved by Legislator Stanford, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 323 - 2013
RESOLUTION TO APPROPRIATE FUNDS
PUBLIC HEALTH**

August 6, 2013

Introduced by Legislator Paul Stanford, Chairperson of the Public Health Committee:

BE IT RESOLVED, as follows:

Section 1. That the following budget appropriation is hereby approved in the Public Health Accounts for additional funding received from NYS Department of Health for the Cancer Services Program:

Increase Revenues:

A34011.4 – Cancer Services Program	\$17,500.00
A44890 – Cancer Services Program	\$25,000.00

Increase Expenses:

A4035.4901 – Professional Services	\$42,500.00
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Section 2. That the within resolution shall take effect immediately.

Moved by Legislator Stanford, seconded by Legislator King, and adopted.

**RESOLUTION NO. 324 - 2013
RESOLUTION TO TRANSFER FUNDS
PUBLIC HEALTH**

Introduced by Legislator Paul Stanford, Chairperson of the Public Health Committee:

BE IT RESOLVED, as follows:

Section 1. That the following 2013 budget changes takes place in the Public Health accounts:

<u>From:</u>	<u>Account:</u>	<u>Amount:</u>
A4012.4405	Copier	\$ 15.00
A4013.4701	Vehicle Repairs	\$ 501.41
A4013.4703	Vehicle Exp Gas/Oil	\$ 500.00
A4014.4701	Vehicle Repairs	\$ 556.00
A4016.4909	Misc Exp	\$ 125.00
A4042.1999	Personal Svs-Rabies	\$ 1,309.92
A4072.1999	Pers Svs-Injury & Prevention	\$ 7,000.00
A4096.1999	Family Health Admin	\$ 30,100.00
A4096.4501	Education/Training	\$ 877.43
A4097.1999	Disease Control Admin	<u>\$ 14,000.00</u>
	TOTAL	<u>\$ 54,984.76</u>

August 6, 2013

<u>To:</u>	<u>Account:</u>	<u>Amount:</u>
A4012.4401	Postage	\$ 15.00
A4013.4301	Telephone	\$ 250.00
A4013.4401	Postage	\$ 50.00
A4013.4405	Copier	\$ 100.00
A4013.4903	All Types Insurance	\$ 601.41
A4014.4301	Telephone	\$ 300.00
A4014.4401	Postage	\$ 50.00
A4014.4407	Supplies	\$ 100.00
A4015.4405	Copier/Reproduction	\$ 100.00
A4015.4903	All Types/Insurance	\$ 6.00
A4016.4405	Copier/Reproduction	\$ 125.00
A4019.4301	Telephone	\$ 100.00
A4019.4407	Supplies	\$ 125.00
A4071.1999	Pers Svs-Lead Poison	\$ 7,000.00
A4071.4301	Telephone	\$ 25.00
A4089.4301	Telephone	\$ 150.00
A4093.1999	Pers Svs-Chronic Disease	\$ 14,000.00
A4096.4301	Telephone	\$ 200.00
A4096.4401	Postage	\$ 25.00
A4096.4405	Copier	\$ 400.00
A4096.4407	Supplies	\$ 200.00
A4096.4903	All Types Insurance	\$ 52.43
A4097.4301	Telephone	\$ 200.00
A4097.4401	Postage	\$ 25.00
A4097.4405	Copier	\$ 125.00
A4097.4903	All Types Insurance	\$ 559.92
A4150.1999	Pers Svc-Jail	\$ 30,000.00
A4150.4401	Postage	\$ 25.00
A4150.4405	Copier/Reproduction	\$ 25.00
A4150.4407	Office Supplies	\$ 50.00
	TOTAL	\$ 54,984.76

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

Moved by Legislator Boyd, seconded by Legislator Bush, and adopted.

RESOLUTION NO. 325 - 2013
RESOLUTION TO APPOINT
LEWIS COUNTY DIRECTOR OF PUBLIC HEALTH

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

BE IT RESOLVED as follows:

August 6, 2013

Section 1. That this Board of Legislators hereby appoints Penny A. Ingham of Lowville, New York as the Lewis County Director of Public Health, effective September 2, 2013.

Section 2. That the annual salary of the Director of Public Health is hereby established at \$70,000.00.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator Boyd, seconded by Legislator Stanford, and adopted.

**RESOLUTION NO. 326 - 2013
RESOLUTION RE-APPOINTING
LEWIS COUNTY REAL PROPERTY TAX DIRECTOR**

Introduced by Legislator Patrick Wallace, Chairman of the Taxation Committee.

Whereas, the term of Real Property Tax Director Linda Gydesen is due to expire on September 30, 2013; and

Whereas, the Board of Legislators wishes to re-appoint her for a successive 6-year term.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby re-appoints Linda Gydesen of 6638 Hoskins Road, Lyons Falls, New York 13368, as the Lewis County Real Property Tax Director.

Section 2. That the term of said appointment shall be effective October 1, 2013 and terminate on September 30, 2019.

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

Moved by Legislator Burke, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 327 - 2013
RESOLUTION TO TRANSFER FUNDS
REAL PROPERTY TAX**

Introduced by Legislator Patrick Wallace, Chairman of the Taxation Committee.

BE IT RESOLVED as follows:

August 6, 2013

Section 1. That the following budget transfer is hereby approved in the Real Property Tax account for a computer purchase, utilizing Capital Data Processing funds (HAE9901.9), HAE balance \$75,677.78:

<u>Increase Revenue:</u>	
A50310 (Interfund transfers)	\$701.00
<u>Increase Expense:</u>	
A1355.2217 (Computers)	\$701.00

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

Moved by Legislator Stanford, seconded by Legislator King, and adopted.

**RESOLUTION NO. 328 - 2013
RESOLUTION TO TRANSFER FUNDS
SHERIFF'S DEPARTMENT**

Introduced by Legislator John Boyd, Chairman of the Courts & Law Enforcement Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfer is hereby approved in the Sheriff's Department for the purchase of an SUV, utilizing Capital Equipment funds HAD9901.9, balance \$295,718.63:

<u>Appropriate:</u>	<u>Amount:</u>
A50310 (Inter-fund Transfer)	\$35,000.00
A3110.2233 (Vehicles)	\$35,000.00

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

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 329 - 2013
RESOLUTION AUTHORIZING DISCHARGE OF MORTGAGE
(COUNTY OF LEWIS TO LINDA A. LAWTON)**

Introduced by Michael A. Tabolt, Chairman of the Lewis County Board of Legislators.

WHEREAS, Linda A. Lawton was granted a Mortgage to the County of Lewis dated February 15, 2008, and recorded in the Lewis County Clerk's Office on May 21,

August 6, 2013

2008, as Instrument Number 2008-002525 to secure payment of a loan in the amount of \$896.00, 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 Hathway, seconded by Legislator Burke, and adopted.

RESOLUTION NO. 330 - 2013
RESOLUTION IN SUPPORT OF VALLEY SNOW TRAVELERS' GRANT
APPLICATION TO NEW YORK STATE RECREATIONAL TRAILS PROGRAM

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

Whereas, the Valley Snow Travelers, being a snowmobile trail grooming club, plan to submit a grant application to the New York State Recreational Trails Program, to purchase a new snowmobile trail groomer; and

Whereas, the volunteer members of the snowmobile club commit many hours to groom and maintain 73 miles of trails within the Lewis County Townships of Harrisburg, Lowville, Martinsburg and Montague; and

Whereas, their grooming efforts facilitates increased tourism thereby enhancing our local economy.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby officially records their support of the Valley Snow Travelers' grant application for an amount up to \$200,000.00 to the New York State Recreational Trails Program for the purchase of a new snowmobile trail groomer.

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

Moved by Legislator Lucas, seconded by Legislator King, and adopted.

August 6, 2013

**RESOLUTION NO. 331 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO SOCIAL SERVICES**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby amends the Compensation Plan with reference to the Department of Social Services, to create the following positions:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Community Services Worker	Full-Time Temporary	Grade 9
Social Welfare Examiner (2)	Full-Time Temporary	Grade 20

Section 2. That the Commissioner of Social Services Stacy Alvord is hereby authorized to fill said positions for the period of September 16, 2013 to April 4, 2014.

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

Moved by Legislator Burke, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 332 - 2013
RESOLUTION AUTHORIZING A PERMIT AGREEMENT BETWEEN
THE LEWIS COUNTY DEPARTMENT OF SOCIAL SERVICES AND
NYS DEPARTMENT OF LABOR**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby authorizes a renewal Permit Agreement between the County of Lewis, by and through the Department of Social Services and the New York State Department of Labor, for the purpose of providing office space for the New York State Department of Labor at the Department of Social Services located on Outer Stowe Street, Lowville, New York.

Section 2. That the term of said Agreement shall be from October 1, 2012 through September 30, 2014, at a rate of \$160.13 per month.

Section 3. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to execute, seal and deliver said Permit Agreement.

August 6, 2013

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

Moved by Legislator Burke, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 333 - 2013
RESOLUTION AUTHORIZING AGREEMENT
BETWEEN DEPARTMENT OF SOCIAL SERVICES AND
LEWIS COUNTY OFFICE FOR THE AGING**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby authorizes an Agreement between the County of Lewis, by and through the Department of Social Services, and Lewis County Office for the Aging for the purpose of providing the Home Energy Assistance Program (HEAP) outreach and certification services to low income residents of Lewis County.

Section 2. That the term of this Agreement shall be from October 1, 2013 through September 30, 2014 at a cost not to exceed \$17,000.00.

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

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

Moved by Legislator Burke, seconded by Legislator Hathway, and adopted.

**RESOLUTION NO. 334 - 2013
RESOLUTION TO TRANSFER FUNDS
SOCIAL SERVICES DEPARTMENT**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfers be approved in the Social Services Department to transfer money to Lewis County Public Health in support of the Local Early Intervention Assessment (LEIA) Program claimed through the Department of Social Services for the 01-03/2013 Quarter:

August 6, 2013

<u>From:</u>	<u>Amount:</u>
A46100 Federal Admin	\$1,038.00
A36100 State Admin	1,038.00
<u>To:</u>	
A44100 LEIA Trans	\$2,076.00

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

Moved by Legislator King, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 335 - 2013
RESOLUTION TO APPROPRIATE FUNDS FOR
SOCIAL SERVICES**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

Whereas, the Department of Social Services has received an allocation in the amount of \$46,736.00 to support 2013 Summer Youth Employment (SYEP).

Now, Therefore, BE IT RESOLVED, as follows:

Section 1. That the following appropriations are hereby approved for 2013 TANF Summer Youth Employment Program (SYEP):

<u>Increase Revenue:</u>		
A36090	State TANF	\$46,736.00
<u>Increase Expenses:</u>		
A6109.1999	Pay – TANF SYEP	43,274.00
A6109.8999	Fringes – TANF SYEP	3,462.00

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

Moved by Legislator Stanford, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 336 - 2013
RESOLUTION TO TRANSFER FUNDS
SOCIAL SERVICES**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

BE IT RESOLVED as follows:

August 6, 2013

Section 1. That the following budget transfer is hereby approved in the Social Services accounts for the purchase of 8 desktop and 14 laptop computers by utilizing Capital Data Processing funds (HAE9901.9) balance \$54,504.81:

<u>Increase Revenue:</u>	
A50310 (Inter-fund transfers)	\$15,348.00
<u>Increase Expense:</u>	
A6010.2217 (Computers)	\$15,348.00

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

Moved by Legislator Stanford, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 337 - 2013
RESOLUTION TO APPROPRIATE FUNDS
TRAIL MAINTENANCE**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

BE IT RESOLVED, as follows:

Section 1. That the following appropriation is hereby approved in the Trail Maintenance accounts:

<u>Increase Revenue:</u>	
A20010 (Permits)	\$50,000.00
<u>Increase Expense:</u>	
A7990.4604 (Trail Work)	\$50,000.00

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

Moved by Legislator Hathway, seconded by Legislator King, and adopted.

**RESOLUTION NO. 338 - 2013
RESOLUTION TO TRANSFER FUNDS
TRAIL MAINTENANCE**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

BE IT RESOLVED, as follows:

August 6, 2013

Section 1. That the following transfer of funds is hereby approved in the Trail Maintenance accounts to purchase an I-PAD for record keeping out in the field:

<u>From:</u>	<u>Amount</u>
A7990.4604 (Trail Work)	\$789.72
<u>To:</u>	
A7990.2409 (Data Proc Equip)	\$789.72

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

Moved by Legislator Boyd, seconded by Legislator Hathway, and adopted.

**RESOLUTION NO. 339 - 2013
RESOLUTION TO APPROPRIATE FUNDS
BUS OPERATIONS**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

BE IT RESOLVED, as follows:

Section 1. That the following appropriations are hereby approved for Mass Transportation Project Grant:

<u>Increase Revenue:</u>	
A45941 (Transit Grant-Fed CFDA 20.509)	\$224,080.00
A35941 (Transit Grant-State)	\$ 28,010.00
A27050.9 (Transit Grant-Local)	\$ 26,000.00
<u>Decrease Expense:</u>	
A1990.4999 (Contingency)	\$ 2,010.00
<u>Increase Expense:</u>	
A5630.2233 (Vehicles CFDA 20.509)	\$260,000.00
A5630.2227 (Shelters CFDA 20.509)	\$ 20,100.00

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

Moved by Legislator Boyd, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 340 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO PUBLIC HEALTH DEPARTMENT**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

August 6, 2013

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby amends the Compensation Plan of the County of Lewis, to create the following positions with reference to the Public Health Department:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Public Health Program Assistant	Part-time (17 hrs/week)	Grade C20-1 (\$16.59-\$17.92/hr.)
Public Health Emergency Preparedness Coordinator	Part-time (Up to 17 hrs/week)	(\$21.15 - \$22.85/hr.)
Animal Control Officer	Part-Time (As Needed-On-Call)	Grade C27-1 (\$19.97-\$21.59/hr.)

Section 2. That Interim Director Penny Ingham is hereby authorized to fill said positions effective immediately.

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

Moved by Legislator Stanford, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 341 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
THE COUNTY OF LEWIS AND C&S COMPANIES FOR THE
LEWIS COUNTY EMERGENCY COMMUNICATIONS PROJECT**

Introduced by Legislator John Boyd, Chairman of the Emergency Management Committee.

WHEREAS, the County of Lewis is in the process of studying, evaluating, designing with the ultimate goal of constructing and installing capital equipment for the purpose of upgrading its emergency radio communications system for use by all emergency service agencies (the "Project"); and

WHEREAS, the County of Lewis received a proposal from C&S Engineers, Inc. ("C&S") to provide consulting services to the County with regard to Program/Project Management & Engineering Services for the Project, which proposal set forth a total cost of engineering and related services for this Project of \$644,320; and

WHEREAS, the Board of Legislators has heretofore authorized C&S to begin the Pre-Design Phase of the Project and entered into an agreement with C&S for the Pre-Design Phase for the period of June 6, 2012 through December 31, 2012 in an amount not to exceed \$40,000; and

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WHEREAS, the Board of Legislators approved a modification of the above referenced contract to extend the same through December 31, 2013 pursuant to Resolution No. 254-2013; and

WHEREAS, the Board of Legislators wishes to authorize the remaining phases as described in the C&S Proposal at a cost not to exceed \$604,320 (\$644,320 total project cost less the \$40,000 previously authorized);

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes an agreement with C&S Engineers, Inc. for Program/Project Management & Engineering Services for the Lewis County Emergency Communications Project at a cost not to exceed \$604,320.

Section 2. 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 as may be approved by the County Attorney.

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

Moved by Legislator Boyd, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 342 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO PUBLIC HEALTH DEPARTMENT**

Introduced by Legislator Paul Stanford, Chairman of the Public Health 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 Public Health Department, to create the following position:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Keyboard Specialist	Full-time	Grade C9 (\$12.84-\$13.88)

Section 2. That Interim Director of Public Health Penny Ingham is hereby authorized to fill said position effective immediately.

Section 3. That the within resolution shall take effect immediately

Moved by Legislator Stanford, seconded by Legislator Burke, and adopted.

August 6, 2013

RESOLUTION NO. 343 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE COUNTY OF
LEWIS AND M.R. COSTA CONSULTING GROUP, LLC FOR THE
LEWIS COUNTY EMERGENCY COMMUNICATIONS PROJECT

Introduced by Legislator Jerry King, Member of the Emergency Management Committee.

WHEREAS, the County of Lewis is in the process of studying, evaluating, designing with the ultimate goal of constructing and installing capital equipment for the purpose of upgrading its emergency radio communications system for use by all emergency service agencies (the "Project"); and

WHEREAS, the County of Lewis received a proposal from M.R. Costa Consulting Group, LLC ("Consultant") to provide consulting services to the County for the purpose of preparing and submitting a (Round 3) Statewide Interoperable Communications Grant (SICG) proposal to the New York State Division of Homeland Security and Emergency Services (DHSES), through its Office of Interoperable and Emergency Communications (OIEC) which is due September 30, 2013; and

WHEREAS, Consultant has offered to perform the above services at \$75.00 per hour (not to exceed \$12,000 total). The service is projected to require 160 hours to complete. Consultants charge \$75.00 per hour (not to exceed \$12,000 total). Consultant will be paid an initial retainer fee of \$3,000 to be used against hours billed. Consultants will document and bill for hours and other expenses according to the Agreement; and

WHEREAS, the Board of Legislators wish to retain the services of M.R. Costa Consulting Group, LLC;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes an agreement with M.R. Costa Consulting Group, LLC for the purpose of preparing and submitting a (Round 3) Statewide Interoperable Communications Grant (SICG) proposal to the New York State Division of Homeland Security and Emergency Services at a cost not to exceed \$12,000.

Section 2. 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 as may be approved by the County Attorney.

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

Moved by Legislator Boyd, seconded by Legislator Stanford, and adopted.

August 6, 2013

OTHER BUSINESS:

Legislator King inquired if Information Technology personnel could obtain and provide quotes for a paperless Resolution process for Legislators, to include laptops, electronic tablets and/or installation of screens for public viewing. Legislator Stanford relayed previously reviewing the matter, reporting nominal cost savings for paper or time as opposed to equipment costs.

Legislator Lucas relayed that the Development Authority of the North Country's (DANC) meetings are all paperless, as an example of technological opportunities, further suggesting that meetings could be broadcast. He suggested an electronic trial with a couple of Legislators.

Chairman Tabolt charged the Committee to explore and obtain pricing on options for an electronic Resolution process and report to the Board.

There being no other business to come before the Board, the meeting adjourned on motion by Legislator Hathway, seconded by Legislator Stanford and carried at 10:20 a.m.

September 3, 2013

**REGULAR MEETING
September 3, 2013**

The meeting was called to order at 5:00 p.m. by Chairman Michael A. Tabolt.

Roll Call: All Legislators were present, except Legislator Boyd who would appear later in the meeting. A vacancy remains for District No. 3.

Legislator Hathway offered the Invocation including a moment of silence for all those deceased, followed by the Pledge of Allegiance to the Flag.

There were 38 persons present.

Chairman Tabolt announced approval of the August 6, 2013 meeting minutes.

PRIVILEGE OF THE FLOOR:

Mr. Joe Moorman of the State Office of Real Property Tax Services and Taxation and Finance Department, made a power point presentation about the 2014 STAR property exemption re-certification process. Their staff are conducting outreach throughout the State to inform and assist eligible property owners. The State provides aggregate subsidies of \$2.6 Billion to school districts to offset the property exemptions. The Basic STAR exemption is offered to owners with income of less than \$500,000 for their primary residence only. Seniors over 65 years of age with less than \$81,900 income are eligible for the Enhanced STAR exemption, and are not required to re-certify. However, 2013 first-time home owners will not be eligible for the exemption until 2015.

Exemption registration may be completed by phone (518) 457-2036; on the website at www.tax.ny.gov or by paper form upon request. Letters were mailed to Lewis County property owners on 8/19/13 and registration deadline is 12/31/13. Any owner may appeal a denial through the State Department of Taxation and Finance, not through the local assessors.

Interim Director of Community Services Sarah Bullock reported that the transition of the Alcohol and Substance Abuse Services to CREDO Community Center for the Treatment of Addictions, Inc. is effective today. She commended the contributions made by employees Deborah Widrick, Bonnie Bierman, Nicole Adams, Temperance Lyndaker and Dr. Daniel Pisaniello, some of whom would be laid off due to the transition.

Andrew Davis stated he has served the State of New York for over 31 years, currently a Lieutenant at the Clinton Correctional Facility where he reportedly oversees 900 correction officers. His Town of Osceola camp property was sold at the Lewis County Delinquent Tax Auction on 5/23/2012. He had owned the property for nine years and had made several improvements.

Legislator John Boyd entered the meeting at this time 5:24 p.m.

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Mr. Davis stated he was unaware the property had been sold until appearing at his property on 6/7/2012 to find that all his belongings had been removed from the camp. He purports that he did not receive any of the first-class or certified mailings that had been confirmed sent by the County, adding that he had been under financial duress during that period of time. He pleaded with Legislators to undo the process and return the property to him; while at this time asserting he would pay all back taxes and fees.

Mr. Davis reported having met with County Attorney Richard Graham on 6/20/12, who explained that although the certified mailing had been returned undeliverable, the first-class mailing had not, therefore, the notice was reasonably assumed delivered. Mr. Davis further took exception that there had been no auction posting on his property, declaring he would have seen it, because he's there all the time. The certified records document the property was deemed inaccessible in January when the posting attempt was made by County personnel.

In response to Legislator Stanford, Mr. Davis said he had been behind on taxes since 2008; but had paid the taxes every two years upon the advice of his tax advisor.

Chairman Tabolt termed it an unfortunate situation, however, he had verified that all appropriate notice attempts had been made and documented, likewise with all other delinquent property owners. The Board was sympathetic, and would confer with the County Attorney in executive session about Mr. Davis's property, however, did not anticipate any corrective action. The Board indicated there would be amendments made to the Delinquent Property Tax policy to avoid any such future situation.

Mr. Duane DeLair urged the Board to end the confusion over the proposed new building construction. The Board publicly represents the building project is going forward, he said, citing media reports that bids would be opened on 9/19/13 and groundbreaking in October. However, in response to his "Freedom of Information" request, Attorney Graham had informed "that really nothing has been done". Other media reports are contradictory, citing revenue sources to finance the project. "The people want this as a referendum", Mr. DeLair exclaimed, further referencing several new Legislators after the November election. He declared that "If taxpayer monies are used to finance a project then the Board needs to have a public referendum", adding "It is the right thing to do".

As an aside, Mr. DeLair invoked that if the Hospital were privatized it would be gone shortly thereafter.

In response, and for the purpose of clarification, Attorney Graham quoted Local Finance Law Section 33.10, exclusive for governing the manner in which municipalities may incur debt, which expressly prevents a permissive referendum on the issue of expending monies for a building project. The Board, he stated, has no authority to request a referendum on the issue of borrowing money for a building project. Moreover, the referendum itself would be an illegal expenditure of funds. To Legislator Stanford's inquiry, Attorney Graham affirmed that no bond resolution nor authorizing contract has

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been enacted relative to new construction. Chairman Tabolt stated that the Board has specifically deferred committing to the project until discerning the cost.

REPORT OF THE RULES AND LEGISLATION COMMITTEE:

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

Richard Lucas, Chairman
Philip Hathway

Dated: September 3, 2013

Legislator Burke made a motion to waive the rules, seconded by Legislator Bush and carried.

PRESENTATION OF COMMUNICATIONS AND NOTICES:

A thank you note was read from Carolyn Fanning for the kind gestures expressed to her and the family in memory of her husband, District No. 3 Legislator Charles R. Fanning.

The Board acknowledged receipt of letters from Lake Bonaparte Conservation Club President Robert G. Rood; and Brantingham Community Association President Devin A. Dal Pos and members John and Joanne Lomber and Mia and Rudolph Zoma complaining about the lack of law enforcement patrols on each lake.

The Clerk acknowledged receipt of the Tioga County Legislatures' resolution in support of the Rural Broadband Deployment Act to provide rural small businesses with tax credits for broadband deployment; the St. Lawrence County Board of Legislators' resolution urging amendment of the Office of Mental Hygiene Regional Centers of Excellence Plan to preserve the St. Lawrence Psychiatric Center as the "Northern Center of Excellence"; and the Essex County Board of Legislators' resolution urging the State Legislature to amend the NYS Transportation Law to allow signage on exit and entrance ramps on the Adirondack Northway within the Adirondack Park.

REPORTS OF COUNTY OFFICERS AND DEPARTMENTS:

All Legislators received copies of the County Treasurer's August monthly report; the 8/22/13 Highway Audit report; the 8/20/13 Solid Waste Audit Report; and the 8/27/13 minutes of the Youth Bureau Advisory Board meeting.

REPORTS OF STANDING COMMITTEES:

Legislator Philip Hathway, Hospital Committee Chairman, announced Tracy Goldthrite as the employee-of-the-month. Construction of the Dialysis Unit proceeds on schedule. The year-to-date operating loss through July is \$700,000 above the projected level, largely impacted by the delay to acquire critical care access designation equating a monthly loss of \$300,000. Hospital administrative personnel remain optimistic to end the

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year within budget, yet Legislator Hathway relayed caution. The goal substantially depends upon anticipated receipt of IGT and meaningful use monies to cover pension costs and repayment of County debt. Although the Hospital pension payment of \$4.7 Million made by the County last year would remain outstanding, a debt increase would be avoided, he concluded.

Legislator Jack Bush, Buildings and Grounds Committee Chairman, reported that Department Heads are submitting their 2014 budget requests to Patty O'Brien, and a schedule for deliberations will be forthcoming.

Legislator Bush reported routine building maintenance work orders during August at the various County buildings.

Legislator Bush, as a member of the Transportation/Solid Waste Committee, reported that surface treating started today. Also, culvert shimming will be done to smooth out the road surface approach on each side of culvert replacements. The French Settlement Bridge in Harrisville has been red-flagged and will be tested to determine whether the bridge may remain open if posted with a lower maximum tonnage. However, snowplows and sanders will be required to take alternate routes until the bridge is repaired.

Legislator Bush made a motion to authorize extending employment of two (2) temporary part-time MEO Light workers with the Highway Department through 10/19/13. Budget appropriations are available to cover the additional personnel cost. The motion was seconded by Legislator Stanford and carried.

Legislator Bush also reported that the new computer system installed at the transfer stations has greatly enhanced efficiency for solid waste financial operations.

Legislator John Boyd, Courts and Law Enforcement Committee Chairman, made a motion to authorize Probation Director MaryJo Burkhard to hire retiree Chris Freeman for three (3) mornings per week for a period of three (3) weeks at \$15.40 per hour. There are budgetary appropriations to cover the additional cost. The motion was seconded by Legislator Lucas and carried.

Legislator Boyd made a motion to exempt municipalities and fire departments for building permit fees, unless the contractor has included permit fees within their proposal or bid. The motion was seconded by Legislator Lucas. Chairman Tabolt stated that the County law does not address exemptions.

Attorney Graham recommended the action be presented as a Resolution or an amendment to the Local Law governing building codes, as a documenting record. He further proposed the action should exempt municipalities and fire departments, without exception. If they are exempt, he stated, bidders would not include permit fees within their proposals. Legislator Burke posed exempting the Ag Society. Legislator King submits that although there is no charge, building code officers are still required to conduct inspections, and the taxpayers offset those costs.

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Chairman Tabolt reiterated the importance to address exemptions for direction to building code officers; they need clarification for consistency, he said. In response to Legislator Hathway for current policy clarification, Legislator Lucas stated that non-profits are generally exempted, although some agencies choose to pay for the permits. Inspections are required regardless of fee exemptions, and create a department deficit that would be further compounded if it is deemed that additional code officers are needed. Legislator Lucas submits that permit fees are a negligible portion of construction costs, yet are sufficient to cover personnel expense.

In consideration of aforementioned concerns, Legislator Boyd made a motion to table the action, which shall hereafter be presented as a Resolution or Local Law amendment, seconded by Legislator Bush and carried. Legislator King encouraged Legislators to attend the 9/12/13 Committee meeting, for planned further discussion.

Legislator Jerry King, member of the Courts and Law Enforcement Committee, deferred discussion until presentation of late resolutions related to radio communication system upgrades.

Legislator Richard Lucas, Economic Development Committee Chairman, reported that Trail Coordinator Jackie Mahoney was doing a great job. The end of the ATV season is approaching, he said, reporting sale of nearly 2,000 permits equating \$85,805, exceeding budget projections.

Legislator Lucas made a motion to authorize Director of Economic Development Eric Virkler to fill a full-time Planner position effective immediately, seconded by Legislator Wallace and carried.

Legislator William Burke, Social Services/Office For Aging/Youth Committee Chairman, reported the Youth Bureau had awarded supporting funds to the Special Delinquency Prevention Program, Copenhagen Central School Buddy Program, and Double Play Sports Community Center for the Lego and Job Readiness Life Skills Programs. The Youth Bureau and Sheriff's Department are sponsoring the "National Night Out" event to be held on 9/11/13 at the Lewis County Fairgrounds.

Legislator Burke reported that Social Services personnel are busy preparing for the State's takeover of the Medicaid Program. As of 9/1/13 the non-emergency medical transportation calls will be channeled through the Syracuse Medical Answering Service to either Birnie Bus Service or Volunteer Transportation Center for response. The Treasurer will no longer issue checks to transportation volunteers. Social Services staff will be trained by State personnel to enable knowledgeable response to inquiries about the new health insurance exchange applications.

Legislator Burke reported that Office For Aging and Social Services personnel will be processing HEAP applications as they are received for the upcoming heating season to begin on 11/18/13. The State has mailed applications to those who received the benefit last year. The State is transitioning to an electronic application process. Also, three

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counseling assistants will help Medicare eligible applicants with new prescription health plans during the open enrollment period from 10/15-12/7/13.

The annual public hearing and Octoberfest sponsored by the Office For Aging will be held on 10/18/13 at the Copenhagen Fire Hall, and will include a public health flu clinic and an informational forum about the new health care plans.

In conclusion, Legislator Burke announced that he would be the master of ceremonies at the Senior Prom event to be held at the Glenfield Fire Hall on 9/13/13.

Legislator Wallace, Taxation/Information Technology Committee Chairman, made a motion to authorize Real Property Tax Director Linda Gydesen to re-fill a Tax Map Technician effective 9/11/13. The current employee has submitted his resignation effective 9/10/13. The motion was seconded by Legislator Stanford and carried.

Legislator Wallace made a motion to authorize purchasing a laptop for any interested Legislator, seconded by Legislator Lucas. Chairman Tabolt stated that I.T. personnel would be responsible for updates and maintenance of the laptops. This would be a pilot project, he said, indicating that all Legislators may have one in the future. Legislators Bush, King, Hathway and Lucas indicated their interest. The motion was then carried. Legislator Stanford was opposed.

Legislator Wallace made a motion to authorize Information Technology staff to install access to the County financial system for any interested Legislator as "read only"; and install wireless internet access in the board room, seconded by Legislator King. Chairman Tabolt said it would particularly assist the Ways and Means Committee for development of the 2014 tentative budget. The motion was then carried. Legislator Stanford was opposed.

Legislator Wallace also reported that I.T. personnel have inventoried electronic data storage needs for all departments, and have nearly completed the network diagram. They are scheduled to meet with equipment vendors on 9/16/13, and thereafter will recommend purchase of a redundant storage program.

Legislator Paul Stanford, Public Health/Mental Health Committee Chairman, commended Sarah Bullock for all her efforts to transition the Alcohol and Substance Abuse programs, adding his confidence that CREDO will provide good services.

Legislator Stanford announced that Penny Ingham starts full-time today as Public Health Director. He commended her and public health staff for the extraordinary Fit-N-Fun Fair event held over the past weekend, in conjunction with the farmer's market. The dual events attracted more people, especially children, resulting in enhanced awareness and healthy choice education.

COUNTY MANAGER REPORT:

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Acting County Manager Michael Tabolt stated he had agreed to serve as the Board's representative on the St. Lawrence County Task Force for the purpose of retaining the Psychiatric Center.

The Office of Mental Hygiene determined overpayments to Lewis County relative to salary revenue sharing from 2010 total \$203,000. Chairman Tabolt relayed that the State has agreed to accept quarterly 2014 re-payments, instead of requiring a lump sum immediately, to ease the financial burden.

Chairman Tabolt also reported that Senator Griffo's office indicates the Governor's willingness to call a special session to vote on Lewis County's Home Rule Sales Tax Legislation, as well as others. The Legislation is imperative to extend the three-quarter percent and/or implement a one-percent additional sales tax effective 12/1/13. The State Taxation and Finance Department is otherwise prohibited from continuing the additional sales tax.

At the Chairman's request, Attorney Graham reported a scheduled meeting with all parties of interest on 9/5/13 to discuss the defense strategy in response to Iroquois Gas Company's property assessment challenges.

In response to Legislator King, Chairman Tabolt relayed he would be prepared to report on supposed State mandate relief measures at the next meeting.

COUNTY TREASURER REPORT:

Patricia O'Brien reported having received most departmental 2014 budget requests, and plans to meet with the Ways and Means Committee on 9/16/13 to devise the deliberation schedule.

REPORT OF THE WAYS AND MEANS COMMITTEE:

**REPORT OF
WAYS AND MEANS COMMITTEE
ON THE EXAMINATION OF CLAIMS**

To: The Honorable County Legislators

The Ways and Means Committee reports that they have examined the claims presented for payment in the total amount of \$ 940,156.85 and recommend that they be audited and allowed for the amounts claimed.

Jack Bush, Chair
Philip Hathway, Committee
Jerry King, Committee

Dated: September 3, 2013

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Approved on motion by Legislator King, seconded by Legislator Burke, and carried.

**RESOLUTION NO. 344 - 2013
RESOLUTION IN MEMORIAM OF
EDWARD A. RYBICKY**

Introduced by Legislator Jerry King, District No. 10 Representative of the Lewis County Board of Legislators.

WHEREAS, Edward A. Rybicky, of Fish Creek Road, West Leyden, New York, recently departed this life on June 21, 2013; and

WHEREAS, Edward A. Rybicky had served on the Lewis County Board of Supervisors from January 1, 1958 to December 31, 1969 as the Town of Lewis Representative, and subsequently as District No. 10 Representative on the Lewis County Board of Legislators from January 1, 1970 to December 31, 1979; and

WHEREAS, it is proper for us as friends, acquaintances and members of this Board of Legislators to record our recognition and appreciation for the sincere, unselfish and valuable services rendered by the deceased.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That as an enduring record and mark of respect to the memory of the deceased, Edward A. Rybicky, a true friend and an honorable, upright and able public official, this resolution shall be printed in the official record of the proceedings of the Board of Legislators of the County of Lewis, and a copy thereof be forwarded to the family of Edward A. Rybicky.

Moved by Legislator Boyd, seconded by Legislator Wallace, and adopted.

**RESOLUTION NO. 345 - 2013
AUDITING AND ALLOWING CLAIMS**

Introduced by Legislator Jack T. Bush, Chairman of the Ways and Means Committee.

RESOLVED that the claims presented for payment in the total amount of \$ 940,156.85 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.

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Moved by Legislator Lucas, seconded by Legislator Burke, and adopted by roll call vote:

All Voted Yea.

LOCAL LAW (INTRODUCTORY NO. 8 - 2013)
COUNTY OF LEWIS
A Local Law known as "A LOCAL LAW CONTINUING AN ADDITIONAL
MORTGAGE TAX FOR MORTGAGES ON REAL PROPERTY SITUATED IN
LEWIS COUNTY."

Introduced by Legislator Patrick Wallace, Chairman of the Taxation Committee.

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

Section 1. PURPOSE. The purpose of this local law is to impose a tax of twenty-five cents for each one hundred dollars of principal debt or obligation which is secured by a mortgage on real property situated in Lewis County and to provide for the administration of the same.

Section 2. AUTHORITY. The Board of Legislators is authorized to adopt and/or amend the within local law pursuant to Tax Law § 253-h and by Municipal Home Rule Law § 10.

Section 3. ADDITIONAL MORTGAGE TAX. In addition to any other tax, surcharge or fee as may be required, imposed, collected or received pursuant to any other general, special or local law upon the recording of a mortgage on real property situated in Lewis County, the Lewis County Clerk is hereby authorized and empowered to impose and receive for the benefit of Lewis County, the following tax:

A. A tax of twenty-five cents for each one hundred dollars and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within Lewis County and recorded on or after the 1st day of November, 2013.

B. In the event that the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than one hundred dollars a tax of twenty-five cents on such mortgage shall be imposed.

Section 4. ADMINISTRATION. The taxes imposed under the authority of this local law shall be administered and collected in the same manner as the taxes imposed under subdivision one of section two hundred fifty-three and paragraph (b) of subdivision one of section two hundred fifty-five of the Tax Law. Furthermore, the provisions of subdivisions two, three and five of section two hundred fifty-three-h of the Tax Law are

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hereby incorporated herein and shall apply with the same force and effect as if those provisions had been set forth in full in this section.

Section 5. EXPIRATION. This local law shall expire and be of no further force and effect on October 31, 2016, provided that the Board of Legislators may adopt and enact one or more subsequent local laws to continue or extend the taxes imposed by this local law provided that each such subsequent local law may continue the within tax for a period not to exceed three years each.

Section 6. EFFECTIVE DATE. This local law shall take effect upon filing with the Secretary of State and upon compliance with all other requirements of law.

**RESOLUTION NO. 346 - 2013
FIXING DATE OF PUBLIC HEARING ON LOCAL LAW
(INTRODUCTORY NO. 8 - 2013), COUNTY OF LEWIS**

Introduced by Legislator Patrick Wallace, Chairman of the Taxation Committee.

WHEREAS, pursuant to the authority granted by Tax Law Section 253-h and by Municipal Home Rule Law Section 10, the Board of Legislators of the County of Lewis wish to adopt a local law that provides for an additional tax of twenty-five cents per one hundred dollars of principal debt secured by a mortgage on real property situated in the County of Lewis; and

WHEREAS, there will be presented and introduced at a meeting of this Board of Legislators held on September 3, 2013, a proposed Local Law known as A LOCAL LAW CONTINUING AN ADDITIONAL MORTGAGE TAX FOR MORTGAGES ON REAL PROPERTY SITUATED IN LEWIS COUNTY.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That a Public Hearing will be held on October 1, 2013, from 5:00 p.m. to 5:30 p.m., at the Legislator's Room in the Lewis County Court House, 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 newspapers of the County of Lewis.

Moved by Legislator Bush, seconded by Legislator Boyd, and adopted.

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**LOCAL LAW (INTRODUCTORY NO. 9 - 2013)
COUNTY OF LEWIS
A LOCAL LAW ESTABLISHING RESIDENCY REQUIREMENTS
FOR CORRECTION OFFICERS EMPLOYED BY THE COUNTY OF LEWIS**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Committee.

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

SECTION 1. TITLE

This local law shall be entitled “A Local Law Establishing the Residency Requirements for Correction Officers Employed by the County of Lewis”.

SECTION 2. PURPOSE

The purpose of this Local Law is to establish the residency requirements for the position of Correction Officers employed by the County of Lewis.

SECTION 3. AUTHORITY

This local law is enacted pursuant to the authority granted by Municipal Home Rule Law § 10 and Public Officers Law § 3(41).

SECTION 4. RESIDENCY REQUIREMENTS

In the County of Lewis, the provisions of Public Officers Law § 3(1) requiring a person to be a resident of the political subdivision or municipal corporation of the state for which such person shall be chosen or within which such person’s official functions are required to be exercised, shall not prevent a person from holding the office of Correction Officer in Lewis County, provided, however, that such person performing the duties and functions of Correction Officer resides in Lewis County or any adjoining county within New York state unless otherwise provided by an act of the state legislature.

SECTION 5. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

**RESOLUTION NO. 347 - 2013
FIXING DATE OF PUBLIC HEARING ON LOCAL LAW
(INTRODUCTORY NO. 9 - 2013), COUNTY OF LEWIS**

Introduced by John Boyd, Chairman of the Courts and Law Committee.

September 3, 2013

WHEREAS, there will be presented and introduced at a meeting of this Board of Legislators to be held on September 3, 2013, a proposed Local Law entitled "A LOCAL LAW ESTABLISHING RESIDENCY REQUIREMENTS FOR CORRECTION OFFICERS EMPLOYED BY THE COUNTY OF LEWIS."

Now, therefore, BE IT RESOLVED as follows:

Section 1. That a public hearing will be held on October 1, 2013, 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 Stanford, seconded by Legislator Boyd, and adopted.

**LOCAL LAW (INTRODUCTORY NO. 10- 2013)
COUNTY OF LEWIS
A LOCAL LAW TO AUTHORIZE OVERRIDING THE TAX LEVY LIMIT
ESTABLISHED BY GENERAL MUNICIPAL LAW § 3-c (A/K/A "2% TAX CAP")
FOR THE LEWIS COUNTY 2014 BUDGET**

Introduced by Legislator Jack T. Bush, Chairman of the Ways and Means Committee.

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

SECTION 1. TITLE.

This Local Law shall be known as "A LOCAL LAW TO AUTHORIZE OVERRIDING THE TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW § 3-c (A/K/A "2% TAX CAP") FOR THE LEWIS COUNTY 2014 BUDGET."

SECTION 2. LEGISLATIVE FINDINGS.

The Board of Legislators for the County of Lewis hereby finds and determines that the anticipated budgetary needs for fiscal 2014 require that Lewis County adopt the appropriate legislation necessary to override the tax levy limit established by General Municipal Law § 3-c, and more commonly referred to as the "2% tax cap."

SECTION 3. ENACTMENT AUTHORITY

September 3, 2013

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

SECTION 4. OVERRIDE AUTHORIZATION

The Board of Legislators be and the same is hereby authorized to adopt a budget for fiscal year 2014 that exceeds the “tax levy limit” as that term is defined and calculated pursuant to the provisions of General Municipal Law § 3-c.

SECTION 5. EFFECTIVE DATE

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

**RESOLUTION NO. 348 - 2013
FIXING DATE OF PUBLIC HEARING ON LOCAL LAW
(INTRODUCTORY NO. 10 - 2013), COUNTY OF LEWIS**

Introduced by Legislator Jack T. Bush, Chairman of the Ways and Means Committee.

WHEREAS, there will be presented and introduced at a meeting of this Board of Legislators to be held on September 3, 2013 a proposed Local Law entitled “LOCAL LAW TO AUTHORIZE OVERRIDING THE TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW § 3-C (A/K/A 2% TAX CAP) FOR THE LEWIS COUNTY 2014 BUDGET.”

Now, therefore, BE IT RESOLVED as follows:

Section 1. That a public hearing will be held on October 1, 2013, from 5:00 p.m. to 5:30 p.m., before the Lewis County Board of Legislators on the Second Floor Board Room at the Lewis County Courthouse, New York, 7660 North State Street, Lowville, New York to hear all persons for or against such local law.

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

Moved by Legislator King, seconded by Legislator Hathway, and adopted.

**RESOLUTION NO. 349 - 2013
RESOLUTION AUTHORIZING REVISIONS TO THE COMPREHENSIVE
EMERGENCY MANAGEMENT PLAN FOR LEWIS COUNTY**

September 3, 2013

Introduced by Legislator John Boyd, Chairman of Emergency Management Committee.

WHEREAS, County government must provide leadership and direction to prevent, mitigate, respond to, and recover from dangers and problems arising from emergencies in Lewis County pursuant to New York State Executive Law, Article 2-B and have developed a Comprehensive Emergency Management Plan (“CEMP”); and

WHEREAS, Lewis County has made revisions to the CEMP which sets forth the basic requirements for managing emergencies in Lewis County and was formatted to reflect the current New York State CEMP – The Empire Plan.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby approves the following revisions to the Lewis County Comprehensive Emergency Management Plan as revised July of 2013; and hereby approves the Lewis County CEMP:

- (a) The CEMP and accompanying 11 Annexes were formatted to reflect the current New York State CEMP – The Empire Plan; and
- (b) The CEMP and accompanying 11 Annexes were formatted to be identical in font and spacing to allow the plans to look more professional and uniform; and
- (c) The accompanying documents were renamed from Appendix to Annex in order to standardize the plans with state and national standards for plan creation; and
- (d) Annex # 7 – Lewis County Mass Fatalities Plan was reformatted to reflect the current New York State guidance; and
- (e) Annex # 10 – Lewis County Animal Disaster Plan and Annex # 11 Lewis County Emergency Communicators Group are NEW plans to the CEMP.

Section 2. That the Board of Legislators hereby approves and adopts the Lewis County CEMP as revised.

Section 3. That the Director of Emergency Management is hereby directed to make such revisions in the CEMP and prepare and publish said plan.

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

Moved by Legislator Stanford, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 350 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO
DEPARTMENT OF HIGHWAYS**

September 3, 2013

Introduced by Legislator Jack Bush, Member of the Transportation Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby amends the Compensation Plan with reference to the Department of Highways, to create the following position:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
General Highway Supervisor	Full-time	Grade 23 (\$17.99-\$21.17)

Section 2. That Highway Superintendent David Becker is hereby authorized to fill said position in accordance with Civil Service regulations, effective 9/3/2013.

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

Moved by Legislator King, seconded by Legislator Stanford, and adopted.

**RESOLUTION NO. 351 - 2013
RESOLUTION TO TRANSFER FUNDS HOSPICE**

Introduced by Legislator Paul Stanford, Chairman of the Hospice Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfer is hereby approved in the Hospice account for the purchase of two (2) vehicles, utilizing Capital Equipment funds (HAD9901.9), HAD balance \$260,390.60:

<u>Increase Revenue:</u>	
A50310 (Inter-fund Transfers)	\$40,000.00
<u>Increase Expense:</u>	
A4091.2233 (Vehicles)	\$40,000.00

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

Moved by Legislator Stanford, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 352 - 2013
RESOLUTION AUTHORIZING AGREEMENT
BETWEEN THE COUNTY OF LEWIS AND
BMI AUDIT SERVICES, LLC**

Introduced by Legislator Richard Lucas, Chairman of the Insurance Committee.

September 3, 2013

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby approves the contract for the auditing plan as outlined in the BMI Audit Services proposal dated August 12, 2013, for dependent eligibility audit services for the health insurance plan.

Section 2. That the auditing services shall be at a cost of \$10,580.

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 Lucas, seconded by Legislator King, and adopted.

RESOLUTION NO. 353 - 2013
RESOLUTION AUTHORIZING CONTRACT WITH CREDO COMMUNITY
CENTER FOR ALCOHOL AND SUBSTANCE ABUSE TREATMENT
SERVICES IN LEWIS COUNTY

Introduced by Legislator Paul Stanford, Chairman of the Mental Hygiene Committee

WHEREAS, the Board of Legislators authorized a proposal from Credo Community Center For The Treatment of Addictions, Inc. (“CREDO”) to provide Outpatient Medically-Supervised Chemical Dependence Treatment Services in Lewis County pursuant to Resolution No. 138-2013, that were previously provided by the Lewis County Community Recovery Center; and

WHEREAS, the Community Services Board (“CSB”) is a local governmental unit established by the Lewis County Board of Legislators pursuant to the authority granted in Article 41 of the Mental Hygiene Law and the CSB recommends that the County enter into a contract with CREDO for such services; and

WHEREAS, the County of Lewis wishes to enter into an Agreement with CREDO and the Board of Legislators wishes to accept such services.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby authorizes an Agreement between the County of Lewis, by and through the Lewis County Mental Hygiene Department, and Credo Community Center For The Treatment of Addictions, Inc. to provide Outpatient Medically-Supervised Chemical Dependence Treatment Services.

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Section 2. That said Agreement is for the period beginning September 1, 2013 through December 31, 2014, at a cost not to exceed \$231,191.

Section 3. That the Chairman, or Vice-Chairman, of the Board of Legislators be and the same are hereby authorized to execute and deliver such agreement upon such form as approved by the County Attorney.

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

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 354 - 2013
RESOLUTION TO CLOSE
MENTAL HYGIENE PETTY CASH ACCOUNT**

Introduced by Legislator Jack Bush, Chairman of the Ways and Means Committee.

BE IT RESOLVED as follows:

Section 1. That the Mental Hygiene Petty Cash Account is hereby closed and all funds are to be returned from the Mental Hygiene Department to the County Treasurer in the amounts of:

A210.01	\$525.00
A210.03	\$675.00
A210.09	\$625.00
A210.10	\$150.00

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

Moved by Legislator King, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 355 - 2013
RESOLUTION TO TRANSFER FUNDS
MENTAL HYGIENE**

Introduced by Legislator Paul Stanford, Chairman of Mental Hygiene Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfer is hereby approved in the Mental Hygiene Accounts to cover rent for Local Government Unit (LGU), due to the transfer of alcohol and substance abuse programs to CREDO:

September 3, 2013

<u>From:</u> A4335.4301 (telephone)	\$1,532.00
<u>To:</u> A4335.4803 (rent)	\$1,532.00

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

Moved by Legislator Stanford, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 356 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
NYS DIVISION OF CRIMINAL JUSTICE SERVICES
AND PROBATION DEPARTMENT FOR
PRE-TRIAL SERVICES PROGRAM**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement Committee.

WHEREAS, the NYS Division of Criminal Justice Services has notified their approval of the application for the Lewis County Pre-Trial Services Program to support pre-trial interviews of detainees at the Lewis County jail to determine their eligibility for release under supervision or release on recognizance.

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 Probation Department, and the NYS Division of Criminal Justice Services for a Pre-Trial Services Program in the amount of \$1,714.00.

Section 2. That said Agreement shall be in effect from July 1, 2013 through June 30, 2014.

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

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

Moved by Legislator Boyd, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 357 - 2013
RESOLUTION AMENDING COMPENSTION PLAN
WITH REFERENCE TO PUBLIC HEALTH DEPARTMENT**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

September 3, 2013

BE IT RESOLVED as follows:

Section 1. That this Board of Legislators amends the Compensation Plan with reference to the Public Health Department to create the following position:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Registered Professional Nurse	Temporary Full-time	Grade C31 (\$22.39-\$24.20)

Section 2. That Director of Public Health Penny Ingham is hereby authorized to fill said position effective immediately.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator King, seconded by Legislator Boyd, and adopted.

RESOLUTION NO. 358 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY PUBLIC HEALTH AGENCY AND
LEWIS COUNTY SHERIFF'S DEPARTMENT FOR JAIL NURSE

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

NOW, THEREFORE, be it resolved as follows:

Section 1. That the Board of Legislators hereby approves a Memorandum of Agreement by and between Lewis County Sheriff's Department and Lewis County Public Health Agency to provide jail nursing services with a licensed registered nurse in accordance with New York State Department of Corrections regulations for the term beginning February 25, 2013.

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Stanford, seconded by Legislator Bush, and adopted.

RESOLUTION NO. 359 - 2013
RESOLUTION APPROVING AGREEMENT BETWEEN
LEWIS COUNTY PUBLIC HEALTH AGENCY
ON BEHALF OF THE COUNTY OF LEWIS AND NYS DOH FOR
LEAD POISONING PREVENTION

September 3, 2013

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

WHEREAS, the Lewis County Public Health Agency has received a grant award from the New York State Department of Health in the amount of \$21,142.00 for the purpose of childhood lead poisoning prevention activities; and

WHEREAS, Lewis County Public Health Department is an eligible provider of these services.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes a grant agreement between the County of Lewis, acting by and through the Lewis County Public Health Agency and the New York State Department of Health to provide childhood lead poisoning prevention activities for the period of October 1, 2013 through September 30, 2014 in the amount of \$21,142.00.

Section 2. That the Chairman of the Board of Legislators, or the Vice-Chairman, be and the same is hereby authorized to execute and deliver such Agreement, pending approval by the County Attorney.

Section 3. That this Resolution shall take effect immediately.

Moved by Legislator Stanford, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 360 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY PUBLIC HEALTH AGENCY
AND UNIVERSITY PATHOLOGIST LABORATORIES, LLP**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

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 University Pathologist Laboratories, LLP, pursuant to which University Pathologist Laboratories, LLP thereby accepts the New York State rate for provision of laboratory services for women served by the Cancer Services Program.

Section 2. That this Agreement shall be effective from April 1, 2013 through March 31, 2014.

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

September 3, 2013

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

Moved by Legislator Wallace, seconded by Legislator Stanford, and adopted.

**RESOLUTION NO. 361 - 2013
RESOLUTION APPOINTING COMMISSIONER OF
LEWIS COUNTY DEPARTMENT OF SOCIAL SERVICES**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

WHEREAS, the term of Department of Social Services Commissioner Stacy Alvord expired on August 5, 2013; and

WHEREAS, the Board of Legislators wishes to re-appoint her for a 5-year term.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby appoints Stacy Alvord of Post Office Box 347, Lowville, New York, as the Commissioner of the Lewis County Department of Social Services for a five-year term.

Section 2. That said term shall be effective from August 6, 2013 and expire on August 5, 2018.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator Burke, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 362 - 2013
RESOLUTION AMENDING COMPENSTION PLAN
WITH REFERENCE TO DEPARTMENT OF SOCIAL SERVICES**

Introduced by Legislator William Burke, Chairman of the Social 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 Department of Social Services to create the following position:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Office Specialist	Full-time	Grade 11 (\$13.37-14.45)

September 3, 2013

Section 2. That Commissioner of Social Services Stacy Alvord is hereby authorized to fill said position effective immediately.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator Stanford, seconded by Legislator Wallace, and adopted.

**RESOLUTION NO. 363 - 2013
RESOLUTION AUTHORIZING AGREEMENT
BETWEEN DEPARTMENT OF SOCIAL SERVICES AND
BERKSHIRE FARM CENTER AND SERVICES FOR YOUTH**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

WHEREAS, Berkshire Farm Center and Services for Youth ("Agency") is a foster care agency authorized by the New York State Office of Children and Family Services to provide foster care services; and

WHEREAS, the Lewis County Department of Social Services wishes to enter into an agreement with this Agency to utilize their services of foster care.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes an agreement between the County of Lewis, by and through the Department of Social Services, and Berkshire Farm Center and Services for Youth for the provision of foster care services, at per diem cost not to exceed the Maximum State Aid Rate established by the New York State Department of Health.

Section 2. That the term of this agreement shall be from January 1, 2013 through December 31, 2015.

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

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

Moved by Legislator Bush, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 364 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
THE DEPARTMENT OF SOCIAL SERVICES AND
BINNACLE TECHNOLOGY SOLUTIONS, LLC**

September 3, 2013

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

WHEREAS, the Lewis County Department of Social Services wishes to enter into an Agreement with Binnacle Technology Solutions, LLC, with its principal place of business located at 762 Boston Post Road, Madison, Connecticut 06553 for the support, maintenance, and enhancements for AccuFund Representative Payee accounting software; and

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That the Board of Legislators hereby approves the contract with Binnacle Technology Solutions, LLC for the support, maintenance, and enhancements for AccuFund Representative Payee accounting software for the period of October 1, 2013 through September 30, 2014, at a cost not to exceed \$1,248.75.

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator King, seconded by Legislator Stanford, and adopted.

**RESOLUTION NO. 365 - 2013
RESOLUTION AUTHORIZING AGREEMENT
BETWEEN DEPARTMENT OF SOCIAL SERVICES AND
CRESTWOOD CHILDREN'S CENTER**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

WHEREAS, Crestwood Children's Center ("Agency") is a foster care agency authorized by the New York State Office of Children and Family Services to provide services; and

WHEREAS, the Lewis County Department of Social Services wishes to enter into an agreement with this Agency to utilize their services of foster care; and

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

September 3, 2013

Section 1. That the Board of Legislators hereby authorizes an agreement between the County of Lewis, by and through the Department of Social Services, and Crestwood Children's Center for the provision of foster care services, at per diem cost not to exceed the Maximum State Aid Rate established by the New York State Department of Health.

Section 2. That the term of this agreement shall be from January 1, 2013 through December 31, 2014.

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 Burke, seconded by Legislator Stanford, and adopted.

RESOLUTION NO. 366 - 2013
RESOLUTION AUTHORIZING AGREEMENT
BETWEEN THE DEPARTMENT OF SOCIAL SERVICES AND
U.S. CARE SYSTEMS, INC.

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

WHEREAS, the Lewis County Department of Social Services ("DSS") is authorized to provide personal care services to eligible persons pursuant to New York State Social Services Law and 18 New York Code of Rules and Regulations; and

WHEREAS, DSS wishes to enter into an Agreement with the U.S. Care Systems, Inc. to provide personal care services for those that are eligible in Lewis County; and

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That the Board of Legislators hereby approves the contract with U.S. Care Systems, Inc. for the provision of personal care services for those that are eligible in Lewis County for the period commencing January 1, 2013 through December 31, 2015, at a cost in accordance with the rates set forth by the state in the Agreement.

Section 2. 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 3. That the within resolution shall take effect immediately.

September 3, 2013

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 367 - 2013
RESOLUTION TO TRANSFER FUNDS
SOCIAL SERVICES**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfer is hereby approved in the Social Services account for the purchase of four (4) vehicles, utilizing Capital Equipment funds (HAD9901.9), HAD balance \$260,390.60:

<u>Increase Revenue:</u>	
A50310 (Inter-fund Transfers)	\$80,000.00
<u>Increase Expense:</u>	
A6010.2233 (Vehicles)	\$80,000.00

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

Moved by Legislator Burke, seconded by Legislator Wallace, and adopted.

**RESOLUTION NO. 368 - 2013
RESOLUTION TO TRANSFER FUNDS
TRAIL PROGRAM**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

BE IT RESOLVED, as follows:

Section 1. That the following transfer is hereby approved in the Trail Program accounts to cover travel expenses:

<u>From:</u>	
A7989.8999 (Fringe)	\$3,500.00
<u>To:</u>	
A7989.4507 (Travel)	\$3,500.00

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

Moved by Legislator Lucas, seconded by Legislator Wallace, and adopted.

September 3, 2013

**RESOLUTION NO. 369 - 2013
RESOLUTION AUTHORIZING PROFESSIONAL CONSULTING
SERVICES WITH LOCEY AND CAHILL, LLC**

Introduced by Legislator Richard Lucas, Chairman of the Insurance Committee.

WHEREAS, Locey and Cahill, LLC, a New York Limited Liability Company, has offered to provide professional consulting services, with a principal business located at 120 Walton Street, Suite 500, Syracuse, New York 13202 (hereinafter referred to as "Contractor"); and

WHEREAS, Lewis County desires to enter into an Agreement with Contractor to for the preparation and filing of the Actuarial Attestation Statements, Forms, Reports and Claims associated with the Medicare Part D Retiree Drug Subsidy Program for Lewis County.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That this Board of Legislators hereby authorizes an Agreement between Locey and Cahill, LLC and the County of Lewis, for professional consulting services for the period of September 1, 2013 to August 31, 2014 at a cost of \$2,000.

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Bush, seconded by Legislator King, and adopted.

**RESOLUTION NO. 370 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY TREASURER'S OFFICE
AND SYSTEMS EAST, INC.**

Introduced by Legislator Patrick Wallace, Chairman of the Information Management Committee.

WHEREAS, Systems East, Inc. wishes to enter into an agreement with the Lewis County Treasurer's Office for the purpose of providing computer software support and maintenance services; and

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

September 3, 2013

Section 1. That the Board of Legislators hereby approves the contract with Systems East, Inc. to provide software support and maintenance services for the period of January 1, 2014 through December 31, 2014, at a cost not to exceed \$17,940.00.

Section 2. That Patricia O'Brien, Lewis County Treasurer, is hereby authorized to make, execute, seal and deliver such Agreement, pending approval by the County Attorney.

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

Moved by Legislator Burke, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 371 - 2013
RESOLUTION AMENDING COMPENSATION PLAN WITH REFERENCE TO
SEALER OF WEIGHTS AND MEASURES DEPARTMENT**

Introduced by Legislator John Boyd, Chairman of the Sealer of Weights and Measures 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 Sealer of Weights and Measures to create the following position:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Laborer	Temporary (Part-time) (up to 14 hrs./week)	Grade C4 (\$11.58-\$12.51)

Section 2. That County Sealer Barbara Cooper is hereby authorized to fill said position effective September 3, 2013.

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

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 372 - 2013
RESOLUTION SETTING 2014 CHARGE-BACK APPORTIONMENT
FOR WORKERS' COMPENSATION PLAN PARTICIPANTS**

Introduced by Legislator Richard Lucas, Chairman of the Workers' Compensation Committee.

September 3, 2013

WHEREAS, the Board of Legislators imposes a proportionate assessment for participants of the Lewis County Self-Insurance Plan based on their respective actual Plan expenses; and

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

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That this Board of Legislators hereby sets the computation of the 2014 workers' compensation assessments for participants of the Lewis County Self-Insurance Plan, to assess a 50% experience rating based on actual respective expenses in 2010, 2011 and 2012 that shall be capped at \$30,000 for any one claim per annum; 20% shall be computed on proportionate property valuation; and the remaining 30% based on respective gross payroll figures.

Section 2. That the within resolution shall take effect immediately

Moved by Legislator Hathway, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 373 - 2013
RESOLUTION TO TRANSFER FUNDS
WORKFORCE INVESTMENT ACT**

Introduced by Legislator William Burke, Chairman of the Employment and Training Committee.

BE IT RESOLVED as follows:

Section 1. That the following transfers, within the Adult fund, are hereby approved.

Adult

From:

CD6292.4999 \$ 9,700.00 CRT/OJT Checkbook

To:

CD6292.1999 \$ 6,500.00 Wage Expense

CD6292.8999 \$ 3,200.00 Fringe Benefit Expense

 \$ 9,700.00

No changes to revenue.

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

Moved by Legislator Stanford, seconded by Legislator King, and adopted.

September 3, 2013

**RESOLUTION NO. 374 - 2013
RESOLUTION TO APPROPRIATE FUNDS
WORKFORCE INVESTMENT ACT**

Introduced by Legislator William Burke, Chairman of the Employment and Training Committee.

BE IT RESOLVED as follows:

NOA#PY13-02

Section 1. That the following funds be appropriated for the Program Year 2013, 7/1/13-6/30/15, Adult and Dislocated Worker, per the Notice of Obligational Authority (NOA), #13-02, dated July 30, 2013 through the New York State Department of Labor, as indicated below.

<u>Adult</u>	
CD6292.1999	\$ 1,100.00
CD6292.8999	\$ <u>505.07</u>
Total	\$ 1,605.07
<u>WIA Revenue</u>	
CD47910	\$ 1,605.07
<u>Dislocated Worker</u>	
CD6291.1999	\$ 5,626.00
CD6291.8999	\$ <u>2,746.71</u>
	\$ 8,372.71
<u>WIA Revenue</u>	
CD47910	\$ 8,372.71

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

Moved by Legislator Stanford, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 375 - 2013
RESOLUTION AUTHORIZING LETTER OF AGREEMENT WITH
THE NEW YORK STATE DIVISION OF HOMELAND SECURITY
TO UTILIZE THE LEWIS COUNTY EMERGENCY
COMMUNICATIONS SYSTEM**

Introduced by Legislator John Boyd, Chairman of the Emergency Management Committee.

WHEREAS, the New York State Division of Homeland Security (DHSES) has requested permission to utilize and transmit on the County's radio channels, as necessary, during times of emergency, assistance or other agreed cooperation; and

September 3, 2013

WHEREAS, the Board of Legislators wishes to authorize a letter agreement with DHSES to provide for cooperative use of Interoperable Radio Communications.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes an agreement with DHSES to allow DHSES employees and authorized users to transmit on radio channels utilized by public safety radio systems established within the County of Lewis with the exception of law enforcement channels, which may only be used under special needs and circumstances.

Section 2. 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 as may be approved by the County Attorney.

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

Moved by Legislator Boyd, seconded by Legislator Bush, and adopted.

RESOLUTION NO. 376 - 2013
RESOLUTION AUTHORIZING AGREEMENT FOR THE TRANSFER OF
ADMINISTRATION AND OPERATION OF CHHA AND HOSPICE FROM
LEWIS COUNTY PUBLIC HEALTH TO THE LEWIS COUNTY GENERAL
HOSPITAL

Introduced by Legislator Phillip Hathway, Chairman of Hospital Committee.

WHEREAS, although LCGH is a department of County, its budget and finances are maintained and operate as a separate and discrete enterprise account and not as part of the County general fund; and

WHEREAS, County, under its Public Health Agency ("Public Health"), formerly operated a Certified Home Health Agency ("CHHA") program and a Hospice Care Program ("Hospice"); and

WHEREAS, by Resolution No. 188 - 2011, adopted June 6, 2011, the Board of Legislators for the County determined that by reason of cost savings and efficiency of services, it is in the public interest that the responsibility for operation, management and staffing of the CHHA and Hospice be transferred from Public Health to LCGH (herein, "transfer of operations"); and

WHEREAS, the Board of Managers for the Hospital reviewed the proposed transfer of operations from Public Health to LCGH and has approved the same, subject to the terms and conditions set forth herein; and

September 3, 2013

WHEREAS, the NYS Department of Health has heretofore reviewed the proposed transfer of operations and has approved the same and issued all appropriate and necessary licenses to do so; and

WHEREAS, the transfer of operations for CHHA and Hospice took place effective January 1, 2013; and

WHEREAS, the parties wish to set forth the terms of the transfer of operations;

NOW THEREFORE, be it resolved as follows:

Section 1. That the Board of Legislators hereby authorizes a Transfer Agreement setting forth the terms of the transfer of operations of CHHA and Hospice from Lewis County Public Health Agency to the Lewis County General Hospital, effective January 1, 2013, pursuant to which:

- 1) The County agrees to reimburse LCGH from County general funds for the actual costs incurred in providing CHHA and Hospice services for the period of January 1, 2013 through and including December 31, 2013, less the revenues received for such services (herein "budget shortfalls").
 - a) The County has made a one-time payment in the amount of \$775,000 to the credit of LCGH, which sum represents the parties' best estimate of the anticipated budget shortfalls to be incurred in the operation of CHHA and Hospice for fiscal 2013.
 - b) LCGH is hereby authorized to use the \$775,000 as needed to fund budgetary shortfalls in the operation of CHHA and Hospice as they occur, or for any other purpose.
- 2) The County agrees to indemnify and save LCGH harmless from any act or omission of County personnel with regard to the operation or administration of the CHHA and Hospice programs that occurred prior to January 1, 2013.

Section 2. 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 as may be approved by the County Attorney.

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

Moved by Legislator Stanford, seconded by Legislator Burke, and adopted. Legislator King was opposed.

**RESOLUTION NO. 377 - 2013
ADOPTING THE CENTRAL NEW YORK INTEROPERABLE
COMMUNICATIONS CONSORTIUM TACTICAL INTEROPERABLE
COMMUNICATIONS PLAN (TICP)**

September 3, 2013

Introduced by Legislator Jerry King, Member of the Courts and Law Enforcement Committee.

WHEREAS, it is in the interest of Lewis County to adopt a Tactical Interoperable Communications Plan (TICP) which will serve as a guide to reduce the risk to lives and health that county residents may face, and reduce the damage to property that often results from an emergency; and

WHEREAS, the development of the TICP and implementation of its guidelines will assist the County and Emergency Responders in the implementation of interoperable talk paths with anticipation of problems that arise due to emergencies, with inclusion of possible solutions to communication problems; and

WHEREAS, this plan identifies known communications resources and describes how the participants in this plan can organize these resources to deal with such an emergency; and

WHEREAS, the Courts and Law Enforcement/Emergency Management Committee recommends the approval of the (TICP) plan.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators does hereby adopt and approve the TACTICAL INTEROPERABLE COMMUNICATIONS PLAN.

Section 2. That the TACTICAL INTEROPERABLE COMMUNICATIONS PLAN is intended to serve as a guide for decision makers in the public sector and shall not be construed as binding for any legislative body to take specific actions, but shall provide direction for agencies throughout the County to pursue the strategies set forth in the plan.

Moved by Legislator Boyd, seconded by Legislator Bush, and adopted.

RESOLUTION NO. 378 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
THE COUNTY OF LEWIS AND SPILLMAN TECHNOLOGIES, INC. FOR
PUBLIC SAFETY COMPUTER AIDED DISPATCH, RECORDS MANAGEMENT
AND RELATED HARDWARE AND SOFTWARE FOR THE EMERGENCY
COMMUNICATIONS CENTER

Introduced by Legislator Jerry King, Member of the Emergency Management Committee.

September 3, 2013

WHEREAS, the County of Lewis is in the process of studying, evaluating, designing with the ultimate goal of constructing and installing capital equipment for the purpose of upgrading its emergency radio communications system for use by all emergency service agencies (the "Project"); and

WHEREAS, one of the components of the needed upgrades to the emergency communications center is a turn-key implementation of an integrated Public Safety Computer Aided Dispatch, Records Management, Mobile Data System and Civil module that covers New York State and local government requirements. The proposed system will replace the existing system which is currently outdated and in need of replacement; and

WHEREAS, the County has received a grant from the NYS Division of Homeland Security and Emergency Services in the amount of \$472,024 to fund the implementation of the public software system (total grant was \$808,615 and includes items outside of public safety software); and

WHEREAS, a Request for Proposals was issued on or about July 1, 2013 for a computer system capable of managing data, business processes and communications between multiple Public Safety, Emergency Response and Law Enforcement agencies within Lewis County and also to be compatible with communications systems in adjoining counties; and

WHEREAS, the Emergency Management Committee received two proposals in response to the RFP and has reviewed the same, with the assistance of County staff, and consultants; and

WHEREAS, the Emergency Management Committee believes that the proposal submitted by Spillman Technologies, Inc. provides all of the functional specifications outlined in the RFP without exception, and offers the County a high degree of flexibility with the potential of adding additional modules in the future and customizing the product to meet the County's needs; and

WHEREAS, therefore, upon a full review and analysis of both proposals, the Emergency Management Committee recommends to the full Board of Legislators to purchase the system as proposed by Spillman Technologies, Inc.

NOW, Therefore, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby approves the contract with Spillman Technologies, Inc. for the a turn-key implementation of an integrated Public Safety Computer Aided Dispatch, Records Management, Mobile Data System and Civil module for the Lewis County Emergency Communications Center, consistent with their proposal submitted July 24, 2013, and as amended by the pricing schedule dated September 3, 2013 (collectively, the "Spillman Proposal"), including ten (10) years of maintenance, at a cost as follows:

September 3, 2013

a.	Software, Services, & Hardware:	\$	522,159
b.	Pre-paid Maintenance (yrs. 2-6) due 1/30/14	\$	186,400
c.	Pre-paid Maintenance (yrs.7-11) due 1/30/15	<u>\$</u>	<u>186,400</u>
	Total Cost	\$	894,959

Section 2. The Board of Legislators hereby determines that the Spillman Proposal is the "best value" for the County as that term is defined by Local Law No. 7 - 2013 in that it best optimizes quality, cost and efficiency, among responsive and responsible bidders and therefore is in the best interest of the County of Lewis.

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 Boyd, seconded by Legislator Bush, and adopted.

RESOLUTION NO. 379 - 2013
RESOLUTION DESIGNATING AUTHORIZED PERSONNEL
FOR BANK WIRES

Introduced by Legislator Michael Tabolt, Chairman of the Lewis County Board of Legislators.

BE IT RESOLVED, that the municipality authorize and designate, and the Lewis County Board of Legislators hereby does authorize and designate the following named individuals to direct and effect wire transfers of funds from the municipality's account with Community Bank, N.A. (hereafter identified as "Bank") by instructions to the Bank in the form indicated for each:

<u>Individual</u>	<u>Title</u>	<u>Instructions Form</u> <u>(Written, Telephonic)</u>	<u>Dollar Limit</u>
Taszden Newton	Benefits Specialist	Written & Telephonic	Unlimited

And the Bank is hereby authorized to honor and to implement wire transfer requests from the municipality's accounts so issued without inquiry, regardless of the payee or holder or purpose of tender.

RESOLVED, that the Chairman of the Board of Legislators of the County of Lewis, be and he is authorized to certify to the above bank, the foregoing resolutions and that the provisions thereof are in conformity with the laws and policies of Lewis County.

No law, ordinance, statute or other binding stipulation contains any special requirements as to the number of members required to pass such resolutions, or any requirement or prior approval or consent to such resolutions, or otherwise conflict with or prohibit the action of the resolutions as herein before stated.

September 3, 2013

FURTHER RESOLVED, that the authority conferred herein shall continue in full force until written notice of its revocation shall be received by the Bank.

The following are the signatories of each and every individual granted authority under any of the foregoing resolutions:

<u>Individual</u>	<u>Title</u>
Patricia L. O'Brien	Lewis County Treasurer
Cynthia C. Wiedrick	Lewis County Deputy Treasurer
Taszden Newton	Benefits Specialist

That Valerie Juby is hereby removed from the authorization list for Bank transfers. That the within shall take effect on July 1, 2013.

Moved by Legislator Bush, seconded by Legislator King, and adopted.

RESOLUTION NO. 380 - 2013
RESOLUTION INITIATING SEQR PROCESS ON
THE FUNDING AND CONSTRUCTION OF A COUNTY OFFICE BUILDING

Introduced by Jack T. Bush, Chairman of the Buildings and Grounds Committee

WHEREAS, the County of Lewis has heretofore retained an architectural firm to provide architectural design services for a two-story County office building to be located on the County's property on Outer Stowe Street in the Village of Lowville to house the Department of Social Services, the County Clerk's DMV office, the 911 Dispatch Center, and others (the "Project"); and

WHEREAS, the architects have completed the design phase of the Project and have assisted the County in the preparation and issuance of a Request For Proposals for the Project which are returnable on September 19, 2013;

WHEREAS, prior to the acceptance of any bid received in connection with the RFP, or prior to authorizing the funding of such action(s), it is necessary and appropriate for the Board of Legislators to consider the environmental impact of such proposed action under the State Environmental Quality Review Act ("SEQRA")

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That pursuant to Part 617 of the Implementing Regulations pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act), this Board hereby determines this to be an "Unlisted" action and declares its intent to proceed as lead agency. In such capacity, the Board shall consider at its next regular board meeting to be held on October 1, 2013, the effect upon the environment of the proposed Project pursuant to SEQRA.

September 3, 2013

Section 2. That the Board of Legislators hereby directs that Bernier, Carr & Associates, P.C., the County's architect for the Project, prepare an Environmental Assessment Form ("EAF") under the supervision of the County Attorney and in conformance with the requirements of SEQRA and the implementing regulations relative thereto and report the results of that evaluation on or before October 1, 2013.

Section 3. That this Resolution shall take effect immediately.

Moved by Legislator Lucas, seconded by Legislator King, and adopted. Legislator Stanford was opposed.

**RESOLUTION NO. 381 - 2013
RESOLUTION WITH REFERENCE TO VICE-CHAIRMAN
OF LEWIS COUNTY BOARD OF LEGISLATORS**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

WHEREAS, the untimely death of Legislator Charles R. Fanning created a vacancy for the Vice-Chairman of the Board of Legislators.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That this Board of Legislators hereby appoints Legislator William Burke to perform the duties of Vice-Chairman of the Lewis County Board of Legislators for the remainder of calendar year 2013.

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

Moved by Legislator King, seconded by Legislator Bush, and adopted.

OTHER BUSINESS:

The Clerk read a proclamation signed by Chairman Tabolt declaring September 11, 2013 as "National Night Out" in Lewis County.

Legislator Hathway made a motion to enter executive session at 6:55 p.m. to discuss employee contracts, and current litigation issues. The motion was seconded by Legislator Wallace and carried. The session began at 7:06 following a short recess called by Chairman Tabolt. At the conclusion of the session, Legislator Stanford moved to re-enter regular session at 8:21 p.m., seconded by Legislator Burke and carried.

There being no other business to come before the Board, the meeting adjourned on motion by Legislator Stanford, seconded by Legislator Lucas and carried.

September 23, 2013

**SPECIAL MEETING
September 23, 2013**

The meeting was called to order at 10:08 a.m. by Chairman Michael A. Tabolt.

Roll Call: All Legislators were present, except Jerry King whom was excused for jury duty; and Patrick Wallace whom arrived later in the meeting. A vacancy still exists for District No. 3.

The Invocation was offered by Legislator Hathway with a moment of silence for all those deceased; followed by the Pledge of Allegiance to the Flag.

There were 16 citizens present.

REPORT OF THE RULES AND LEGISLATION COMMITTEE:

The Rules and Legislation Committee had met and recommend waiving the rules to allow action on late resolutions.

Richard Lucas, Chairman
Philip Hathway

Dated: September 23, 2013

Legislator Lucas made a motion to waive the rules, seconded by Legislator Bush and carried.

PRIVILEGE OF THE FLOOR:

Mr. Richard Chartrand, District No. 5 Legislator candidate, expressed his views relative to the proposed Stowe Street building project. He expressed concern for the County debt load beyond 2014, citing the need for renovations to the existing Stowe Street office building; the need for emergency management equipment storage pending removal of the existing storage building and construction of a replacement building; contingency for new construction; emergency communications equipment and tower upgrades, terming the latter project one of great importance for life, health and safety. He cautioned the Board not to overextend County finances.

REPORTS OF STANDING COMMITTEES:

Legislator Jack Bush, Buildings and Grounds Committee Chairman, reviewed the cost analysis report prepared by Venesky & Company, a copy of which had been distributed to each Legislator. They had computed estimated State Aid revenue based on the construction bids opened on 9/19/13. Legislator Bush thanked Treasurer Patricia O'Brien and Venesky & Company for their diligence and willingness to complete the analysis within a short time period.

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Construction bids totaled \$10 Million, plus a contingency of \$1.3 Million. All contractors have been certified as viable by the County's contractual engineers. 47.8% of the new building would be occupied by Social Services operations. Accordingly, the County would be eligible for up to 75% State Aid reimbursement equating an estimated \$5,197,427 over the life of the bond, substantially offsetting County cost.

Legislator Bush estimates just over \$1 Million to renovate the existing Social Services building which would be done after all personnel were transferred to the new structure. Public Health personnel will remain at their current Hospital location to advantage State Aid for leasing costs, which would not be available if housed in a County-owned building.

Legislator Burke cited the additional \$470,000 attributable to winter construction. Legislator Bush affirmed the specifications included the winter construction option, at the bidder's discretion, to be included in their total bid.

Legislator Bush reported his intent to attend the 9/24/13 Village of Lowville Board meeting to discuss the Stowe Street sewer video scope and other Village Board concerns.

County Attorney Richard Graham estimated 30 days to secure project funding; and that he awaits the engineer's State Environmental Quality Review Assessment (SEQRA) report. A bond resolution could be enacted by the Board at their discretionary level; and the Board could award the construction contracts. The economics ie. cost versus revenue ratios for the proposed construction, he said, had been reported a couple of years ago by the County Manager. Legislator Bush asked that those figures be updated based on the 9/19/13 bids.

In response to Legislator Stanford, Atty. Graham asserted that the State reimbursement rates are historical, and void of extreme contradictory measures by the State Legislature, the County could reasonably assume State Aid revenue at estimated levels.

In response to Chairman Tabolt, Treasurer Patricia O'Brien stated the first year bond payment would be \$735,000, which would be offset by State Aid of \$411,444. The monies would be received through the Department of Social Services and funneled to the County. There are various factors, she said, that could impact the State Aid amount, but 75% reimbursement is typical.

Legislator Patrick Wallace entered the meeting at 9:22 a.m.

In response to Legislator Lucas, Mrs. O'Brien asserts the level of savings realized by terminated office space leases would cover the new building maintenance costs.

Legislator Hathway expressed that construction would not be financially feasible, unless the additional one-quarter percent sales tax equating \$640,000 were realized and dedicated to the project; in conjunction with Social Services State Aid revenues. If so, those resources coupled with Wind Farm revenues should be adequate to also cover the

phased costs of the \$7.5 Million for the emergency communications equipment upgrades. Alternatively, the \$9 Million Court House construction debt, coupled with the \$3 Million bond for the Hospital dialysis unit, leaves him weary the County's debt load would be insurmountable. Accordingly, Legislator Hathway declared his would be a "no vote" today for new construction.

Moreover, Legislator Hathway stated, 2014 budget requests equate a deficit of \$600,000 just to maintain County operations at current levels. He predicts having to increase taxes by the allowable cap of \$400,000, upon already overburdened property owners; meanwhile admitting that departmental requests, including posed wage increases, are largely justified.

Legislator Hathway submits the \$5.1 Million State Aid is only one-third of the overall \$14.7 Million construction cost when cumulative interest and other charges are totaled. Legislator William Burke concurred; particularly noting that County operational costs typically increase by 10% annually.

Legislator Paul Stanford declared his "no vote", while purporting that the Village was not given the opportunity for input since discussions began in February. He reminded that sales tax revenues remain in jeopardy; and urged the Board to be mindful of required Stowe Street renovations. Legislator Hathway termed the respective renovations a moral, rather than a legal, County obligation, unaware of any opposing views to assist the Village.

Mrs. O'Brien recommends the Board approve either the new construction or the emergency communications upgrade project, concerned with the County's cumulative ultimate debt load. She gravely cautioned that adding up to \$21 Million to the outstanding debt of \$16 Million would overwhelm our small County tax base. "Taxes will have to be raised just to support government operations", she stated. She expressed concern that statements purporting no increased taxation for the building project would be misconstrued.

Legislator Richard Lucas termed it "irresponsible" to not build at the reasonable bid prices to address space needs for the foreseeable future. "All we are doing, he said, is passing the issue onto future Boards". We need to address inadequate space occupied by the Department of Motor Vehicles, and other leased spaces. The Social Services office building needs major renovations. "I am a pretty large taxpayer", he declared, and feels the new building is the right option. Most taxpayers trust their representative to assess the information and make decisions in the best interest of the County. Legislator Lucas concluded that going forward with new construction was a prudent decision.

Legislator Lucas also supports the emergency communications project that would be feasible if built in phases, and availing grant monies.

RESOLUTIONS:

September 23, 2013

**RESOLUTION NO. 382 - 2013
RESOLUTION APPOINTING LEWIS COUNTY LEGISLATOR
TO FILL DISTRICT NO. 3 VACANCY**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

WHEREAS, the untimely death of Legislator Charles R. Fanning has created a vacancy in the office of Legislator for District No. 3; and

WHEREAS, Local Law No. 5-1980 provides that where a vacancy occurs in any elective office for reasons other than the expiration of the term of office, the Board of Legislators may fill the vacancy by appointing to said office any person qualified under law to hold the office to which he or she is appointed; and

WHEREAS, Local Law No. 5-1980 further provides that the person so appointed to fill a vacancy shall enter upon and faithfully discharge the duties of the office to which he or she is appointed until the office is filled at the next succeeding general election;

WHEREAS, the results of the primary held for the Republican Party on September 10, 2013 declared Craig P. Brennan to be the winner and therefore will be the sole candidate on the November 5, 2013 regular election ballot for District No. 3 Legislator, there being no other candidate running for that office; and

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby appoints Craig P. Brennan of 10859 NYS Route 26, Carthage, New York 13619, to fill the un-expired term of Charles R. Fanning, effective October 1, 2013 and continuing through and including December 31, 2013.

Section 2. That the office of Legislator for District #3 shall thereafter be filled pursuant to the official results of the November 5, 2013 general election.

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

Moved by Legislator Stanford, seconded by Legislator Boyd.

Legislator Lucas made a motion to amend the appointment to be effective September 23, 2013, seconded by Legislator Boyd, and carried.

The resolution was then unanimously adopted.

Legislator William Burke escorted newly appointed Legislator Craig P. Brennan to his chair. County Clerk Douglas Hanno administered the Oath of Office. Legislator Brennan thanked the Board, relating his commitment to educate himself on the issues before the Board.

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Chairman Tabolt relayed he did not expect a conclusive decision on the new construction project today, but wanted to assure all Legislators had updated information to enable review and discussion.

OTHER BUSINESS:

Legislator Lucas made a motion to enter executive session at 9:42 a.m. for an update from Atty. Graham on a current lawsuit, seconded by Legislator Burke and carried.

Legislator John Boyd left the meeting at this time.

At the conclusion of the session, Legislator Stanford moved to re-enter regular session, seconded by Legislator Bush and carried at 9:58 a.m.

There being no other business to come before the Board, the meeting adjourned on motion by Legislator Bush, seconded by Legislator Hathway and carried.

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**REGULAR MEETING
October 1, 2013**

The meeting was called to order at 5:04 p.m. by Chairman Michael A. Tabolt.

Roll Call: All Legislators were present.

Legislator Hathway offered the Invocation including a moment of silence for all those deceased, followed by the Pledge of Allegiance to the Flag.

There were 38 persons present.

REPORT OF THE RULES AND LEGISLATION COMMITTEE:

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

Richard Lucas, Chairman
Philip Hathway
Craig Brennan

Dated: October 1, 2013

Legislator Burke made a motion to waive the rules, seconded by Legislator Lucas and carried. Legislator Hathway opposed.

Chairman Tabolt opened the public hearing for comments on Local Law Intro. No. 8-2013 "A Local Law Continuing an Additional Mortgage Tax For Mortgages on Real Property Situated in Lewis County"; and Local Law Intro. No. 10-2013 "A Local Law to Authorize Overriding the Tax Levy Limit Established by General Municipal Law § 3-C (A/K/A 2% Tax Cap) For The Lewis County 2014 Budget".

PRIVILEGE OF THE FLOOR:

Greg Kulzer, Legislative District 7 candidate, asked the Board to reconsider their vote for the new county building. He stated the general public and voters that had put the Board in their seats "do not want that building". It would be fiscally irresponsible of them, he said, with the County already close to their borrowing limit, to add to the debt and leave no "rainy day fund". He chided the Legislators for spending wind tower money like it "falls out of the sky", instead of putting it to use on other things of importance, such as jobs. He cited the Cornell study that indicated that if current trends continue, there would be only 5,000 jobs in Lewis County by the year 2040. He urged the Board to focus on creating jobs rather than constructing buildings.

Bruce Hirschev of Castorland read a narrative he had prepared imploring the Board to think twice before approving the new county building. He feels there are too many unanswered questions. At the informational presentation held at the Lowville Fire Hall, the board indicated there would be additional public information sessions, yet there was

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only that initial forum. He questioned the full cost of the project, acknowledging the newspaper report on the \$9-\$10 million cost of the building, wondering how such factors as site preparation, infrastructure, landscaping and parking lots would impact the cost. He also questioned the details and cost of the current equipment storage building proposed to be moved. He asked if the questions from the Village about increased traffic on Stowe Street, effects on water service and sewer conditions, had been answered. This project is a large expense for the residents to shoulder, many of whom are retired with fixed incomes. The residents are still repaying indebtedness from the last court house building project, and there is the potential for the radio system project as well. Mr. Hirschey strongly urged the Board to delay their vote until the cost has been specifically identified and openly presented at a public session, for residents to clearly see and understand.

Chairman Tabolt recognized Mr. Hirschey's questions, and agreed to sit and address them with him personally.

PRESENTATION OF COMMUNICATIONS AND NOTICES:

Legislators had each received an invitation from ReEnergy Lyonsdale to celebrate National Bioenergy Day on October 17, 2013, by touring four bioenergy sites in Lewis and Herkimer Counties. They have also received flyers for the 4th Annual "Meet the Services that Make Your Community" to be held Tuesday, October 22nd, 2013.

On file in the Legislative Clerk's office is a copy of Hamilton County Board of Supervisors' resolution in support of the Towns of Indian Lake, Long Lake, Newcomb, Minerva, and North Hudson concerning their plan for economic success in regards to recreation within the affected lands.

A copy of letters were distributed to each Legislator from Highmarket Wheelers ATV Club, Long Pond Sno Sled Club and Turin Ridge Riders. Each organization urged the Legislators to reinstate the Sheriff's Department budget for recreational patrols to the higher levels from previous years in order to support and maintain the safety of recreation participants.

A copy was provided to each Legislator of an email from Cheryl Mayforth, Executive Director of the Jeff-Lewis Workforce Investment Board concerning the Federal Government shutdown and its affect on the Employment & Training Program in Lewis County, which will be halted as of today. She will provide further information as it develops.

REPORTS OF COUNTY OFFICERS AND DEPARTMENTS:

An approved corrected 2013 tax roll was submitted by the County Treasurer for the Harrisville School District.

Minutes are on file in the Legislative Clerk's Office for the following September Committee Meetings: September 11th Taxation and Junkyard Committees , September 12th

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Courts & Law Enforcement Committee; September 17th Public Health/Mental Hygiene Committee; September 18th Social Services Committee; as well as the September 19th Ways & Means/Building and Grounds and Highway Committees. Also on file are the 8/12/13 minutes of the Soil & Water Conservation District Board of Directors Meeting.

All Legislators received copies of the County Treasurer's September monthly report; the 9/23/13 Highway Audit report; and the 9/20/13 Solid Waste Audit Report.

REPORTS OF STANDING COMMITTEES:

Legislator Philip Hathway, Hospital Committee Chairman, announced Dr. Birk as the employee-of-the-month. He reported the ongoing struggle to acquire critical access designation, amounting to \$10,000 every day that goes by. He relayed that while they are confident it will happen, it is simply a matter of when. Meanwhile, the hospital is confident it can meet their obligations by the end of the year to repay the County as well as others, even without the additional monies. Legislator Hathway reported that the Nursing Home IGT of \$3 million could be delayed as late as March of 2014, impacting the County as it will have to make up the difference. Additionally, there may be as much as a 50-75% increase, of which the County portion could be up to \$3/4 million that has not been anticipated. He invoked to the Board that these are the types of things that should be kept in mind when decisions are being made. The YTD loss through the end of September is \$1.3 million versus the budgeted loss of \$1.1 million. There is a Hospital budget session scheduled for October 18th.

Legislator Jack Bush, Buildings and Grounds Committee Chairman, reported 58 work orders completed. The Bobcat broom was replaced and the Bobcat itself repaired. A/C filters have all been replaced and parking lots repaired at the Court House location, the PSB and DSS. Parking lot lights have also been repaired at DSS. Two new doors at the PSB have been installed; and all equipment is being serviced in preparation for winter.

Legislator Bush, as a member of the Transportation/Solid Waste Committee, reported that paving and shimming have been completed. They are now working on bridge flags for the Twin Sisters Bridge, and maintenance to the French Settlement Road Bridge, for which the sleeper beams have been repaired. However, the 20 ton bridge has been reduced to an 11 ton limit. Legislator Bush noted that this will most directly affect the Town of Diana for snow plows that are over that limit, and for school bus drivers who will need to know the number of passengers they are carrying for whether or not they can legally cross this bridge.

Finally, Legislator Bush indicated that they are still working diligently to present a 2014 tentative budget to the full board.

Legislator John Boyd, Courts and Law Enforcement Committee Chairman, reported that the proposals for the radio system will be received until November 8th at 3:30 p.m.

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Legislator Jerry King, Chairman of the Junkyard Committee and member of the Courts and Law Enforcement Committee, noted training will be held for Junkyard members on policies and procedures on October 9th at 6:30 p.m.

Adding to Legislator Boyd's previous information regarding the radio system project, Legislator King indicated that the RFP for the phone system part of the PSAP Grant, will be ready to go out in the near future. Also, there was a pre-bid meeting held, with three radio vendor participants and four for the microwave portion.

Legislator Richard Lucas, Economic Development Committee Chairman, asked for support of resolutions in the packet. He also relayed that as in years passed, a resolution is needed for the I Love New York Matching Funds Program which must be submitted to the State by October 18th. He would like the Board to consider an appropriation which would be doubled through the State match, for tourism advertising in the County, to be administered by the Chamber of Commerce.

Legislator Lucas made a motion to commit \$25,200, seconded by Legislator King. Legislator Stanford shared his concern that the Board doesn't know what the budget is yet, and if jobs need to be cut, he cannot support this type of appropriation.

Attorney Graham interjected that the State annually asks for a County commitment of funds, predating the Board's consideration of their budget. The Board has historically adopted the resolution to commit their local share, which is needed in order to submit to the State. The State will then consider their budget and agree to match the amount. Unfortunately, there is nothing that can be done about the State-imposed deadline for the program application. If the application is not submitted by the deadline, the County will not receive matching State funds, and will be limited to the County's appropriation level.

Attorney Graham clarified for Legislator Brennan that this is an annual program whereby the County determines whether or not to participate, and if so, what dollar amount they want to commit. He indicated the County appropriation has never been lower than it is presently, reiterating the need to commit the funds by the 18th, or the opportunity is gone.

Legislator Lucas recalled \$50,000 being put forth in the past, which equated \$100,000 in advertising for the County. Items such as the visitor's guides, which need to be replaced from time to time, are important tools used to promote our County. He understands the need to reduce the amount due to budget restrictions, but feels it is important for the Board to commit something in order to participate and benefit from the matching fund program.

The motion then carried unanimously, to commit \$25,200 for submission to the State's matching program. A late resolution will be prepared.

Legislator William Burke, Social Services/Office For Aging/Youth Committee Chairman, reported that the Office for the Aging will hold a Health Care Decision-Making Workshop at 10 a.m. on Oct. 9th at the Maple Ridge Center. The Annual Public Hearing &

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Oktoberfest is scheduled for Friday, October 18th at the Copenhagen Fire Hall. Doors open at 9:30 a.m. and the day's events include a flu clinic by Lewis County Public Health, an informational presentation on health insurance, entertainment and a dinner.

Legislator Burke recognized our Child Support Collections Program who received awards from the State for small size districts in two of the five key performance areas. The Lewis County program had the highest paternity establishment and the best arrears child support collections. This unit is responsible for the collection of about \$4 million a year from absent parents on behalf of Lewis County children.

The Committee reviewed the 2014 DSS projected budget, able to reduce the amount of local share by about \$245,000.

Legislator Burke made a motion to extend one temporary Social Welfare Examiner position at DSS until March 15, 2014. This position is critical to keep up during the HEAP season. Legislator Wallace seconded. Commissioner Alvord confirmed to Legislator Hathway that all positions referenced in this motion, as well as those that appear in resolutions for action tonight are not new positions; they have all been vacated and need re-filling. She also confirmed to Legislator Lucas that HEAP program workers have no County local share cost; they are all Federally funded. The motion then carried unanimously.

Legislator Wallace, Taxation/Information Technology Committee Chairman, informed the Board that property foreclosure notices had mailed on September 27th.

Chairman Tabolt reported that only two of the five laptops received have been set up and programmed for use. He encouraged individual Legislators to set up a date and time for training with the Treasurer and the IT Department. Legislator Wallace confirmed that wireless connection is available. In response to Legislator King's inquiries, Tom Mallette distinguished the two different available connections; one for Legislators to access IFM securely, and the second is an internet connectivity. Chairman Tabolt offered that further inquiries could be clarified by IT personnel.

Legislator Paul Stanford, Public Health/Mental Health Committee Chairman, announced the "Meet the Services Annual Event" would be held on October 22nd at the Lowville Elk's Lodge.

Legislator Stanford was pleased to announce that there will be a State Aid Increase from \$406,000 to \$500,000 for Public Health. In response to Legislator Lucas, as to whether this increase is additional funds to be utilized as necessary, or if there are increased mandates associated with it, Legislator Stanford confirmed that it is designated for the Pre-School Program.

The Mental Hygiene Department is now known as Lewis County Community Services. He feels that both individuals proposed for appointment to the CSB Sub-

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Committee are very good candidates and will do a very good job if approved for appointment. He additionally commended Sarah Bullock for doing a very good job.

Chairman Tabolt acknowledged the newest Legislator Craig Brennan, announcing his appointment to the Economic Development Committee, the Taxation/IT Committee, and as Chair of the Transportation/Solid Waste Committee.

Legislator Bush acknowledged a concern expressed by Legislator Stanford regarding the Pine Grove Road in the Town of Watson; reporting the Highway Department was looking into the matter, and would be discussed at the next committee meeting.

At this time, Chairperson Tabolt acknowledged they had gone over in time for the public hearing, but offered the floor for comments. With no one stepping forward, the public hearing was closed at 5:43 p.m.

COUNTY MANAGER REPORT:

Acting County Manager Michael Tabolt pointed out Sales Tax Resolutions presented for action. The Governor has signed the Bill for the extension, including the additional tax as requested. Acknowledging the difficulty in the original language; he thanked all the parties involved that worked diligently to get the language corrected for presentation and action. He noted that should the Board choose to pass the Resolution, no meeting will be required on December 1st.

Chairman Tabolt discussed some of the information he acquired while at the Fall NYSAC convention. There is a Dental Network card program endorsed by NYSAC that can be offered to anyone without dental coverage. Many counties are currently participating, and he would like to investigate and discuss the potential for Lewis County.

The Chairman also reported learning that NYSAC has partnered with NCS Plus organization for debt recovery, having a low flat rate debt collection process. He has forwarded the information to the Hospital CFO for review.

An additional seminar was presented on utilizing cell towers throughout New York State. Seemingly, AT&T and Verizon are removing themselves from the tower business and the associated liabilities; working more with municipalities that have towers in place. The theory behind the seminar is that if there could be consolidation of towers in NYS, rates could be negotiated. The first step to inventory tower locations is underway. Chairman Tabolt feels it looks very promising, and will pass along information as received.

Chairman Tabolt recognized the benefits of being a member of NYSAC, and over the years has heard the benefits of belonging to the National Association of Counties. An individual recruiting new members for NACO has offered to come and present the benefits of membership to the Board, that we may avail. Legislator Brennan agrees that NACO is a worthwhile organization, and the group as a whole could benefit greatly. Chairman Tabolt will schedule a date for the NACO representative presentation and advise the Board.

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Finally, Eric Virkler has notified the Chairman that JCC is preparing their annual survey and will be distributing a memo to Legislators to define questions they would like included in the survey. Legislator Hathway suggested the memo be forwarded to Legislative Candidates for 2014, and the Chairman agreed.

REPORT OF THE WAYS AND MEANS COMMITTEE:

**REPORT OF
WAYS AND MEANS COMMITTEE
ON THE EXAMINATION OF CLAIMS**

To: The Honorable County Legislators

The Ways and Means Committee reports that they have examined the claims presented for payment in the total amount of \$ 1,109,912.27 and recommend that they be audited and allowed for the amounts claimed.

Jack Bush, Chair
Philip Hathway, Committee
Jerry King, Committee

Dated: October 1, 2013

Approved on motion by Legislator Lucas, seconded by Legislator King, and carried.

RESOLUTIONS:

**RESOLUTION NO. 383 - 2013
AUDITING AND ALLOWING CLAIMS**

Introduced by Legislator Jack T. Bush, Chairman of the Ways and Means Committee.

RESOLVED that the claims presented for payment in the total amount of \$ 1,109,912.27 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 Burke, seconded by Legislator Wallace, and adopted by roll call vote:

All voted yea.

**RESOLUTION NO. 384 - 2013
RESOLUTION ADOPTING AND OTHERWISE TREATING
LOCAL LAW NO. 8 - 2013, COUNTY OF LEWIS**

October 1, 2013

Introduced by Legislator Patrick Wallace, Chairman of the Taxation Committee.

WHEREAS, a resolution was duly adopted by the Board of Legislators on September 3, 2013, directing that a public hearing be held by said Board on October 1, 2013, from 5:00 p.m. to 5:30 p.m. at the Board of Legislators Board Room on the Second Floor at the Lewis County Courthouse, 7660 North State Street, Lowville, New York 13367, to hear all interested parties on a proposed Local Law entitled, "A LOCAL LAW CONTINUING AN ADDITIONAL MORTGAGE TAX FOR MORTGAGES ON REAL PROPERTY SITUATED IN LEWIS COUNTY"; and

WHEREAS, the Board of Legislators previously adopted Local Law No. 3-2010 providing for additional mortgage tax in the amount of twenty-five cents for each one hundred dollars of principal debt or obligation which is secured by a mortgage on real property situated in Lewis County and to provide for the administration of the same; and

WHEREAS, Local Law No. 3-2010 will expire on October 31, 2013; and

WHEREAS, the Board wishes to extend the additional mortgage tax for another three years; and

WHEREAS, notice of said public hearing was duly advertised in the Watertown Daily Times, on September 26, 2013, and posted on the bulletin board of the County Courthouse, 7660 North State Street, Lowville, New York, at least five (5) days prior to such public hearing; and

WHEREAS, said public hearing was duly held at such location at such time and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. This Local Law (Introductory No. 8 - 2013), County of Lewis, being "A LOCAL LAW CONTINUING AN ADDITIONAL MORTGAGE TAX FOR MORTGAGES ON REAL PROPERTY SITUATED IN LEWIS COUNTY", be and the same hereby is designated as Local Law No. 8 - 2013, County of Lewis.

Section 2. That Local Law No. 8 - 2013, County of Lewis, with designation stated above, be and the same is hereby enacted, waiving any and all defects and informalities in the adoption thereof.

Moved by Legislator Lucas, seconded by Legislator Bush, and adopted.

YEAS: Boyd, Burke, Bush, Brennan, Hathway, King, Lucas, Stanford, Wallace, Tabolt

NAYS: None

ABSENT: None

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**RESOLUTION NO. 385 - 2013
RESOLUTION ADOPTING AND OTHERWISE TREATING
LOCAL LAW NO. 9 – 2013, COUNTY OF LEWIS**

Introduced by Legislator Jack T. Bush, Chairman of the Ways and Means Committee

WHEREAS, a resolution was duly adopted by the Board of Legislators on September 3, 2013, directing that a public hearing be held by said Board on October 1, 2013, from 5:00 p.m. to 5:30 p.m. at the Second Floor Board Room of the Courthouse, 7660 North State Street, Lowville, New York 13367, to hear all interested parties on a proposed Local Law entitled, “A LOCAL LAW TO AUTHORIZE OVERRIDING THE TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW § 3-C (A/K/A 2% TAX CAP) FOR THE LEWIS COUNTY 2014 BUDGET”; and

WHEREAS, notice of said public hearing was duly advertised in the Watertown Daily Times, the official newspaper designated by the County, on September 26, 2013, and posted on the bulletin board of the Lewis County Courthouse, 7660 North State Street, Lowville, New York, at least five (5) days prior to such public hearing; and

WHEREAS, said public hearing was duly held at such location at such time and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

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

Now, Therefore, BE IT RESOLVED, as follows:

Section 1. This Local Law (Introductory No. 9 – 2013), County of Lewis, being “A LOCAL LAW TO AUTHORIZE OVERRIDING THE TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW § 3-C (A/K/A 2% TAX CAP) FOR THE LEWIS COUNTY 2014 BUDGET”; be and the same hereby is designated as Local Law No. 9 – 2013, County of Lewis.

Section 2. That Local Law No. 9 – 2013, County of Lewis, with designation stated above, be and the same is hereby enacted, waiving any and all defects and informalities in the adoption thereof and shall take effect immediately upon filing with the Secretary of State.

Moved by Legislator King, seconded by Legislator Stanford, and adopted.

YEAS: Boyd, Burke, Bush, Brennan, Hathway, King, Lucas, Stanford, Wallace, Tabolt

NAYS: None

ABSENT: None

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RESOLUTION NO. 386 - 2013
RESOLUTION URGING NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO AMEND
EAST BRANCH OF FISH CREEK CONSERVATION EASEMENT
FOR EXISTING CAMPS

Introduced by Legislator Richard Lucas, District No. 8 Representative and Chairman of the Economic Development Committee.

Whereas, the 2007 East Branch of Fish Creek Conservation Easement covers 44,000 acres in Lewis County; and

Whereas, the Easement imposes a deadline of January 2017 for removal of 6 of the existing 21 camps that have been in this location for up to 66 plus years, thereby imposing an undue hardship upon the owners; and

Whereas, several of the remaining 15 camps has at least one violation pursuant to the agreed NYSDEC standards developed for these structures; and

Whereas, Tim Burpoe, a Certified Forester for Molpus Timberlands Management, LLC had submitted a proposed Memorandum of Understanding dated 8/31/2012 delineating long term compromising solutions to address the existing camp violations to comply with the final Easement terms beyond 2017; and

Whereas, the Lewis County Board of Legislators hereby submits the proposed compromising solutions are amicable in the interest of all parties, while mindful of environmental issues; and

Whereas, removing or relocating the camps imposes an undue economical hardship upon the hunting clubs if forced to remove and relocate; many will cease to exist, and gone forever will be the hunting and other stories and history of that area; and

Whereas, other conservation easements within the Adirondacks have dealt amicably with similar camp situations, many able to remain in their location; and

Whereas, numerous structures outside the East Branch of Fish Creek have been “grand-fathered” and are allowed to exist on the same tributaries that flow through this area, while having the same deficiencies as the camps in question; and

Whereas, the removal and relocation of the camps, will itself, create an environmental disturbance during clearing of new locations, parking areas and establishing new water sources; and

Whereas, the “hunting club culture” on Tug Hill has been in existence since the early days of timber harvesting; and forever gone will be the sites of logger bunkhouses

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and dining halls; and not the least of which, the historical stories of those good stewards of the land about their relatives working in the camps and providing for their families; and

Whereas, it would be appropriate to revisit the East Branch of Fish Creek Conservation Easement to consider simple solutions as those outlined in the proposed Memorandum of Understanding dated 8/31/2012.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators strongly urges the New York State Environmental Conservation District to revisit the East Branch of Fish Creek Conservation Easement; and further urges approval of the mitigating terms for the camps located on the property owned by Corrigan TLP, LLC and as outlined in the proposed Memorandum of Understanding from Molpus Timberlands Management, LLC dated August 31, 2012.

Section 2. That the Clerk of the Board is hereby directed to forward a certified copy of this Resolution to New York State Senator Joseph Griffo; New York State Assemblyman Kenneth Blankenbush; the New York State Department of Environmental Conservation; and the Fallbrook Club.

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

Moved by Legislator Hathway, seconded by Legislator King, and adopted.

**RESOLUTION NO. 387 - 2013
RESOLUTION AUTHORIZING AGREEMENT WITH
TOSKI & COMPANY, P.C. TO AUDIT
DEFERRED COMPENSATION PROGRAM**

Introduced by Legislator Jerry King, Chairman of the County Officers' Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby approves the auditing plan as outlined in the Toski & Company, P.C. letter dated September 10, 2013 for an audit of the Lewis County Deferred Compensation Plan for fiscal years ending December 31, 2013, December 31, 2014, and December 31, 2015 to include a report of their findings submitted to the Lewis County Treasurer.

Section 2. That said auditing services shall be at a cost of \$4,800.00, \$4,900.00 and \$5,000.00 respectively; to be paid directly by Mass Mutual Financial Group pursuant to the Agreement with the County of Lewis.

October 1, 2013

Section 3. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to execute the respective engagement letter.

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

Moved by Legislator Bush, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 388 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO DISTRICT ATTORNEY OFFICE**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement Committee.

Whereas, the Clerk at Grade B7 Step 5 (\$13.39) in the District Attorney's office has been re-classified by Civil Service as a Keyboard Specialist.

Now, Therefore, 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 District Attorney's office, to approve the Clerk re-classification to Keyboard Specialist at Grade B9 Step 4 (\$13.68/hr.), effective October 2, 2013

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

Moved by Legislator Boyd, seconded by Legislator Stanford, and adopted.

**RESOLUTION NO. 389 - 2013
RESOLUTION TO APPROPRIATE FUNDS
DISTRICT ATTORNEY**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement Committee.

BE IT RESOLVED as follows:

Section 1. That the following appropriation of funds is hereby approved in the office of the District Attorney to use forfeited funds:

<u>Increase Revenues</u>	
A26260 (Forfeiture Proceeds)	\$2,025.80
<u>Increase Expense</u>	
A1165.4507 (Travel & Subsistence)	\$2,025.80

October 1, 2013

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

Moved by Legislator Burke, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 390 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY, BIRNIE BUS SERVICE, INC. AND
NYSARC, INC. (ONEIDA-LEWIS CHAPTER)**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

WHEREAS, the County has heretofore adopted Local Law No. 4 – 2009, entitled, “A LOCAL LAW AUTHORIZING PUBLIC TRANSPORTATION SYSTEM WITHIN LEWIS COUNTY,” whereby the Board of Legislators to provide mass transportation services to be rendered to the public by a privately-owned or operated mass transportation facility; and

WHEREAS, the BIRNIE BUS SERVICE, INC. (herein, the “CARRIER”) represents that it is such a privately owned or operated mass transportation facility described in Section 119-r of the General Municipal Law and that it holds certificates of public convenience and necessity issued by the New York State Department of Transportation necessary and appropriate for the rendition of the services to be performed by it hereunder; and

WHEREAS, the County has recently been awarded a grant by NYS Department of Transportation in the amount of \$260,000 for the purpose of purchasing two buses for use in the Lewis County public transportation system; and

WHEREAS, under the terms of the grant, the County is obligated to provide 10% matching funds; and

WHEREAS, the NYSARC, Inc. (Oneida-Lewis Chapter) has offered to pay the County the sum of \$26,000 to be applied towards the County's matching funds for this grant.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby approves the contract with NYSARC, Inc. (Oneida-Lewis Chapter) to provide for the payment to the County of Lewis the sum of \$26,000 in consideration of the improvements to the public transportation being provided to NYSARC with the acquisition of the new buses.

Section 2. 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 as may be approved by the County Attorney.

October 1, 2013

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

Moved by Legislator Burke, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 391 - 2013
RESOLUTION TO AUTHORIZE PAYMENT OF FUNDS
ECONOMIC DEVELOPMENT/PLANNING**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

BE IT RESOLVED, as follows:

Section 1. That the payment in the amount of \$5,000.00 is hereby authorized to be made to Drum Country Business for the Economic Development Consortium, from Account No. A6420.4999 in the Planning Department:

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

Moved by Legislator Lucas, seconded by Legislator Bush.

In response to a question from Legislator King, Legislator Lucas clarified that this is an annual payment from each partner in the Three-County area contributing to an advertising campaign for Drum Country, encompassing all of Lewis County, which brands our region as Fort Drum related.

The resolution was then adopted.

**RESOLUTION NO. 392 - 2013
RESOLUTION TO AUTHORIZE PAYMENT OF FUNDS
ECONOMIC DEVELOPMENT/PLANNING**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

BE IT RESOLVED, as follows:

Section 1. That the payment in the amount of \$50,000.00 is hereby authorized to be made to the Lewis County Development Corporation to support redevelopment of the Lyons Falls Pulp & Paper mill site, from Planning Department Account No. A6420.4999.

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

Moved by Legislator Lucas, seconded by Legislator Wallace.

October 1, 2013

Legislator Hathway stated that this wording of the resolution is not how it was discussed in committee. His understanding was that the County's payment would be authorized as a match if the project went through.

Agreeing with Legislator Hathway, Legislator Lucas explained that the project is going forward. He stated that this is a public-private partnership that is needed in order to qualify for grant funds from State and Federal sources. He indicated that the project has already received grants of \$300,000 and \$1.2 million and that the project is roughly estimated to cost about \$5 million over the next several years. He is confident further funding will be coming from Regional Economic Development monies. They are looking to begin phase one of demolition and engineering will be at a cost of about \$1.6 to \$2 Million. In order to qualify for grant funds, a 50% local share is required. Kruger Energy's portion of this will be about \$650,000. Their approval is needed to continue, but the site demolition project must be completed first in order for Kruger to complete their \$30 million expansion project for their Hydro. He is adamant and confident that it is ready to begin. He also indicates that DANC is an active partner in the project as well, having committed bridge funding to get this project started.

Legislator Hathway clarified he does not dispute making the payment; but he wants clarification that the payment is contingent on the project actually getting underway.

Legislator King suggested an amendment to the resolution.

Attorney Graham interjected saying he would like to amend the resolution so that the payment is pursuant to a contract subject to his approval. The resolution already authorizes the appropriation of funds but a contract would cover any legal issues that could potentially occur. Therefore, he is recommending the Board's authorization for him to execute contract.

Legislator Hathway made a motion to amend the resolution authorizing the County Attorney to create and include a contract for this payment, seconded by Legislator Lucas.

Legislator Stanford questioned how much has been invested and who in the County is benefitting from all that has been invested so far. Legislator Lucas stated that the Hydro expansion is a \$30 million project, which gives the County the ability to entice businesses to the area, and that is what economic development is all about. While other Legislators indicated it's a matter of "if" the project goes forward; he remained adamant this project is going forth.

The motion to amend the resolution was adopted by a 9-1 vote. Legislator Stanford opposed.

The resolution as amended was then adopted by a 9-1 vote. Legislator Stanford opposed.

October 1, 2013

**RESOLUTION NO. 393 - 2013
RESOLUTION TO APPROPRIATE FUNDS
ECONOMIC DEVELOPMENT/PLANNING**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

BE IT RESOLVED as follows:

Section 1. That the following appropriation is hereby approved in the economic Development/Planning accounts for contributions from corporate sponsors to finance costs related to the 3rd Lewis County Economic Development Conference:

<u>Increase Revenue</u>	
A27050.2 (Donations-Econ. Dev. Conf.)	\$4,000.00
<u>Increase Expense</u>	
A8020.4501 (Education/Training)	\$4,000.00

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

Moved by Legislator Lucas, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 394 - 2013
RESOLUTION TO TRANSFER FUNDS
ECONOMIC DEVELOPMENT/PLANNING**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

BE IT RESOLVED, as follows:

Section 1. That the following transfer is hereby approved in the Planning Department for the purchase of online advertising for HDK:

<u>From:</u>	Amount
A8020.1999 (Personnel)	\$1,500.00
<u>To:</u>	
A6420.4909 (Planning Projects)	\$1,500.00

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

Moved by Legislator Hathway, seconded by Legislator Bush, and adopted.

October 1, 2013

**RESOLUTION NO. 395 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO HIGHWAY DEPARTMENT**

Introduced by Legislator Jack Bush, as a Member of the Transportation Committee.

Whereas, the Sr. Account Clerk/Typist at Grade B20 Step 7 (\$19.49/hr.) in the Highway Department has been re-classified by Civil Service as a Principle Account Clerk.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby amends the Compensation Plan of the County of Lewis with reference to the Highway Department, to approve the Sr. Account Clerk/Typist re-classification to Principle Account Clerk at Grade B23 Step 4 (\$19.57/hr.), effective October 2, 2013

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

Moved by Legislator Boyd, seconded by Legislator Wallace, and adopted.

**RESOLUTION NO. 396 - 2013
RESOLUTION TO TRANSFER FUNDS
LEGISLATIVE BOARD**

Introduced by Legislator Jack Bush, Chairman of the Ways & Means Committee.

BE IT RESOLVED, as follows:

Section 1. That the following transfer is hereby approved in the Legislative Board accounts to cover legal advertisement expenses:

<u>From:</u>	<u>Amount</u>
A1010.4901 (Prof Serv)	\$500.00
<u>To:</u>	
A1010.4907 (Legal Notices)	\$500.00

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

Moved by Legislator Burke, seconded by Legislator Stanford, and adopted.

**RESOLUTION NO. 397 - 2013
RESOLUTION TO APPOINT MEMBERS TO ALCOHOL AND SUBSTANCE
ABUSE SUB-COMMITTEE OF COMMUNITY MENTAL HEALTH,
DEVELOPMENTAL DISABILITIES AND ALCOHOLISM SERVICES BOARD**

October 1, 2013

Introduced by Legislator Paul Stanford, Chairman of the Mental Health Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby appoints Dr. Daniel Pisaniello of 5493 Elm Street, Lowville, New York 13367; and Father Daniel Chapin of 9748 Main Street, PO Box 38, Croghan, New York 13327, to the Alcohol and Substance Abuse Subcommittee of the Lewis County Community Mental Health, Developmental Disabilities and Alcoholism Services Board.

Section 2. That the term of said appointments shall be effective from October 2, 2013 through December 31, 2016.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 398 - 2013
RESOLUTION TO TRANSFER FUNDS
NON-DEPARTMENTAL**

Introduced by Chairman Michael Tabolt, Chairman of the Board of Legislators.

BE IT RESOLVED, as follows:

Section 1. That the following transfer from the Contingency account is hereby approved to Shared Services Copier account for increased copier payments; balance of Contingency is \$45,579.69.

<u>From:</u>	<u>Amount</u>
A1990.4999 (Contingency)	\$11,000.00
<u>To:</u>	
A1650.4405 (Copier)	\$11,000.00

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

Moved by Legislator King, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 399 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO PUBLIC HEALTH DEPARTMENT**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

October 1, 2013

Whereas, a registered nurse in the Public Health Department recently left her position without giving notice.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby amends the Compensation Plan of the County of Lewis, to create the following positions with reference to the Public Health Department:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Registered Professional Nurse	Full-time	Grade C31 (\$22.39-\$24.20)
Public Health Nurse	Full-time	Grade C34 (\$24.53-\$26.51)

Section 2. That Director Penny Ingham is hereby authorized to fill one of the above positions effective immediately, dependent upon recruitment ability.

Section 3. That upon filling one of the above positions, the unfilled position is hereby abolished.

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

Moved by Legislator Stanford, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 400 - 2013
RESOLUTION APPROVING AGREEMENT BETWEEN
LEWIS COUNTY PUBLIC HEALTH AGENCY AND THE
PRESCHOOL SPECIAL EDUCATION PROGRAM
FOR TRANSPORTATION WITH BIRNIE BUS SERVICE, INC.**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

WHEREAS, the Lewis County Public Health Agency wishes to enter into an Agreement with Birnie Bus Service, Inc. to provide transportation for preschool special education children; and

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes an Agreement between the County of Lewis by and through the Lewis County Public Health Agency and Birnie Bus Service, Inc. to provide transportation for preschool special education children.

October 1, 2013

Section 2. That said Agreement shall be for the period of September 1, 2013 through August 31, 2014 and shall be at a cost of:

- \$277.17 per day for first child (round trip and this rate includes bus aide)
- \$49.04 per day for additional children (round trip and this rate includes bus aide)

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 Burke, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 401 - 2013
RESOLUTION APPROVING AGREEMENT BETWEEN
LEWIS COUNTY PUBLIC HEALTH AGENCY
AND HEALTH RESEARCH, INC. (HRI)**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

WHEREAS, the Lewis County Public Health Agency has received a grant award from the Center Disease Control Prevent in the amount of \$122,134.00 for the purpose of an integrated breast, cervical and colorectal cancer screening program; and

WHEREAS, Lewis County Public Health Department is an eligible provider of these services.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes an Agreement between the Public Health Department and the Center Disease Control Prevent for the purpose of an integrated breast, cervical and colorectal cancer screening program for the period beginning July 1, 2013 and ending June 29, 2014 in the amount of \$122,134.00.

Section 2. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Agreement, pending approval by the County Attorney.

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

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

October 1, 2013

RESOLUTION NO. 402 - 2013
RESOLUTION APPROVING AGREEMENT BETWEEN
LEWIS COUNTY PUBLIC HEALTH AGENCY AND
NYS DEPARTMENT OF HEALTH BUREAU OF IMMUNIZATION

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

WHEREAS, the Lewis County Public Health Agency has received a grant award from the New York State Department of Health in the amount of \$150,000.00 for the purposes of increasing childhood immunization rates; to increase adult immunization rates; to ensure that all vaccination records are completely and accurately entered into NYSIIS; to increase education, information, training, and partnerships; and to eliminate perinatal hepatitis B transmission; and

WHEREAS, Lewis County Public Health Department is an eligible provider of these services.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes an Agreement between the County of Lewis, acting by and through the Lewis County Public Health Agency and the New York State Department of Health Bureau of Immunization for the immunization program for the term commencing April 1, 2013 through March 31, 2018 in the amount of \$150,000.00.

Section 2. That the Chairman of the Board of Legislators, or the Vice-Chairman, be and the same is hereby authorized to execute and deliver such Agreement, pending approval by the County Attorney.

Section 3. That this Resolution shall take effect immediately.

Moved by Legislator Wallace, seconded by Legislator Brennan, and adopted.

RESOLUTION NO. 403 - 2013
RESOLUTION TO TRANSFER FUNDS
PUBLIC HEALTH

Introduced by Legislator Paul Stanford, Chairperson of the Public Health Committee:

BE IT RESOLVED, as follows:

Section 1. That the following 2013 budget change takes place in the Public Health Accounts:

October 1, 2013

<u>From:</u>		
A4013.4803	Rent	\$ 800.00
A4096.1999	Disease Control Admin	\$ 1,000.00
A4034.4907	Legal Notices/Adv	<u>\$ 3,000.00</u>
	TOTAL	\$ 4,800.00

<u>To:</u>		
A4013.4907	Legal Notices/Adv	\$ 1,000.00
A4017.1999	Personal Svs-Spec Needs	\$ 1,000.00
A4017.2909	Equipment	\$ 800.00
A4089.4907	Legal Notices/Adv	\$ 1,000.00
A4096.4907	Legal Notices/Adv.	\$ 500.00
A4097.4907	Legal Notices/Adv	<u>\$ 500.00</u>
	TOTAL	\$ 4,800.00

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

Moved by Legislator Burke, seconded by Legislator Boyd, and adopted.

RESOLUTION NO. 404 - 2013
RESOLUTION AMENDING COMPENSATION PLAN WITH REFERENCE
TO REAL PROPERTY TAX DEPARTMENT

Introduced by Legislator Patrick Wallace, Chairman of the Taxation 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 Real Property Tax Department to create the following positions:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Tax Map Technician Trainee	Temporary Full-time	Grade B19-3 (\$17.06/hr.)
Keyboard Specialist	Temporary Full-time	Grade C9 (\$12.84/hr.)

Section 2. That Real Property Tax Director Linda Gydesen is hereby authorized to fill each of the above positions in compliance with Civil Services rules and regulations, effective immediately.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator Stanford, seconded by Legislator King, and adopted.

October 1, 2013

RESOLUTION NO. 405 - 2013
RESOLUTION ADOPTING AND IMPLEMENTING
COMMUNICATIONS ASSETS SURVEY AND MAPPING PROGRAM

Introduced by Legislator Jerry King, Member of the Courts and Law Enforcement Committee.

Whereas, the State of New York requires the County to adopt and utilize the Communications Assets Survey and Mapping (CASM) program for Interoperability grant funding eligibility; and

Whereas, CASM is a tool provided by New York Public Safety Officials as a means of gathering and analyzing communication systems data to enable identification of interoperability inefficiencies and implement improvements to enhance emergency response capabilities.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby adopts and directs the Lewis County Sheriff's Department and 911 Director to implement the Communications Assets Survey and Mapping (CASM) program, to enter and visually display web-based emergency response data about their public safety communications assets and how those assets are used.

Section 2. That implementation of the CASM program is hereby effective immediately.

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

Moved by Legislator King, seconded by Legislator Boyd.

Legislator Hathway's questioned if there was any money involved in this. Legislator King replied that there was no cost; this is a program that is needed in order for the county to qualify for grants.

The resolution was then adopted.

RESOLUTION NO. 406 - 2013
RESOLUTION TO APPROPRIATE FUNDS
SHERIFF'S DEPARTMENT

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement Committee.

BE IT RESOLVED as follows:

October 1, 2013

Section 1. That the following appropriation is hereby approved for the Shop with a Cop event using receipted donations:

<u>Increase Revenues</u>	<u>Amount:</u>
A27053.4 (Donations Shop w/a Cop)	\$1,000.00
<u>Increase Expense:</u>	<u>Amount</u>
A3110.4909 (Misc. Expense)	\$1,000.00

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

Moved by Legislator Boyd, seconded by Legislator Brennan, and adopted.

**RESOLUTION NO. 407 - 2013
RESOLUTION TO TRANSFER FUNDS
SHERIFF'S DEPARTMENT**

Introduced by Legislator John Boyd, Chairman of the Courts & Law Enforcement Committee

BE IT RESOLVED as follows:

Section 1. That the following budget transfer is hereby approved in the Sheriff's Department Parks & Recreation accounts to cover the purchase of snowmobile helmets, clothing and equipment:

<u>From:</u>	
A3112.1102 (Pers Serv)	\$6,000.00
<u>To:</u>	
A3112.4999 (Expenditures)	\$6,000.00

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

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 408 - 2013
RESOLUTION AMENDING COMPENSATION PLAN WITH
REFERENCE TO DEPARTMENT OF SOCIAL SERVICES**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

BE IT RESOLVED as follows:

October 1, 2013

Section 1. That the Board of Legislators hereby amends the Compensation Plan of the County of Lewis with reference to the Social Services Department to create the following position:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Social Welfare Examiner	Permanent Full-time	Grade 20 (\$16.59-\$17.92)

Section 2. Commissioner of Social Services Stacy Alvord is hereby authorized to fill said position effective immediately.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator Burke, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 409 - 2013
RESOLUTION AUTHORIZING AGREEMENT
BETWEEN DEPARTMENT OF SOCIAL SERVICES AND
LEWIS COUNTY OPPORTUNITIES, INC.**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby authorizes an Agreement between the County of Lewis, by and through the Department of Social Services, and Lewis County Opportunities, Inc. for the purpose of providing non-residential domestic violence response and prevention services.

Section 2. That the term of this Agreement shall be from October 1, 2013 through June 30, 2014 for an amount not to exceed \$10,083 in grant funds.

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

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

Moved by Legislator Boyd, seconded by Legislator Wallace, and adopted.

**RESOLUTION NO. 410 - 2013
RESOLUTION TO RESCIND RESOLUTION #334-2013
SOCIAL SERVICES DEPARTMENT**

October 1, 2013

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfers are hereby approved in the Social Services Department (DSS) thereby rescinding Resolution #334-2013 that transferred money to the Lewis County Public Health Department in support of the Local Early Intervention Assessment (LEIA) Program claimed through DSS for the 01-03/2013 Quarter:

<u>From:</u>	
A44100 LEIA Trans	\$2,076.00
<u>To:</u>	
A46100 Federal Admin	\$1,038.00
A36100 State Admin	1,038.00

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

Moved by Legislator King, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 411 - 2013
RESOLUTION TO TRANSFER FUNDS
SOCIAL SERVICES**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfer is hereby approved in the Social Services accounts for the purchase of two (2) Apple iPad minis wifi, utilizing Capital Data Processing funds (HAE9901.9), HAE balance \$ 38,462.99:

<u>Increase Revenue:</u>	
A50310 (Inter-fund Transfers)	\$1,086.52
<u>Increase Expense:</u>	
A6010.2217 (Computers)	\$1,086.52

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

Moved by Legislator Boyd, seconded by Legislator Bush, and adopted.

October 1, 2013

**RESOLUTION NO. 412 - 2013
RESOLUTION TO ADJUST FUNDS SOCIAL SERVICES
STATE FISCAL YEAR 13-14**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

WHEREAS, the County of Lewis has received approval from the Office of Children and Family Services for the SFY13-14 TANF NON-RESIDENTIAL DOMESTIC VIOLENCE SERVICES program funding for Lewis County Opportunities.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the sum of \$10,083.00 be appropriated to Account No. A6109.4609 Non-Rev DV.

Section 2. That this be financed by Federal Aid in the amount of \$10,083.00 to be distributed to Revenue Account No. A46090.

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

Moved by Legislator Boyd, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 413 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
THE COUNTY OF LEWIS AND TOSKI & CO., P.C.**

Introduced by Legislator Jack Bush, Chairman of the Ways and Means Committee.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby approves the auditing plan as outlined in the Toski & Co., P.C. letter dated August 23, 2013 for County audit and related services for the fiscal years 2013, 2014 and 2015.

Section 2. That the auditing services shall be at a cost of \$43,000 for 2013; \$44,000 for 2014 and \$45,000 for 2015.

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 Boyd, seconded by Legislator King, and adopted.

October 1, 2013

**RESOLUTION NO. 414 - 2013
RESOLUTION TO TRANSFER FUNDS
TREASURER'S OFFICE**

Introduced by Legislator Jack Bush, Chairman of the Ways & Means Committee.

BE IT RESOLVED, as follows:

Section 1. That the following transfer is hereby approved in the Treasurer's office accounts for the payment of the 2013 Opinions of the NYS Attorney General:

<u>From:</u>	Amount
A1325.4407 (Supplies)	\$85.00
<u>To:</u>	
A1325.4505 (Dues/Subs/sup/bks)	\$85.00

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

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 415 - 2013
RESOLUTION TO TRANSFER FUNDS
VETERANS' SERVICES**

Introduced by Legislator Jerry King, Chairman of the Veteran's Services' Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfer is hereby approved in the Veteran's accounts for the purchase of toner:

<u>From:</u>	
A6510.4507 (Travel)	\$300.00
<u>To:</u>	
A6510.4407 (Supplies)	\$300.00

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

Moved by Legislator Lucas, seconded by Legislator Wallace, and adopted.

**RESOLUTION NO. 416 - 2013
RESOLUTION TO APPOINT LEWIS COUNTY
EARLY INTERVENTION OFFICIAL**

October 1, 2013

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

BE IT RESOLVED as follows:

Section 1. That this Board of Legislators hereby appoints Penny A. Ingham as the Lewis County Early Intervention Official, the duties of which shall be encompassed within her duties as Director of Public Health without additional remuneration.

Section 2. That said appointment shall be effective October 1, 2013

Section 3. That this resolution shall take effect immediately.

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

RESOLUTION NO. 417 - 2013
**RESOLUTION INCREASING TAXES ON SALES AND USES OF TANGIBLE
PERSONAL PROPERTY AND OF CERTAIN SERVICES, ON OCCUPANCY OF
HOTEL ROOMS AND ON AMUSEMENT CHARGES PURSUANT TO ARTICLE
29 OF THE TAX LAW OF THE STATE OF NEW YORK**

Introduced by Legislator Patrick Wallace, Chairman of the Taxation Committee.

WHEREAS, Clause (36) of subparagraph (i) of the opening paragraph of section 1210 of the Tax Law, as added by Chapter 47 of the Laws of 2004 and as further amended by chapter 251 of the laws of 2011, authorized and empowered the County of Lewis to adopt and amend local laws, ordinances or resolutions imposing an additional three quarters of one percent (.75%) rate of sales and compensating use taxes for the period beginning June 1, 2004 and ending November 30, 2013; and

WHEREAS, Chapter 353 of 2013 further amends Clause (36) of subparagraph (i) of the opening paragraph of section 1210 of the Tax Law to authorize the County of Lewis to adopt and amend local laws, ordinances or resolutions to impose an additional one percent (1%) rate of sales and compensating use taxes for the period beginning December 1, 2013 and ending November 30, 2015; therefore

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

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

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

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4

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of this resolution, there is hereby imposed and there shall be paid an additional one percent rate of such sales and compensating use taxes, for the period beginning December 1, 2013, and ending November 30, 2015, Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

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

(c) With respect to the additional tax of one percent for the period beginning December 1, 2013 and ending November 30, 2015, in respect to the use of property used by the purchaser in this county prior to December 1, 2013.

Section 3. This enactment shall take effect December 1, 2013.

Moved by Legislator King, seconded by Legislator Wallace, and adopted.

RESOLUTION NO. 418 - 2013
RESOLUTION AUTHORIZING NEGATIVE DECLARATION UNDER
SEQRA WITH REFERENCE TO THE FUNDING AND
CONSTRUCTION OF A COUNTY OFFICE BUILDING

Introduced by Jack T. Bush, Chairman of the Buildings and Grounds Committee

WHEREAS, the Board of Legislators wish to construct a 48,000 sq. ft, two-story County office building, to be located on the County's property on Outer Stowe Street in the Village of Lowville to house the Department of Social Services, the County Clerk's DMV office, the 911 Dispatch Center, and others (the "Project"); and

WHEREAS, the proposed Project is an activity that will result in construction, reconstruction and renovations or other activities that may affect the environment, and is directly undertaken or funded by an agency and therefore constitutes an "action" as that term is defined by Article 8 of the Environmental Conservation Law of the State of New

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York, and its implementing regulations found at Part 617, et seq. of the New York Codes, Rules and Regulations (“NYCRR”) (collectively referred to hereinafter as “SEQRA”);

WHEREAS, by Resolution No. 380, adopted on September 3, 2013, the Board of Legislators initiated its environmental review, declared its intent to proceed as lead agency and determined that the proposed construction of a two-story County office building, to be located on the County’s property on Outer Stowe Street in the Village of Lowville, County of Lewis and State of New York constitutes an “Unlisted” action as defined by 6 NYCRR § 617.2 (ak); and

WHEREAS, a long form Environmental Assessment Form (“EAF”), has been prepared by Bernier Carr and Associates, P.C., 327 Mullin Street, Watertown, New York 13601, and has been submitted to the Board of Legislators for their consideration and contains an assessment of the potential impacts to the environment that may result from this proposed action; and

WHEREAS, the Board of Legislators has duly considered the proposed action and the EAF, the proposed Negative Declaration, the criteria for determining significance set forth in 6 NYCRR Section 617.7(c) of the SEQRA regulations, Part 360 of the Department of Environmental Conservation Regulations (Title 6 of the New York Code Rules and Regulations), and such other information deemed appropriate; and

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

NOW THEREFORE, be it resolved as follows:

Section 1. That upon review of the EAF, the Board of Legislators ratifies and confirms that the proposed Project will not exceed any of the thresholds for a Type I action and therefore confirms that this is an Unlisted action for SEQR purposes.

Section 2. That upon review of the EAF, the proposed Negative Declaration, the criteria for determining significance set forth in 6 NYCRR Section 617.7(c) of the SEQRA regulations, Part 360 of the Department of Environmental Conservation Regulations (Title 6 of the New York Code Rules and Regulations), and such other information deemed appropriate, the Board of Legislators hereby finds and declares that the undertaking and funding of the Project as described herein will not result in any significant adverse environmental impact.

Section 3. That the Board of Legislators hereby authorizes the Chairman, or the Vice-Chairman to issue the attached negative declaration under SEQRA for the proposed Lewis County Comprehensive Plan.

Section 4. That the County of Lewis directs the Clerk of the Lewis County Board of Legislators to file the Negative Declaration with the records of the Board of

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Legislators, and any person who has requested a copy, and to maintain a file of the Negative Declaration readily accessible to the public.

Section 5. That this Resolution shall take effect immediately.

Moved by Legislator King, seconded by Legislator Lucas.

Legislator Hathway said he felt that the resolution should be tabled, citing that Legislators had received a copy of the SEQRA report just before this meeting began. He submits that action on all aspects of the new construction should be deferred to allow time for the Board and any interested resident to review the report.

Legislator Stanford concurred, suggesting a meeting with the Lowville Village Board to address their issues and satisfy all questions, including his own, before any further action is taken.

Legislator Hathway made a motion to table this resolution, and posed to also defer action on the subsequent proposed resolutions to approve respective bonding and award the construction contracts, until a special meeting of the Board to be held on Tuesday, October 8th at 5:00 p.m. The motion was seconded by Legislator Stanford.

Architect Rick Tague encouraged the Board to review the SEQRA report encompassing site impacts as a result of the existing buildings and structures. He then introduced his colleague Mickey Lehman, who reported on the flow rates of the village sewer line. The new building, added to the existing flows from current buildings and homes would represent only 14% of the theoretical capacity of the existing line. An internal television inspection concluded that a majority of the sewer line is in very good condition, except a partially collapsed 250' section near the bottom of the hill that should be repaired. In response to Legislator Hathway, Mr. Lehman stated that while he is not aware of any functional issues at this time, knowing the line is not in good condition causes him to recommend its repair whether or not the construction project goes forward.

Mr. Tague clarified that all contractors are prohibited from using Stowe Street during construction, and will use alternate access routes. He, again, urged everyone to review the complete Environmental Assessment Report that clearly indicates project impacts, and encouraged anyone to contact him with questions.

The motion to table all actions concerning the new building project until October 8, 2013 then carried unanimously.

**RESOLUTION NO. 419 - 2013
RESOLUTION TO AUTHORIZE "I LOVE NY"
PROMOTIONAL CAMPAIGN MATCHING FUNDS**

October 1, 2013

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

WHEREAS, in order to enhance and promote tourism within New York State the NY State Empire State Development Corp. offers to match local municipality's contributions to promote "I Love NY" within the municipality's tourism advertising and promotions; and

WHEREAS, the Board of Legislators wish to appropriate funds to demonstrate their commitment for promoting tourism in Lewis County through the "I Love NY" program for 2013-2104;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby commits to appropriate from the 2014 County budget a total of \$25,200 toward advertising and promoting the benefits of tourism in Lewis County and New York State through the "I Love NY" co-operative promotional program for 2013-2014.

Section 2. That the Lewis County Chamber of Commerce is hereby designated as the Tourist Promotion Agency for the County of Lewis in its application for Matching Funds I Love NY Program for 2013-2014.

Section 3. That the Department of Economic Development and Planning is hereby designated as the County agency to supervise the promotional program(s) and the utilization of such funds, provided that any contracts with third parties to conduct the promotional campaigns are subject to the County's usual contract approval process.

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

Moved by Legislator Lucas, seconded by Legislator King, and adopted.

OTHER BUSINESS:

The Deputy Clerk read proclamations signed by Chairman Tabolt declaring October 4, 2013 as "Lewis County Manufacturing Day"; and the week of October 20-26, 2013 as "National Lead Poisoning Prevention Week".

Legislator Hathway informed the Board that he will be requesting a financial audit of the Trail Program at the October 8th meeting. He is gathering more information and would like to know what materials and equipment have been purchased and where it is now. In response to having the Coordinator providing the information, Legislator Hathway felt it would be best completed by an outside objective source. Given that it would probably require research of the past six or seven years, he feels it would be cumbersome for the Trail Coordinator to try to do her job and carry out this request as well. Legislator Hathway feels that an audit would give the Board a better idea of what the Trail

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Program costs, what progress has been made and where, and would be a very good informational tool.

Legislator Hathway made a motion to enter executive session at 6:38 p.m. to discuss current litigation issues and a specific personnel issue. The motion was seconded by Legislator Wallace and carried. At the conclusion of the session, Legislator Hathway moved to re-enter regular session at 7:09 p.m., seconded by Legislator Lucas and carried.

There being no other business to come before the Board, the meeting adjourned at 7:13 p.m. on motion by Legislator Brennan, seconded by Legislator Stanford and carried.

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**SPECIAL MEETING
October 8, 2013**

The meeting was called to order at 5:00 p.m. by Chairman Michael A. Tabolt.

Roll Call: All Legislators were present.

The Invocation was offered by Legislator Hathway, followed by Chairman Tabolt leading the Pledge of Allegiance to the Flag.

There were 24 persons present.

REPORT OF THE RULES AND LEGISLATION COMMITTEE:

The Rules and Legislation Committee had met and recommend waiving the rules to allow action on late resolutions.

Richard C. Lucas, Chairman
Philip Hathway
Craig P. Brennan

Dated: October 8, 2013

Legislator Lucas made a motion to waive the rules, seconded by Legislator Bush and carried.

PRIVILEGE OF THE FLOOR:

Cliff White, President of the Highmarket Wheelers ATV Club had distributed a copy of his report on ATV traffic on the Tug Hill. On behalf of his club he penned complaints of the haphazard way special ATV events are conducted, emphasizing the need to properly organize to encourage respect for property owners and overall safety. Citing permit sale revenues, they urge the Board to provide adequate funds to the Sheriff's Department for recreation enforcement patrols. The club currently boasts over 300 members, 80 of which hold permits. Patrols effect positive impact to detract violators and enhance respect of the trail system and property owners. Next year, Mr. White invoked, he will call upon the NYSDEC and State Police to patrol the trails if the Sheriff's Department does not have adequate funds for patrols.

Greg Kulzer, Legislative District No. 7 candidate, urged all Legislators, particularly his representative William Burke, to vote against the new construction project, citing the cost. Additionally, he referenced the Village's antiquated sewer/septic system with repairs estimated at \$250,000; and other unknown costs. He queried the wisdom of designating the Bardo Road as the sole access route to the construction site. If McQuade & Bannigan leases equipment to project contractors and/or V. S. Virkler & Son, Inc. invoices project materials or equipment, Mr. Kulzer suggests that Legislators Lucas and Bush be recused from the vote.

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Allan Merrill, Croghan resident, relayed speaking with some Legislators and had distributed his self-prepared construction fact sheet. In essence, instead of new construction at \$14.8 Million over 20 years, he recommends purchasing and renovating the Lowville Commons and the Route 12 DMV office building for an estimated \$3.4 Million. He poses the space formerly occupied by HSBC bank may be an alternative for DMV offices.

There are additional unknown construction costs ie. contingencies, Village roads, sewer and water issues, moving County personnel; as well as financing Hospital operations and pension costs. When considering all revenue sources, ie. windmills, Federal and State Aid, and sales tax, much of which is speculative, coupled with the tenuous financial status of the Federal and State governments, it causes grave concern for the County's ability to sustain the additional debt.

Mr. Merrill impressed the importance of the emergency communications upgrades as a priority project, which could mean the difference of saving a life.

In closing, Mr. Merrill urged each Legislator to use their best judgment and vote as if this were their personal financial ledger, considering the present economy and current debt load. "I know this is a huge burden", he said, thanking them for the time they had invested to work and deliberate on the project analysis, specifically Legislator King.

Duane DeLair, Legislative District No. 8 candidate, thanked Legislator Hathway for delaying the vote; and Legislator Stanford for standing up for the voters. He concurred with Mr. Kulzer's earlier statements that Legislators Lucas and Bush should be recused from the vote, due to purported conflicts of interests relative to their employer companies. In his opinion, the current office buildings are sustainable for the foreseeable future.

Patricia White of Constableville took issue with Tug Hill Adirondack ATV Association-sponsored ATV events that advertise proceeds will be used for trail work and maintenance, invoking that the County has no record of receipt of those monies. She confirmed public accounting of proceeds from other clubs' sponsored events, pursuant to respective advertising. Mrs. White implored the County Attorney, "Is this false advertising?"; insisting the County conduct an audit. If not, she indicated a State investigation would be requested.

REPORTS OF STANDING COMMITTEES:

Legislator William Burke, Social Services Committee Chairman, made a motion to authorize advertising for bids for three Chevrolet Malibus and one Dodge Caravan, seconded by Legislator Stanford. Legislator King was assured bid pricing would be compared to State Bids. The motion then carried.

Legislator Jack Bush, Ways and Means Committee Chairman, reported they expect to present the Tentative 2014 County Budget to the Board by the end of next week.

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RESOLUTIONS:

RESOLUTION NO. 420 - 2013
RESOLUTION AUTHORIZING RESPONSE TO CONCERNS RAISED BY THE
VILLAGE OF LOWVILLE REGARDING THE BOARD OF LEGISLATOR'S
REVIEW UNDER SEQRA WITH REFERENCE TO THE FUNDING AND
CONSTRUCTION OF A COUNTY OFFICE BUILDING

Introduced by Jack T. Bush, Chairman of the Buildings and Grounds Committee.

WHEREAS, the Board of Legislators wishes to construct a 48,000 sq. ft, two-story County office building, to be located on the County's property on Outer Stowe Street in the Village of Lowville to house the Department of Social Services, the County Clerk's DMV office, the 911 Dispatch Center, and others (the "Project"); and

WHEREAS, the proposed Project is an activity that will result in construction, reconstruction and renovations or other activities that may affect the environment, and is directly undertaken or funded by an agency and therefore constitutes an "action" as that term is defined by Article 8 of the Environmental Conservation Law of the State of New York, and its implementing regulations found at Part 617, et seq. of the New York Codes, Rules and Regulations ("NYCRR") (collectively referred to hereinafter as "SEQRA"); and

WHEREAS, by Resolution No. 380, adopted on September 3, 2013, the Board of Legislators initiated its environmental review, declared its intent to proceed as lead agency and determined that the proposed construction of a two-story County office building, to be located on the County's property on Outer Stowe Street in the Village of Lowville, County of Lewis and State of New York constitutes an "Unlisted" action as defined by 6 NYCRR § 617.2 (ak); and

WHEREAS, a long form Environmental Assessment Form ("EAF"), has been prepared by Bernier Carr and Associates, P.C., 327 Mullin Street, Watertown, New York 13601, and was submitted to the Board of Legislators for their consideration on October 1, 2013 that contained an assessment of the potential impacts to the environment that may result from this proposed action; and

WHEREAS, the Board adjourned its consideration of the EAF until October 8, 2013 to allow time for all, including the Village of Lowville, time to consider the evaluation of the architects' assessment of the potential impacts to the environment that may result from this proposed action; and

WHEREAS, a copy of the EAF was delivered to the Village of Lowville on October 2, 2013 along with a letter from Michael A. Tabolt, Chairman of the Board of Legislators; and

WHEREAS, on October 7, 2013, the Board of Legislators received a letter from Mayor Donna Smith, expressing the Village's displeasure with the manner in which the

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Board of Legislators has undertaken its environmental review under SEQRA, as well as raising some specific objections to certain statements made in the EAF; and

WHEREAS, in particular, the Village made the following objections:

- a) the Village was not identified as an "involved agency" in the SEQRA review process;
- b) DEC was not identified as an "involved agency";
- c) the EAF did not adequately address traffic concerns for Stowe Street in that it did not address:
 - (i) "Stacking" of traffic at the intersection Stowe Street and State Street;
 - (ii) Impact on ingress and egress into the Stewart's Shop parking lot when traffic "stacks" at the intersection;
 - (iii) No accounting for visitors to the new building;
 - (iv) The Village believes the estimated number of new employees is understated;
 - (v) The estimated number of new employees does not take into consideration the potential future use of the old DSS building once DSS moves into the new building;
 - (vi) There is no discussion of how snow removal on Stowe Street will be affected.
- d) the EAF did not adequately address potential sewer issues:
 - i) the report from Bernier Carr as to the 250 feet of sewer line that is partially collapsed did not fully describe the severity of the problem and did not address how the increased demands from the County's project will affect it;
 - ii) the Village wants to independently confirm the report of Bernier Carr;
 - iii) the Village requests more detailed information about peak water demands.
- e) the EAF did not adequately address potential storm water drainage issues in that it did not address the impact of additional vehicle traffic on the existing open ditch drainage system and the potential safety issue that will allegedly be created.

WHEREAS, the Board of Legislators has considered the comments made by the Village with respect to the environmental assessment and has determined that the Village was correct that the EAF as initially drafted should have identified NYS Department of Conservation ("DEC") as an involved agency, and should have also included the additional funding to be applied towards the project and expected to be received by way of reimbursement from the State of New York for housing the Department of Social Services; and

WHEREAS, at the direction of the County Attorney, Bernier Carr and Associates, P.C. have prepared an amended EAF to address some of the comments raised by the Village of Lowville; and

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WHEREAS, the amended EAF identifies DEC as an involved agency and as such, the DEC is entitled to notice of the proposed project, the Board's intent to proceed as lead agency, and to receive a copy of the amended EAF; and

WHEREAS, by letter dated October 8, 2013, the DEC has acknowledged receipt of the long form EAF and has no objection to Lewis County proceeding as lead agency; and

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

NOW THEREFORE, be it resolved as follows:

Section 1. That upon review of the EAF, the Board of Legislators ratifies and confirms that the proposed Project will not exceed any of the thresholds for a Type I action and therefore confirms that this is an Unlisted action for SEQR purposes.

Section 2. That upon review of the EAF, the proposed Negative Declaration, the criteria for determining significance set forth in 6 NYCRR Section 617.7(c) of the SEQRA regulations, Part 360 of the Department of Environmental Conservation Regulations (Title 6 of the New York Code Rules and Regulations), and such other information deemed appropriate, the Board of Legislators hereby finds and declares that the undertaking and funding of the Project as described herein will not result in any significant adverse environmental impact. In reaching that conclusion, the Board makes the following findings:

- a) The Village has not been named as an "involved agency" for the reason that The Village does not qualify as an involved agency since the County does not need their approval to move forward with the project. The issuance of a permit for water and sewer connections is not a discretionary determination that is made based upon environmental concerns addressed in an environmental impact statement and therefore, the approval by the Village of the sewer permit, does not give it "involved agency" status.
- b) An amended EAF has been prepared by Bernier & Carr that identifies DEC as an involved agency. DEC has responded in writing after reviewing the long form EAF and has no objection to the County proceeding as lead agency.
- c) The Board finds and determines that the traffic study prepared by the County's Highway Department provides sufficient information for the Board to determine the impact that the proposed office building will have on existing traffic patterns. While the Board finds that there will be a minor to moderate impact on traffic, the Board finds that the impact will not be "substantial."
- d) The Board finds and determines that the proposed project will not have a significant impact on the existing sewer system and has provided the Village

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Municipal Water Board with supporting data to that effect. (See, letter of Mickey Lehman to Rick Nortz, dated March 8, 2013).

- e) The Board finds that the proposed project will not significantly impact drainage issues on Stowe Street. The storm water drainage along Stowe Street has been in serious disrepair for a number of years and this project will not significantly impact the existing conditions.

Section 3. That the Board of Legislators hereby authorizes the Chairman, or the Vice-Chairman to issue the attached negative declaration under SEQRA.

Section 4. That the County of Lewis directs the Clerk of the Lewis County Board of Legislators to file the Negative Declaration with the records of the Board of Legislators, and any person who has requested a copy, and to maintain a file of the Negative Declaration readily accessible to the public.

Section 5. That this Resolution shall take effect immediately.

Moved by Legislator King, seconded by Legislator Lucas.

Atty. Graham cited the Village of Lowville 11/7/13 correspondence penning their objections to the EAF. Bernier Carr & Associates have prepared an amended EAF to correctly include the DEC as an involved agency and noted the potential amount of State Aid through the Department of Social Services (DSS).

He has provided a memorandum to all Legislators to address the posed issues, foremost their alleged designation as an “involved agency”, which they are not entitled pursuant to the legal definition. However, the Village has been treated as an “involved agency” being provided a copy of the Environmental Assessment Form (EAF) upon County receipt. Thereafter, this Board deferred action to allow time for their review of the report, as well as the Village Board.

Atty. Graham continued, reporting the DEC has provided written notification they have no objection to the County proceeding with the project as lead agency.

Legislator Stanford asserts this Board has not addressed the Village Board’s issues since the initial informational meeting held last February. He purports the Board has chosen not to deal with their issues, specifically terming the 11/7/13 letter from Chairman Tabolt “nothing more than toilet paper”.

Atty. Graham relayed knowledge that the Buildings and Grounds Committee had met with the Village Mayor and at least two Trustees on at least three occasions; while admittedly there has been no definitive resolution reached in regard to financial commitment from either party.

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Atty. Graham clarified the Board's options to approve the EAF, table the issue, and/or schedule further meetings with Village officials; or the Board may desire further environmental research.

Legislator Stanford relayed resident's concerns and worry about the level of unknown project costs and Stowe Street impacts. Legislator Hathway challenged his assessment, relating this Board's open communication with Village officials throughout the process. Legislator Hathway relayed apprehension about appropriating funds to the Village, believing that all should be treated equally. Although he has suggested viable options, Village officials, he said, have not submitted any type of request. Whether the building project is done, Stowe Street and sewer problems remain. Legislator Stanford expressed respect for Legislator Hathway's opinion, distinguishing that all Villages are not faced with a building project of this magnitude.

Legislator King also challenged Legislator Stanford's assessment, asking him to elaborate. Legislator Stanford admittedly was not knowledgeable of the level of County assistance desired by the Village. Legislator King relayed his participation at several meetings with Village officials, at one time being requested to finance up to 75% of their costs. He asks why the County should finance Village road or sewer repairs especially since there is no plan. This Board remains willing to work with the Village, but Legislator King takes exception to perceived threats, adding that each time they come to the table with increased expectations. In conclusion, Legislator King exclaimed his disagreement with every statement made by Legislator Stanford tonight.

The resolution was then adopted by a vote of 8 to 2, with Legislators Hathway and Stanford opposed.

RESOLUTION NO. 421 - 2013
BOND RESOLUTION ADOPTED OCTOBER 8, 2013
LEWIS COUNTY, NEW YORK
BOND RESOLUTION OF THE BOARD OF LEGISLATORS OF THE
COUNTY OF LEWIS, NEW YORK (THE "COUNTY"), AUTHORIZING THE
CONSTRUCTION OF A TWO STORY OFFICE BUILDING FOR LEWIS
COUNTY; STATING THE MAXIMUM ESTIMATED COST THEREOF IS
\$10,000,000; APPROPRIATING SAID AMOUNT THEREFOR; AND
AUTHORIZING THE ISSUANCE OF UP TO \$10,000,000 IN SERIAL BONDS OF
THE COUNTY TO FINANCE SAID APPROPRIATION

Introduced by Legislator Jack Bush, Chairman of the Buildings and Grounds Committee.

WHEREAS, the Board of Legislators (the "Board") of the County of Lewis, New York (the "County") proposes to authorize the issuance of \$10,000,000 in serial bonds of the County to finance the estimated cost of the construction of an approximately 48,000 square-foot, two story office building, together with related site work and landscaping,

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located adjacent to the Lewis County Public Safety Building, Outer Stowe Street, Lowville, to house offices and personnel for several County departments (the "Project"); and

WHEREAS, by resolution adopted on October 8, 2013, immediately prior to the adoption of this resolution, the Board determined pursuant to the State Environmental Quality Review Act of the Department of Environmental Conservation promulgated thereunder (collectively, "SEQRA") that the Project and the financing thereof would not have a significant adverse environmental impact and authorized the issuance of a "negative declaration" (within the meaning of SEQRA) with respect to the Project; and

WHEREAS, the Board now wishes to appropriate funds for the Project and to authorize the issuance of the County's serial bonds and bond anticipation notes to be issued to finance said appropriation.

NOW, THEREFORE, THE BOARD OF LEGISLATORS OF THE COUNTY OF LEWIS, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

The County is hereby authorized to undertake the Project and to issue the principal amount of \$10,000,000 in serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance a portion of the estimated cost of the Project.

It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$10,000,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$10,000,000 in serial bonds of the County, or bond anticipation notes issued in anticipation of such serial bonds, authorized to be issued pursuant to Section 1 of this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

It is hereby determined that the period of probable usefulness for the aforementioned specific objects or purposes is thirty (30) years, pursuant to subdivision 11(a)(1) of Section 11.00 of the Law.

The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. The County shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by

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Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the real property within the County subject to applicable statutory limits, if any. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of serial bonds and bond anticipation notes or the renewals of said obligations and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10 and 63.00 of the Law, the powers and duties of the County Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the County Treasurer, as the chief fiscal officer of the County (the "County Treasurer"). Further, pursuant to paragraph b. of Section 11.00 of the Law, in the event that bonds authorized by this resolution are combined for sale, pursuant to paragraph c. of Section 57.00 of the Law, with bonds to be issued for any of the other objects or purposes authorized by other resolutions of the Board, then the power of the Board to determine the "weighted average period of probable usefulness" (within the meaning of paragraph a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the County Treasurer, as the chief fiscal officer of the County.

The County Treasurer is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

The County Treasurer is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

The intent of this resolution is to give the County Treasurer sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to affect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of the Board.

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This resolution shall take effect immediately and the Clerk of the Board or in her absence, the Deputy Clerk, is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in full, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the County for such purpose.

The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

SECTION 12. This resolution shall take effect immediately.

Moved by Legislator King, seconded by Legislator Bush.

Legislator Hathway reiterated his opposition strictly due to financial reasons; it is not in the best interest of the County, especially considering unknown radio project costs.

Legislator Stanford expressed concurrence with Legislator Hathway.

Legislator King agreed somewhat, but believes the County should proceed with both projects. He asserts doing his due diligence to research all available data and considers his vote as if it were his personal affairs. He disputes purchasing the Lowville Commons as the right move. Futuristically, he feels it would be advantageous to explore windmill, solar or geothermal for long-term energy savings at the entire Outer Stowe Street complex. He recalled initial County discussion about radio upgrades when he was Fire Chief in 1999 estimated around \$1 Million, as an example of substantially inflated costs when projects are deferred to subsequent Boards.

Legislator Lucas concurred with Legislator King. He took exception with constituent's opposing statements, asserting they have not had the benefit to consider the County personnel that have been moved from building to building over the past 6 years. Moreover, he declared, "If this were my own checkbook for my own business, I would vote yes", because he feels it's the right long-term decision for the County. He emphatically supports the project and does not want the nearly Board-approved \$1 Million related expense to-date, to be in vain.

October 8, 2013

Legislator King predicts the building could be financed totally by windmill revenues within eight years. He rejects utilizing windmill revenues for County operations, cautioning for unknown offsetting revenue resource upon the PILOT expiration. He further stated that if Hospital revenues do not adequately support their operational costs, he would propose corrective measures to protect the County.

Legislator Hathway cited preliminary 2014 budget would impose an additional \$1.1 Million, equating an 8.5% levy increase, which does not consider dispatch personnel moving from the public safety building, thereby requiring 7 additional correction officers estimated at \$600,000 annually.

In response to Legislator Brennan, Legislator Hathway confirmed that without the building project, the preliminary budget has a deficit of \$1.1 Million, impressing that figure reflects the \$725,000 budget reduction attributable to the Hospital assuming administration of the Certified Home Health and Hospice programs. He expressed concern for subsequent budgets when there won't be a substantial reduction, affirming that departmental budgets have been maximally reduced.

Legislator Burke stated the cost of County government increases \$800,000 annually.

Sheriff Michael Carpinelli recognized the need for radio system upgrades, however, expressed grave concern, querying the purpose of a building and equipment, if ultimately financial constraints require layoffs of County personnel to staff the system.

Legislator Lucas reiterated that building project costs are not relative to the budget deficit or whether personnel would be laid off. He promotes windmill revenues be used for infrastructure, predicting that when those revenues expire the County will be struggling to identify offsetting revenues, in addition to keeping up with certain annual inflation.

Legislator Hathway expressed concern for the inflated use of fund balance that averages \$2.2 Million annually.

Legislator King suggests that taxpayers must be willing to finance services they expect provided by the County.

The resolution was then defeated by the following roll call vote:

YEAS: Bush, King, Lucas, Wallace

NAYS: Boyd, Burke, Brennan, Hathway, Stanford, Tabolt

**RESOLUTION NO. 422 - 2013
RESOLUTION TO TRANSFER FUNDS
SOCIAL SERVICES**

October 8, 2013

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfer is hereby approved in the Social Services account for additional funds needed for the purchase of four (4) vehicles, utilizing Capital Equipment (HAD9901.9) funds with current balance of \$140,425.50:

<u>Increase Revenue:</u>	
A50310 (Inter-fund transfers)	\$3,700.00
<u>Increase Expense:</u>	
A6010.2233 (Vehicles)	\$3,700.00

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

Moved by Legislator Burke, seconded by Legislator Brennan, and adopted.

OTHER BUSINESS:

Legislator Hathway made a motion to obtain an independent audit of the Trail Program funds since its inception, estimated between \$4,000-\$5,000, seconded by Legislator Stanford.

Treasurer Patricia O'Brien stated that Stonebridge Business Partners were specifically recommended for the audit.

In response to Chairman Tabolt, Legislator Hathway clarified his objective was for an accounting of expenditures and accurate equipment list to compare with inventory. Legislator Stanford relayed his understanding that Atty. Graham was previously charged to compare the inventory with purchases. Atty. Graham stated a simple inventory had been done, distinguishing that Legislator Hathway wanted an all encompassing audit to identify the cost of trail development. Chairman Tabolt challenged the wisdom of an audit. Legislator Lucas also disagreed with the objective, suggesting the Trail Coordinator should be able to ascertain departmental needs; while maintaining that any County purchase could be tracked through the audit records without a \$5,000 expenditure.

Alternatively, Legislator Hathway suggested a temporary hire to conduct the audit at a lesser cost.

Jackie Mahoney responded to Legislator Brennan that she does not have the time to conduct the requested comparison audit at this time, reporting her focus to secure outstanding grant funds. However, she stated her intent to develop a distinct trail plan, including estimated cost.

October 8, 2013

In response to Legislator Stanford, Mrs. Mahoney stated she had identified some missing equipment based on her preliminary audit.

Legislator Lucas termed the audit a “witch hunt” with no beneficial outcome.

Treasurer Patricia O’Brien responded to Legislator Brennan the estimated annual Trail Program budget was \$180,000.

Chairman Tabolt requested a roll call vote. The motion was defeated as follows:

YEAS: Hathway, King, Stanford

NAYS: Boyd, Burke, Bush, Brennan, Lucas, Wallace, Tabolt

At the request of Legislator Hathway, Chairman Tabolt agreed to schedule a meeting with newly elected Legislators after the general election.

There being no other business to come before the Board, the meeting adjourned at 6:11 p.m. on motion by Legislator Brennan, seconded by Legislator Stanford and carried.

October 28, 2013

**SPECIAL MEETING
October 28, 2013**

The meeting was called to order at 5:00 p.m. by Chairman Michael A. Tabolt.

Roll Call: All Legislators were present.

The Invocation was offered by Legislator Hathway, followed by Chairman Tabolt leading the Pledge of Allegiance to the Flag.

There were 4 persons present.

REPORTS OF STANDING COMMITTEES:

Legislator Philip Hathway, Hospital Committee Chairman, reported the 2014 Hospital budget had been prepared and would be presented for adoption by the Board of Managers on 10/30/13. As a member of that Board, he relayed his intent to be a nay vote.

Legislator Boyd made a motion to enter executive session at 1:09 p.m. for the purpose of discussion related to a prospective real estate purchase, seconded by Legislator Bush and carried. At the conclusion of the session, Legislator Hathway moved to re-enter regular session at 1:41 p.m., seconded by Legislator Bush and carried.

REPORT OF THE RULES AND LEGISLATION COMMITTEE:

The Rules and Legislation Committee had met and recommends waiving the rules to allow action on late resolutions.

Dated: October 28, 2013

Philip Hathway
Craig P. Brennan

Legislator Burke made a motion to waive the rules, seconded by Legislator Stanford and carried.

RESOLUTION:

**RESOLUTION NO. 423 - 2013
RESOLUTION AUTHORIZING PURCHASE OF REAL PROPERTY**

Introduced by Legislator Michael Tabolt, Chairman of the Board of Legislators.

WHEREAS, LEWIS LANES, LLC, having a principal address of 7483 Ossont Road, Lowville, 13367 is the fee title owner of a certain parcel of land located in the Town of Lowville, County of Lewis and State of New York consisting of approximately 2 acres of land, together with the improvements located thereon consisting of a steel frame building of approximately 16,000 square feet (herein, the "Property"); and

October 28, 2013

WHEREAS, LEWIS LANES, LLC has offered to sell the property to Lewis County for use as office space for a purchase price of One Million Dollars (\$1,000,000) subject to certain terms and conditions; and

WHEREAS, the Board of Legislators wishes to accept the offer of LEWIS LANES, LLC and to purchase the Property.

NOW, THEREFORE, be it resolved as follows:

Section 1. The Board of Legislators hereby authorizes a Contract For The Purchase And Sale of the above described Real Property, together with the improvements located thereon and including the following items of personal property:

- a. Gas Stove;
- b. 3-door freezer;
- c. Walk-in cooler;
- d. prep table;
- e. Shelving;
- f. China;
- g. Plumbing fixtures;
- h. Electrical wiring and fixtures, except bowling machines, equipment, scoring equipment and related wiring and fixtures;
- i. HVAC machinery, equipment and fixtures;
- j. Office furniture, including desks, chairs, and filing cabinets;
- k. Carpeting.

Section 2. That the County's obligation to close and accept title to the Property hereunder shall be specifically conditioned upon the following:

- a. County's receipt of an appraisal prepared by an "MAI" or similarly designated appraiser, setting forth an opinion of value for the Property that meets or exceeds the Purchase Price;
- b. County's receipt of a report from its architects/engineers that the Property is suitable for use by the Purchaser as office space for its intended purposes;
- c. County's receipt of an acceptable environmental assessment report that indicates that the Property, including all of its improvements, does not contain any environmentally hazardous materials, is not presently in violation of any environmental law, rule or regulation, and that the renovation of the Property to meet the Purchaser's needs will not cause or result in an adverse environmental impact as that term is defined in the State Environmental Review Act ("SEQRA") and its implementing regulations.

The County reserves the right to waive in whole or in part any condition set forth herein at its sole discretion.

October 28, 2013

Section 3. The Property shall be transferred to the County by means of a Warranty Deed with Lien Covenant.

Section 4. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to make, execute, seal and deliver such writings, documents or instruments necessary to fulfill the intent of this Resolution on such form(s) as may be approved by the County Attorney.

Section 5. That this Resolution shall take effect immediately.

Moved by Legislator Stanford, seconded by Legislator Boyd.

Chairman Tabolt relayed the owner's intent to sell equipment. Legislator Stanford expressed his opinion "this was a wise decision".

The resolution was adopted by the following roll call vote requested by Chairman Tabolt:

YEAS: Boyd, Burke, Brennan, Hathway, Stanford, Tabolt

NAYS: Bush, King, Lucas, Wallace

OTHER BUSINESS:

Legislator Jack Bush, Buildings and Grounds Committee Chairman, made a motion to contract with Don Coon of DGM Coon & Company for the purpose to provide an appraisal of the Lewis Lanes property located on State Route 26, Lowville, NY. The motion was seconded by Legislator Stanford and carried. Legislator King was opposed.

Legislator Bush made a motion to authorize prior-to-audit payment to Bernier Carr & Associates in the amount of \$4,627.50. The Board had previously approved payment up to \$3,500.00 for the Village of Lowville Stowe Street sewer scope. However, the company that had submitted that quote was not timely available, therefore an alternate company was retained at the higher amount. The motion was seconded by Legislator King and carried.

Legislator Stanford made a motion to contract with Bernier Carr & Associates to conduct a study and provide engineering plans for the Lewis Lanes building, considering the County has a credit balance with their firm relative to the rejected new building project. The motion was seconded by Legislator Brennan. Legislator Bush announced that Patrick Currier of the Aubertine and Currier engineering firm, had reminded their availability to assist the County. At the request of Legislator King, Chairman Tabolt agreed to obtain an engineering quote. The motion then carried.

There being no other business to come before the Board, the meeting adjourned at 2:01 p.m. on motion by Legislator Brennan, seconded by Legislator Stanford and carried.

November 5, 2013

**FIRST DAY
ANNUAL SESSION
November 5, 2013**

The meeting was called to order at 5:00 p.m. by Chairman Michael A. Tabolt.

Roll Call: All Legislators were present, except Legislator Brennan whom had been excused.

Legislator Hathway offered the Invocation and a moment of silence for those deceased, followed by Chairman Tabolt leading the Pledge of Allegiance to the Flag.

There were 105 persons present.

REPORT OF THE RULES AND LEGISLATION COMMITTEE:

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

Richard Lucas, Chairman
Philip Hathway

Dated: November 5, 2013

Legislator Lucas made a motion to waive the rules, seconded by Legislator Bush and carried.

PRIVILEGE OF THE FLOOR:

Beth Schaab spoke on behalf of a group that wanted the Board to understand their opposition to the signed contract to purchase Lewis Lanes, stating “You are elected to represent us and we feel as though you are not properly representing us”.

Erik Griffin submitted a petition of 149 signatures of those “Opposed to the County purchasing the bowling alley”. There are two places for kids to go, he said, the town theatre and Lewis Lanes, predicting that kids will end up in trouble and ultimately overcrowding the jail. He urged the Board to overturn their decision.

Mr. Dan Myers, Double Play Sports Executive Director, spoke on behalf of their Board of Directors, cognizant of the challenges posed to Legislators. Citing the State-imposed requirements for voting machines and various other County operations, they propose a collaborative project to benefit not only the County, but the overall community. He exemplified that the organization is not requesting taxpayer funds, or tax-free building status, exclaiming “We want to pay taxes!”, adding the center employs 25 part-time people.

Our community has long-since studied a community center concept, he said, purporting the entire County population could benefit. A collaborative \$2-\$3 Million

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initiative for a welcoming center to house the IDA, Chamber of Commerce and community center, while retaining a portion of the bowling alleys, would address both County and community needs.

Mr. Myers referenced studies that indicate the community center concept has been accomplished in several small communities across the country. Their center, he said, provides recreational as well as educating classes drawing participants from Carthage, Harrisville as well as the General Brown area. Their Capital Plan "Dare To Dream" boasts support of three Foundations.

On behalf of Double Play Sports' Mr. Myers implored the Board to consider the feasibility of creating a center, referencing the several community studies conducted by the Center For Community Studies at JCC indicating the desire for more youth opportunities outside the school setting. This community engagement model has worked across the country, he invoked, resulting in long-term benefits for those communities.

Legislator Stanford termed Mr. Myers' initiative a good idea that could be explored. However, he does not want the current business to close, referring to it as a recreational place for both young and old alike.

Mr. Alan Merrill, asserted the situation is out of hand based on rumors, accusations, personal opinions and heart feelings. Legislators are entrusted with taxpayer funds to make the best business decision, asking the Board to deal with the situation from a business standpoint, not personal. He referenced the past several years during which the Board has researched viable solutions for office space needs. First, rejecting the \$10 Million Stowe Street project equating \$222/sq. ft. plus unknown contingencies. Secondly, having the owners reject a purchase offer for the Lowville Commons equating \$108/sq. ft. Lastly, the \$1 Million contract to purchase Lewis Lanes plus \$990,000 renovation costs, the later being a new building encompassing 2 acres on a main highway with ample parking and access to fiber optics.

The alternative, Mr. Merrill supposed, would be a legal defeat for breach of contract, imposing legal fees, and leaving no viable solution for office space needs to justify the substantial County expenditures.

In response to those opposed to taking the property off the tax rolls, Mr. Merrill cited the two buildings now occupied by County offices that would remain on the rolls. Moreover, the respective business owner made a discretionary decision to sell his property for economical reasons, which may have happened regardless of this opportunity. Referencing a news article indicating some Legislators oppose the purchase due to inadequate space to serve all County needs, he queried the feasibility of Double Play Sports' initiative that would utilize a great portion of the building for non-County needs.

Mr. Merrill submits the Lewis Lanes property as the best fiscal option, reiterating and urging the Board to make a sound fiscal decision based on factual information.

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Ms. Patricia Peebles thanked the Board for the opportunity to speak, while chiding the Board for not sharing information either with each other or the public. You were elected to represent the people, she said, questioning whether they have done so. Referring to the owners' statements indicating their plan to retire, Ms. Peebles questioned their financial status. She feels the league bowlers should be considered because of their financial investment. In closing, Ms. Peebles questioned whether they had researched all the issues; while suggesting that space at the new Court House, having ample security and climate control, could house the Board of Elections and voting machines.

Mr. Duane DeLair, Legislator candidate, urged the Board to reconsider the deal. The contract, he stated, is not legally binding until receipt of a supporting and executed appraisal, while offering "two of the best appraisers in the country" to review it upon receipt. Unaware of any urgency, Mr. DeLair encouraged the Board to defer a decision, and entrust the newly elected Board members, taking office within a few weeks.

Mr. Duane Hoffman purported that all Legislators did not have enough information to make a decision, while questioning the renovation estimates. He deemed it uncharacteristic to close on a property and then lease to the current occupants, questioning the legality and liability for alcohol sales within a County-owned building. Being knowledgeable about appraisals, Mr. Hoffman challenged the validity of the appraisal alleging more than one hour is required to determine comparables. Although requested, he has yet to receive a copy of the respective appraisal. It's his understanding an opt out clause is contingent upon an engineering study to attest the building meets County space needs, which has not been done.

If the contract is binding, Mr. Hoffman suggests delaying the closing date to June 2014, which allows ample time for the owners to vacate. Meanwhile, he suggests that County economic development personnel search diligently for an alternate buyer to retain the viable business. If unsuccessful, at least the Board could claim due diligence, he concluded.

Ms. Peebles, further questioned the validity of the reported 100 cars utilizing the DMV, suggesting the offices would be well suited to the Lowville Commons space. She posed purchasing No. 4 property and constructing buildings to specifications as an alternative.

Village of Lowville Mayor Donna Smith, would have favored a contract clause whereby the Economic Development Department could have assisted with selling the business, citing the recreational impact on local citizens. However, she realizes the commitment of an agreement; concluding that "Things do happen for a reason, she is just not sure what the reason is yet?". Regardless of the outcome, Mayor Smith encourages support of the community.

Mr. Arleigh Rice, former and long-time Lowville Supervisor, referenced the County Comprehensive Plan that recommends retaining County buildings in downtown Lowville to enhance business. He asserts the Board could have estimated the property

worth by comparing the assessment amount cited on the building permit, surmising the figure is much less than \$1 Million. The property is within a consolidated water district having daily water allocation limitations. Mr. Rice cautions that impending County usage may prohibit expansion within the water district, essentially imposing greater taxation, particularly for Climax Manufacturing. Mr. Rice urged the Legislators to communicate with Town and Village of Lowville officials, to potentially mitigate problems before they escalate out of proportion.

PRESENTATION OF COMMUNICATIONS AND NOTICES:

The Clerk acknowledged receipt of a letter from Harold Cring of Bette Cring Construction Group expressing his disappointment with the Board's vote not to award bids for the Lewis County Office Building construction project, citing the amount of work and financial effort to submit their bid price quote. They offer to hold their quoted price until April 2014.

Croghan Free Library Director Joan Kampnich, implores the Board to continue budget allocations to Lewis County libraries, citing the various essential services available to local patrons, especially during this difficult economic climate.

The Missing Link Snowmobile Club President Steven Gamble, Lowville resident Gordon J. Belair, and Brantingham residents Bob and Lois Hindman each penned their requests for sufficient County allocations to the Sheriff's Parks and Recreation budget, for law enforcement patrols on ATV and snowmobile trails and the lakes. The patrols enhance safety, which is of utmost importance to everyone, the enthusiasts, landowners and public-at-large.

Mr. G. Wesley Barnard and Mr. Randy Austin, each posed their written objection to the prospective purchase of Lewis Lanes for the purpose of County office space.

The Clerk acknowledged receipt of the Essex County Legislatures' resolution memorializing their support and urging residents to vote "yes" for General Election Proposal #5, to approve a land exchange in the State Forest Preserve with NYCO Minerals, Inc., terming it the best possible solution to long-standing issues.

The Delaware County Legislature submitted resolutions requesting introduction of Home Rule Legislation authorizing to impose a wireless surcharge for their County; urging restoration of the historic 50-50 State and Local cost sharing for the State's mandated safety net program, or allow more program control to local Social Service Departments commensurate with Counties' increased fiscal responsibility for the program; and calling upon the Governor and State Legislature to continue their County partnership to successfully reform Juvenile Justice programs, while avoiding cost shifts to Counties.

The Niagara County Legislature forwarded a resolution requesting the State Legislature to establish a residency requirement in order to receive welfare benefits.

November 5, 2013

REPORTS OF COUNTY OFFICERS AND DEPARTMENTS:

The Chairman of the Ways and Means Committee Jack T. Bush, submitted the 2014 Tentative County Budget to the Clerk of the Board and Legislators with the following message:

BUDGET MESSAGE 2014

Mr. Chairman
Members of the Legislature:

After several meetings with the Ways & Means Committee, the Deputy Budget Officer, and some of the larger departments, the 2014 tentative budget is presented to you today.

Levy:

There is an increase of \$1,038,421 in the tax levy for 2014, bringing it to \$14,572,267, a 7.67% increase. This exceeds the 2% property tax cap by \$377,000. The tax rate is 7.59%, a \$.42 increase per thousand.

Several items contributed to this increase.

Fund Balance:

First and foremost was the decrease of \$900,000 in fund balance use to balance the budget. We have, over the last few years, increased our use of fund balance and this is no longer sustainable due to the tightening of the budget each year. There are no longer any surplus funds at end of year, so we would be decreasing our actual fund balance.

Capital Equipment:

There is an increase of \$291,000 in capital equipment due to the need for new vehicles/equipment in a few departments: Highway, Trails and Sheriff's Departments.

Decrease in Revenue/ Increase in Expense:

Several departments are seeing decreases in their revenues, either from the State, changes in regulations or just the state of the economy.

Pre-K, Early Intervention and other state mandated programs continue to increase our expenses with no relief in the form of revenue.

Highway's County share increased due to the reinstatement of the bridge maintenance program, as recommended by the State audit.

Normal "cost of doing business" expenses increased, such as salaries, fringe, rent and utilities, etc.

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There were a couple of departments that were able to decrease their County share. DSS was able to cut their budget by almost \$200,000 for 2014, due in part to the fact that there will be one less Medicaid payment in 2014, due to timing. CHHA and Hospice was completely taken over by the Hospital so there is a decrease of \$750,000 in that contribution.

Unfortunately, for the County to maintain the services provided at this point and to meet the State mandates, these are the increases that are necessary to continue doing business.

All of the diligence and guidance through this budget process is greatly appreciated.
Thank you.

Jack T. Bush, Chairman
Ways & Means Committee

The Clerk reported distributing to each Legislator copies of the County Treasurer's October monthly report; the 10/9 and 10/23/13 Highway Audit reports; the 10/21/13 Solid Waste Audit Report; and the minutes of the 7/30/13 Health Services Advisory Committee and the 10/10/13 Junkyard Review Board meetings; as well as the following semi-annual mortgage tax apportionment:

APPORTIONMENT OF MORTGAGE TAX
April 1, 2013 through September 30, 2013

	<u>KEY</u>	<u>VALUATION</u>	<u>AMOUNT</u>
Town of Croghan		303,614,407	\$32,570.60
Village of Croghan	.026364991	16,009,582	<u>881.98</u>
			\$33,452.58
Town of Denmark			172,565,823
	\$16,906.91		
Village of Castorland	.044229050	15,264,845	886.70
Village of Copenhagen	.112442810	38,807,572	<u>2,254.24</u>
			\$20,047.85
Town of Diana		164,352,897	\$ 8,831.68
Village of Harrisville	.064196170	21,101,653	<u>605.85</u>
			\$ 9,437.53

November 5, 2013

Town of Greig			210,100,208
	\$16,234.52		
Town of Harrisburg		261,713,408	\$ 6,552.88
Town of Lewis		71,862,314	\$ 1,879.94
Town of Leyden		90,430,203	\$ 4,017.02
Village of Port Leyden	.085842028	15,525,424	<u>377.21</u>
			\$ 4,394.23
Town of Lowville		443,500,826	\$45,246.42
Village of Lowville	.278161963	246,730,121	<u>17,435.81</u>
			\$62,682.23
Town of Lyonsdale		100,423,179	\$ 4,970.23
Village of Lyons Falls	.036657070	7,362,439	194.51
Village of Port Leyden	.026656998	5,353,961	<u>141.45</u>
			\$ 5,306.19
Town of Martinsburg		382,756,920	\$ 6,457.94
Town of Montague		40,898,982	\$ 450.09
Town of New Bremen		168,852,691	\$17,576.53
Village of Croghan	.036013350	12,161,902	<u>656.64</u>
			\$18,233.17
Town of Osceola		46,511,353	\$2,914.14
Town of Pinckney		36,401,839	\$2,124.15
Town of Turin		66,624,982	\$ 4,877.65
Village of Turin	.078992419	10,525,737	<u>418.34</u>
			\$ 5,295.99
Town of Watson		200,801,826	\$20,739.94
Town of West Turin		147,364,750	\$ 9,256.74
Village of Constableville	.045462880	13,399,252	514.63
Village of Lyons Falls	.136790739	40,316,266	<u>1,548.45</u>
			\$11,319.82
		GRAND TOTAL:	<u>\$227,523.19</u>

November 5, 2013

To County of Lewis \$113,794.90

Patrick Wallace, Chairman
Craig Brennan
Paul Stanford
Taxation Committee

Dated: November 5, 2013

WARRANT

TO: Treasurer of the County of Lewis

You are hereby notified by the Board of Legislators of Lewis County that the sum of \$227,523.19 from the tax on mortgages from April 1, 2013 through September 30, 2013 has been apportioned to the Tax Districts entitled to same and, you are hereby directed to pay the respective Supervisors the amount due to the towns, to their Village Treasurers the amount due the villages, and to the County of Lewis the amount stated, according to the foregoing schedule, pursuant to the provisions of Section 261 of the Tax Law.

Given under the hands of the Chairman and the Clerk of the Board of Legislators of Lewis County, and the seal of the Board of Legislators being hereto affixed on the 6th day of November 2013.

Michael A. Tabolt, Chairman
Teresa K. Clark, Clerk of the Board

REPORTS OF STANDING COMMITTEES:

Legislator Philip Hathway, Hospital Committee Chairman, announced the employee-of-the-month was Carla Seal, Certified Nursing Assistant in the Adult Day Care Department, who is always willing to help anyone.

As of 9/30/13 the Hospital reports an operating loss of \$1,662,576 being \$1,388,527 over the budgeted level, largely attributable to the delay in obtaining critical access designation, equating a daily loss of \$10,000.

Legislator Hathway reported that implementation of their revenue enhancement plan has resulted in \$3.7 Million of additional revenue; and Hospital Administration predicts ending the year with a balanced operating budget. The debt to the County stands at \$1,270,000 reduced from \$1,391,000 last month. Meaningful Use revenue is due in November, but IGT reimbursement has been delayed until early 2014.

The County may avail savings of \$67,000 by pre-paying the retirement pension payment by December 15th. However, Legislator Hathway cautions that the County's \$3 Million subsidy toward the Hospital payment may leave the fund balance precariously low.

Legislator Hathway informed of his vote against the proposed Hospital budget, because of questionable revenues; although he deems it vital to keep the Hospital as a

November 5, 2013

County facility. However, because the Hospital Enterprise Fund has no impact on the tax levy, Legislator Hathway cautiously accepts that budget, asserting the Board of Mangers' diligence to adhere to budget projections and not incurring further debt. Legislator Burke expressed concurrence.

Legislator Jack Bush, member of the Transportation/Solid Waste Committee, reported the FEMA work was completed, and the new dump truck was delivered. A snow plow turn-around was built at the VanAmber Road Bridge, which can no longer support the weight of a heavy plow truck. The Towns of New Bremen and Croghan have each agreed to plow the road up to each end of the bridge. The Highway Dept will use a pickup truck w/plow to plow the bridge. A turn-around has also been built at the French Settlement Road Bridge that will be plowed by the Town of Diana. On behalf of the Board, Legislator Bush expressed gratitude to each of the Towns for their temporary assistance with these issues.

Legislator Bush also reported that Solid Waste personnel are acclimating themselves with the new computer system; and Director Pete Wood anticipates ending the year within budgetary appropriations.

Legislator Bush, Buildings and Grounds Committee Chairman, reported completion by maintenance personnel of 48, 20 and 33 work orders for minor repairs and installations in the Court House, Public Safety Building and DSS Building respectively.

He specifically thanked Treasurer Patricia O'Brien and her staff, the other members of the Ways and Means Committee and other Legislators that had assisted with development and deliberation of the 2014 Tentative County Budget. Legislator Bush then read his Budget Message.

Legislator John Boyd, Courts and Law Enforcement Committee Chairman, made a motion to authorize Probation Director MaryJo Burkhard to extend Chris Freeman's employment for up to an additional 35 hours, seconded by Legislator Stanford and carried.

Legislator Boyd made a motion to authorize Sheriff Carpinelli to purchase a replacement K-9 vehicle for a cost up to \$35,000, seconded by Legislator Lucas. In response to Legislator Hathway's inquiry, Legislator King relayed that the Committee recommends the purchase because the current vehicle is in disrepair, clarifying it was the second Sheriff Department vehicle purchase for 2013. However, next year appropriations allow for only one vehicle purchase. Legislator Hathway invoked the intent to stick to the budget in the future. The motion then carried unanimously.

Legislator Boyd made a motion to authorize Sheriff Carpinelli to refill one full-time correction officer, one part-time correction officer, one full-time dispatcher and one part-time dispatcher. These are existing positions. The motion was seconded by Legislator King and carried.

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Legislator Jerry King, member of the Courts & Law Enforcement Committee, made a motion to delay executing the contract with Spillman Technologies, Inc. until there is a signed agreement with New York State for secured funding. The motion was seconded by Legislator Stanford and carried.

Legislator King expressed concern for the Hospital's ability to attain their goals within budgetary limits, adding "They need to get in the black".

Legislator Richard Lucas, Economic Development Committee Chairman, reported the ATV season was over, commending Trail Coordinator Jackie Mahoney for her good performance while confident of her ability to additionally assume oversight of County forests referencing the proposal to combine the Reforestation Department with the Trails Program.

Legislator Lucas reported the impending award of contracts by the Lewis County Development Corporation for a demolition project at the old Lyons Falls Pulp & Paper mill property, that will enhance economic development.

Legislator William Burke, Youth Bureau/Office For Aging/Social Services Committee Chairman, reported Youth Bureau representation on the newly created Suicide Prevention Coalition. The Advisory Board has approved the Resource Allocation Plan to support recreational services and special delinquency prevention incentives. The Homeless Christmas Tree will be located at the Chamber of Commerce office, sponsored by the Youth Bureau from 12/18-12/24/13. Art students will create ornaments to adorn the tree to represent each donation.

The Student Voice column in the Journal & Republican will print student authored writings that focus on the challenges and pressures endured by youth.

Legislator Burke reported the Office For the Aging (OFA) will sponsor a speaker on 11/6/13 at the Maple Ridge Center, about pre-funding and planning funerals. Also, on 11/13 a NYS Patient's Advocate Program representative will present at the Statewide Senior Action Council forum at Maple Ridge Center, about hospital care and patient rights. Also, Office For Aging counselors assisted Medicare beneficiaries with health prescription coverage inquiries during the government shutdown.

Legislator Burke further reported OFA completion and submission to Social Services personnel of 274 HEAP applications, with local assistance estimated at \$2 Million for the 2013-2014 heating season. Commissioner Alvord expects to close 2013 within budgetary limits.

Legislator Burke made a motion to award the low bids for purchase of one new Dodge Grand Caravan in the amount of \$22,200.00; and three (3) new Dodge Avengers for a total of \$57,660.00 to Gerald A. Nortz, Inc. The motion was seconded by Legislator Stanford. Chairman Tabolt assured Legislator King the bids were comparable to State bid prices. The motion then carried.

November 5, 2013

Legislator Patrick Wallace, Elections/Reforestation Committee Chairman, urged support of the initiative to combine the Reforestation and Trails Departments. He also thanked Treasurer Patricia O'Brien for all her work on formulating the Tentative Budget.

Legislator Paul Stanford, Public Health/Community Services Committee Chairman, asked for support of his sponsored resolutions for public health contract renewals. Also, CREDO representatives had updated the Committee, relating a smooth transition and ongoing professional clinical services.

Legislator Boyd commended Mary Kimbrell for her good presentation on diabetes last evening.

Referencing his earlier comments relative to the Hospital budget, Legislator Hathway wanted to record appreciation to Hospital CEO Eric Burch and CFO Jeff Hellinger for presenting an alternative budget, even though it was rejected by the Board of Managers.

COUNTY MANAGER REPORT:

Acting County Manager Michael Tabolt reported confirming with State officials the delay to confirm the sales tax approval was due to language in Albany County's law. The State wants to electronically inform all respective Counties simultaneously, and anticipates doing so very soon.

Chairman Tabolt reported that the term of Ethics Board Chairman Judge John S. Parker will expire on 12/31/13, and pursuant to the Local Law he may not serve a successive term. He intends to put forth the appointment of former County Manager David H. Pendergast to serve in that capacity, while asking his colleagues to inform him of any other candidate.

An initial orientation session with the newly elected Legislators was scheduled for November 19, 2013 prior to the budget public hearing.

Chairman Tabolt announced he would select and attend one of the meetings scheduled on 11/21/13 either in St. Lawrence County relative to the Psychiatric Center; or the Inter-County Committee of the Adirondacks in Ilion, N.Y.

COUNTY TREASURER REPORT:

Patricia O'Brien announced receipt and distribution to Legislators of the 2012 Single Audit Report. An auditor from Toski & Co., Inc. is scheduled to review the report with the Ways and Means Committee on 11/6/13.

REPORT OF THE WAYS AND MEANS COMMITTEE:

November 5, 2013

**REPORT OF
WAYS AND MEANS COMMITTEE
ON THE EXAMINATION OF CLAIMS**

To: The Honorable County Legislators

The Ways and Means Committee reports that they have examined the claims presented for payment in the total amount of \$ 1,580,609.52 and recommend that they be audited and allowed for the amounts claimed.

Jack Bush, Chair
Philip Hathway, Committee
Jerry King, Committee

Dated: November 5, 2013

Approved on motion by Legislator Lucas, seconded by Legislator Bush, and carried.

RESOLUTIONS:

**RESOLUTION NO. 424 - 2013
AUDITING AND ALLOWING CLAIMS**

Introduced by Legislator Jack T. Bush, Chairman of the Ways and Means Committee.

RESOLVED that the claims presented for payment in the total amount of \$ 1,580,609.52 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 Stanford, seconded by Legislator Wallace, and adopted by roll call vote:

All voted YEA. Legislator Brennan was absent.

**LOCAL LAW (INTRODUCTORY NO. 11- 2013)
COUNTY OF LEWIS
A LOCAL LAW ESTABLISHING
THE RECREATION, FORESTRY AND PARKS DEPARTMENT**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

SECTION 1. TITLE:

This local law shall be entitled "A LOCAL LAW ESTABLISHING THE RECREATION, FORESTRY AND PARKS DEPARTMENT".

SECTION 2. LEGISLATIVE FINDINGS:

For many years Lewis County (the "County") has maintained a Reforestation Department which was responsible for managing the County's reforestation lands. In 2006, the County created the position of Trails Coordinator and established an outdoor recreational trails program for the County. Since many of the off-road trails under the Trails Coordinator's supervision were located on County reforestation lands, personnel from Reforestation and Trails Departments frequently collaborated in the development and implementation of land use policy, environmental management and conservation practices for the County's reforestation properties.

The Board of Legislators finds that it is in the public interest to consolidate the Trails Department and the Reforestation Department into a single department to be known as the "Recreation, Forestry and Parks Department". The Board further finds that in doing so, the County will improve the development and implementation of land use policy, environmental management and conservation practices for County properties which will enhance the County's ability to manage its reforestation and related properties. In addition, consolidating these two departments will improve personnel management and supervision and potentially reduce costs in the use and acquisition of equipment, machinery and supplies.

SECTION 3. AUTHORITY:

This Local Law is enacted pursuant to the home rule authority granted by Municipal Home Rule Law § 10. In particular, County Law § 204 provides that the Board of Legislators shall have power to establish positions of employment and to abolish the same, by local law, by resolution or by the adoption of the budget.

SECTION 4. ESTABLISHING THE RECREATION, FORESTRY AND PARKS DEPARTMENT

- A. The Recreation, Forestry and Parks Department for Lewis County is hereby established and shall be under the leadership of the Director of Recreation, Forestry and Parks.
- B. The Recreation, Forestry and Parks Department shall be responsible for:
 1. The management of all properties owned by Lewis County and utilized as reforestation lands under County Law § 219;
 2. Establishing and administering policies, rules and regulations for the use of reforestation properties consistent with local, state and federal environmental laws, rules and regulations;

November 5, 2013

3. Managing the County's reforestation lands with a goal of assuring the long term conservation of the forests and related natural assets located on County properties as well as the economic viability of same;
 4. Establishing and administering policies, rules and regulations for the management of the Lewis County ATV Trail System;
 5. Establishing and administering policies and promotional programs that will promote and enhance outdoor recreational activities in Lewis County including without limitation ATV and snowmobile use, horseback riding, biking, hiking, canoeing, kayaking, running, kiting, kite-skiing, cross-country skiing.
- C. All employees formerly working in the Trails Department and Reforestation Department are hereby transferred and deemed to be employees of the Recreation, Forestry and Parks Department.
- D. The Board of Legislators may establish new positions or transfer existing positions, establish new or amend existing job titles, and take such other measures as may be deemed expedient and necessary to carry out the intent of this local law.

SECTION 5. ESTABLISHING THE OFFICE OF LEWIS COUNTY DIRECTOR OF RECREATION, FORESTRY AND PARKS.

- A. The Board of Legislators hereby establishes the position of Director of Recreation, Forestry and Parks (herein "Director"). The Director shall be an appointee of the Board of Legislators and shall be responsible for leading the Department. In that capacity the Director shall have the following duties and responsibilities:
1. Establishing and enforcing policies for the use and management of County reforestation properties that demonstrates both sound financial stewardship as well as best practices with regard to the conservation, environmental sustainability and regeneration of the County's forests;
 2. Establishing and enforcing policies for the planning, acquisition, development, use, management and maintenance of all trails incorporated into the Lewis County ATV Trail System, consistent with local, state and federal environmental laws, rules and regulations;
 3. Overseeing the use, management and administration of all revenues and expenditures received or remitted in connection with the Lewis County ATV Trail System;
 4. Overseeing the use, management and administration of all other revenues and expenditures received or remitted through the Department;
 5. Maintaining an accurate inventory of all tools and equipment and overseeing their regular maintenance and upkeep;

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6. Developing and administering relationships with ATV Clubs, Snowmobile Clubs and similar non-profit outdoor recreational organizations in a manner that will promote and enhance outdoor recreation in Lewis County;
 7. Establishing and administering policies for the planning, development, use, management, maintenance and promotion of outdoor recreational activities in Lewis County;
 8. To appoint, employ, discipline and discharge all subordinates and employees within the department.
 9. Such other and further duties and responsibilities as may be prescribed by the Board of Legislators.
- B. The salary and benefits of the Director of Recreation, Forestry and Parks Department shall be established by the Board of Legislators and may be amended at any time either by resolution or upon adoption of the annual budget.

SECTION 6. EFFECTIVE DATE

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

**RESOLUTION NO. 425 - 2013
FIXING DATE OF PUBLIC HEARING ON LOCAL LAW
(INTRODUCTORY LOCAL LAW NO. 11 - 2013), COUNTY OF LEWIS**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

WHEREAS, there will be presented and introduced at a meeting of this Board of Legislators to be held on November 5, 2013 a proposed Local Law entitled "A LOCAL LAW ESTABLISHING THE RECREATION, FORESTRY AND PARKS DEPARTMENT".

Now, therefore, BE IT RESOLVED as follows:

Section 1. That a public hearing will be held on December 3, 2013, from 5:00 p.m. to 5:30 p.m., before the Lewis County Board of Legislators on the Second Floor Board Room at the Lewis County Courthouse, New York, 7660 North State Street, Lowville, New York to hear all persons for or against such local law.

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

November 5, 2013

Moved by Legislator King, seconded by Legislator Wallace, and adopted.

**RESOLUTION NO. 426 - 2013
RESOLUTION TO TRANSFER FUNDS
LEGISLATIVE BOARD**

Introduced by Legislator Jack Bush, Chairman of the Ways & Means Committee.

BE IT RESOLVED, as follows:

Section 1. That the following transfer is hereby approved in the Legislative Board accounts for payment of the five (5) laptop computers for use by Legislators, and a Wireless Router for the Board Room:

<u>From:</u>	Amount
A1010.4199 (Special Contingency)	\$2,934.98
<u>To:</u>	
A1010.2909 (Misc Equip)	\$2,934.98

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

Moved by Legislator Lucas, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 427 - 2013
RESOLUTION TO TRANSFER FUNDS
LAW DEPARTMENT**

Introduced by Legislator John Boyd, Chairman of the Courts & Law Enforcement Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfers are hereby approved in the Law Department to cover line item expenditures:

<u>From:</u>	
A1420.4903 (Legal-DSS)	\$2,500.00
<u>To:</u>	
A1420.4301 (Telephone)	\$ 200.00
A1420.4407 (Supplies)	\$1,000.00
A1420.4401 (Postage)	\$ 300.00
A1420.4402 (Process Serv)	<u>\$1,000.00</u>
	<u>\$2,500.00</u>

November 5, 2013

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

Moved by Legislator Stanford, seconded by Legislator King, and adopted.

**RESOLUTION NO. 428 - 2013
RESOLUTION TO TRANSFER FUNDS
CAPITAL DATA PROCESSING**

Introduced by Legislator Jack Bush, Chairman of the Ways & Means Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfers are hereby approved in the various accounts for the purchase of 20 replacement computers, utilizing Capital Data Processing (HAE9901.4) funds, HAE balance \$37,379.94:

<u>Increase Revenue:</u>	
A50310 (Inter-fund transfers)	\$9,580.00
<u>Increase Expense:</u>	
A1410.2211 County Clerk (1)	\$ 479.00
A1325.2409 Treasurer (5)	\$2,395.00
A1165.2217 District Attorney (4)	\$1,916.00
A3410.2217 Fire & Emergency Mngt. (1)	\$ 479.00
A1680.2217 Data Processing (9)	<u>\$4,311.00</u>
	\$9,580.00

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

Moved by Legislator Burke, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 429 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
THE COUNTY OF LEWIS AND RICHARD DEFONE
FOR HAZMAT RELATED TRAINING**

Introduced by Legislator John Boyd, Chairman of the Emergency Management Committee.

WHEREAS, the County of Lewis desires to enter into a Memorandum of Agreement with Richard Defone to provide Hazardous Material (“HazMat”) related training as an instructor for Lewis County; and

WHEREAS, Richard Defone has offered to perform the above services; and

November 5, 2013

WHEREAS, the Board of Legislators wish to retain these instructional services.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes an agreement with Richard Defone for the purpose of providing Hazardous Material (“HazMat”) related training commencing January 1, 2014 through December 31, 2016 at an annual cost not to exceed the grant monies available from the Local Emergency Planning Committee.

Section 2. 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 as may be approved by the County Attorney.

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

Moved by Legislator Bush, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 430 - 2013
AUTHORIZING ST. LAWRENCE COUNTY
TO ADMINISTER THE NORTH COUNTRY DIRECT HOMEOWNERSHIP
ASSISTANCE PROGRAM IN LEWIS COUNTY**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

WHEREAS, the New York State Office of Community Renewal (OCR) awarded the North Country Regional Economic Development Council with an \$850,000 Community Development Block Grant (CDBG) to administer the North Country Direct Homeownership Assistance Program (DHAP), and

WHEREAS, the North Country DHAP is designed to provide mortgage buy down, closing cost, and housing rehabilitation assistance to approximately 28 eligible, income-qualified households who are interested in purchasing existing, single-family residences in Clinton, Essex, Franklin, Hamilton, Jefferson, Lewis and St. Lawrence Counties, and

WHEREAS, the St. Lawrence County Board of Legislators passed Resolution No. 92-2013 authorizing the St. Lawrence County Planning Office to implement the North Country DHAP on behalf of the Regional Council, and

WHEREAS, St. Lawrence County will enter into a sub-recipient agreement with Snow Belt Housing Company, Inc. to provide first time homebuyer and housing rehabilitation assistance to low- to moderate-income households in Lewis County, and

November 5, 2013

WHEREAS, the grant agreement issued by New York State OCR stipulates the execution of an agreement between St. Lawrence County and Lewis County that authorizes St. Lawrence County and its sub-recipient to provide Direct Homeownership Assistance to Lewis County residents.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. The Lewis County Board of Legislators hereby authorizes an Agreement between Lewis County and St. Lawrence County and its sub-recipient to implement the North Country DHAP in Lewis County.

Section 2. That the Chairman, or Vice-Chairman of the Board of Legislators is hereby authorized to execute, seal and deliver said Agreement, in form as approved by the County Attorney.

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

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 431 - 2013
RESOLUTION TO TRANSFER FUNDS
TRANSPORTATION DEPARTMENT**

Introduced by Legislator Jack Bush, Member of the Transportation Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfer of FEMA funds is hereby approved in the Highway Department Accounts to cover the purchase of a truck:

<u>From:</u>	
D5333.499 (FEMA)	\$39,691.64
<u>To:</u>	
DM5130.2233 (Vehicles)	\$39,691.64

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

Moved by Legislator Stanford, seconded by Legislator Burke, and adopted.

Legislator King opposed.

**RESOLUTION NO. 432 - 2013
RESOLUTION TO TRANSFER FUNDS
TRANSPORTATION DEPARTMENT**

November 5, 2013

Introduced by Legislator Jack Bush, Member of the Transportation Committee.

BE IT RESOLVED as follows:

Section 1. That the following transfer of funds is hereby approved in the Highway Department Accounts for the purchase of a truck, for the balance not covered by FEMA funds from the Capital Equipment account current balance of \$136,752.15:

<u>Increase Revenue:</u>	
DM50310	\$10,609.36
<u>Increase Expense:</u>	
DM5130.2233	\$10,609.36

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

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 433 - 2013
RESOLUTION TO APPROPRIATE FUNDS
TRANSPORTATION DEPARTMENT**

Introduced by Legislator Craig Brennan, Chairman of the Transportation Committee.

BE IT RESOLVED as follows:

Section 1. That the following appropriation is hereby approved in the Highway Department Account to reflect the insurance recovery for the repair of the 2002 International Truck which was involved in an accident:

<u>Appropriate from:</u>	
D26800 (Ins recoveries)	\$9,454.80
<u>Increase Expense:</u>	
D5130.4701 (Vehicle repair)	\$9,454.80

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

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 434 - 2013
RESOLUTION TO TRANSFER FUNDS
MENTAL HYGIENE**

November 5, 2013

Introduced by Legislator Paul Stanford, Chairman of the Mental Hygiene Committee.

BE IT RESOLVED as follows:

Section 1. That the following transfer of funds is hereby approved in the Mental Hygiene Accounts to cover Community Recovery Center's agreement with Pitney Bowes:

<u>From:</u>	
A4330.4803 (Rent)	\$2,100.00
<u>To:</u>	
A4330.4401 (Postage)	\$2,100.00

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

Moved by Legislator Bush, seconded by Legislator Stanford, and adopted.

**RESOLUTION NO. 435 - 2013
RESOLUTION APPOINTING MEMBERS TO
OFFICE FOR AGING ADVISORY COUNCIL**

Introduced by Legislator William Burke, Chairman of the Office For Aging Committee.

BE IT RESOLVED as follows:

Section 1. That this Board of Legislators hereby re-appoints the following individuals to serve on the Lewis County Office For Aging Advisory Council:

District No. 1 - Barbara Ward of 14335 Maple Street, Harrisville, NY 13648
District No. 3 – Jerry Flanders of P.O. Box 534, Copenhagen, NY 13626
District No. 4 – Cheryl Steiner of 8673 Erie Canal Road, Croghan, NY 13327
District No. 5 – Rose Ross of 5567 Lanpher Street, Lowville, NY 13367
District No. 7 – John Karelus of 6735 B Arthur Road, Lowville, NY 13367
County Treasurer Patricia O'Brien, Court House, Lowville, NY 13367

Section 2. The term of said appointments shall be effective from January 1, 2014 through December 31, 2016.

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

Moved by Legislator Hathway, seconded by Legislator King, and adopted.

November 5, 2013

**RESOLUTION NO. 436 - 2013
RESOLUTION TO TRANSFER FUNDS
OFFICE FOR AGING**

Introduced by Legislator William Burke, Chairman of the Office For Aging Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfers are hereby approved in the Office For Aging accounts to cover the increased rent expense:

<u>From:</u>	
A6772.4422 (Trans Ombudsman)	\$1,458.20
A6772.4903 (All types Ins)	\$ 541.17
A6772.4913 (Prof Svc Respite)	<u>\$1,500.00</u>
	\$3,499.37
<u>To:</u>	
A6772.4801 (Rent)	\$3,499.37

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

Moved by Legislator Burke, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 437 - 2013
RESOLUTION APPOINTING MEMBER TO
PLANNING BOARD**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby appoints William Burke of 4218 State Route 177, Lowville, New York as a member of the Lewis County Planning Board.

Section 2. That the term of said appointment shall be effective from January 1, 2014 through December 31, 2016.

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

Moved by Legislator Lucas, seconded by Legislator Bush, and adopted.

November 5, 2013

**RESOLUTION NO. 438 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY PUBLIC HEALTH AGENCY AND
LEWIS COUNTY GENERAL HOSPITAL INFORMATION SYSTEMS**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

WHEREAS, Lewis County General Hospital Information System "LCGH IS", with principal place of business located at 7785 North State Street, Lowville, New York provides informational technology support services; and

WHEREAS, the Lewis County Public Health Agency desires to enter into a Memorandum of Agreement with LCGH IS to provide these services; and

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

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby authorizes a Memorandum of Agreement between the County of Lewis, by and through the Lewis County Public Health Agency and Lewis County General Hospital Information System to provide informational technology support services.

Section 2. That this is for a term commencing November 1, 2013 through December 31, 2014 at the hourly rate of the technician or technicians assigned to the service case; emergency support services will be charged at 1.5x the hourly rate of the technician or technicians assigned to the case with a minimum of two hours charged for each emergency support call.

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 Stanford, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 439 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY PUBLIC HEALTH AGENCY AND
NEW YORK STATE DEPARTMENT OF HEALTH
FOR CANCER SCREENING PROGRAM - RENEWAL**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

November 5, 2013

WHEREAS, the Lewis County Public Health Agency has received a grant award from the New York State Department of Health in the amount of \$127,500 for cancer screening services; and

WHEREAS, Lewis County Public Health Department is an eligible provider of these services.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes a grant agreement between the County of Lewis, acting by and through the Lewis County Public Health Agency and the New York State Department of Health to provide cancer screening services for the period of July 1, 2013 through March 31, 2014 in the amount of \$127,500.

Section 2. That the Chairman of the Board of Legislators, or the Vice-Chairman, be and the same is hereby authorized to execute and deliver such Agreement, pending approval by the County Attorney.

Section 3. That this Resolution shall take effect immediately.

Moved by Legislator Boyd, seconded by Legislator King, and adopted.

**RESOLUTION NO. 440 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY PUBLIC HEALTH AGENCY AND
NEW YORK STATE DEPARTMENT OF HEALTH
FOR CANCER SCREENING PROGRAM**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

WHEREAS, the Lewis County Public Health Agency has received a grant award from the New York State Department of Health in the amount of \$435,949 for cancer screening services; and

WHEREAS, Lewis County Public Health Department is an eligible provider of these services.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes a grant agreement between the County of Lewis, acting by and through the Lewis County Public Health Agency and the New York State Department of Health to provide cancer screening services for the period of July 1, 2013 through March 31, 2018 in the amount of \$435,949.

November 5, 2013

Section 2. That the Chairman of the Board of Legislators, or the Vice-Chairman, be and the same is hereby authorized to execute and deliver such Agreement, pending approval by the County Attorney.

Section 3. That this Resolution shall take effect immediately.

Moved by Legislator Boyd , seconded by Legislator Lucas , and adopted.

**RESOLUTION NO. 441 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY PUBLIC HEALTH AGENCY AND
NYS QUALITY & TECHNICAL ASSISTANCE CENTER**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby authorizes a Memorandum of Understanding between the County of Lewis, by and through the Lewis County Public Health Agency and NYS Quality and Technical Assistance Center for the Diabetes Prevention Program for a term commencing October 1, 2013 through December 31, 2014.

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Stanford , seconded by Legislator Wallace , and adopted.

**RESOLUTION NO. 442 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY PUBLIC HEALTH AGENCY AND
MARY FRANCES WALLIGORY, A REGISTERED DENTAL HYGIENIST,
FOR DENTAL HEALTH AND HYGIENE EDUCATION SERVICES**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

WHEREAS, Mary Frances Waligory, is a registered dental hygienist with an address of 5449 Trinity Avenue, Lowville, New York 13367, hereinafter referred to as "Contractor"; and

November 5, 2013

WHEREAS, Lewis County acting by and through the Lewis County Public Health Agency desires to enter into an Agreement with Contractor to provide dental health and hygiene education to students in preschool and primary grades in all schools in Lewis County.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That this Board of Legislators hereby authorizes an Agreement between Mary Frances Waligory, a registered dental hygienist, and the Lewis County Public Health Agency, for dental health and hygiene education to students in preschool and primary grades in all schools in Lewis County for a term commencing November 1, 2013 through December 31, 2014 at an hourly rate of \$30.00 per hour, including time spent, up to one hour per school, by the Contractor in preparing materials for the presentation and travel to and from the site.

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Boyd, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 443 - 2013
RESOLUTION TO TRANSFER FUNDS
PUBLIC HEALTH**

Introduced by Legislator Paul Stanford, Chairman of Public Health Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfer is hereby approved in the Public Health Accounts to purchase laptops for the Emergency Preparedness Coordinator and the Director:

<u>From:</u>	
A4092.1999 (Pers Serv)	\$2,500.00
<u>To:</u>	
A4092.2909 (Equip)	\$2,500.00

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

November 5, 2013

Moved by Legislator Stanford, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 444 - 2013
RESOLUTION TO TRANSFER FUNDS
REAL PROPERTY TAX DEPARTMENT**

Introduced by Legislator Patrick Wallace, Chairman of the Taxation Committee.

BE IT RESOLVED as follows:

Section 1. That the following transfer of funds is hereby approved in the Real Property Tax Department to cover computer equipment purchase:

<u>From:</u>	<u>Amount:</u>
A1355.4909 (Misc Exp)	\$ 365.20
A1355.4407 (Supplies)	149.50

<u>To:</u>	
A1355.2217 (Computers)	\$ 514.70

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

Moved by Legislator Boyd, seconded by Legislator King, and adopted.

**RESOLUTION NO. 445 - 2013
RESOLUTION TO TRANSFER FUNDS
REFORESTATION**

Introduced by Legislator Patrick Wallace, Chairman of the Reforestation Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfer is hereby approved in the Reforestation Department accounts for the purchase of supplies:

<u>From:</u>	
A8711.4803 (Rent)	\$1,400.00
<u>To:</u>	
A8711.4407 (supplies)	\$1,400.00

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

Moved by Legislator Lucas, seconded by Legislator Boyd, and adopted.

November 5, 2013

**RESOLUTION NO. 446 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO SHERIFF'S DEPARTMENT**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement 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 Sheriff's Department, authorizing Sheriff Carpinelli to fill one part-time Temporary Correction Officer up to a period of five (5) months, to fill in for an employee who is out on a workers' compensation leave-of-absence.

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

Moved by Legislator Stanford, seconded by Legislator King, and adopted.

**RESOLUTION NO. 447 - 2013
RESOLUTION TO APPROPRIATE FUNDS
SHERIFF'S DEPARTMENT**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement Committee.

BE IT RESOLVED as follows:

Section 1. That the following appropriation of donated funds is hereby approved in the Sheriff's Department account for the "Shop with a Cop" event:

<u>Increase Revenues</u>	<u>Amount:</u>
A27053.4 (Donations Shop w/a Cop)	\$550.00
<u>Increase Expense:</u>	<u>Amount</u>
A3110.4909 (Misc. Expense)	\$550.00

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

Moved by Legislator Boyd, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 448 - 2013
RESOLUTION TO SET A PUBLIC HEARING TO
OBTAIN PUBLIC INPUT WITH REFERENCE TO
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

November 5, 2013

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

Whereas, the County of Lewis is eligible to apply to the New York State Small Cities Community Development Block Grant (CDBG) Program; and

Whereas, the Board of Legislators wishes to obtain the views of citizens on community development, housing needs and possible other activities, prior to the preparation of a CDBG application; and

Whereas, citizen's participation requirements of the program require that the County must conduct public hearings for the purpose of obtaining citizens' views and responding to proposals and questions. The hearings must cover community development, housing needs, development of proposed activities and a review of the CDBG program; and

Whereas, the public hearing must be held prior to submission of an application.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby sets a public hearing to solicit the views of County of Lewis citizens, regarding community development and housing needs, to be held on Tuesday, December 3, 2013 at 5:00 p.m. in the chambers on second floor of the Court House at 7660 State Street, Lowville, New York.

Section 2. That public notice of the hearing shall be advertised in accordance with law at least 10 days prior to the hearing date.

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

Moved by Legislator Bush, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 449 - 2013
RESOLUTION AUTHORIZING DISCHARGE OF MORTGAGE
(COUNTY OF LEWIS TO ELLEN D. COLLATZ)**

Introduced by Michael A. Tabolt, Chairman of the Lewis County Board of Legislators.

November 5, 2013

WHEREAS, Ellen D. Collatz was granted a Mortgage to the County of Lewis dated September 4, 1998, and recorded in the Lewis County Clerk's Office on September 4, 1998, in Book 505 of Mortgages at page 65, to secure payment of a loan in the amount of \$14,439.97, 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 Hathway, seconded by Legislator Boyd, and adopted.

RESOLUTION NO. 450 - 2013
RESOLUTION APPROPRIATING FUNDS
SOCIAL SERVICES

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

WHEREAS, the County of Lewis has received approval from the New York State Office of Temporary and Disability Assistance for the period October 1, 2012 through September 30, 2013 for Nutrition Education State Plan in the amount of an additional \$815.00.

Now, Therefore, BE IT RESOLVED, as follows:

Section 1. That the sum of \$815.00 be appropriated to Expense Account No. A6143.4999 , DSS Food Stamp Nutrition Education.

Section 2. That this be financed by Federal Aid in the amount of \$815.00 to be appropriated to Revenue Account No. A46430.

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

Moved by Legislator Burke, seconded by Legislator Boyd, and adopted.

November 5, 2013

**RESOLUTION NO. 451 - 2013
RESOLUTION TO TRANSFER FUNDS
SOCIAL SERVICES**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfer is hereby approved in the Social Services accounts for additional funds needed for the purchase of four (4) vehicles, utilizing Capital Equipment (HAD9901.9) funds with current balance of \$136,752.15 :

Increase Revenue:

A50310 (Inter-fund transfers) \$3,700.00

Increase Expense:

A6010.2233 (Vehicles) \$3,700.00

Section 2. That this resolution shall take effect immediately.

Moved by Legislator King, seconded by Legislator Lucas.

Treasurer Patricia O'Brien affirmed that the above transfer of funds was no longer required, because the total bid quotes for the vehicles was below the estimated amount. Accordingly, Legislator Hathway made a motion to withdraw the resolution, seconded by Legislator King and carried.

**RESOLUTION NO. 452 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO SOLID WASTE DEPARTMENT**

Introduced by Legislator Craig Brennan, Chairman of the Solid Waste Committee.

Whereas, the Sr. Account Clerk at Grade A19 Step 7 (\$19.27/hr.) in the Solid Waste Department has been re-classified by Civil Service as a Principle Account Clerk.

Now, Therefore, 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 Solid Waste Department, to approve the Sr. Account Clerk re-classification to Principle Account Clerk at Grade A23 Step 3 (\$19.44/hr.), effective November 6, 2013

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

November 5, 2013

Moved by Legislator Boyd, seconded by Legislator Wallace, and adopted.

**RESOLUTION NO. 453 - 2013
RESOLUTION TO TRANSFER FUNDS
TRAIL PROGRAM**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

BE IT RESOLVED, as follows:

Section 1. That the following transfer of funds is hereby approved in the Trail Maintenance accounts to purchase a 6-piece cordless set and storage container:

From:

A7990.4604 (Trail Work) \$4,692.00

To:

A7990.2233 (Vehicles & Related Equip) \$4,692.00

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

Moved by Legislator King, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 454 - 2013
RESOLUTION TO SET PUBLIC HEARING ON
2014 TENTATIVE LEWIS COUNTY BUDGET**

Introduced by Legislator Jack T. Bush, Chairman of the Ways and Means Committee.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. In accordance with County Law Section 359, the Lewis County Board of Legislators hereby sets the public hearing on the 2014 Tentative County Budget to be held in the second floor board room of the County Court House, State Street, Lowville, New York on the 19th day of November, 2013 to begin at 5:00 p.m.

Section 2. That this resolution shall take effect immediately.

Moved by Legislator King, seconded by Legislator Boyd, and adopted.

November 5, 2013

**RESOLUTION NO. 455 - 2013
RESOLUTION AUTHORIZING REFUND TO
FEDERAL GOVERNMENT SOCIAL SERVICES**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

Whereas, the County of Lewis has collected Home Energy Assistance program (HEAP) funds; and a portion of the funds are hereby returned to the Federal government.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the sum of \$33,558.00 be expensed to Account No. A6141.4999 - HEAP Expense.

Section 2. That this return of Federal Aid in the amount of \$33,558.00 shall also be reflected as a reduction to Revenue Account No. A46410-Federal HEAP.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator Burke, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 456 - 2013
RESOLUTION TO REPEAL RESOLUTION NO. 423 - 2013**

Introduced by Legislator Paul Stanford.

WHEREAS, the Board of Legislators has heretofore adopted Resolution No. 423 - 2013 wherein the Board authorized a Contract For The Purchase And Sale of a certain parcel of land located on State Route 26, in the Town of Lowville, County of Lewis and State of New York consisting of approximately 2 acres of land, together with the improvements located thereon consisting of a steel frame building of approximately 16,000 square feet and more commonly known as "Lewis Lanes"; and

WHEREAS, the Board of Legislators wishes to repeal Resolution No. 423 - 2013 and to withdraw from the Contract For The Purchase And Sale;

NOW, THEREFORE, be it resolved as follows:

Section 1. The Board of Legislators hereby repeals Resolution No. 423 - 2013 and formally withdraws from the Contract For The Purchase And Sale of the above described Real Property.

November 5, 2013

Section 2. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to make, execute, seal and deliver such writings, documents or instruments necessary to fulfill the intent of this Resolution on such form(s) as may be approved by the County Attorney.

Section 3. That this Resolution shall take effect immediately.

Moved by Legislator Stanford, seconded by Legislator Lucas.

Legislator Hathway stated for the record the reasons for his initial vote in favor of this purchase; that he had looked at the bid prices that had come in for the proposed for the new building and compared the \$180 per square foot cost proposed for the new building; with his very generous calculation of \$154 per square foot to purchase and renovate Lewis Lanes. He estimated \$234 per sq. ft. to build a new similar size 16,000 sq. ft. building. He estimates 14,138 sq. ft. of the building would adequately house desired offices, without a mezzanine. He also looked at the debt payments for total project cost for Lewis Lanes, he proposed, of \$2.5 Million at 4.5% interest over 20 years, and considering County rent savings at 3.5% annual increases, and concluded that the County would ultimately be saving \$111,000 per year. Legislator Hathway invoked he had put a lot of thought into the issue, and made a good business decision. He reiterated Legislator Bush's statement that a business owner should be able to decide when or if they want to sell their business.

While expressing respect for his colleague's opinion, Legislator Lucas disagreed, citing the studies and analyses over the past 6 years and respective expenditure of nearly \$1 Million to explore, research and develop a long-term solution for office space needs. He deemed it unethical for some Legislators to assume architectural and engineering capabilities and submit this as an alternate solution within a few days. Reiterating his plea prior to last week's vote, he implored "Why can't we wait?" He added that he was accused of moving too fast when voting on the new building, but there the urgency was whether or not to award bids. Legislator Lucas does not feel the purchase of Lewis Lanes is a good idea, predicting that the cheaper building will not sustain itself for the next 50 years.

Legislator Hathway took exception to Legislator Lucas's comments, exclaiming he does not purport any pretense of being an architect or engineer, clarifying that he performed calculations based on construction quotes and appropriately deliberated prior to making his vote.

Legislator King asserted that in addition to this proposed purchase, there will be other County building expenses including \$2.5 Million to renovate the Social Services building. He also expects \$400,000 for repair of the parking lot, and unidentified costs to address drainage issues. The proposed new Stowe Street construction addressed all needs. He said he was not convinced that after adding the aforementioned to the ultimate cost of Lewis Lanes purchase, renovations, parking lot and other unknown contingencies would not equal or exceed the estimates of building a new building.

November 5, 2013

Legislator Burke queried whether to invoke discussion on legal ramifications. Legislator King invoked "It would not change his vote"; and Legislator Stanford stated "It would not change his either". I have the right to change my mind, he added.

Chairman Tabolt recognized the need for office space, but could not see the new construction happening "Without bankrupting the County". Alternatively, he perceived the need for urgent action, or be left without options for office space. Specifically, the owner of our leased space was prepared to bind leases with other tenants immediately, for space that was feasible for County offices. Chairman Tabolt's initial response to Lewis Lanes owners was to query why they wouldn't try to sell it elsewhere? Considering their financial investment, they did not deem it feasible for a prospective business opportunity. "We made a deal, he concluded, and I need to live by it".

In response to Legislator King, Treasurer Patricia O'Brien confirmed her recommendation that there was adequate County funds to either construct the new building or upgrade and renovate emergency communications, but not both. Legislator King, again, opined that construction costs would be offset by State Aid of \$4.7 Million due to Social Services occupancy, and the remainder financed by windmill revenues over the next eight (8) years. He concluded, "It wouldn't have cost the taxpayers one cent".

Legislator Burke imparted he made a good business decision, and was "Not flip flopping his vote", while surmising the issue will be decided by the Court. He deferred to the incoming Legislators, referencing an alternate proposal by Dan Myers.

The resolution was then adopted by the following roll call vote:

AYES: Boyd, Bush, King, Lucas, Stanford, Wallace
NAYS: Burke, Hathway, Tabolt
ABSENT: Brennan

OTHER BUSINESS:

Legislator Hathway thanked retiring Legislators for their support during his inaugural days as Legislator, relaying his pleasure to have worked with them.

The Clerk read a proclamation signed by Chairman Tabolt declaring the week of December 2-6, 2013 as "Employee Learning Week".

There being no other business to come before the Board, the meeting adjourned on motion by Legislator Hathway seconded by Legislator Stanford and carried at 6:48 p.m.

November 19, 2013

**SECOND DAY
ANNUAL SESSION
November 19, 2013**

The meeting was called to order at 5:00 p.m. by Chairman Michael A. Tabolt.

Roll Call: All Legislators were present, except Legislators Lucas and Stanford whom had been excused.

Legislator Hathway offered the Invocation with a moment of silence for all those who have passed, followed by Chairman Tabolt leading the Pledge of Allegiance to the Flag.

Chairman Tabolt announced that minutes of the 10/1, 10/8, 10/28 and 11/5/13 Board meetings were approved.

There were 17 persons present.

REPORT OF THE RULES AND LEGISLATION COMMITTEE:

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

Dated: November 19, 2013

Philip Hathway
Craig Brennan
Committee

Legislator Burke made a motion to waive the rules, seconded by Legislator Bush and carried.

Chairman Tabolt opened the public hearing for comments on the 2014 Tentative County Budget at 5:06 p.m.

PRIVILEGE OF THE FLOOR:

Ways and Means Committee Chairman Jack Bush read his prepared Budget Message which is printed in its entirety in the November 5, 2013 meeting minutes. It concludes a levy of \$14,572,267 resulting a \$7.59/thousand dollar of assessment tax rate, representing a \$.42 cent increase over last year, but a decrease from 2008 of \$7.74.

Cameron Housley and David Allen of Spillman Technologies referenced the Board's action to defer signing their contract until being notified of State grant funding approval. They have willfully agreed to assume the risk to hold the County financially harmless pending grant approval. They deem this as typical procedure for contractual agreements that involve pending grant funding. Mr. Allen encourages execution of the contract to allow them to include Lewis County in their implementation schedule.

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Atty. Graham confirmed inclusion of the terms and conditions are contingent upon the County receipt of grant funding otherwise the contract becomes null and void. Any performance by Spillman prior to the grant notification is done at their own risk. Upon the Board's approval, he stated, the contract is prepared for execution at the conclusion of this meeting.

Legislator King expressed his gratitude to Mr. Allen and Mr. Housely for their willingness to hold the County harmless unless State grant funding is received. He then made a motion to authorize the Chairman to execute the Spillman Technologies, Inc. contract, seconded by Legislator Boyd.

Legislator Brennan relayed the current software expense is much less cost that what is proposed with the upgrades, respectfully requesting Legislator King to explain why he favors Spillman's product. Legislator King reported that previous upgrades were determined incompatible. Of the various proposals received, he asserts Spillman offers a "top of the line" product with various features. He relayed confidence in their performance ability after speaking with others that have Spillman products. Legislator King is particularly pleased with the compatibility with Jefferson County, whereby Lewis could dispatch from their center if necessary. At Chairman Tabolt's request, Legislator King stated that each Legislator would be provided a copy of the maintenance agreement for their review. Atty. Graham added that the agreement contains a one-year warranty and 10-year maintenance thereafter.

The motion to execute the agreement was then carried.

Legislator King announced that proposals for the microwave and radio upgrades would be opened on November 22, 2013 at 3:30 p.m., estimating several weeks to review and analyze before a recommendation could be made to the Board.

Mr. Michael Leviker, Sheriff Department employee, declared his comments were personal and not representative of the Sheriff or Department. He encouraged increased funding for recreation patrols and purchase of a snowmobile, adding the last new sled was purchased in 2008. Lewis is one of the top three Counties State-wide having recreation trails. Of the State's reported last season total of 193 snowmobile accidents, 36 occurred in Lewis County. The Department's fleet of seven (7) snowmobiles has depleted to three (3). Mr. Leviker reported last season trail counters at various County sites recorded a total of 70,419 snowmobiles. Efforts, he stated, have been made to provide law enforcement presence, which has waned over the past couple of years. He cited expressed public concerns for overall safety due to the absence of patrols on the waterways, as well as trails.

In response to Legislator Hathway, Mr. Leviker estimated the cost of a snowmobile at \$8,200, 50% of which could be reimbursed through available State funding. Sheriff Michael Carpinelli reported his continued efforts to work out specific details to accept a Snowmobile Club's offer to donate a snowmobile for patrols, to enhance not only public safety, but his officers' as well.

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PRESENTATION OF COMMUNICATIONS AND NOTICES:

Osceola Public Library Director/Librarian Leona M. Chereshnoski penned a letter of request for supportive County appropriations, impressing the importance of their rural library, particularly students that utilize computers and internet, whom otherwise have no technology access. She had included several pictures and messages drawn and composed by youth participants of their summer reading program.

REPORTS OF STANDING COMMITTEES:

Legislator Philip Hathway, Hospital Committee Chairman, relayed the impending decision whether to pay the NYS Retirement pension costs in December for a substantial savings, or defer the payment until the 2014 due date.

Legislator Jack Bush, Ways and Means Committee Chairman urged support to adopt the Tentative 2014 County Budget as proposed.

Legislator John Boyd, Courts and Law Enforcement Committee Chairman, made a motion to authorize Sheriff Carpinelli to purchase a UTV for ATV patrol. Legislator King recollected the Committee had tabled the issue pending the Sheriff reporting the intended use to Trail Coordinator Jackie Mahoney, prior to deciding whether to encumber funds for the purchase. Legislator Brennan concurred with Legislator King's understanding. Sheriff Carpinelli has no issue with deferring the decision, because the machine would not be used until next spring.

Legislator Patrick Wallace, Reforestation Committee Chairman, reported a bid opening scheduled for Nov. 21st 15 8:30 a.m.

COUNTY MANAGER REPORT:

Acting County Manager Michael Tabolt relayed receipt of correspondence from Bill Gleason from the Office of Disabled American Veterans' Transportation. The agency will provide two (2) vans to transport local veterans to medical appointments. They goal is to obtain commitment from 15-20 volunteer drivers, and one or two coordinators, with plans to implement the program early next year. Mr. Gleason has forwarded notices to several local officials and media sources. An initial meeting is scheduled for 12/8/13 in Lowville to ascertain local interest and support.

COUNTY TREASURER REPORT:

Treasurer Patricia O'Brien reported receipt of State Taxation and Finance notification that the County's increased sales tax will take affect 12/1/2013.

It being 5:37 p.m., and no other person wished to comment, Chairman Tabolt declared the public hearing closed on the 2014 Tentative County Budget.

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RESOLUTIONS:

**RESOLUTION NO. 457 - 2013
RESOLUTION AMENDING 2014 TENTATIVE COUNTY BUDGET
DATA PROCESSING & RADIO EQUIPMENT**

Introduced by Legislator Jerry King, member of the Board of Legislators.

Whereas, the Board of Legislators wishes to increase appropriations for the Data Processing and Radio Equipment account to support the emergency communications upgrade project.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby amends the 2014 County Tentative Budget by increasing the appropriation for Data Processing & Radio Equipment Account No. A9950.9940 by \$800,000.00 for a total of \$858,000.00.

Section 2. That the above increased appropriation shall be offset by an \$800,000.00 appropriation decrease in Account No. A9950.9921 County Projects for a total of \$277,016.00.

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

Moved by Legislator King, seconded by Legislator Boyd.

Legislator Hathway expressed his understanding the amount was \$600,000. Legislator King responded his preference to secure \$800,000 windmill PILOT revenue annually for eight years to cover the County's estimated \$6 million portion of the overall upgrade project. If the system is not ultimately built, the monies could be transferred, he added.

Legislator Hathway affirmed the un-appropriated balance of windmill revenue at \$277,000.

Treasurer Patricia O'Brien clarified that \$58,000 of the total Capital Account appropriation was designated for data processing expenses.

In response to Legislator Hathway, Mrs. O'Brien confirmed a \$1 Million current balance in the Capital Radio Equipment account. Legislator King stated that if the project is implemented those monies will finance the \$600,000 consulting agreement.

Legislators King further responded that if the Board commits to the project, the funds should be reserved, as opposed to increasing the tax levy. In reference to the lower windmill revenue account balance for unforeseen or unanticipated expenses throughout the

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year, he declared “We need to make hard decisions”. In response to Legislator Brennan, he invoked that the fund balance is there for emergencies not for day-to-day operations.

Legislator Hathway reiterated his concern with the lower windmill revenue balance, but concurred with allocating annual revenue appropriations to finance the project. Legislator King affirmed his commitment to the radio project, expressing his confidence that the Board could control expenditures, and the fund balance could be utilized for unanticipated emergencies.

Legislator Brennan reiterated concern for the depleting fund balance due to up-fronting for Hospital expenses, while citing potential bridge rehabilitation costs. Legislator King referenced the Hospital’s indebtedness to the County, impressing the importance that they attain independent financial viability.

Legislator Burke was assured by Mrs. O’Brien that the monies could be allocated at the Board’s discretion.

The bid proposals are due on 11/22/13 and will provide a better understanding of the actual project cost.

Sheriff Carpinelli urged patience on the radio project, concurring that the project is progressing in a positive way, while inferring a decision about the State grant funds should be known soon.

The resolution was then adopted. Legislator Brennan was opposed.

**RESOLUTION NO. 458 - 2013
RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR
COMMENCING JANUARY 1, 2014 MAKING APPROPRIATIONS
FOR THE CONDUCT OF COUNTY GOVERNMENT AND
ESTABLISHING RATES OF COMPENSATION FOR OFFICERS
AND EMPLOYEES FOR FISCAL YEAR 2014**

Introduced by Legislator Jack T. Bush, Chairman of the Ways and Means Committee.

WHEREAS, the governing body has met and considered the 2014 Tentative County Budget and has conducted a public hearing thereon as required by Section 359 of the County Law.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the Tentative Budget as amended and revised and as hereinafter set forth is hereby adopted and that the several amounts as set forth in the “Adopted” column

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of such budget be and hereby are appropriated for the objects and purposes specified, and the salaries and wages set forth in Schedule 5 of that budget shall be and hereby are fixed at the amount shown therein, or by employees' contract effective January 1, 2014.

Moved by Legislator Burke, seconded by Legislator Boyd, and adopted by the following roll call vote:

YEAS: Boyd, Burke, Bush, Brennan, Hathway, Wallace, Tabolt
NAYS: King
ABSENT: Lucas, Stanford

**RESOLUTION NO. 459 - 2013
ASSESSING AND LEVYING AMOUNT OF TAX CALLED FOR
UNDER THE COUNTY BUDGET AS ADOPTED BY THE BOARD OF
LEGISLATORS ON THE 19th DAY OF NOVEMBER 2013
AS PROVIDED FOR UNDER COUNTY LAW**

Introduced by Legislator Jack T. Bush, Chairman of the Ways and Means Committee.

WHEREAS, the Board of Legislators of the County of Lewis by Resolution No. 458 -2013 adopted on the 19th day of November 2013, has adopted a County Budget for fiscal year 2014; and

WHEREAS, the said Board of Legislators by Resolution No. 458 - 2013 adopted on the 19th day of November 2013, has made appropriations for the conduct of Lewis County Government for fiscal year 2014.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That there be, and hereby is, assessed and levied upon and against the taxable property of the County of Lewis liable therefore the sum of \$14,572,268.

Moved by Legislator King, seconded by Legislator Brennan, and adopted by the following roll call vote:

YEAS: Boyd, Burke, Bush, Brennan, Hathway, King, Wallace, Tabolt
NAYS: None
ABSENT: Lucas, Stanford

**RESOLUTION NO. 460 - 2013
RESOLUTION FOR MAINTENANCE ON THE
COUNTY ROAD SYSTEM FOR THE YEAR 2014**

November 19, 2013

Introduced by Legislator Jack T. Bush, Chairman of the Ways and Means Committee.

WHEREAS, the County Superintendent of Highways of Lewis County, pursuant to Section 129 of the Highway Law, has made and prepared an estimate for maintenance and repair of County roads covering a proposed program for maintenance of 248.6 miles of County roads; and

WHEREAS, the Committee, having examined the said proposed program, respectfully recommends the same be approved.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the proposed program for county road maintenance as submitted by the County Superintendent of Highways be and hereby is approved.

Section 2. That there be and hereby is appropriated and set aside from the County Road Fund as defined in Section 110 of the Highway Law the sum of \$ 1,026,758.00 as recommended in the report of the County Superintendent of Highways.

Section 3. That the County Treasurer be and hereby is authorized and directed to disburse from the County Road Fund said money on order from the County Superintendent of Highways pursuant to law.

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

Moved by Legislator Boyd, seconded by Legislator Brennan, and adopted.

**RESOLUTION NO. 461 - 2013
RESOLUTION FOR SNOW REMOVAL ON
COUNTY ROAD SYSTEM FOR THE YEAR 2014**

Introduced by Legislator Jack T. Bush, Chairman of the Ways and Means Committee.

BE IT RESOLVED as follows:

Section 1. That the proposed program of snow removal on the County Road System as submitted by the County Superintendent of Highways, be and hereby is approved.

Section 2. That there be and hereby is appropriated and set aside from the County Road Fund as defined in Section 110 of the Highway Law the sum of \$ 1,804,966.00, as recommended in the report of the County Superintendent of Highways.

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Section 3. That the County Treasurer be, and hereby is, authorized and directed to disburse from the County Road Fund said money on order from the County Superintendent of Highways, pursuant to Law.

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

Moved by Legislator Boyd, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 462 - 2013
RESOLUTION AUTHORIZING THE SUPERVISOR
OF EACH TOWN IN THE COUNTY OF LEWIS TO ADD
TO THEIR TAX WARRANT THE 2014 COUNTY TAX
APPORTIONED TO EACH**

Introduced by Legislator Patrick Wallace, Chairman of the Taxation Committee.

BE IT RESOLVED as follows:

Section 1. That the Supervisor of each Town in Lewis County be, and they hereby are authorized and directed to add the amount of the apportioned 2014 County Tax to the warrant payable to the Tax Collector of their Town, and that the sums collected be paid to the Treasurer of Lewis County, and shall be paid out by her pursuant to Law.

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

Moved by Legislator King, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 463 - 2013
RELEVYING UNPAID SCHOOL TAXES AND
VILLAGE TAXES ON ASSESSMENT ROLLS**

Introduced by Legislator Patrick Wallace, Chairman of the Taxation Committee.

WHEREAS, the various school districts and villages in the County of Lewis have made their return of unpaid school taxes and village taxes to the County Treasurer as required by law.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the Lewis County Treasurer is hereby authorized to re-levy such returned school taxes and village taxes on the individual parcels as listed on the school returns and the village return to the corresponding parcels listed on the 2013 Assessment Rolls for the seventeen (17) Towns in Lewis County.

November 19, 2013

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

Moved by Legislator Boyd, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 464 - 2013
RESOLUTION AUTHORIZING COUNTY TREASURER
TO MAKE NECESSARY BUDGET TRANSFERS**

Introduced by Legislator Jack T. Bush, Chairman of the Ways and Means Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby authorizes the Lewis County Treasurer to make such inter-fund departmental transfers as are necessary to close the books for the 2013 fiscal year.

Section 2. That this resolution shall take effect immediately.

Moved by Legislator Boyd, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 465 - 2013
RESOLUTION AUTHORIZING TREASURER
TO CARRY FORWARD APPROPRIATIONS**

Introduced by Legislator Jack T. Bush, Chairman of the Ways and Means Committee.

WHEREAS, many resolutions are adopted throughout the year that affect funding for the successive year; and

WHEREAS, at the end of the fiscal year all unused balances are closed to the fund balance.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby authorizes the Lewis County Treasurer to make such entries as may be necessary to carry forward certain balances into 2014.

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

Moved by Legislator King, seconded by Legislator Wallace, and adopted.

November 19, 2013

**RESOLUTION NO. 466 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO SHERIFF'S DEPARTMENT**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement 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 Sheriff's Department, to authorize the Sheriff to fill the following Temporary position to fill in during the medical leave of the Sr. Account Clerk/Typist, effective immediately:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Secretary to the Sheriff	Temporary (Up to 35 hrs./week)	\$17.00/hr.

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

Moved by Legislator Bush, seconded by Legislator Brennan, and adopted.

OTHER BUSINESS:

There being no other business to come before the Board, the meeting adjourned on motion by Legislator Brennan, seconded by Legislator Bush and carried at 5:52 p.m.

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**THIRD DAY
ANNUAL SESSION
December 3, 2013**

The meeting was called to order at 5:00 p.m. by Chairman Michael A. Tabolt.

Roll Call: All Legislators were present.

The Invocation and a moment of silence for all those deceased was offered by Legislator Hathway, followed by Chairman Tabolt leading the Pledge of Allegiance to the Flag.

There were 24 persons present.

REPORT OF THE RULES AND LEGISLATION COMMITTEE:

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

Richard Lucas, Chairman
Philip Hathway
Craig Brennan

Dated: December 3, 2013

Legislator Burke made a motion to waive the rules, seconded by Legislator Boyd and carried.

Chairman Tabolt opened the hearing for comments on the Community Development Block Grant application for first-time homeowners; and Local Law Introductory No. 11- 2013 “Establishing the Recreation, Forestry and Parks Department”.

PRIVILEGE OF THE FLOOR:

Director of Economic Development Eric Vrikler stated that the Small Cities Community Development Block Grant Program is a federally funded program authorized by Title I of the Housing and Community Development Act of 1974 administered by the New York State Housing Trust Fund Corporation’s Office of Community Renewal. Approximately \$40 million is available for Program Year 2013. The program provides funds to municipalities that can be used for housing rehabilitation; homeownership; public facilities projects, and public infrastructure, such as water and sewer projects and Economic Development projects. The grants are made on an annual basis. Housing activities are applied for under the Housing Resources application process and funding for the other activities are applied for through the NYS Consolidated Funding Application earlier this year. A county can apply for up to \$750,000 for housing activities, provided these projects meet the national objectives of benefiting low and moderate income families; preventing or eliminating slums or blight; or meeting other urgent community development needs.

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At least 51% of the persons benefiting must be low and moderate-income persons according to the HUD income limits provided in the application. 70% of the NYS CDBG funds must benefit low and moderate income persons. Preventing slums and blight could involve demolition of dilapidated buildings in an area in which more than 51% of the residents are low and moderate income persons or in a declared disaster area. Meeting other urgent needs could be a water or sewer project in which the community was under a consent order from NYSDEC or it could be activities in declared disaster areas. The urgent need would have to be relatively recent in order to qualify.

Housing rehabilitation or home ownership projects that would directly benefit income eligible households would meet the national objective of benefiting low and moderate income persons.

The Small Cities program encourages communities to minimize displacement of persons benefiting from the program. Depending on the activity proposed, displacement should not be a problem. For housing activities, homeowners should not encounter displacement unless the home to be renovated contains extensive lead based paint that would require the family to be out of the home while it is being remediated.

This public hearing is to meet the application requirement to solicit citizen comments. A second public hearing will be held after the application is awarded to discuss the award amount and program administration and activities.

Snow Belt Housing Company, Inc. Executive Director Cheryl Shenkle-O'Neill proposed consideration for a housing rehabilitation application for up to \$750,000 (it may be less depending on the need identified). The program would provide assistance to income eligible homeowners with a 100% deferred payment loan for up to \$35,000 per unit that would become a grant as long as they remain in their home for five years. Types of rehabilitation activities to be undertaken would include plumbing, electrical, roof, windows, insulation, well and septic replacement, and any work that would reduce health and safety hazards. Snow Belt Housing would administer the grant as a sub-recipient of the county. They are soliciting applications from income eligible households to demonstrate there is a need in the county for this type of program. Anyone who is interested is urged to call them at 315-376-2639.

Mrs. O'Neill requested permission to submit the application on behalf of the County. If the home is sold prior to five years after program renovations, the owner is required to repay proportionately. Current program funds, she said, are nearly exhausted. In response to Legislator Hathway, she reported an average of 10-15 homes are rehabilitated within the two-year grant period; while utilizing additional State funds allocated for housing rehab.

In response to Legislator Brennan, Mrs. O'Neill stated candidates are chosen based on greatest need upon meeting eligibility requirements of low-income homeowner occupied for at least one year with a mortgage in good standing. Forty percent of applicants are elderly, compared to fifteen percent of the overall County population. The

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program most recently assisted a household of five from a two-bedroom to a four-bedroom home in the Village of Lowville.

The program, Mrs. O'Neill stated, is available to homeowners within the entire County. The State had recently notified that the deadline for application submission had been extended from 12/20/13 to January 17, 2014. However, she urged those interested to submit their application within the next two weeks. As part of the application, Snow Belt Housing must conduct a case study to determine average housing renovation costs, for which the Economic Development and Real Property Tax Department personnel had provided specific data that indicates potential housing candidates throughout the County.

Lewis County Cooperative Extension Executive Director Michele Ledoux reported on her recent attendance in China at a New York Trade Show that showcased Lewis County maple syrup and maple cream products. China chooses to market these products to middle class residents, while concerned for their quality of food products. She is planning an educational session for interested persons or groups of producers that may choose to consolidate their quantities for an exporting opportunity. Participants must provide various business and product certifications. One of the primary requirements is for the product to be shelf-stable for up to one year. Mrs. Ledoux reported this as Chinese participants' first time exposure to maple products, while indicating that China's regulatory impositions and requirements far exceed our local regulations.

Mrs. Ledoux also reported opening of a shared-use kitchen at the Madison Barracks in Jefferson County, which provides storage space, equipment and freezer-capability for processing and packaging any product and selected volumes. The facility is available for any Lewis County farmer to process their self-grown produce into a saleable product without the risk or cost of starting their own business.

PRESENTATION OF COMMUNICATIONS AND NOTICES:

The Cortland County Legislature submitted a resolution urging the New York State Legislature to increase funding for public transportation and allow local distribution of allocated NYS Department of Health transportation funds, to assist Medicaid recipients for reliable transportation to non-emergency medical appointments.

The Delaware County Board of Supervisors forwarded a resolution in support of establishing a State Southern Tier Office of Mental Health encompassing 15 counties. It would relieve the traveling burden for in-patients previously served at the soon-to-be-closed State-operated Elmira Psychiatric Center and Greater Binghamton Health Center.

REPORTS OF COUNTY OFFICERS AND DEPARTMENTS:

The Clerk reported distributing to all Legislators copies of the County Treasurer's November monthly report; the 11/22/13 Highway Audit report; the 11/20/13 Solid Waste Audit Report; and the 10/28/13 meeting minutes of the Soil & Water Conservation District Board of Directors.

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The Lewis County Election Commissioners have submitted the November 5, 2013 Certificate of Elections, to be placed on file with the Clerk of the Board.

REPORTS OF STANDING COMMITTEES:

Legislator Philip Hathway, Hospital Committee Chairman, reported the Board of Managers and some doctors will meet with the Stroudwater Group to formulate and clarify proposed operational variations to be implemented, in response to health industry changes. He commended Stroudwater representatives for their beneficial performance.

The Dialysis Unit is scheduled to open on 3/31/2014 with 15 current patient registrants, of the 32 total capacity.

A 3-day Federal and State nursing home audit resulted in two reported deficiencies; specifically, a kitchen worker not having a properly fitted hair net, and one resident who was not asked if they wanted to vote in the general election.

Legislator Hathway further reported an audit of the Hospital-administered Certified Home Health Agency program. He favorably cited the resulting two-page deficiency report when compared to the program transitional 40-page deficiency report; while grateful for the Hospital's willingness to relieve the County's \$750,000 program burden.

Legislator Hathway extended an invitation to meet the new orthopedic surgeon at a reception later this week in the Dr. Herrman Memorial Conference Room; and announced Dr. Stillerman as the employee-of-the-month.

Legislator Hathway reported a \$1,707,469 year-to-date operating loss as of 10/31/13, compared to a projected budget surplus of \$30,000. The loss is largely attributed to the lack of critical access designation, which had reasonably been expected. The Hospital's year-to-date debt to the County is \$1,041,000, increasing the current total debt to \$5.8 Million. He expressed optimism that the outlined repayment plan may be attainable; reporting anticipated receipt of the Hospital IGT funding reimbursement on 12/4/13. Although the nursing home IGT is not expected until February or March 2014, he said, the amount may be as much as 50% more than originally estimated.

Considering that the IGT reimbursement will not arrive before the February pension due date, Legislator Hathway made a motion to pre-pay the retirement cost by 12/15/13 to avail a \$67,000 savings. The motion was seconded by Legislator King and carried.

Legislator Jack Bush, Ways and Means/Buildings and Grounds Committee Chairman, made a motion to transfer from the Trails, Sheriff and Social Services accounts, the unexpended appropriated balance for purchase of vehicles after related payments have been processed. As an example, FEMA monies were utilized to purchase a Highway vehicle, and the balance should be transferred into the Capital Equipment account, he said.

The motion was seconded by Legislator Hathway and carried.

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Legislator Bush reported researching available handicapped parking at the Lowville Commons building, affirming the spaces are compliant with the Americans' Disability Act. However, a couple of the spaces have pavement designations that are not identifiable during winter snow cover, and reports sighting a nearby light pole, on which a handicapped sign could be attached. He has relayed this information to Village of Lowville Superintendent Mark Tabolt, who has agreed to review the signage at that location.

Legislator Bush also stated that Building Supervisor Frank Archer reports that all buildings and equipment have been readied for winter weather.

Legislator John Boyd, Courts and Law Enforcement Committee Chairman, announced notification by the State of the \$6 Million County grant award for the emergency communications upgrade project.

Legislator Jerry King, Veterans Services Committee Chairman, reported 2,042 personnel contacts, of which 1,153 were directly with veterans. The total amount of new retroactive benefit awards received year-to-date is \$576,707, being \$276,000 above the overall 2012 total. There are 152 current open cases, which is 39% greater than last year.

Legislator King made a motion to authorize Clerk of the Board Teresa Clark to fill a permanent part-time Clerk position, effective January 1, 2014. The position was created and allocated in the adopted budget. The motion was seconded by Legislator Bush and carried.

Legislator Richard Lucas, Economic Development Committee Chairman, referenced proposed Resolution No. 480 to expend \$45,000 for coordinated development of a website, mobile apps and related marketing to promote the recreational assets and businesses within the County, as a result of discussion at the recent economic development conference. At his request, Senior Planner Frank Pace relayed the goal for a one-stop website for marketing the entire County with specific apps enabling a refined search for any of various categories. The Economic Development, Planning and Trails Departments will partner with the Chamber of Commerce to seek consultants to accomplish a multi-layered comprehensive website to market businesses, County and municipal governments, and the various recreational opportunities and events. Three similar County websites were researched to determine an estimated budget. The goal for website implementation is next summer with an app that identifies recreation trails with GPS capability. Access will be available through electronic devices, negating the need for cell service, which is unavailable in certain areas of the County. Mr. Pace referenced Lewis County's close proximity to Fort Drum as presenting endless opportunities.

In response to Legislator King, Legislator Lucas asserted the \$45,000 is estimated to implement the website, but presumes there would be additional annual maintenance and upgrade costs.

Legislator Craig Brennan, Transportation Committee Chairman, reported closure of

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two County gravel pits, one each in Glenfield and Turin, which have both been inspected and approved by the NYSDEC. Also, the cost to re-deck the “red-flagged” French Settlement Road Bridge is expected to remain below \$200,000.

Legislator William Burke, Office For Aging/Social Services/Youth Bureau Committee Chairman, reported that Office For Aging personnel have 30 appointments to counsel persons with inquiries about health insurance options, and 77 health insurance comparisons to complete. Also, 304 HEAP program applications have been processed since 11/18/13.

Legislator Burke reported there are several Social Services (DSS) contract renewals proposed. The sole new contract is with CREDO for client assessments and treatment, previously performed through the Recovery Center. DSS personnel are overwhelmed with HEAP applications. Despite an increased number of children in foster care and cases for temporary assistance, the Department anticipates ending the year within budgetary appropriations.

Legislator Burke also reported the Youth Bureau had allocated funding for youth related programs to various agencies and County departments. He commended the youth members of this group, citing their dedication.

Legislator Patrick Wallace, Reforestation Committee Chairman, made a motion to award the low bid of \$30,739.00 for purchase of a 2014 crew cab one-Ton dually 4X4 pickup truck to Carbone Auto Group of Utica, NY. The motion was seconded by Legislator Stanford and carried.

Legislator Wallace recognized the several Legislators-Elect that were present this evening.

Legislator Paul Stanford, Public Health Committee Chairman, announced that Veterinarian Jennifer Nightengale has agreed to replace Dr. Harry O’Connor as the rabies control officer. He also commended Director Penny Ingham for good job performance.

COUNTY TREASURER REPORT:

Patricia O’Brien reported the County’s increased sales tax would be imposed effective 12/1/2013.

COUNTY MANAGER REPORT:

Acting Manager Michael Tabolt reported a request for the Board’s endorsement to revive the Interstate 98 Watertown to Plattsburgh rooftop highway initiative. Ten years ago, the North Country Transportation Study recommended construction of a stand-alone limited access 4-lane highway. Although millions of dollars have been spent confirming the study findings, the NYSDOT has yet to conduct a required environmental impact

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review to initiate the project. Five regional County Legislative Chairpersons have been asked to sign the letter urging the NYSDOT Acting Commissioner to initiate the review.

Legislators Hathway and Boyd expressed their opposition. Legislator Stanford expressed surprise the issue was being revived. Legislator-Elect Lawrence Dolhof recollected the issue was controversial during his previous Legislator term.

Cooperative Extension Executive Director Michele Ledoux relayed attending several meetings in St. Lawrence County as a member of the North Country Transportation Committee, along with Dr. John Miller. A primary issue, she stated, was the proposed spurs going through towns that would change their structure. Legislator Brennan recalled the project being cost prohibitive. Legislator Stanford recalled opposing environmentalists being influential in the project's demise. Legislator Lucas does not believe the multi-billion dollar project could happen, while asserting that if the State is deliberating highway appropriations, he would prefer funding this regional project that would create jobs during the 5-8 construction years, as well as other long-term economic benefits.

Legislator Brennan concurred the project could only benefit our area by providing greater local access. Legislator Hathway disagreed, instead preferring increased State allocations to maintain local roads and highways.

Legislator Brennan made a motion to authorize Chairman Tabolt to sign the letter, seconded by Legislator Lucas. Legislator Lucas added, the Board had previously adopted supporting resolutions. The motion was approved by a vote of 6 to 4, with Legislators Hathway, King, Stanford and Tabolt opposed.

Acting Manager Tabolt reported that the Lewis County flag would be sent to Albany to be displayed with other County flags during Governor Cuomo's upcoming 'State of the State' address.

He further reported that several attorneys are retained to serve as "Conflict Defenders", in addition to the contractual agreement with the McClusky Law Firm. A local attorney has indicated desire to serve in this capacity. Chairman Tabolt charged the Courts and Law Enforcement Committee to consider the respective attorney's proposal to mitigate assigned conflict defenders costs, and make their recommendation to the Board.

He also charged the Buildings and Grounds Committee to make their recommendation after reviewing the Hospital's proposed renewal lease agreement for Public Health's rented office space.

Chairman Tabolt urged Legislators to attend the Lewis County Historical Society's open house tonight from 7 to 9 p.m.

He referenced the meeting with newly elected Legislators and Barnes Corners Sno-Pals President Gary Stinson for discussion on the SNIRT RUN. Legislators indicated general support of the event, while recognizing the need to address outstanding issues.

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Imposing a surcharge or registration fee were suggested to cover respective law enforcement costs, being mindful that any costs should be imposed for all major events, not just one.

Legislator Lucas referenced a similar initiative to charge offsetting law enforcement costs for the moe down event. He cautioned that if fees were imposed, that every recreational event would be subjected, not just one selective event.

Chairman Tabolt charged the Economic Development and Courts and Law Enforcement Committees to develop an distinct plan to address law enforcement and other known issues surrounding recreational events. Legislator-Elect Bryan Moser stated their primary goal was to dispel the obvious negativity, while addressing event costs for law enforcement, highway and trail repairs and maintenance. Legislator-Elect Dolhof encouraged obtaining input and broad -ranged discussions to enhance decisions on how to proceed. Accordingly, Legislator Lucas thought it prudent for new Legislators to attend the December Committee meetings.

Chairman Tabolt reported he had prematurely signed the Nature Conservancy PILOT agreement, while noting the Conservancy's discretionary allocations for the exempt parcels are not subject to County negotiation. He apologized for the error, stating he has proposed a late authorizing resolution for the Board's consideration.

He also reported delivery of three new DSS cars, that a 2007 Impala could be reserved by Court House personnel, that two used cars had been transferred for CHHA personnel, and one of their older cars was transferred to the Sheriff's Department. Additionally, The Friends of Hospice had purchased two new cars for use by program nurses.

It being 6:14 p.m., Chairman Tabolt closed the public hearing for comments on Local Law (Intro. No. 11-2013)" Establishing the Recreation, Forestry and Parks Department"; and the CDBG grant application.

REPORT OF THE WAYS AND MEANS COMMITTEE:

**REPORT OF
WAYS AND MEANS COMMITTEE
ON THE EXAMINATION OF CLAIMS**

To: The Honorable County Legislators

The Ways and Means Committee reports that they have examined the claims presented for payment in the total amount of \$ 957,450.33 and recommend that they be audited and allowed for the amounts claimed.

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Jack Bush, Chair
Philip Hathway, Committee
Jerry King, Committee

Dated: December 3, 2013

Approved on motion by Legislator Lucas, seconded by Legislator King, and carried.

RESOLUTIONS:

**RESOLUTION NO. 467 - 2013
AUDITING AND ALLOWING CLAIMS**

Introduced by Legislator Jack T. Bush, Chairman of the Ways and Means Committee.

RESOLVED that the claims presented for payment in the total amount of \$ 957,450.33 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 Burke, seconded by Legislator Lucas, and adopted by roll call vote.

All voted Yea.

**LOCAL LAW (INTRODUCTORY NO. 12 - 2013)
COUNTY OF LEWIS
A LOCAL LAW AUTHORIZING MUNICIPAL EXEMPTION
FROM BUILDING PERMIT FEES**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Committee.

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 AUTHORIZING MUNICIPAL EXEMPTION FROM BUILDING PERMIT FEES."

SECTION 2. LEGISLATIVE FINDINGS.

1. Local Law No. No. 9 of the Year 2006 entitled, "A LOCAL LAW AMENDING LOCAL LAW NO. 11 – 2005 AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND

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BUILDING CODE" (herein "Local Law No. 9) states that a permit fee (in such amount as may be set by resolution of the Board of Legislators) must be received by the Lewis County Codes Department at the time that an application for a building permit is submitted. (See, Local Law No. 9, Section 4[k]).

2. The Board of Legislators finds and determines that the assessment of building permit fee for construction projects on municipally owned property impose an unnecessary burden on municipal tax payers.

3. Therefore, the Board of Legislators hereby finds and determines that creating an exemption from such building permit fees for municipal construction projects is in the public interest.

SECTION 3. ENACTMENT AUTHORITY

This Local Law is adopted pursuant to authority provided in section 10 of the Municipal Home Rule Law of the State of New York.

SECTION 4. EXEMPTION FROM BUILDING PERMIT FEES FOR MUNICIPALITIES

1. Notwithstanding any local law or resolution to the contrary, any building permit application received on or after January 1, 2014 from or on behalf of a municipality shall be exempt from the payment of a permit fee.

2. The exemption from paying a permit fee does not otherwise exempt a municipality from otherwise complying in all respects with the requirements of Lewis County Local Law No. 9 -- 2006, the New York State Uniform Fire Prevention and Building Code or the State Energy Conservation Construction Code.

SECTION 5. EFFECTIVE DATE

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

RESOLUTION NO. 468 - 2013 FIXING DATE OF PUBLIC HEARING ON LOCAL LAW (INTRODUCTORY LOCAL LAW NO. 12 - 2013), COUNTY OF LEWIS

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement Committee.

WHEREAS, there will be presented and introduced at a meeting of this Board of Legislators to be held on December 3, 2013 a proposed Local Law entitled "A LOCAL LAW AUTHORIZING MUNICIPAL EXEMPTION FROM BUILDING PERMIT FEES."

December 3, 2013

Now, therefore, BE IT RESOLVED as follows:

Section 1. That a public hearing will be held on December 19, 2013, from 10:00 a.m. to 10:30 a.m., before the Lewis County Board of Legislators on the Second Floor Board Room at the Lewis County Courthouse, New York, 7660 North State Street, Lowville, New York to hear all persons for or against such local law.

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

Moved by Legislator King, seconded by Legislator Brennan, and adopted.

**A LOCAL LAW INTRODUCTORY NO. 13-2013
COUNTY OF LEWIS
A LOCAL LAW AMENDING AND RE-STATING LOCAL LAW NO. 4-1956
COUNTY OF LEWIS, AS SUBSEQUENTLY AMENDED, BEING A LOCAL LAW
ENUMERATING RULES AND REGULATIONS OF THE ADMINISTRATION OF
THE LEWIS COUNTY SELF-INSURANCE PLAN**

Introduced by Legislator Richard Lucas, Chairman of the Workers' Compensation Committee.

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

SECTION 1. That Local Law No. 4-1956, County of Lewis, as subsequently amended, entitled "A LOCAL LAW ENUMERATING RULES AND REGULATIONS OF THE ADMINISTRATION OF LEWIS COUNTY SELF-INSURANCE PLAN" is hereby amended and re-stated to read as follows:

SECTION 2. Rules and Regulations for the Administration of the Lewis County Self-Insurance Plan are hereby promulgated.

- A. In addition to the County, the following shall be deemed eligible to participate in the Lewis County Self-Insurance Plan (1) all of the seventeen (17) Towns and nine (9) Villages within the County; (2) Lewis County Search & Rescue, Inc. effective January 1, 1994; and (3) Lewis County Soil & Water Conservation District pursuant to Workers' Compensation Law Section 63 subdivision 5.

Eligible participants as defined in subdivision (A) hereof and other than those in the Plan at the time of its adoption, shall be admitted as of January first following the date of application for participation, provided, however, that a certified copy of a resolution of the governing body of the applicant must be

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filed with the Workers' Compensation Committee (Committee) of the Lewis County Board of Legislators by the preceding July first.

- B. A participant may withdraw from the Plan effective at the end of a fiscal year, by filing with the Committee by the preceding July first notice of such withdrawal.
 - a. Provided, however, that as a condition of such withdrawal, such participant shall pay, in a lump sum or in installments, an equitable share of the outstanding liabilities of the plan as of the date of withdrawal.
 - b. The amount payable by said participant for such withdrawal shall be determined by an actuary based on historical claims data and shall include the cost of such actuarial study, and upon withdrawal shall be paid in full to the Lewis County Self-Insurance Plan, or in such installments and at such dates as the Board of Legislators may determine; or said participant may elect to assume all financial responsibility for each and every claim made against the respective participant without regard to date of occurrence.
 - c. Any payments required upon entry to or withdrawal from the Plan may be financed, in whole or in part, by any municipal corporation or district corporation by the issuance of bonds or capital notes pursuant to the local finance law. (See. Workers' Compensation Law Section 65[1]).
- C. The share of each participant in the Plan shall be collected as provided in Section 67 of the Workers' Compensation Law, except that the share of the Towns and Villages participating in the Plan shall be collected by inclusion in the next succeeding tax levy. The annual estimate of expenses shall be apportioned among the participants in a manner consistent with New York State Workers' Compensation Law and recommended by the Plan Administrator and approved by resolution of the Board of Legislators. The apportionment formula(s) shall be established by resolution and forwarded annually to each participant pursuant to Section 67 of the Workers' Compensation Law by the preceding September first.
- D. A reserve of \$1,000,000 is hereby established for the Plan. Such amount shall be accumulated by including in each annual estimate a sum not to exceed \$10,000. However, beginning in fiscal year 1965 such amount may be accumulated by (a) inclusion in each annual estimate a sum not exceeding \$10,000, or by (b) the transfer to said reserve of any unexpended balance in current funds, or by (c) the addition to said reserve of any income earned from the investment of the funds in said reserve, or by (d) such combination of said methods as the Committee may deem proper. The fist installment shall be included in the annual estimate of 1957. When the amount of the reserve is at

the maximum, any amount expended therefrom shall be restored by one or more of the aforesaid methods, as said Committee may designate.

- E. Every volunteer firefighter/ambulance squad applicant shall undergo a physical examination and be accepted for inclusion under the Lewis County Self-Insurance Plan by the Workers' Compensation Committee or its duly authorized Administrator, before undertaking any of the said volunteer duties. Said physical examination and related forms shall be an expense of the Plan. Failure to take such physical examination and be so approved, shall deny all coverage hereunder to said volunteer.

No participant shall allow an employee or volunteer to assume a position, the duties of which would knowingly aggravate a physical defect or disability.

- F. That no other provision of this Local Law withstanding youths being considered, treated and placed with reference to programs under Section 758-a of the Family Court Act and all related laws, rules and regulations, shall be exempt.
- G. Each participant shall maintain a record of all injuries sustained by respective employees in the course of their employment. Forms or reports to be filed by participants pursuant to this subdivision shall be furnished by and be an expense of the Plan. Reports required to be filed with the New York State Workers' Compensation Board, pursuant to the Workers' Compensation Law ;Volunteer Firefighters' Law or Volunteer Ambulance Law, shall be filed promptly with the Administrator of the Lewis County Self-Insurance Plan. The Committee shall report to the Board of Legislators failure of a participant to file required reports, and the Board of Legislators may take such action as it deems proper as provided herein.
- H. Plan participants shall cooperate with the Committee by promptly filing all required reports, by aiding in the investigation of claims, and the furnishing of any additional aid or information that may be required to carry out the provisions and the intent of the Workers' Compensation Law, Volunteer Firefighter's Law or Volunteer Ambulance Law. The Board of Legislators may, by resolution, impose a fine in an amount not to exceed \$50.00, for the failure to file required reports.
- I. The Board of Legislators may, by resolution, expel a participant for failure to observe the rules and regulations adopted, or for any violation of the provision of the Workers' Compensation Law, Volunteer Firefighter's Law or Volunteer Ambulance Law provided, however, that a participant shall be notified in writing at least thirty (30) days prior to the effective date of expulsion; and further provided, that expulsion shall not relieve a participant from paying its share of the outstanding liabilities of the Plan at the date of expulsion, as determined by an actuary based on historical claims data.

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- J. An employer who knowingly permits or employs a minor to work in violation of any provision of the New York State Labor Law, shall be liable for imposed increased awards provided by Section 14-a of the Workers' Compensation Law.
- K. That the Lewis County Board of Legislators hereby delegates to the Workers' Compensation Committee thereof full power and authority to make and promulgate any and all rules and regulations in connection with the enforcement and administration of the within Local Law provided that such rules and regulations are not inconsistent herewith or inconsistent with any applicable Federal or State laws, rules and regulations.

SECTION 3. That pursuant to Section 3, Group 19 of the Workers' Compensation Law, this Local Law shall cover all employees or officers elective or appointive, or otherwise not enumerated in Section 3, Subdivision 1, Groups 1 to 17 inclusive, of the Workers' Compensation Law.

SECTION 4. That this Local Law shall take effect immediately upon all legal requirements being met.

**RESOLUTION NO. 469 - 2013
FIXING DATE OF PUBLIC HEARING ON LOCAL LAW
(INTRODUCTORY LOCAL LAW NO. 13 - 2013), COUNTY OF LEWIS**

Introduced by Legislator Richard Lucas, Chairman of the Workers' Compensation Committee.

WHEREAS, there will be presented and introduced at a meeting of this Board of Legislators to be held on December 3, 2013 a proposed Local Law entitled "A LOCAL LAW AMENDING AND RE-STATING LOCAL LAW NO. 4-1956 COUNTY OF LEWIS, AS SUBSEQUENTLY AMENDED, BEING A LOCAL LAW ENUMERATING RULES AND REGULATIONS OF THE ADMINISTRATION OF THE LEWIS COUNTY SELF-INSURANCE PLAN."

Now, therefore, BE IT RESOLVED as follows:

Section 1. That a public hearing will be held on December 19, 2013, from 10:00 a.m. to 10:30 a.m., before the Lewis County Board of Legislators on the Second Floor Board Room at the Lewis County Courthouse, New York, 7660 North State Street, Lowville, New York to hear all persons for or against such local law.

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

Moved by Legislator Brennan, seconded by Legislator Boyd, and adopted.

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LOCAL LAW (INTRODUCTORY NO. 14 - 2013)
COUNTY OF LEWIS
A Local Law known as “A LOCAL LAW ESTABLISHING THE SALARIES OF
CERTAIN LOCAL OFFICIALS”.

Introduced by Legislator Jack T. Bush, Chairman of the Ways and Means Committee.

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

SECTION 1.

Commencing January 1, 2014, the Compensation Plan of the County of Lewis shall be amended to provide the following salaries for the following elected County officials and certain County employees appointed to a fixed term of office, to-wit:

County Treasurer	\$ 62,000
County Clerk	\$ 57,490
Real Property Tax Director	\$ 50,406
Sheriff	\$ 66,750

SECTION 2.

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

RESOLUTION NO. 470 - 2013
FIXING DATE OF PUBLIC HEARING ON LOCAL LAW
(INTRODUCTORY LOCAL LAW NO. 14 - 2013), COUNTY OF LEWIS

Introduced by Legislator Jack T. Bush, Chairman of the Ways and Means Committee.

WHEREAS, there will be presented and introduced at a meeting of this Board of Legislators to be held on December 3, 2013 a proposed Local Law entitled “A LOCAL LAW ESTABLISHING THE SALARIES OF CERTAIN LOCAL OFFICIALS.”

Now, therefore, BE IT RESOLVED as follows:

Section 1. That a public hearing will be held on December 19 , 2013, from 10:00 a.m. to 10:30 a.m., before the Lewis County Board of Legislators on the Second Floor Board Room at the Lewis County Courthouse, New York, 7660 North State Street, Lowville, New York to hear all persons for or against such local law.

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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 Stanford, seconded by Legislator Burke, and adopted.

LOCAL LAW (INTRODUCTORY NO. 15 - 2013)
COUNTY OF LEWIS
A LOCAL LAW ESTABLISHING POLICY FOR REIMBURSEMENT OF TOWN
AND VILLAGE CHARGES OTHER THAN RE-LEVIED TAXES

Introduced by Legislator Paul Stanford, Member of the Taxation Committee.

SECTION 1. TITLE:

This local law shall be entitled "A LOCAL LAW ESTABLISHING COUNTY POLICY FOR REIMBURSEMENT OF TOWN AND VILLAGE CHARGES OTHER THAN RE-LEVIED TAXES".

SECTION 2. LEGISLATIVE FINDINGS:

1. By Local Law No. 2 - 1979, entitled "A LOCAL LAW AUTHORIZING COUNTY ENFORCEMENT OF DELINQUENT VILLAGE TAXES PURSUANT TO CHAPTER 619 OF THE LAWS OF 1977, adopted September 4, 1979, the County of Lewis agreed to relevy, collect and enforce delinquent village taxes.
2. The County of Lewis is obligated pursuant to Real Property Tax Law ("RPTL") § 936 to relevy all returned town taxes.
3. The County is statutorily required to reimburse towns and villages for their re-levied taxes.
4. The County is also authorized to accept the relevy of and reimburse municipalities for unpaid sewer and water charges.
5. Towns and villages have the authority to adopt local laws and ordinances that authorize the municipality to levy against real property for unpaid fees and charges including without limitation, building permit fees, demolition and clean-up charges, property maintenance charges, rubbish removal, etc., which charges may become liens against the subject property (herein collectively, "Other Charges"), but regarding which, the County is not required by statute to reimburse the municipality.

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6. The Board of Legislators hereby finds and determines that the County is willing to assist with the collection of such Other Charges and to allow the unpaid Other Charges to be re-levied on the County's tax bill, however, it is not in the best interest of the County to reimburse municipalities for the Other Charges upon such re-levy.

SECTION 3. AUTHORITY:

This Local Law is enacted pursuant to the home rule authority granted by Municipal Home Rule Law § 10.

SECTION 4. POLICY FOR REIMBURSEMENT OF TOWN AND VILLAGE CHARGES OTHER THAN RE-LEVIED TAXES:

1. The County of Lewis shall continue to collect and reimburse towns and villages for their re-levied taxes and re-levied sewer and water charges as required by existing statutory authority.
2. The County of Lewis is willing to assist towns and villages with the collection of unpaid Other Charges such as those identified in Section 2, Paragraph 6 above. Provided however, that in no event will the County reimburse towns and villages for unpaid Other Charges unless reimbursement thereof is specifically mandated by State Law.
3. Procedure:
 - a. Upon the request of a town or village for assistance in the collection of Other Charges as defined herein, the County shall re-levy the same and incorporate such Other Charges as a separate line item on the County's tax bill.
 - b. The County Treasurer shall collect and receive payment for the Other Charges in the same manner as real property taxes.
 - c. Interest and penalties shall accrue on the unpaid Other Charges at the same rate and in the same manner as are applied to unpaid town or village taxes.
 - d. Upon receipt of payment for such Other Charges together with applicable penalties and interest, the County Treasurer shall remit the amount thereof to the applicable town or village.
 - e. In the event that the County Treasurer commences a tax foreclosure proceeding against a property which is subject to one or more liens for Other Charges, the County Treasurer shall continue to collect and receive payment for the Other Charges in the same manner as real property taxes, with the following exception:
 - i. In the event that such property is sold by the County Treasurer pursuant to the foreclosure proceeding, the County Treasurer shall not reimburse the applicable town or village for such Other Charges

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unless and until all outstanding taxes due on such property, including applicable penalties and interest have been paid. Provided further that in the event the proceeds of the sale of such property exceed all outstanding taxes plus accrued penalties and interest (i.e., "surplus monies"), then such surplus monies shall be applied first to the payment of any outstanding liens for unpaid Other Charges, and the balance, if any, shall remain with the County Treasurer.

4. That a copy of this Local Law shall, upon adoption, be delivered to the supervisors and mayors of all towns and villages in Lewis County.

SECTION 5. EFFECTIVE DATE

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

**RESOLUTION NO. 471 - 2013
FIXING DATE OF PUBLIC HEARING ON LOCAL LAW
(INTRODUCTORY LOCAL LAW NO. 15 - 2013), COUNTY OF LEWIS**

Introduced by Legislator Paul Stanford, Member of the Taxation Committee.

WHEREAS, there will be presented and introduced at a meeting of this Board of Legislators to be held on December 3, 2013 a proposed Local Law entitled "A LOCAL LAW ESTABLISHING COUNTY POLICY FOR REIMBURSEMENT OF TOWN AND VILLAGE CHARGES OTHER THAN RE-LEVIED TAXES".

Now, therefore, BE IT RESOLVED as follows:

Section 1. That a public hearing will be held on December 19 , 2013, from 10:00 a.m. to 10:30 a.m., before the Lewis County Board of Legislators on the Second Floor Board Room at the Lewis County Courthouse, New York, 7660 North State Street, Lowville, New York to hear all persons for or against such local law.

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

Moved by Legislator Brennan, seconded by Legislator King, and adopted.

**RESOLUTION NO. 472 - 2013
RESOLUTION ADOPTING AND OTHERWISE TREATING
LOCAL LAW NO. 10 - 2013, COUNTY OF LEWIS**

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Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee

WHEREAS, a resolution was duly adopted by the Board of Legislators on November 5, 2013, directing that a public hearing be held by said Board on December 3, 2013, from 5:00 p.m. to 5:30 p.m. at the Second Floor Board Room of the Courthouse, 7660 North State Street, Lowville, New York 13367, to hear all interested parties on Local Law (Introductory No.11-2013) entitled, "A LOCAL LAW ESTABLISHING THE RECREATION, FORESTRY AND PARKS DEPARTMENT"; and

WHEREAS, notice of said public hearing was duly advertised in the Watertown Daily Times, the official newspaper designated by the County, on November 27, 2013, and posted on the bulletin board of the Lewis County Courthouse, 7660 North State Street, Lowville, New York, at least five (5) days prior to such public hearing; and

WHEREAS, said public hearing was duly held at such location at such time and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

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

BE IT FURTHER RESOLVED, as follows:

Section 1. This Local Law (Introductory No. 11 – 2013), County of Lewis, being "A LOCAL LAW ESTABLISHING THE RECREATION, FORESTRY AND PARKS DEPARTMENT"; be and the same hereby is designated as Local Law No. 10 – 2013, County of Lewis.

Section 2. That Local Law No. 10 – 2013, County of Lewis, with designation stated above, be and the same is hereby enacted, waiving any and all defects and informalities in the adoption thereof and shall take effect immediately upon filing with the Secretary of State.

Moved by Legislator Hathway, seconded by Legislator Brennan, and adopted.

YEAS: Boyd, Burke, Bush, Brennan, Hathway, King, Lucas, Stanford, Wallace, Tabolt

NAYS: None

ABSENT: None

**RESOLUTION NO. 473 - 2013
RESOLUTION TO TRANSFER FUNDS
BUILDING CODES**

December 3, 2013

Introduced by Legislator John Boyd, Chairman of the Building Codes Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfers are hereby approved in the Building Codes accounts to cover telephone and vehicle expenses:

Transfer from:

A3620.4903 (All types ins) \$279.36

A3620.4407 (Supplies) \$240.00

Transfer to:

3620.4701 (Vehicle Maint) \$279.36

A3620.4301 (Telephone) \$240.00

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

Moved by Legislator Burke, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 474 - 2013
RESOLUTION AUTHORIZING RENEWAL PERIOD FOR
AGREEMENT BETWEEN COUNTY OF LEWIS AND
UNIFIED COURT SYSTEM**

Introduced by Legislator Jack Bush, Chairman of the Buildings and Grounds Committee.

WHEREAS, the County of Lewis and the Unified Court System, Fifth Judicial District, have an existing Agreement and wish to establish a renewal period for the purpose of providing cleaning services and minor repairs of the Lewis County court facilities for the period from April 1, 2013 through March 31, 2014; and

WHEREAS, the Board wishes to approve said renewal Agreement.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby approves the renewal Agreement between the County of Lewis, by and through the Buildings and Grounds Department, and the Unified Court System, Fifth Judicial District, for the provision of cleaning services and minor repairs, as well as preventative building and property maintenance of the Lewis County court facilities for the period from April 1, 2013 through March 31, 2014, at a cost not to exceed \$105,334.00.

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

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Section 3. That this resolution shall take effect immediately.

Moved by Legislator Boyd, seconded by Legislator King, and adopted.

**RESOLUTION NO. 475 - 2013
RESOLUTION TO TRANSFER FUNDS
CORONER**

Introduced by Legislator John Boyd, Chairman of the Courts & Law Enforcement Committee.

BE IT RESOLVED as follows:

Section 1. That the following fund transfers are hereby approved in the Coroner Accounts for laboratory and diagnostic expenses from Lewis County General Hospital for Autopsies that were not charged in the past:

<u>Transfer from:</u>	
A1185.4407 (supplies)	\$ 500.00
A1185.4506 (Trans for deceased)	\$2,500.00
A1185.4507 (Travel)	\$2,000.00
A1185.4909 (misc)	<u>\$1,000.00</u>
	\$6,000.00

<u>Transfer to:</u>	
A1185.4901(Prof Serv)	\$6,000.00

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

Moved by Legislator Boyd, seconded by Legislator Stanford, and adopted.

**RESOLUTION NO. 476 - 2013
RESOLUTION TO TRANSFER FUNDS
LAW DEPARTMENT**

Introduced by Legislator John Boyd, Chairman of the Courts & Law Enforcement Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfer is hereby approved in the Law Department for litigation expenses:

<u>Transfer from:</u>	
A1420.4903 (Legal-DSS)	\$17,000.00

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Transfer to:
A1420.4902 (Legal Serv) \$17,000.00

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

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 477 - 2013
RESOLUTION TO TRANSFER FUNDS
COUNTY CLERK**

Introduced by Legislator Jack Bush, Chairman of the County Clerk's Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfer is hereby approved in the County Clerk's Department for supplies:

Transfer from:
A1410.4901 (Prof Serv) \$1,500.00
Transfer to:
A1410.4407 (Supplies) \$1,500.00

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

Moved by Legislator Stanford, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 478 - 2013
RESOLUTION AUTHORIZING AGREEMENT WITH
NYS DIVISION OF CRIMINAL JUSTICE SERVICES
DISTRICT ATTORNEY AID-TO-PROSECUTION**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement Committee.

Whereas, the NYS Division of Criminal Justice Services has approved a grant application for Aid-to-Prosecution funds, which will enhance the prosecution of repeat violent and serious felony offenders by maintaining increased levels of experienced prosecution personnel.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby authorizes a grant Agreement between the County of Lewis, by and through the District Attorney, and the New York

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State Division of Criminal Justice Services, for Aid-to-Prosecution funds to enhance retention of experienced prosecution personnel.

Section 2. The term of said Agreement is from April 1, 2013 through March 31, 2014, in the amount of \$29,200.00.

Section 3. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to execute said Agreement.

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

Moved by Legislator Boyd, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 479 - 2013
RESOLUTION TO APPROPRIATE FUNDS
DISTRICT ATTORNEY**

Introduced by Legislator John Boyd, Chairman of the Courts & Law Enforcement Committee.

BE IT RESOLVED as follows:

Section 1. That the following appropriation is hereby approved in the District Attorney accounts for the expense of an Expert Witness for an ongoing case:

<u>Increase Revenue:</u>	
A30300 (DA salary)	\$8,100.00
<u>Increase Expense:</u>	
A1165.4901 (Prof Serv)	\$8,100.00

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

Moved by Legislator Boyd, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 480 - 2013
RESOLUTION TO AUTHORIZE EXPENDITURE OF FUNDS
PLANNING DEPARTMENT**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

BE IT RESOLVED, as follows:

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Section 1. That the expenditure of \$45,000.00 be hereby authorized from Planning Department Account No. A6420.4999 for website and application development for Lewis County tourism and recreation, to a vendor yet to be determined.

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

Moved by Legislator King, seconded by Legislator Brennan, and adopted.

**RESOLUTION NO. 481 - 2013
RESOLUTION TO TRANSFER FUNDS
BOARD OF ELECTIONS**

Introduced by Legislator Patrick Wallace, Chairman of the Election's Committee.

BE IT RESOLVED as follows:

Section 1. That the following transfer of funds is hereby approved in the Board of Elections accounts to cover line item expenditures:

<u>From:</u>	
A1450.4901 (Inspectors)	\$3,750.00
<u>To:</u>	
A1450.4301 (Telephone)	\$ 250.00
A1450.4401 (Postage)	\$1,500.00
A1450.4507 (Travel)	<u>\$2,000.00</u>
	\$3,750.00

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

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 482 - 2013
RESOLUTION APPOINTING MEMBER TO
LEWIS COUNTY ETHICS BOARD**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

Whereas, in accordance with Local Law No. 5-2005 that established the Lewis County Ethics Board, upon the expiration of his second full term, Judge John S. Parker is no longer eligible to serve on that Board; and

Whereas, the Board wishes to appoint David H. Pendergast to fill the Ethics Board vacancy.

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Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby appoints David H. Pendergast of Post Office Box 327, Lowville, New York 13367 as a member of the Lewis County Ethics Board.

Section 2. That the term of said appointment shall be for the period commencing on January 1, 2014 and terminate on December 31, 2016.

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

Moved by Legislator Burke, seconded by Legislator Wallace, and adopted. Legislator King was opposed.

RESOLUTION NO. 483 - 2013
RESOLUTION URGING NYS FARM SERVICE AGENCY TO FILL FULL-TIME
LEWIS COUNTY EXECUTIVE DIRECTOR POSITION

Introduced by Legislator William Burke, Legislator Representative on the Lewis County Soil & Water Conservation District Board of Directors.

Whereas, the Farm Service Agency's (FSA) mission is to deliver timely, effective programs and service to America's farmers and ranchers to support them in sustaining our Nation's vibrant agricultural economy, as well as provide first-rate support for domestic and international food aid efforts; and

Whereas, the FSA is responsible for the Milk Income Loss program that assists dairy farmers when the price of milk falls below \$16.54 per hundredweight and/or there is a significant feed price increase; and

Whereas, the FSA administers the Conservation Reserve Program that promotes buffer establishment on crop fields to reduce soil erosion and protect the quality of our surface waters; and

Whereas, the FSA administers the Disaster Crop Insurance Programs that insures non-insurable crops such as soybeans, alfalfa and maple syrup in times of disaster; and

Whereas, there are over 245 farmers representing 60,000 acres that participate in the FSA Programs that amount to \$1,190,050 in Lewis County alone in 2013; and

Whereas, Lewis County farmers and non-businesses are affected when local farmers are not provided timely and effective service from our agricultural agencies; and

Whereas, a recent retirement of the FSA's Lewis County Executive Director has left a vacancy, which the New York State Farm Service Agency office has discretionally

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chosen to temporarily fill with a part-time Executive Director, charged with covering more than just Lewis County, that may lead to delays in services.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby requests the New York State Farm Service Agency office to fill the full-time Lewis County Executive Director vacancy to ensure timely and efficient processing of payments to Lewis County farmers in their time of need.

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

Moved by Legislator Burke, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 484 - 2013
RESOLUTION RE-APPOINTING MEMBER TO
REGION 6 FISH AND WILDLIFE MANAGEMENT BOARD**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby re-appoints John Jones of Post Office Box 57, Beaver Falls, New York 13305, as a member of the Region 6 Fish and Wildlife Management Board, as the Lewis County Sportsman Representative.

Section 2. That the term of said appointment shall be for the period from January 1, 2014 through December 31, 2015.

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

Moved by Legislator Bush, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 485 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY HIGHWAY DEPARTMENT AND FASTENAL**

Introduced by Legislator Jack Bush, Chairman of the Transportation Committee.

WHEREAS, the Lewis County Highway Department desires to enter into an Agreement with Fastenal, a company that provides vending solutions, with offices located at 23171 Murrock Circle, Watertown, New York 13601; and

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WHEREAS, Fastenal shall provide the Lewis County Highway Department located at 7362 East Road, Lowville, New York with the FAST 5000 vending machine and stock it with the distributed products and is responsible for refilling the vended products for the term of the agreement; and

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes an Agreement between the County of Lewis by and through the Lewis County Highway Department and Fastenal that provides the FAST 5000 vending machine and distributed products.

Section 2. That said Agreement shall be for the period beginning November 19, 2013 through November 18, 2014.

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 Stanford, seconded by Legislator Boyd.

Legislator Lucas deemed he was not opposed to the vending concept, but urged completion of a “request for proposals” for a long-term agreement. Legislator Hathway concurred, citing substantial savings when price quotes were requested for bulk oil.

Legislator Brennan reported meeting with Highway Superintendent David Becker earlier today, relating savings of 25% after obtaining price quotes from three vendors. He felt due diligence had been performed, while considering employee management time.

Legislator Hathway urged comparison of 30-50 items based on quantities used; and Legislator King asserted that requesting price quotes has proven beneficial in the past.

Chairman Tabolt suggested the 12-month agreement be approved, with a stipulation that price quotes be required prior to agreement renewal.

Legislator Lucas made a motion to table the resolution, referring the issue back to Committee for a recommendation, seconded by Legislator King.

Mr. Becker reported obtaining quotes from three companies, but had no issue with preparing a “request for proposals” and reviewing with the Committee.

The motion to table was approved by a vote of 7 to 3, with Legislators Tabolt, Brennan and Boyd opposed.

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**RESOLUTION NO. 486 - 2013
RESOLUTION RE-APPOINTING MEMBER TO
LEWIS COUNTY GENERAL HOSPITAL
BOARD OF MANAGERS**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

BE IT RESOLVED as follows:

Section 1. That pursuant to Section 127 of the General Municipal Law, the Board of Legislators hereby re-appoints Randall Essenlohr of 7393 Utica Boulevard, Lowville, New York 13367 as a member of the Board of Managers of the Lewis County General Hospital.

Section 2. That the term of said appointment shall commence January 1, 2014 and expire on December 31, 2018.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator Burke, seconded by Legislator King, and adopted.

**RESOLUTION NO. 487 - 2013
RESOLUTION TO APPOINT MEMBER TO
LEWIS COUNTY COMMUNITY MENTAL HEALTH, DEVELOPMENTAL
DISABILITIES AND ALCOHOLISM SERVICES BOARD**

Introduced by Legislator Paul Stanford, Chairman of the Mental Hygiene Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby appoints Steven Vance of 5333 Sunset Drive, Lowville, New York 13367, to the Lewis County Community Mental Health, Developmental Disabilities and Alcoholism Services Board.

Section 2. That the term of said appointment shall be effective from December 1, 2013 through December 31, 2017.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

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**RESOLUTION NO. 488 - 2013
RESOLUTION TO APPOINT MEMBER TO
ALCOHOL AND SUBSTANCE ABUSE SUB-COMMITTEE OF
LEWIS COUNTY COMMUNITY MENTAL HEALTH, DEVELOPMENTAL
DISABILITIES AND ALCOHOLISM SERVICES BOARD**

Introduced by Legislator Paul Stanford, Chairman of the Mental Hygiene Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby appoints Penny Ingham of 7411 West Road, Lowville, New York 13367, to the Alcohol and Substance Abuse Sub-Committee of the Lewis County Community Mental Health, Developmental Disabilities and Alcoholism Services Board.

Section 2. That the term of said appointment shall be effective from January 1, 2014 through December 31, 2017.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator Burke, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 489 - 2013
RESOLUTION AUTHORIZING AGREEMENT
BETWEEN LEWIS COUNTY COMMUNITY SERVICES DEPARTMENT AND
DANSER AND KNUDSEN PSYCHOLOGICAL SERVICES, P.C.**

Introduced by Legislator Paul Stanford, Chairman of the Mental Hygiene Committee.

WHEREAS, Lewis County Community Services Department is lawfully required pursuant to Criminal Procedure Law Article 730.30 to ensure that adequate psychiatric examiners are available to conduct psychiatric examinations when it is of the opinion that the defendant may be an incapacitated person; and

WHEREAS, Lewis County Community Services Department wishes to enter into an Agreement with Danser and Knudsen Psychological Services, P.C. to conduct these examinations.

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 Community Services Department, and Danser and Knudsen Psychological Services, P.C. for the purpose of conducting

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psychological examinations as needed for defendants when it is of the opinion that the defendant may be an incapacitated person.

Section 2. That the term of this Agreement shall be from January 1, 2014 through December 31, 2014 for an amount not to exceed \$110.00 per hour for psychological examinations and \$135.00 per hour for expert court testimony.

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

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

Moved by Legislator Bush, seconded by Legislator Stanford, and adopted.

RESOLUTION NO. 490 - 2013
RESOLUTION AUTHORIZING AGREEMENTS BETWEEN
LEWIS COUNTY MENTAL HYGIENE AND MOUNTAIN VIEW PREVENTION
SERVICES, INC., ONEIDA-LEWIS NYSARC, AND
NORTHERN REGIONAL CENTER FOR INDEPENDENT LIVING

Introduced by Legislator Paul Stanford, Chairman of the Mental Hygiene Committee.

WHEREAS, the Community Services Board is a local governmental unit established by the Lewis County Board of Legislators pursuant to the authority granted in Mental Hygiene Law § 41.05; and

WHEREAS, the Community Services Board is responsible to provide local or unified services and facilities directly and/or contract for the provision of those services by other units of local or state government, by voluntary agencies, or by professionally qualified individuals; and

WHEREAS, the Community Services Board has reviewed the proposals for the following providers of mental health services and has determined that these services are necessary to meet the needs of the community and the costs are reasonable for servicing such needs; and

WHEREAS, the Community Services Board has heretofore duly met to consider the contracts for the following service providers and has resolved to recommend to the Board of Legislators to enter into such contracts.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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Section 1. That the Board of Legislators hereby approves the following contracts for fiscal year 2014, the term of these services are beginning January 1, 2014 and ending December 31, 2014, at the amounts set opposite each respectively:

<u>ENTITY</u>	<u>AMOUNT</u>
Mountain View Prevention Services, Inc.	\$ 229,586.00
Oneida-Lewis NYSARC	104,842.00
Northern Regional Center for Independent Living (NRCIL) (Family Support Services)	167,152.00
Northern Regional Center for Independent Living (NRCIL) (Mental Health Advocacy & Psychosocial Club)	260,302.00
Northern Regional Center for Independent Living (NRCIL) (Peer Recovery Services)	247,250.00

Section 2. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Agreement, pending approval by the County Attorney.

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

Moved by Legislator Burke, seconded by Legislator Lucas, and adopted.

RESOLUTION NO. 491 - 2013
RESOLUTION AUTHORIZING SUB-LEASE AGREEMENT
BETWEEN MOUNTAIN VIEW PREVENTION SERVICES, INC. AND
LEWIS COUNTY COMMUNITY SERVICES

Introduced by Legislator Paul Stanford, Chairman of the Mental Hygiene Committee.

WHEREAS, the Lewis County Community Services Department (“Tenant”) desires to enter into a Sub-Lease Agreement with Mountain View Prevention Services, Inc. (“Landlord”) for the purpose of leasing approximately 469 square feet of office space at the Mountain View Prevention Services building located at 7714 Number Three Road; and

WHEREAS, the Board of Legislators wishes to enter into a sublease agreement;

NOW THEREFORE, BE IT RESOLVED, that

Section 1. The Board of Legislators hereby approves the Sub-Lease Agreement between Mountain View Prevention Services and the County of Lewis acting by and through the Lewis County Community Services Department commencing January 1, 2014 through December 31, 2014 at a rental cost of \$4,596.00 payable in equal monthly installments of \$383.00.

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Section 2. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Agreement, upon approval by the County Attorney.

Section 3. That this Resolution shall take effect immediately.

Moved by Legislator King, seconded by Legislator Stanford, and adopted.

**RESOLUTION NO. 492 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY MENTAL HYGIENE DEPARTMENT
AND TRANSITIONAL LIVING SERVICES OF NORTHERN NEW YORK**

Introduced by Legislator Paul Stanford, Chairman of the Mental Hygiene Committee.

WHEREAS, the Community Services Board is a local governmental unit established by the Lewis County Board of Legislators pursuant to the authority granted in Mental Hygiene Law § 41.05; and

WHEREAS, the Lewis County Community Services Department wishes to enter into an Agreement with Transitional Living Services of Northern New York ("TLS") to perform certain community based programs for the period beginning January 1, 2014 through December 31, 2014 for an amount not to exceed \$661,462; such services to include: Single Point of Access; Transition Management Services; MICA Network; Crisis Intervention; Client Transportation; Supported Housing Rental Assistance and Supported Housing Community Services; Case Management – Non Medicaid Care Coordination; and Blended Case Management; and

WHEREAS, the Community Services Board has reviewed the contract between Transitional Living Services Of Northern New York and Lewis County Mental Hygiene Department and has determined that these services are necessary and appropriate to meet the needs of the community and the costs are reasonable for servicing such needs and recommends to the Board of Legislators to enter into such Contract.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That the Board of Legislators hereby approves the contract with Transitional Living Services of Northern New York for the term January 1, 2014 through December 31, 2014 for an amount not to exceed \$661,462.

Section 2. 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 as may be approved by the County Attorney.

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

Moved by Legislator Burke, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 493 - 2013
RESOLUTION TO TRANSFER FUNDS
COMMUNITY ALCOHOL AND SUBSTANCE ABUSE SERVICES**

Introduced by Legislator Paul Stanford, Chairman of Community Services Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfer is hereby approved in the Mental Hygiene Accounts to cover Credo transfer:

<u>From:</u>	
A4330.4803 (rent)	\$ 9,069.40
A4330.4901 (Prof Serv)	\$47,822.00
A4330.4909 (Misc)	<u>\$ 906.60</u>
	\$57,798.00
<u>To:</u>	
A4319.4700 (Credo)	\$51,272.00
A4319.4999 (Credo/County)	<u>\$ 6,526.00</u>
	\$57,798.00

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

Moved by Legislator Boyd, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 494 - 2013
RESOLUTION AUTHORIZING OFFICE FOR THE AGING
TO RETAIN OUTSIDE COUNSEL**

Introduced by Legislator William Burke, Chairman of the Office for the Aging Committee.

WHEREAS, the Office for the Aging receives funds through the federal government pursuant to the Older Americans Act of 1965 to perform certain services for the elderly, including providing legal services [see, 42 U.S.C.A. § 3026(a)(2)(c)]; and

WHEREAS, Brenda J. Bourgeois, Director of Office for the Aging, has requested permission to retain outside counsel to assist in providing legal services on behalf of elderly individuals.

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NOW THEREFORE, be it resolved as follows:

Section 1. That Brenda J. Bourgeois, Director of Office for the Aging is hereby authorized to retain Company & Young, PLLC, to assist in the representation of elderly individuals in various matters or as they deem necessary and appropriate and under their supervision, provided the cost does not exceed \$125.00 per hour for attorney services and does not exceed a maximum fee in all matters of \$3,400.00.

Section 2. That the term of this service shall be from January 1, 2014 through December 31, 2014.

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 as may be approved by the County Attorney.

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

Moved by Legislator Burke, seconded by Legislator King, and adopted.

RESOLUTION NO. 495 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY OFFICE FOR THE AGING AND DINA LAWSON

Introduced by Legislator William Burke, Chairman of the Office for the Aging Committee.

WHEREAS, the Lewis County Office for the Aging operates a Senior Nutrition Program pursuant to which nutritious meals are provided to senior citizens and their guests; and

WHEREAS, the Lewis County Office for the Aging has reviewed the Agreement with Dina Lawson for the purpose of providing nutrition services and to develop teaching and operational protocols to address relevant nutritional issues by a Registered Dietician.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby approves the Agreement between the County of Lewis, acting by and through the Lewis County Office for the Aging, to enter into an Agreement with Dina Lawson, Registered Dietician, to provide nutrition educational services.

Section 2. That the term of said Agreement shall be from January 1, 2014 through December 31, 2015 at a cost not to exceed \$34.00 per hour and shall not exceed 520 hours per calendar year.

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

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

Moved by Legislator Stanford, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 496 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
OFFICE FOR THE AGING AND FOUR MEAL SITE FACILITIES**

Introduced by Legislator William Burke, Chairman of the Office For The Aging Committee.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That the Board of Legislators hereby approves the following four (4) lease agreements for the term of one year commencing on January 1, 2014 and terminating on December 31, 2014:

<u>MEAL SITE RENTAL FACILITY</u>	<u>AMOUNT</u>
Croghan Housing Development Fund Company, Inc.	\$0.00 per month
Harris Courts, Inc.	\$100.00 per month
Maple Ridge Center, Inc.	\$1,100.00 per month
United Church of Copenhagen	\$125.00 per month

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Hathway, seconded by Legislator Brennan, and adopted.

**RESOLUTION NO. 497 - 2013
RESOLUTION AUTHORIZING CONTRACTUAL AGREEMENTS
BETWEEN OFFICE FOR THE AGING AND
VARIOUS PROVIDERS FOR PROGRAM SERVICES**

Introduced by Legislator William Burke, Chairman of the Office For The Aging Committee.

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NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That the Board of Legislators hereby authorizes Agreements between the County of Lewis and the following various providers for program services for the elderly for the amounts opposite each:

<u>CONTRACTOR</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
S.T.A.T. Communications	Lifenet Services	\$ 15.00 monthly per unit
U.S. Care Systems, Inc.	Caregiver Services	\$18.00 per hour for Level II
U.S. Care Systems, Inc.	EISEP/CSE Services (In-Home Care)	\$16.75 per hour for Level I \$18.00 per hour for Level II

Section 2. That the term of said Agreements shall be the period from January 1, 2014 through December 31, 2014.

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 Brennan, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 498 - 2013
RESOLUTION AUTHORIZING AGREEMENTS BETWEEN
VARIOUS CONTRACTS FOR OUTSIDE AGENCIES**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That the Board of Legislators hereby approves the following contracts for fiscal year 2014, at the amounts set opposite to each respectively:

<u>OUTSIDE AGENCY</u>	<u>AMOUNT</u>
Mountain View Prevention	\$ 8,000.00
Lewis County General Hospital Foundation	12,000.00
Chamber of Commerce	45,000.00
Chamber of Commerce (I Love NY)	25,200.00
North Country Library	19,416.00
West Leyden Library	382.00
Brantingham Library	202.00
Lewis County Historical Society	20,000.00
Constable Hall Association	800.00
American Maple Museum	600.00

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Railroad Historical Society NNY	600.00
Adirondack Park Local Government Board	800.00
Lewis County Agricultural Society	4,000.00
Lewis County Soil & Water Conservation District	87,000.00
Lewis County Cooperative Extension Service	270,000.00

Section 2. That the Chairman of the Board of Legislators, or the Vice-Chairman, be and the same is hereby authorized to execute and deliver such Agreement.

Section 3. That this Resolution shall take effect immediately.

Moved by Legislator Burke, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 499 - 2013
RESOLUTION AUTHORIZING AGREEMENT
BETWEEN THE COUNTY OF LEWIS AND
ONEIDA-LEWIS CHAPTER, NYSARC**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby approves the contract with Oneida-Lewis Chapter, NYSARC to deliver vocational training services within the Sheltered Workshop and transportation to Sheltered Workshop for disabled individuals for the term beginning January 1, 2014 through December 31, 2014 at a cost not to exceed \$25,000.

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator King, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 500 - 2013
RESOLUTION AUTHORIZING AGREEMENT
BETWEEN DEPARTMENT OF PROBATION AND
INSIGHTS FORENSIC COUNSELING**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Committee.

WHEREAS, Insights Forensic Counseling (“Agency”), located at 120 Washington

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Street, Watertown, New York, provides individual, family, and group counseling; and

WHEREAS, the Lewis County Department of Probation wishes to enter into an agreement with this Agency to utilize their services.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes an agreement between the County of Lewis, by and through the Department of Probation, and Insights Forensic Counseling for the provision of services for counseling to clients referred by the Lewis County Department of Probation.

Section 2. That the term of this agreement shall be March 1, 2013 through December 31, 2014 at a cost not to exceed \$75.00 per session and attendance at meetings; \$45.00 for group counseling; \$500.00 for assessments and \$350.00 for polygraph examinations.

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

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

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 501 - 2013
RESOLUTION APPROVING AGREEMENT BETWEEN
LEWIS COUNTY PUBLIC HEALTH AGENCY ON BEHALF OF
THE COUNTY OF LEWIS AND HEALTH RESEARCH, INC. (HRI)**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

WHEREAS, the Lewis County Public Health Agency has received a grant award from the Center Disease Control Prevent in the amount of \$22,500 for the purpose of Local Health Department Immunization Billing Implementation; and

WHEREAS, Lewis County Public Health Department is an eligible provider of these services; and

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes an Agreement between the Public Health Department and the Center Disease Control Prevent

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for the purpose of Local Health Department Immunization Billing Implementation for the period beginning September 1, 2013 and ending August 31, 2014 in the amount of \$22,500.

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator King, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 502 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY PUBLIC HEALTH AGENCY AND
SUNY PLATTSBURGH'S NURSING PROGRAM**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby authorizes a Clinical Affiliation Agreement between the County of Lewis, by and through the Lewis County Public Health Agency and the SUNY Plattsburgh's Nursing Program, for the purpose of having students participate in specific health-related experiences under the supervision of SUNY Plattsburgh Nursing faculty and Lewis County Public Health Agency's staff for a term commencing October 8, 2013 through December 31, 2014.

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Stanford, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 503 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO
REAL PROPERTY TAX DEPARTMENT**

Introduced by Legislator Patrick Wallace, Chairman of the Taxation Committee.

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Whereas, there is a need for tax mapping assistance, as well as training for the Temporary Tax Map Technician Trainee, due to a vacancy in this department for the past three months which has caused the mapping department to be inundated with work. This will provide one-on-one training for the Tax Map Technician Trainee as well as assistance with the back log of work.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby amends the Compensation Plan of the County of Lewis, to authorize Director Linda Gydesen to temporarily hire Tax Map Technician Ryan Lyndaker for a period of twelve (12) working days from January 2 through January 17, 2014, for a total cost of \$2,051.11 inclusive of fringe benefits.

Section 2. That this resolution shall take effect immediately.

Moved by Legislator Burke, seconded by Legislator Lucas.

In response to Legislator King's inquiry, Mrs. Gydesen explained that benefits are included because the individual is on a leave-of-absence. It took three months to fill the Temporary Senior Keyboard Specialist position, who had been provisionally promoted to Tax Map Technician Trainee. In the meantime, the remaining Technician has been overwhelmed. This assistance will not only catch up mapping work, but will provide beneficial one-on-one training.

The resolution was then adopted.

**RESOLUTION NO. 504 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO SHERIFF'S DEPARTMENT**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement 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 Sheriff's Department to create the following positions for the winter parks and recreation patrols:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Deputy Sheriff (5)	Temporary Part-time	Grade 22A

Section 2. That Sheriff Michael Carpinelli is hereby authorized to assign said temporary employees at his discretion for winter patrols, for the period effective immediately through April 30, 2014.

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

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 505 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY SHERIFF'S DEPARTMENT AND
ONEIDA COUNTY FOR PSYCHIATRIC SERVICES AT THE
CENTRAL NEW YORK PSYCHIATRIC CENTER**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement Committee.

WHEREAS, the Central New York Psychiatric Center Forensic Unit ("Forensic Unit") provides services at the Central New York Psychiatric Center ("Center") in Marcy, New York; and

WHEREAS, the Forensic Unit has the capability of providing services for the Sheriff Departments of surrounding counties which may have inadequate facilities for treating mentally ill inmates; and

WHEREAS, the Lewis County Sheriff's Department wishes to enter into an agreement with the County of Oneida through the offices of the Oneida County Sheriff's Department for the purpose of providing treatment for inmates at the Center for \$165.00 per day for the period commencing January 1, 2014 through December 31, 2016; and

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby approves the contract with the County of Oneida through the offices of the Oneida County Sheriff's Department for the purpose of providing treatment for prisoners at the Central New York Psychiatric Center in Marcy, New York for \$165.00 per day for the period commencing January 1, 2014 through December 31, 2016.

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Boyd, seconded by Legislator Lucas, and adopted.

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**RESOLUTION NO. 506 - 2013
RESOLUTION TO APPROPRIATE FUNDS
SHERIFF'S DEPARTMENT**

Introduced by Legislator John Boyd, Chairman of the Courts & Law Enforcement Committee.

BE IT RESOLVED as follows:

Section 1. That the following appropriation of Capital Equipment funds is hereby approved in the Sheriff's Department for the purchase of a Canine Patrol Vehicle; balance of Capital Equipment Fund (HAD9901.9) \$ 187,430.37:

A50310 (Inter-fund Transfer)	\$35,000.00
A3110.2233 (Vehicles)	\$35,000.00

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

Moved by Legislator King, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 507 - 2013
RESOLUTION TO APPROPRIATE FUNDS
SHERIFF'S DEPARTMENT**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement Committee.

BE IT RESOLVED as follows:

Section 1. That the following appropriation is hereby approved for the Shop with a Cop event using donations that have been received:

<u>Increase Revenues</u>	<u>Amount:</u>
A27053.4 (Donations Shop w/a Cop)	\$900.00
<u>Increase Expense:</u>	<u>Amount</u>
A3110.4909 (Misc. Expense)	\$900.00

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

Moved by Legislator Boyd, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 508 - 2013
RESOLUTION TO TRANSFER FUNDS
SHERIFF'S DEPARTMENT**

December 3, 2013

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfer is hereby approved in the Sheriff's Department accounts to cover the cost of the Water/Sewer bill for the Public Safety Building

<u>From</u>	<u>Amount:</u>
A3150.4601 (Repairs & Maint.Grnds)	\$528.00
<u>To:</u>	
A3150.4305 (Water)	\$528.00

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

Moved by Legislator Burke, seconded by Legislator Brennan, and adopted.

**RESOLUTION NO. 509 - 2013
AUTHORIZING APPLICATION FOR 2013 SMALL CITIES
COMMUNITY DEVELOPMENT BLOCK GRANT**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

WHEREAS, the Board of Legislators has heretofore duly advertised and held a public hearing on the 3rd day of December, 2013 and has considered the comments presented thereat regarding housing and priority community development needs.

NOW, THEREFORE BE IT RESOLVED, that

Section 1. The Board of Legislators hereby authorizes the filing of one or more 2013 Small Cities Community Development Block Grant (CDBG) Applications to secure funding to assist low and moderate income households with the rehabilitation of existing single family homes within Lewis County, in an amount not to exceed \$750,000 and other such related activities as may be determined; and

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 such applications, documents or writing as may be necessary to carry out the terms of this Resolution.

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

Moved by Legislator King, seconded by Legislator Bush, and adopted.

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**RESOLUTION NO. 510 - 2013
RESOLUTION AUTHORIZING NOTE AND MORTGAGE SUBORDINATION
(COUNTY OF LEWIS TO CORWIN E. CHRISTMAN & HANNAH M. DAMON)**

Introduced by Michael A. Tabolt, Chairman of the Lewis County Board of Legislators.

WHEREAS, Corwin E. Christman and Hannah M. Damon (the "Borrower") granted a Mortgage to the County of Lewis dated July 27, 2011, and recorded in the Lewis County Clerk's Office on December 8, 2011 as Instrument Number 2011-006011 to secure payment of a loan in the amount of \$33,272.51, pursuant to a program administered by Snow Belt Housing Company, Inc.; and

WHEREAS, the Borrower is about to execute and deliver to Northern Credit Union a new note and mortgage in the amount of \$58,000.00 with interest and the Lender has refused to accept the new note and mortgage unless the note and mortgage held by the County of Lewis be subordinated to such mortgage not to exceed \$58,000.00.

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 Mortgage Subordination for the aforescribed Mortgage, upon such terms as may be acceptable to the County Attorney.

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

Moved by Legislator Hathway, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 511 - 2013
RESOLUTION AUTHORIZING NOTE AND MORTGAGE SUBORDINATION
(COUNTY OF LEWIS TO ALEXANDER L. & CRYSTAL L. LYNDAKER)**

Introduced by Michael A. Tabolt, Chairman of the Lewis County Board of Legislators.

WHEREAS, Alexander L. and Crystal L. Lyndaker (the "Borrower") granted a Mortgage to the County of Lewis dated June 24, 2010, and recorded in the Lewis County Clerk's Office on July 16, 2010 as Instrument Number 2010-003794 to secure payment of a loan in the amount of \$30,609.54, pursuant to a program administered by Snow Belt Housing Company, Inc.; and

WHEREAS, the Borrower is about to execute and deliver to Community Bank, N.A. a new note and mortgage in the amount of \$66,000.00 with interest and the Lender has refused to accept the new note and mortgage unless the note and mortgage held by the County of Lewis be subordinated to such mortgage not to exceed \$66,000.00.

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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 Mortgage Subordination for the aforescribed Mortgage, upon such terms as may be acceptable to the County Attorney.

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

Moved by Legislator Hathway, seconded by Legislator Brennan, and adopted.

RESOLUTION NO. 512 - 2013
RESOLUTION AUTHORIZING MEMORANDUM OF AGREEMENT BETWEEN
THE DEPARTMENT OF SOCIAL SERVICES AND CREDO COMMUNITY
CENTER FOR THE TREATMENT OF ADDICTIONS, INC.

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

WHEREAS, Credo Community Center for the Treatment of Addictions, Inc. ("Credo") provides chemical dependency and addictions services within Lewis County; and

WHEREAS, the Lewis County Department of Social Services ("DSS") wishes to enter into a Memorandum of Agreement with Credo to use their services for individuals receiving assistance from DSS; and

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That the Board of Legislators hereby approves the Memorandum of Agreement with Credo Community Center for the Treatment of Addictions, Inc. for the period of September 3, 2013 through December 31, 2014 at a cost not to exceed \$152.67 per addiction assessment.

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Burke, seconded by Legislator King, and adopted.

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RESOLUTION NO. 513 - 2013
RESOLUTION AUTHORIZING MEMORANDUM OF AGREEMENT BETWEEN
LEWIS COUNTY DEPARTMENT OF SOCIAL SERVICES AND
LEWIS COUNTY CORNELL COOPERATIVE EXTENSION

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

WHEREAS, the Lewis County Department of Social Services (“DSS”) is responsible for assisting low income families who participate in the Supplemental Nutrition Assistance Program (“SNAP”) to achieve self sufficiency and the opportunity to learn appropriate methods of budgeting and nutrition; and

WHEREAS, Cornell Cooperative Extension of Lewis County (“CCE”) is qualified to provide the training needed to increase the skills of participants and DSS wishes to enter into a Memorandum of Agreement with CCE to provide this training; and

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes a Memorandum of Agreement between the County of Lewis, by and through the Lewis County Department of Social Services, and Lewis County Cornell Cooperative Extension for the purpose of providing training to low income families to participate in the Supplemental Nutrition Assistance Program.

Section 2. That the term of this Agreement shall be from October 1, 2013 through September 30, 2014 for an amount not to exceed \$58,659.

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

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

Moved by Legislator Lucas, seconded by Legislator Bush, and adopted.

RESOLUTION NO. 514 - 2013
RESOLUTION AUTHORIZING MEMORANDUM OF UNDERSTANDING
BETWEEN LEWIS COUNTY DEPARTMENT OF SOCIAL SERVICES AND
LEWIS COUNTY GENERAL HOSPITAL FOR REHABILITATION SERVICES

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

December 3, 2013

WHEREAS, in accordance with the policies and procedures of DSS and in compliance with New York State and federal welfare reform legislation regulations, to aid in determining employability, the Lewis County Department of Social Services (“DSS”) wishes to enter into a Memorandum of Understanding with the Lewis County General Hospital (“LCGH”) for rehabilitation services; and

WHEREAS, these services from LCGH will provide DSS with physical and mental impairment examinations for Lewis County Social Services claimants who apply for Temporary Assistance to determine employability; and

WHEREAS, DSS will refer to LCGH Temporary Assistance Claimants for Physical and Medical Examinations for Employability Assessment, Disability Screening, and Alcoholism/Drug Addiction Determination; and

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That the Board of Legislators hereby authorizes a Memorandum of Understanding between the County of Lewis, by and through the Lewis County Department of Social Services (“DSS”), and Lewis County General Hospital (“LCGH”) for rehabilitation services to perform physical and mental impairment examinations for Lewis County Social Services Claimants who apply for Temporary Assistance to determine employability.

Section 2. That the term of this Memorandum of Understanding shall be from January 1, 2014 through December 31, 2014 at a cost of \$125.00 for each initial Functional Evaluation performed; \$225.00 per Physical (as needed); and \$118.00 per unit (billable up to 6 units for testing totaling \$708.00) to perform a Functional Capacity Examination.

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

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

Moved by Legislator Hathway, seconded by Legislator King, and adopted.

RESOLUTION NO. 515 - 2013
RESOLUTION AUTHORIZING MEMORANDUM OF UNDERSTANDING
BETWEEN DEPARTMENT OF SOCIAL SERVICES AND
NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

December 3, 2013

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby authorizes a Memorandum of Understanding between the County of Lewis, by and through the Department of Social Services, and New York State Office of Children and Family Services for the purpose of registration and inspection of child day care providers.

Section 2. That the term of this Memorandum of Understanding shall be from January 1, 2014 through December 31, 2014 for an amount not to exceed \$33,600.00.

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

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

Moved by Legislator Bush, seconded by Legislator King, and adopted.

**RESOLUTION NO. 516 - 2013
RESOLUTION APPROPRIATING FUNDS
SOCIAL SERVICES**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

WHEREAS, the County of Lewis has received approval from the New York State Office of Temporary and Disability Assistance for the period October 1, 2013 through September 30, 2014 for Nutrition Education State Plan in the amount of \$58,659.00.

Now, Therefore, BE IT RESOLVED, as follows:

Section 1. That the sum of \$58,659.00 be appropriated to Expense Account No. A6143.4999, DSS Food Stamp Nutrition Education.

Section 2. That this be financed by Federal Aid in the amount of \$58,659.00 to be appropriated to Revenue Account No. A46430.

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

Moved by Legislator Burke, seconded by Legislator Stanford, and adopted.

**RESOLUTION NO. 517 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
THE DEPARTMENT OF SOCIAL SERVICES AND
KIDS CORNER CHILDREN'S CENTER**

December 3, 2013

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

WHEREAS, the Lewis County Department of Social Services wishes to purchase day care services through Kids Corner Children’s Center for eligible recipients; and

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That the Board of Legislators hereby approves the contract with Kids Corner Children’s Center for the period of January 1, 2014 through December 31, 2014 at the Day Care market rate established by Kids Corner Children’s Center. The cost for eligible recipients is approximately 1% for the County and 99% Federally reimbursed.

	Infant Under 1 ½	Toddler 1 ½ - 2	Preschool (3-5)	School Age Child Care (6-12)	Summer	School Vacation / Snow Day
Weekly: Full Time	\$190	\$180	\$170	\$160	\$160	\$140
Daily: Part Time	\$42	\$40	\$38	\$35		
				\$11 (am)		
				\$11 (pm)		
Part-Day	\$28	\$27	\$25	\$23		
Hourly	\$6.75	\$6.75	\$6.25	\$6.25		

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Boyd, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 518 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
THE NEW YORK STATE HIGHWAY SAFETY PROGRAM AND
THE LEWIS COUNTY STOP DWI PROGRAM**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement Committee.

December 3, 2013

WHEREAS, the Lewis County STOP DWI program has received a grant award from the New York State Department STOP-DWI Foundation in the amount of \$5,600.00 for participation in New York State's Highway Safety Program; and

WHEREAS, the Board of Legislators wishes to accept such grant award.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes an Agreement between the Lewis County STOP DWI Program and the New York State Highway Safety Program for the purpose of receiving a grant award in the amount of \$5,600.00 for participation in STOP-DWI Enforcement.

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Boyd, seconded by Legislator Brennan, and adopted.

**RESOLUTION NO. 519 - 2013
RESOLUTION TO TRANSFER FUNDS
TRAIL MAINTENANCE**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

BE IT RESOLVED, as follows:

Section 1. That the following transfer of funds is hereby approved in the Trail Maintenance accounts to cover various expenses:

<u>From:</u>	
A7990.8999 (Fringe)	\$1,212.00
A7990.4605 (Repairs & Maint)	\$ 200.00
<u>To:</u>	
A7990.1999 (Pers serv)	\$ 212.00
A7990.4904 (Chamber)	\$1,000.00
A7990.4409 (Data Proc)	\$ 200.00

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

Moved by Legislator Brennan, seconded by Legislator Stanford, and adopted.

December 3, 2013

**RESOLUTION NO. 520 - 2013
RESOLUTION TO TRANSFER FUNDS
VETERANS' SERVICES**

Introduced by Legislator Jerry King, Chairman of the Veteran's Services Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfer is hereby approved in the Veterans' Services accounts for the purchase of a laser printer, utilizing Capital Equipment funds (HAE9901.9) balance \$ 187,430.37:

<u>Increase Revenue:</u>	
A50310 Inter-fund transfers)	\$269.00
<u>Transfer To:</u>	
A6510.2217 (computer equip)	\$269.00

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

Moved by Legislator Boyd, seconded by Legislator Brennan, and adopted.

**RESOLUTION NO. 521 - 2013
RESOLUTION TO TRANSFER FUNDS
WEIGHTS AND MEASURES**

Introduced by Legislator John Boyd, Chairman of the Weights & Measures Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfer is hereby approved in the Weights & Measures Department accounts to cover additional telephone expenses:

<u>From:</u>	
A6610.4701(Vehicle Exp)	\$150.00
<u>To:</u>	
A6610.4301(Telephone)	\$150.00

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

Moved by Legislator Boyd, seconded by Legislator Lucas, and adopted.

December 3, 2013

**RESOLUTION NO. 522 - 2013
RESOLUTION AUTHORIZING CONSULTING SERVICES WITH
SOUND ACTUARIAL CONSULTING, LLC**

Introduced by Richard Lucas, Chairman of the Workers' Compensation Committee.

WHEREAS, Sound Actuarial Consulting, LLC, with a principal business located at 403 East Main Street, Port Jefferson Village, New York 11777 has offered to provide an actuarial study and report of workers compensation program liabilities for each participant as of December 31, 2013; and

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

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That this Board of Legislators hereby authorizes an Agreement between Sound Actuarial Consulting, LLC and the County of Lewis, for professional consulting services for an actuarial analysis of workers compensation self-insurance plan for the period beginning January 1, 2014 at a cost not to exceed \$18,000.

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Hathway, seconded by Legislator King, and adopted.

**RESOLUTION NO. 523 - 2013
RESOLUTION TO APPROPRIATE FUNDS
WORKFORCE INVESTMENT ACT**

Introduced by Legislator William Burke, Chairman of the Employment and Training Committee.

BE IT RESOLVED as follows:

NOA#PY13-03

Section 1. That the following funds be appropriated for Program Year 2013, 7/1/13-6/30/15, Adult and Dislocated Worker, per the Notice of Obligational Authority (NOA), #13-03, dated October 25, 2013 through the New York State Department of Labor, as indicated below.

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<u>Adult</u>	
CD6292.1999	\$ 21,900.00
CD6292.4909	\$ 5,000.00
CD6292.8999	\$ 9,994.30
CD6292.4999	\$ <u>18,075.82</u>
Total	\$ 54,970.12

<u>WIA Revenue</u>	
CD47910	\$ 54,970.12

<u>Dislocated Worker</u>	
CD6291.1999	\$ 19,432.00
CD6291.4909	\$ 4,200.00
CD6291.8999	\$ 8,113.32
CD6291.4999	\$ <u>13,737.00</u>
Total	\$ 45,482.32

<u>WIA Revenue</u>	
CD47910	\$ 45,482.32

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

Moved by Legislator Burke, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 524 - 2013
RESOLUTION TO APPROPRIATE FUNDS
WORKFORCE INVESTMENT ACT**

Introduced by Legislator William Burke, Chairman of the Employment and Training Committee.

BE IT RESOLVED as follows:

OJT NEG Stimulus – PY12
NOA – PY08-42
CFDA#: 17.277
Grant

Section 1. That the following funds be appropriated for the Program Year 2012, 6/29/12-6/30/14, OJT NEG Stimulus, per the Notice of Obligational Authority (NOA), #PY08-42, dated October 31, 2013 through the New York State Department of Labor, as indicated below.

<u>Contract #LN13-001</u>	
CD6296-1999	\$ 191.87
CD6296.4901	\$ <u>2,398.40</u>
Total	\$ 2,590.27

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and between the Conservancy and the PILOT Recipients which expires by its terms on December 31, 2013. The Effective Date of this Agreement shall be as of January 1, 2014 and it shall apply to all payments accrued as of and coming due on or after January 1, 2014;

NOW THEREFORE BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby approves the PILOT Agreement between the County of Lewis, the Municipalities, the School Districts and the Conservancy, whereby the Conservancy will make annual payments to the PILOT Recipients in such amounts and according to such schedules as set forth in said Agreement. The term of such PILOT Agreement to be ten (10) years.

Section 2. That the Chairman, or the Vice-Chairman, of the Board of Legislators is and he hereby is authorized to make, execute, seal and deliver such Agreement upon such form as may approved by the County Attorney.

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

Moved by Legislator King, seconded by Legislator Bush, and adopted. Legislator Brennan was opposed.

RESOLUTION NO. 526 - 2013
RESOLUTION URGING THE STATE TO CEASE THE TAKING OF PRIVATE
PROPERTY FOR PUBLIC USE IN LEWIS COUNTY

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

WHEREAS, the Central/Western New York Chapter of the Nature Conservancy, Inc. ("Conservancy"), in apparent cooperation with New York State and in particular, the New York State Department of Environmental Conservation Department ("DEC") over recent years has embarked on an aggressive campaign to acquire vast acreages of private lands in Lewis County and has thus removed these private properties from the tax rolls and placed them on the tax exempt rolls; and

WHEREAS, such transfers of private property have the negative impact of limiting the private development of such properties as well as substantially reducing, if not eliminating, the tax revenue that can be raised from such properties, thereby impacting not only the County of Lewis, but all taxing jurisdictions involved.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators wishes to register with their State elected officials a formal protest to these transactions, and to urge the State of New

December 3, 2013

York to take whatever steps may be necessary to insure that the local communities will no longer have to bear the long-term cost of such transactions.

Section 2. That the Clerk of the Board is hereby directed to forward a certified copy of this resolution to New York Governor Andrew M. Cuomo, New York State Senators Joseph Griffo; Assemblyman Kenneth Blankenbush, and Assemblyman William A. Barclay.

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

Moved by Legislator Lucas, seconded by Legislator Brennan, and adopted.

OTHER BUSINESS:

Legislator Brennan reported that a virus had infiltrated the County-wide computer system, which had been partially caused by an employee shopping on the internet. He urged all Department Heads to advise their personnel to use computers solely for business.

Legislator Burke made a motion to enter executive session at 6:46 p.m. for a County litigation update from Atty. Graham, seconded by Legislator Boyd and carried. The session commenced following a 5-minute recess called by the Chairman. At the conclusion, Legislator Stanford moved to re-enter regular session at 7:15 p.m., seconded by Legislator Brennan and carried.

There being no other business to come before the Board, Legislator Brennan moved to adjourn, seconded by Legislator Stanford and carried.

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**FINAL DAY
ANNUAL SESSION
December 19, 2013**

The meeting was called to order at 10:00 a.m. by Chairman Michael A. Tabolt.

Roll Call: All Legislators were present.

The Invocation and a moment of silence for all those deceased was offered by Legislator Hathway, followed by Chairman Tabolt leading the Pledge of Allegiance to the Flag.

Chairman Tabolt announced approval of the 11/19/13 and 12/3/13 meeting minutes.

There were 12 persons present.

REPORT OF THE RULES AND LEGISLATION COMMITTEE:

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

Richard Lucas, Chairman
Philip Hathway
Craig Brennan

Dated: December 19, 2013

Legislator Bush made a motion to waive the rules, seconded by Legislator Burke and carried.

Chairman Tabolt opened the public hearing for comments on Local Law Introductory No. 12-2013 "Authorizing Municipal Exemption From Building Permit Fees"; Local Law Introductory No. 13-2013 "Amending and Re-Stating Local Law No. 4-1956 County of Lewis, As Subsequently Amended, Being A Local Law Enumerating Rules and Regulations of the Administration of the Lewis County Self-Insurance Plan"; Local Law Introductory No. 14-2013 "Establishing Salaries of Certain Local Officials"; and Local Law Introductory No. 15-2013 "Establishing County Policy for Reimbursement of Town and Village Charges Other Than Releived Taxes".

PRIVILEGE OF THE FLOOR:

There was no one who wished to speak at this time.

PRESENTATION OF COMMUNICATIONS AND NOTICES:

The contributing organizations and families of Rodney Lucas, Helen Muncil and Harold McCracken have each acknowledged receipt, and thank the Legislators and office staff for their memoriam contributions.

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The Delaware, Oswego, Otsego and Tioga County Legislatures have each forwarded a resolution to the Governor and State Legislature recording their strong objection to NYS using their County Seal and office names for pistol permit recertification notices.

REPORTS OF COUNTY OFFICERS AND DEPARTMENTS:

All Legislators have received copies of minutes of the 11/18/13 Soil & Water Conservation District Board of Directors and the 12/12/13 Junkyard Review Board meetings; as well as the Cooperative Extension, Ethics Board and Youth Bureau Advisory Board annual reports.

REPORTS OF STANDING COMMITTEES:

Legislator Philip Hathway, Hospital Committee Chairman, reported an impending on-site NYSDOH survey for Critical Access designation. The Dialysis Unit is on schedule and will be ready for a survey by late February or early March 2014. The new orthopedic surgeon Dr. Gundel began seeing patients and performing surgeries on 12/9/13. The Hospital has been approved for a three-year \$1.3 Million Vital Access Provider grant to develop Home Health programs to assist with avoiding re-admissions within 30 days; and to enhance integration of the Home Health and Hospice programs into the Hospital system.

Legislator Jack Bush, Ways and Means/Buildings and Grounds Committee Chairman, commended the maintenance crew for the remarkable job and upkeep of County buildings. He anticipates the Buildings and Grounds to end the year within budgetary appropriations.

Legislator Jerry King, member of the Courts & Law Enforcement Committee, reported completion of a preliminary review of the emergency communication radio bid proposals, announcing that interviews would be held in early January.

Legislator Richard Lucas, Economic Development Committee Chairman, made a motion to authorize the purchase of a Super Tablet GPS Unit at a cost not to exceed \$16,295.00 for use by the Recreation, Forestry & Parks and the Highway Departments. The purchase will be financed by the Lewis and Jefferson Joint Infrastructure Management Initiatives grant funds, and the balance borne equally by each Department. The motion was seconded by Legislator Hathway and carried.

Legislator Lucas acknowledged and thanked his colleagues and Department Heads for a good working relationship, especially citing the Economic Development and Recreation Trails personnel for what he termed “fun”; and wished the new Board well.

Legislator Craig Brennan, Transportation Committee Chairman, personally thanked outgoing Legislators Bush, Boyd, Lucas, Burke, Wallace and Stanford referencing the “tough boots to fill”; thanking them for all they have done for the County.

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Legislator Brennan made a motion to authorize filling the Director of Information Technology position effective January 1, 2014, which is allocated in the budget. The motion was seconded by Legislator King and carried.

Legislator Brennan made a motion to accept and award all three (3) vendor bids submitted from Emercon Oil, Gillies Auto and Noco for Highway Department bulk oil products. Orders of the various products will be made from the respective low product bidder, pursuant to the list on file with the Clerk of the Board. The motion was seconded by Legislator Stanford and carried.

Legislator Brennan made a motion to authorize a transfer of \$7,750.00 from the Capital Equipment Account into the Highway account, which was the sum of money received from auctioning Highway equipment. Legislator Bush stated the equipment was purchased with Highway funds and should be deposited into that account to finance equipment repairs. The motion was seconded by Legislator Wallace and carried.

Legislator Brennan then posed the pending issue with the Fastenal vending machine at the Highway Department, submitting that Superintendent David Becker had performed due diligence to compare various product pricing. Another company, Granger, does not currently have a vending machine available.

Legislator Lucas referenced an invoice for ibuprofen and antacids. He purports the company cannot charge the lowest cost for all the items in the machine because they would not recoup their money. Again, referencing invoices he invoked the items were not purchased at lowest possible pricing. He convincingly stated that a company would not place a vending machine and provide every product at the lowest price.

Mr. Becker assured that the ibuprofen and other first aid items are in the kit located on the wall in the office at the garage. Overall, Fastenal prices of vending machine items are lower than quotes from other company salesmen. However, he stated, Northern Safety's glove prices were nominally cheaper, but all other item pricing was higher, excepting McQuade & Bannigan's lower price for one item. Mr. Becker stated that he does not divulge the price quotes of one vendor to another salesman.

Mr. Becker relayed the Fastenal's contract was for one year, with a 30-day termination clause for either party. He had also checked with Hiawatha, who does not deal with vending machines; and even though their bolts were cheaper, the travel cost to pick up at their store would offset any savings.

In response to Legislator Hathway, Mr. Becker reported speaking to all aforementioned companies for price quotes; and reports the annual total vending purchases equates less than \$12,000.00.

Legislator Lucas stated, "I don't think this is right for the County", querying how often comparison pricing would be checked. Mr. Becker responded he would check

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monthly if directed to do so, while asserting the 24-7 availability of safety items is beneficial and holds each employee accountable through respective security codes.

Legislator Brennan relayed that Town of Montague Superintendent-Elect Tony Young has offered to plow County sections of the Sears Pond and Liberty Roads through a contractual agreement. Mr. Becker reported that the Town plows the Gardner Road to 17 feet wide. However, the County roads are plowed no less than 32 feet wide, and he predicts problems with snowmobile trailers if the Town plows to the narrower width. Even though the County expends \$5,700/mile to plow the Sears Pond and Liberty Roads, while paying Towns \$5,200/mile to plow County roads, Mr. Becker doesn't recommend turning the plowing over to the Town of Montague this year. However, at the request of Legislator Lucas, he agreed to discuss and consider for subsequent years.

Legislator William Burke, Office For Aging/Social Services/Youth Bureau Committee Chairman, expressed accolades to the Youth Bureau Advisory Board as a wonderful group to work with.

Legislator Burke reported that Office For Aging staff have received over 300 HEAP applications; and the current open enrollment period for Medicare beneficiary changes. Also, insurance counselors have made 1,144 client contacts to assist with various insurance coverage inquiries.

The Christmas Sharing Program and Santa For Seniors will send out 156 food boxes and gift cards for 252 seniors.

Legislator Burke further reported impending State takeover of the Medicaid program from the Social Services Department (DSS) anticipating the loss of up to four Welfare Examiners and one Sr. Welfare Examiner position, and attendant funding.

Legislator Hathway stated that part of "Obamacare" allowed the State to increase Medicaid eligibility. In doing so, the Federal government agrees to provide 75% of medical costs to the State, up from the previous 50%. The query is how much of the increased Federal funding may be allocated to Counties. It appears the only assurance is the cap on the local increase. Accordingly, Legislator Hathway encouraged the new DSS Committee to research the program changes and put forth initiatives to inform and urge amendments by the State Legislature.

Legislator Patrick Wallace, Reforestation/Taxation Committee Chairman, reported that Jackie Mahoney had ordered the new crew cab pick-up truck, and anticipates delivery in March 2014. At his request, Treasurer Patricia O'Brien reported completing tax warrants that await signatures of the Chairman and Clerk of the Board. She thanked the Legislators for their support over the past year.

Legislator Wallace referenced and concurred with Legislator Lucas's earlier comments thanking his colleagues for the good working relationship and support.

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Legislator Paul Stanford, Public Health/Mental Hygiene Committee Chairman, urged support of his sponsored resolutions that were mostly service contract renewals.

COUNTY MANAGER REPORT:

Acting Manager Michael Tabolt reported signing the supportive letter for the northern I-98 Highway project.

On 12/11/13 he attended the Regional Economic Development Council award ceremony held in Albany. The Governor's regional representative has offered to visit and become more acquainted and involved in our local initiatives and progress. Governor Cuomo is particularly interested in developing the North Country. Chairman Tabolt relayed being introduced to many other dignitaries by June O'Neill. His return trip from the ceremony was through inclement weather, and he was impressed by a follow-up phone call from the regional representative assuring he made it home safely.

The Courts and Law Enforcement Committee has proposed a Local Law to define policies for Assigned Counsel service vouchers and payment. Chairman Tabolt reported the Lewis Defenders office had handled over 800 cases in 2013. The McClusky Firm, as conflict defender, handled 165 cases in 2012, and 201 cases to-date in 2013. The Committee recommended advertising to ascertain interest for an additional conflict defender contract in an attempt to reduce overall defender expenses.

Chairman Tabolt relayed an invitation from Barnes Corners Sno Pals Snowmobile Club President Gary Stinson, to join them for a snowmobile trail ride and lunch on 2/27/2014.

Genesee Valley Transportation, as owners of the rail corridors from Lowville to Beaver Falls and from Lowville to Carthage, has retained Plumley Engineering, P.C. to pursue and commence abandonment proceedings. The firm is inquiring the Board's thoughts and stance about the rail corridors. Chairman Tabolt suggested forwarding a letter asking the owners to keep the Board informed of their process, indicating our interest that the corridor remains open. Legislator Boyd invoked that the Omniafiltra, LLC plant in Beaver Falls wants the rail corridor to remain open.

Atty. Graham reported that the railroad is under the jurisdiction of the Federal Service Transportation Board that would primarily consider interest of the NYSDOT, and secondly consider the County's interest. He recalled the extensive and lengthy review conducted a couple years ago, adding, that if interested, the County must provide a written plan for the Federal Board's consideration.

Legislator Brennan expressed his support to submit the letter to the Plumley Engineering affirming the County's interest to keep the railroad open.

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Legislator Hathway wanted to assure that no commitment was indicated by the County letter, but only relating the interest to keep the corridor open for future opportunities.

There was no objection to having the Chairman submit the letter to Plumley Engineering as reported.

Chairman Tabolt reported receipt of a letter from NYSDEC informing their intent to relax and/or waive penalties for self-reported infractions.

He then reported he would be out of town from 12/21-12/30/13, during which time Vice-Chairman William Burke would execute any necessary actions or documents.

PRIVILEGE OF THE FLOOR (Cont'd)

Legislator-Elect Bryan Moser inquired clarification on Local Law Intro. No. 11-2013 Authorizing Municipal Exemption From Building Permit Fees. Chairman Tabolt stated the purpose is to clarify that exemptions are solely for municipally-owned properties. Previously, Building Code Officers had to discretionally decide exemptions.

Sheriff Michael Carpinelli inquired clarification on Local Law Intro. No. 14-2013 Establishing the Salaries of Certain Local Officials. Treasurer Patricia O'Brien stated it is for elected officials only. However, the Real Property Tax Director was also included. Clerk of the Board Teresa Clark clarified that salary increases for termed officials whom are within the middle of their term, are subject to a Local Law and public hearing prior to taking effect.

Legislator Hathway reported the proposed Department Head salary increases were in response to a 19-County survey to adjust salaries within the equitable average.

Sheriff Carpinelli was unaware of the proposed increase, and was inclined to reject the increase, unless the Undersheriff was also considered. Legislator Hathway offered to discuss the issue more in-depth with the Sheriff, if desired.

It being 10:51 a.m., Chairman Tabolt closed the public hearing for comments on Local Law Introductory Nos. 12, 13, 14 and 15-2013.

REPORT OF THE WAYS AND MEANS COMMITTEE:

**REPORT OF
WAYS AND MEANS COMMITTEE
ON THE EXAMINATION OF CLAIMS**

To: The Honorable County Legislators

December 19, 2013

The Ways and Means Committee reports that they have examined the claims presented for payment in the total amount of \$ 649,870.09 and recommend that they be audited and allowed for the amounts claimed, which reflects voiding Voucher number 192077 in the amount of \$8,500.00 which shall be a 2014 expense.

Jack Bush, Chair
Philip Hathway, Committee
Jerry King, Committee

Dated: December 19, 2013

Approved on motion by Legislator King, seconded by Legislator Boyd, and carried.

RESOLUTIONS:

**RESOLUTION NO. 527 - 2013
AUDITING AND ALLOWING CLAIMS**

Introduced by Legislator Jack T. Bush, Chairman of the Ways and Means Committee.

RESOLVED that the claims presented for payment in the total amount of \$ 658,370.09 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 Brennan, seconded by Legislator Lucas.

Legislator Bush made a motion to amend the total amount payable to \$649,870.09, due to voiding voucher number 192077, which shall be a 2014 expense. The motion was seconded by Legislator Boyd and carried.

The resolution was then adopted by roll call vote.

All Legislators voted yea.

**LOCAL LAW (INTRODUCTORY NO. 16 - 2013)
COUNTY OF LEWIS
A LOCAL LAW ESTABLISHING RULES AND REGULATIONS FOR THE
PAYMENT OF DEFENSE COUNSEL ASSIGNED PURSUANT
TO COUNTY LAW ARTICLE 18-B**

December 19, 2013

Introduced by Legislator John Boyd, Chairman of the Courts and Law Committee.

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

SECTION 1. TITLE

This local law shall be entitled "A LOCAL LAW ESTABLISHING RULES AND REGULATIONS FOR THE PAYMENT OF DEFENSE COUNSEL ASSIGNED PURSUANT TO COUNTY LAW ARTICLE 18-B."

SECTION 2. LEGISLATIVE FINDINGS

The Board of Legislators finds that:

- 1) Pursuant to County Law § 722, the governing body of each county is obligated to provide legal counsel to those persons who are charged with a crime or who are entitled to counsel pursuant to section two hundred sixty-two or section eleven hundred twenty of the family court act, article six-C of the correction law, section four hundred seven of the surrogate's court procedure act or article ten of the mental hygiene law, who are financially unable to obtain counsel.
- 2) The Board of Legislators has heretofore established a plan to provide legal counsel in such circumstances by authorizing a contract for a public defender and a conflict defender.
- 3) In those cases where there are multiple parties who are eligible for defense counsel pursuant to County Law § 722, it is necessary for the applicable court to assign counsel (herein "Assigned Counsel") to represent such persons who are not being represented by either the public defender contractor or the conflict defender.
- 4) It is in the public interest to set forth a clear and concise set of regulations for the administration and payment of claims made by Assigned Counsel.

SECTION 3. PURPOSE

The purpose of this Local Law is to establish rules and regulations for the administration and payment of vouchers for attorneys who are assigned to represent indigent parties pursuant to County Law Article 18-B.

SECTION 4. AUTHORITY

This local law is enacted pursuant to the authority granted by Municipal Home Rule Law § 10 which authorizes a county to adopt local laws not inconsistent with any general law relating to its property, affairs or government, and among other things, specifically authorizes a county to adopt a local law regarding:

- (1) The transaction of its business; and
- (2) The presentation, ascertainment, disposition and discharge of claims against it.

SECTION 5. REGULATIONS FOR PAYMENT OF ASSIGNED COUNSEL

The County of Lewis hereby establishes the following rules and regulations for the submission and payment of claims for payment by Assigned Counsel.

A. SUBMISSION OF VOUCHERS

1. Assigned Counsel shall submit vouchers directly to the designated administrator of the Assigned Counsel program (herein, "Administrator").
2. After the review of the voucher, the Assigned Counsel Administrator will send it to the assigning judge for approval and signature. The judge will return the voucher to the Assigned Counsel Administrator who will process payment through the Lewis County Treasurer's office.
3. Original Signature. Assigned Counsel's original signature must appear on the face sheet of the voucher to receive payment from the Lewis County Treasurer. The Administrator will return vouchers submitted with photocopied signatures for affixing of an original signature, thus delaying payment.
4. Submission Deadline.
 - a. FOR ALL VOUCHERS SUBMITTED ON OR AFTER APRIL 1, 2014, Assigned Counsel must submit vouchers to the Administrator within NINETY (90) calendar days of the completion of a case (see, definition below). Vouchers that are submitted after NINETY (90) days from the date of completion will not be processed for payment, except upon court order made upon application by the Assigned Counsel, on notice to the County Attorney, providing sworn proof demonstrating extraordinary circumstances that prevented Assigned Counsel from complying with this deadline and demonstrating why the late voucher submission should be approved.
5. Case Completion.
 - a. For criminal matters, case completion shall be deemed to be the date of sentencing, or the date of dismissal, or the date of granting of an Adjournment in Contemplation of Dismissal ("ACD"). The only exception to this is when the judge orders a Bench Warrant. In bench warrant cases, the Assigned Counsel Program deems the completion date to be four weeks from the issuance of the warrant.
 - b. For Family Court matters, case completion shall be the date of entry of a final order.
 - c. In the event that Assigned Counsel services are terminated other than through the finalizing of the matter pending in court, or in the event that an Assigned Counsel withdraws from representation, in either event, case completion shall be deemed to be the date of such termination or the date such withdrawal is approved by the court.
6. Subject to audit. All vouchers submitted for payment to the Administrator are subject to audit. When appearing in court on multiple cases, Assigned Counsel

must apportion their time actually spent as well as allowed travel time or mileage (see, Paragraph "B" below), among the cases handled in that same court.

7. Partial Payments. Partial payments or interim vouchers are not authorized. Counsel should submit vouchers only at the completion of a matter. The only exception is where extraordinary circumstances are present (i.e., multiple homicides). In such cases, the court must notify the Administrator in writing of circumstances that the attorney believes warrants payment of an interim voucher.
 8. Withdrawal/Reassignment. When you must withdraw from a matter, the voucher should show that the judge relieved you from assignment and should name the new assigned attorney, if known.
- B. EXPENSES
1. Travel Time.
 - a. For attorneys who maintain offices within Lewis County, billing the County for mileage for travel within Lewis County is not permitted. It is permissible to bill time spent traveling to and from court as out of court time only. Assigned Counsel must apportion the time actually spent traveling among the various cases handled on that same trip.
 - b. For attorneys whose only office(s) is outside Lewis County, Assigned Counsel have the option to bill for mileage for travel to and from court in Lewis County or to bill time spent traveling to and from court as out of court time, but not both. If Assigned Counsel bills for travel time, counsel must apportion the time actually spent traveling among the various cases handled on that same trip.
 2. Parking. The County will not reimburse Assigned Counsel for parking of vehicles for routine court appearances or jail visits.
 3. Photocopies. The Assigned Counsel Program reimburses for photocopies up to a maximum of \$.15 per page for necessary copies. Counsel must attach a receipt or statement showing the date, number and purpose of the copies. For voluminous copying, a court order for services should accompany any invoice. If you or your firm would normally absorb the costs of routine copying for retained clients, counsel should not bill the County for copies associated with the assigned counsel program. Note that the American Bar Association Standards for Assigned Counsel Programs provide that routine expenses normally absorbed in the fee charged to a retained client, such as in-house photocopying, is not reimbursable under an assigned counsel plan.
 4. Long Distance Phone Calls. If requesting reimbursement for long distance telephone calls, the attorney must attach a copy of the phone bill to the voucher. If the bill refers to multiple matters, the attorney should clearly identify the calls for which counsel seeks reimbursement.

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5. Out-of-Pocket Expenses. Receipts must accompany any request for payment of any other out-of-pocket expenses (i.e., Federal Express, certified mail).
 6. Overhead Expenses. Routine overhead expenses are not reimbursable under the Assigned Counsel Plan. It is not permissible to bill the County for preparation of your voucher as a retained client would not pay you for preparing the bill. The only cost associated with billing that is permissible is the time devoted to preparing the following: court orders for expert services, court orders for 722-d orders, and court orders, court certifications, and attorney affidavits for payment of compensation more than the statutory amount.
- C. EXPERT SERVICES
1. Court Order. A court order must accompany any voucher requesting payment for services of an expert. It is Assigned Counsel's responsibility to obtain the court order for expert services pursuant to County Law § 722-c before hiring the expert (i.e., paralegal, investigators, interpreters). After performance of the expert service, counsel should give the court order to the expert for submission with a Lewis County claim voucher.
 2. There is a statutory limit of \$300 for payments for expert services. A court order authorizing payment in the requested amount must accompany any request for payment of more than the \$300.00 statutory maximum.
 3. Travel Arrangements. The Assigned Counsel Program will authorize payment for travel costs associated with an expert witness only in extraordinary circumstances. Prior court approval must accompany any request by assigned counsel for expert travel.
- D. EXTRAORDINARY EXPENSES
1. Court Order. A court order must accompany any voucher requesting payment for fees or expenses incurred in excess of limits set by County Law § 722-b.

SECTION 6. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

**RESOLUTION NO. 528 - 2013
FIXING DATE OF PUBLIC HEARING ON LOCAL LAW
(INTRODUCTORY LOCAL LAW NO. 16 - 2013), COUNTY OF LEWIS**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement Committee.

WHEREAS, there will be presented and introduced at a meeting of this Board of Legislators to be held on December 19, 2013, a proposed Local Law entitled "A LOCAL

December 19, 2013

LAW ESTABLISHING RULES AND REGULATIONS FOR THE PAYMENT OF DEFENSE COUNSEL ASSIGNED PURSUANT TO COUNTY LAW ARTICLE 18-B.”

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That a public hearing will be held on January 7, 2014, 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 Bush, seconded by Legislator King, and adopted.

**RESOLUTION NO. 529 - 2013
RESOLUTION ADOPTING AND OTHERWISE TREATING
LOCAL LAW NO. 11 – 2013, COUNTY OF LEWIS**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement Committee.

WHEREAS, a resolution was duly adopted by the Board of Legislators on December 3, 2013, directing that a public hearing be held by said Board on December 19, 2013, from 10:00 a.m. to 10:30 a.m. at the Second Floor Board Room of the Courthouse, 7660 North State Street, Lowville, New York 13367, to hear all interested parties on a proposed Local Law entitled, “A LOCAL LAW AUTHORIZING MUNICIPAL EXEMPTION FROM BUILDING PERMIT FEES”; and

WHEREAS, notice of said public hearing was duly advertised in the Watertown Daily Times, the official newspaper designated by the County, on December 13, 2013, and posted on the bulletin board of the Lewis County Courthouse, 7660 North State Street, Lowville, New York, at least five (5) days prior to such public hearing; and

WHEREAS, said public hearing was duly held at such location at such time and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

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

Now, Therefore, BE IT FURTHER RESOLVED, as follows:

December 19, 2013

Section 1. This Local Law (Introductory No. 12 – 2013), County of Lewis, being “A LOCAL LAW AUTHORIZING MUNICIPAL EXEMPTION FROM BUILDING PERMIT FEES.”; be and the same hereby is designated as Local Law No. 11 –2013, County of Lewis.

Section 2. That Local Law No. 11 – 2013, County of Lewis, with designation stated above, be and the same is hereby enacted, waiving any and all defects and informalities in the adoption thereof and shall take effect immediately upon filing with the Secretary of State.

Moved by Legislator Stanford, seconded by Legislator Lucas, and adopted.

YEAS: Boyd, Burke, Bush, Brennan, Hathway, King, Lucas, Stanford, Wallace, Tabolt

NAYS: None

ABSENT: None

RESOLUTION NO. 530 - 2013
RESOLUTION ADOPTING AND OTHERWISE TREATING
LOCAL LAW NO. 12 – 2013, COUNTY OF LEWIS

Introduced by Legislator Richard Lucas, Chairman of the Workers’ Compensation Committee.

WHEREAS, a resolution was duly adopted by the Board of Legislators on December 3, 2013, directing that a public hearing be held by said Board on December 19, 2013, from 10:00 a.m. to 10:30 a.m. at the Second Floor Board Room of the Courthouse, 7660 North State Street, Lowville, New York 13367, to hear all interested parties on a proposed Local Law entitled, “A LOCAL LAW AMENDING AND RE-STATING LOCAL LAW NO. 4-1956 COUNTY OF LEWIS, AS SUBSEQUENTLY AMENDED, BEING A LOCAL LAW ENUMERATING RULES AND REGULATIONS OF THE ADMINISTRATION OF THE LEWIS COUNTY SELF-INSURANCE PLAN”; and

WHEREAS, notice of said public hearing was duly advertised in the Watertown Daily Times, the official newspaper designated by the County, on December 13, 2013, and posted on the bulletin board of the Lewis County Courthouse, 7660 North State Street, Lowville, New York, at least five (5) days prior to such public hearing; and

WHEREAS, said public hearing was duly held at such location at such time and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

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

December 19, 2013

Now, Therefore, BE IT FURTHER RESOLVED, as follows:

Section 1. This Local Law (Introductory No. 13 – 2013), County of Lewis, being “A LOCAL LAW AMENDING AND RE-STATING LOCAL LAW NO. 4-1956 COUNTY OF LEWIS, AS SUBSEQUENTLY AMENDED, BEING A LOCAL LAW ENUMERATING RULES AND REGULATIONS OF THE ADMINISTRATION OF THE LEWIS COUNTY SELF-INSURANCE PLAN”; be and the same hereby is designated as Local Law No. 12 –2013, County of Lewis.

Section 2. That Local Law No. 12 – 2013, County of Lewis, with designation stated above, be and the same is hereby enacted, waiving any and all defects and informalities in the adoption thereof and shall take effect immediately upon filing with the Secretary of State.

Moved by Legislator Brennan , seconded by Legislator Burke , and adopted.

YEAS: Boyd, Burke, Bush, Brennan, Hathway, King, Lucas, Stanford, Wallace, Tabolt

NAYS: None

ABSENT: None

RESOLUTION NO. 531 - 2013
RESOLUTION ADOPTING AND OTHERWISE TREATING
LOCAL LAW NO. 13 – 2013, COUNTY OF LEWIS

Introduced by Legislator Paul Stanford, Member of the Taxation Committee.

WHEREAS, a resolution was duly adopted by the Board of Legislators on December 3, 2013, directing that a public hearing be held by said Board on December 19, 2013, from 10:00 a.m. to 10:30 a.m. at the Second Floor Board Room of the Courthouse, 7660 North State Street, Lowville, New York 13367, to hear all interested parties on a proposed Local Law entitled, “A LOCAL LAW ESTABLISHING COUNTY POLICY FOR REIMBURSEMENT OF TOWN AND VILLAGE CHARGES OTHER THAN RE-LIEVED TAXES”; and

WHEREAS, notice of said public hearing was duly advertised in the Watertown Daily Times, the official newspaper designated by the County, on December 13, 2013, and posted on the bulletin board of the Lewis County Courthouse, 7660 North State Street, Lowville, New York, at least five (5) days prior to such public hearing; and

WHEREAS, said public hearing was duly held at such location at such time and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

December 19, 2013

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

Now, Therefore, BE IT RESOLVED, as follows:

Section 1. This Local Law (Introductory No. 15 – 2013), County of Lewis, being “A LOCAL LAW ESTABLISHING COUNTY POLICY FOR REIMBURSEMENT OF TOWN AND VILLAGE CHARGES OTHER THAN RELEVIED TAXES”; be and the same hereby is designated as Local Law No. 13 –2013, County of Lewis.

Section 2. That Local Law No. 13 – 2013, County of Lewis, with designation stated above, be and the same is hereby enacted, waiving any and all defects and informalities in the adoption thereof and shall take effect immediately upon filing with the Secretary of State.

Moved by Legislator King, seconded by Legislator Stanford, and adopted.

YEAS: Boyd, Burke, Bush, Brennan, Hathway, King, Lucas, Stanford, Wallace, Tabolt

NAYS: None

ABSENT: None

**RESOLUTION NO. 532 - 2013
RESOLUTION ADOPTING AND OTHERWISE TREATING
LOCAL LAW NO. 1 – 2014, COUNTY OF LEWIS**

Introduced by Legislator Jack T. Bush, Chairman of the Ways and Means Committee.

WHEREAS, a resolution was duly adopted by the Board of Legislators on December 3, 2013, directing that a public hearing be held by said Board on December 19, 2013, from 10:00 a.m. to 10:30 a.m. at the Second Floor Board Room of the Courthouse, 7660 North State Street, Lowville, New York 13367, to hear all interested parties on a proposed Local Law entitled, “A LOCAL LAW ESTABLISHING THE SALARIES OF CERTAIN LOCAL OFFICIALS”; and

WHEREAS, notice of said public hearing was duly advertised in the Watertown Daily Times, the official newspaper designated by the County, on December 13, 2013, and posted on the bulletin board of the Lewis County Courthouse, 7660 North State Street, Lowville, New York, at least five (5) days prior to such public hearing; and

WHEREAS, said public hearing was duly held at such location at such time and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

December 19, 2013

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

Now, Therefore, BE IT FURTHER RESOLVED, as follows:

Section 1. This Local Law (Introductory No. 14 – 2013), County of Lewis, being “A LOCAL LAW ESTABLISHING THE SALARIES OF CERTAIN LOCAL OFFICIALS”; be and the same hereby is designated as Local Law No. 1 –2014, County of Lewis.

Section 2. That Local Law No. 1 – 2014, County of Lewis, with designation stated above, be and the same is hereby enacted, waiving any and all defects and informalities in the adoption thereof and shall take effect immediately upon filing with the Secretary of State.

Moved by Legislator King, seconded by Legislator Burke, and adopted.

YEAS: Boyd, Burke, Bush, Brennan, Hathway, King, Lucas, Stanford, Wallace, Tabolt

NAYS: None

ABSENT: None

**RESOLUTION NO. 533 - 2013
RESOLUTION AUTHORIZING AGREEMENT WITH THE
LEWIS COUNTY CHAMBER OF COMMERCE FOR
ATV PERMIT SERVICES**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

WHEREAS, the Board of Legislators wishes to enter into an Agreement with the Lewis County Chamber of Commerce to administer and market the Lewis County ATV permits.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby authorizes an Agreement between the County of Lewis and Lewis County Chamber of Commerce, to administer and market Lewis County ATV Permits for which services the Chamber of Commerce shall receive an administration fee equal to 10% of the permit fees collected.

Section 2. That the term of said Agreement shall be for the period from January 1, 2014 through December 31, 2014.

December 19, 2013

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

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

Moved by Legislator Hathway, seconded by Legislator King, and adopted.

**RESOLUTION NO. 534 - 2013
RESOLUTION TO APPOINT RELIANCE TRUST COMPANY AS
SUCCESSOR TRUSTEE WITH RESPECT TO THE DEFERRED
COMPENSATION PLAN FOR EMPLOYEES OF THE COUNTY OF LEWIS**

Introduced by Legislator Jerry King, Chairman of the County Officers Committee.

BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby removes National Advisors Trust Company as Trustee with respect to the Deferred Compensation Plan for Employees of The County of Lewis effective January 1, 2014.

Section 2. That the Lewis County Board of Legislators hereby appoints Reliance Trust Company of 1100 Abernathy Road 500 Northpark, Suite 400, Atlanta, GA 30328 as the Successor Trustee with respect to the Deferred Compensation Plan for Employees of The County of Lewis effective January 1, 2014.

Section 3. That the Lewis County Board of Legislators hereby authorizes the plan record keeper, MassMutual Financial Group, to act as an agent of the Trustee as indicated in the Trust Agreement.

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

Moved by Legislator Stanford, seconded by Legislator Burke, and adopted by the following roll call vote:

YEAS: Boyd, Burke, Bush, Brennan, Hathway, King, Lucas, Stanford, Wallace, Tabolt

NAYS: None

ABSENT: None

**RESOLUTION NO. 535 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN LEWIS COUNTY
DISTRICT ATTORNEY AND JOHN A. CIRANDO, ESQ.**

December 19, 2013

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement Committee.

WHEREAS, the Lewis County District Attorney's Office wishes to enter into an agreement with John A. Cirando, Esq. for the purpose of providing appellate work.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes an agreement between the Lewis County District Attorney's Office and John A. Cirando, Esq. for the purpose of providing appellate work for the period of January 1, 2014 through December 31, 2014 at a cost not to exceed \$80.00 an hour.

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Boyd, seconded by Legislator Bush, and adopted.

RESOLUTION NO. 536 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY DISTRICT ATTORNEY AND KEVIN EDMONDS AS A
CONFIDENTIAL DISTRICT ATTORNEY INVESTIGATOR

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement Committee.

WHEREAS, the Lewis County District Attorney's Office wishes to enter into an agreement with Kevin Edmonds for the purpose of receiving confidential criminal investigator services for the Lewis County District Attorney's Office on an "as needed" basis by performing the duties of locating and interviewing witnesses for trials; serving subpoenas; securing and obtaining current and additional evidence for misdemeanor and felony trials; case reviews and preparation of witnesses for Grand Jury and/or trials.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes an agreement between the Lewis County District Attorney's Office and Kevin Edmonds for the purpose of receiving confidential criminal investigator services for the Lewis County District Attorney's Office on an "as needed" basis.

December 19, 2013

Section 2. That this is for the period of January 1, 2014 through December 31, 2014 at the sum of \$16.00 per hour on an “as needed” basis, which also includes reasonable fees for mileage and parking.

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 Boyd, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 537 - 2013
RESOLUTION AUTHORIZING AGREEMENT
BETWEEN THE LEWIS COUNTY DISTRICT ATTORNEY’S OFFICE
AND SAMUEL A. LIVINGSTONE, M.D.**

Introduced by Legislator John Boyd, Chairman of the Courts & Law Enforcement Committee

WHEREAS, the Lewis County District Attorney’s Office wishes to enter into an agreement with Samuel A. Livingstone, M.D., an experienced forensic pathologist, to perform forensic autopsies as required; assist with death scene investigations and the manner and causes of death; provide expert forensic pathologist consultation services and testify in court as required under the direction of the Lewis County District Attorney; and

WHEREAS, the County of Lewis is in need of the specialized services that Dr. Samuel A. Livingstone can provide.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That this Board of Legislators hereby authorizes an agreement between the Lewis County District Attorney’s Office and Samuel A. Livingstone, M.D. to perform forensic autopsies and related services for the County of Lewis.

Section 2. That this is for the term commencing on January 1, 2014 through December 31, 2015 at a cost of \$1,250.00 per quarter and an additional \$1,100.00 per autopsy performed on behalf of the County of Lewis together with the costs and related expenses for conferences or training seminars in the spring and fall for the New York State County Coroners and Medical Examiners Association.

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.

December 19, 2013

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

Moved by Legislator Stanford, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 538 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY DISTRICT ATTORNEY/CORONER'S OFFICE
AND MARK A. TUTTLE**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement Committee.

WHEREAS, the Lewis County District Attorney/Coroner's Office wishes to enter into an agreement with Mark A. Tuttle for the purpose of assisting the Lewis County Coroner's Office in death investigation services on an "as needed" and "on call" basis when the Lewis County Coroner is unavailable or out of town by performing the duties of photographing death scenes; documenting death scenes; obtaining medical and family death information; obtaining police documentation and corroborative medical histories; coordinating and collaborating with medical professionals, police agencies, funeral homes and medical examiner's offices; follow-up paperwork with required agencies and filing of necessary documents.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes an agreement between the Lewis County District Attorney/Coroner's Office and Mark A. Tuttle for the purpose of assisting the Lewis County Coroner's Office in death investigation services on an "as needed" and "on call" basis when the Lewis County Coroner is unavailable or out of town for the period of January 1, 2014 through December 31, 2014, at a cost not to exceed \$5,000.00 annually.

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Burke, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 539 - 2013
RESOLUTION AND ORDER WITH REFERENCE
TO DOG QUARANTINE**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

December 19, 2013

WHEREAS, this Board of Legislators determines that the deer population in the County of Lewis is suffering from severe depredation due to dogs attacking, chasing or worrying deer.

Now, therefore, BE IT RESOLVED, pursuant to Section 122 of the Agriculture and Markets Law, and any other appropriate provisions of laws, rules and regulations as follows:

Section 1. It is ordered that all dogs in the County of Lewis shall be securely confined during the period of time from December 15, 2013 to May 15, 2014.

- a. Pursuant to Agriculture and Markets Law Section 122 (3), a dog shall not be deemed in violation of this order if it is accompanied by, and under the control of its owner.
- b. Pursuant to Agriculture and Markets Law Section 122 (6), this order shall not apply to dogs in special dog training areas or shooting preserves enclosed and licensed pursuant to the environmental conservation law, while such dogs are under the control of the owner or trainer.

Section 2. It is resolved and ordered that notice of this order shall immediately be given by publication in the Watertown Daily Times, as the Board's official newspaper with general circulation in Lewis County.

Section 3. It is resolved and ordered that the Clerk of the Board of Legislators be and she hereby is directed to file a copy of this Order and Resolution in the office of each Town Clerk in the area affected by the order; and that a certified copy of the resolution be forwarded to the NYS Commissioner of Agriculture and Markets.

Section 4. That such order shall be in full force and effect within 24 hours following publication.

Moved by Legislator Lucas, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 540 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY EMERGENCY MANAGEMENT AND
NYS DIVISION OF HOMELAND SECURITY**

Introduced by Legislator John Boyd, Chairman of the Emergency Management Committee.

WHEREAS, the Lewis County Emergency Management Office has been awarded a grant from the New York State Division of Homeland Security and Emergency Services in the amount of \$30,000 to provide assistance with emergency management operations; and

December 19, 2013

WHEREAS, the Board of Legislators wishes to accept said grant.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby approves an Agreement between the County of Lewis, by and through the Office of Emergency Management, and the New York State Division of Homeland Security and Emergency Services in the amount of \$30,000 for the term commencing September 1, 2013 through August 31, 2015.

Section 2. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to execute, seal and deliver said Agreement, pending approval by the County Attorney.

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

Moved by Legislator Boyd, seconded by Legislator Brennan, and adopted.

**RESOLUTION NO. 541 - 2013
RESOLUTION TO APPROPRIATE FUNDS
TRANSPORTATION DEPARTMENT**

Introduced by Legislator Craig Brennan , Chairman of the Transportation Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget appropriation is hereby approved in the Highway Department Accounts for the purchase of a laptop, utilizing Capital Data Processing funds; balance \$ 28,733.44:

Increase Revenue:

D50310 (Inter- fund Transfers)	\$684.40
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Increase Expense:

D5010.2211 (Office Equip)	\$684.40
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Section 2. That the within resolution shall take effect immediately.

Moved by Legislator Stanford, seconded by Legislator Wallace, and adopted.

**RESOLUTION NO. 542 - 2013
RESOLUTION TO RE-APPOINT
SUPERINTENDENT OF HIGHWAYS**

December 19, 2013

Introduced by Legislator Craig Brennan, Chairman of the Transportation Committee.

WHEREAS, the term of Lewis County Superintendent of Highways David L. Becker will expire on December 31, 2013; and

WHEREAS, the Board of Legislators wishes to re-appoint him to said position.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby re-appoints David L. Becker of 4572 Flatrock Road, Lowville, New York 13367, as the Lewis County Superintendent of Highways.

Section 2. That the term of said appointment shall commence January 1, 2014 and terminate on December 31, 2017.

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

Moved by Legislator King, seconded by Legislator Brennan, and adopted.

**RESOLUTION NO. 543 - 2013
RESOLUTION AUTHORIZING CONTRACT WITH
LEWIS DEFENDERS, PLLC**

Introduced by Legislator John Boyd, Chairman of Courts and Law Enforcement Committee.

WHEREAS, County Law §722 directs each county to adopt a plan to provide legal counsel to persons charged with a crime or who are entitled to counsel pursuant to Family Court Act §262 and who are financially unable to obtain counsel (herein “public defense legal services”); and

WHEREAS, County Law §722(2) authorizes a county to provide representation through a corporation, voluntary association, or organization permitted to practice law under the authority of § 495 of the Judiciary Law, which includes organizations which have as their primary purpose the furnishing of legal services to indigent persons.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. The Board of Legislators hereby approves the plan to provide public defense legal services through a contract with LEWIS DEFENDERS, PLLC to commence effective January 1, 2014 and continue through December 31, 2014.

December 19, 2013

Section 2. That the all inclusive annual cost of such services shall not exceed \$240,000.00, provided that such services shall not include the prosecution or defense of any appeals except to file the appropriate notice of appeal to preserve the rights of the indigent defendant.

Section 3. That the Chairman, or the Vice-Chairman, of the Board of Legislators be and the same are hereby authorized to execute and deliver such agreement to effectuate the purpose of this Resolution upon such form as approved by the County Attorney.

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

Moved by Legislator Brennan, seconded by Legislator Burke.

Legislator Hathway asked for clarification on the conflict defender services and related expenses, in consideration of budget preparation beyond 2014. Chairman Tabolt stated that a request for proposals would be advertised for an additional contractual conflict defender. Legislator King recognized the need for continuity of public defender representation, while wanting to explore all alternatives to determine cost effectiveness.

The resolution was then adopted.

**RESOLUTION NO. 544 - 2013
RESOLUTION AUTHORIZING CONTRACT WITH
MCCLUSKY LAW FIRM, LLC
TO PERFORM CONFLICT DEFENDER SERVICES**

Introduced by Legislator John Boyd, Chairman of Courts and Law Enforcement Committee.

WHEREAS, County Law §722 directs each county to adopt a plan to provide legal counsel to persons charged with a crime or who are entitled to counsel pursuant to Family Court Act §262 and who are financially unable to obtain counsel (herein “public defense legal services”); and

WHEREAS, contemporaneously herewith, the Board of Legislators is authorizing an agreement to provide indigent legal defense services with Lewis Defenders, PLLC; and

WHEREAS, it is necessary to appoint an attorney to assist in providing the statutory legal assistance as provided by the Lewis Defenders, PLLC, but to those individuals where the Lewis Defenders, PLLC would have a conflict of interest; and

WHEREAS, in light of its continuing statutory duty to provide legal counsel for the indigent pursuant to County Law §722-A and Family Court Act §262, the Board of Legislators desires to appoint an attorney to perform such services in those instances where the Lewis Defenders, PLLC has an actual conflict of interest.

December 19, 2013

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. The Board of Legislators hereby approves an agreement which appoints the McClusky Law Firm, LLC of 8 Main Street, P.O. Box 97, Adams, New York 13605 to perform Conflict Defender services in those instances where the public defense firm authorized to act, has an actual conflict of interest (herein, "Conflict Defender"). As such, the McClusky Law Firm will provide a licensed attorney, as needed, in Lewis County Family Court, Lewis County Court, and Town and Village Courts throughout Lewis County, provided, however, that McClusky Law Firm will not be required to provide such services in any matter involving child support that is before the Lewis County Hearing Examiner.

Section 2. The Board of Legislators hereby authorizes the Chairman of the Board and he is hereby authorized to execute and deliver such contracts or agreements to effectuate this Resolution, upon such terms as may be approved by the Lewis County Attorney, provided that the cost thereof shall not exceed \$70,000.00. The term of such agreement to commence effective January 1, 2014 and continue through December 31, 2014.

Section 3. This Resolution shall take effect immediately.

Moved by Legislator Lucas, seconded by Legislator Boyd, and adopted.

RESOLUTION NO. 545 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY PUBLIC HEALTH AND JULIA IELFIELD

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

WHEREAS, the Lewis County Public Health wishes to renew their agreement with Julia Ielfield as a Child Safety Seat Technician for the purpose of checking, installing and replacing child and infant safety seats in motor vehicles, as part of the required basic prevention for public health work; and

WHEREAS, this is for the period beginning January 1, 2014 through December 31, 2014 at a cost of \$45.00 per hour in addition to the cost to attend an annual Tri-State Conference for Child Passenger Safety, which is mandatory for re-certification as a Car Seat Technician and Instructor, at a flat rate of \$300, plus mileage at the current IRS rate; and

WHEREAS, the Board of Legislators wishes to accept said services.

NOW, THEREFORE, BE IT RESOLVED, as follows:

December 19, 2013

Section 1. That the Lewis County Board of Legislators hereby authorizes an agreement between the Lewis County Public Health Agency and Julia Ielfield, Child Safety Seat Technician, for the purpose of checking, installing and replacing child and infant safety seats in motor vehicles as part of the required basic prevention for public health work.

Section 2. That this is for the period beginning January 1, 2014 through December 31, 2014 at a cost of \$45.00 per hour in addition to the cost to attend an annual Tri-State Conference for Child Passenger Safety, which is mandatory for re-certification as a Car Seat Technician and Instructor, at a flat rate of \$300, plus mileage at the current IRS rate.

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 Bush, seconded by Legislator Stanford, and adopted.

**RESOLUTION NO. 546 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY PUBLIC HEALTH AGENCY AND
NEW YORK STATE DEPARTMENT OF HEALTH
FOR THE CANCER SERVICES PROGRAM**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

WHEREAS, the Lewis County Public Health Agency has received an additional grant award from the New York State Department of Health in the amount of \$2,710.00 for services and expenses of the Women's Health Initiatives through the Cancer Services Program; and

WHEREAS, Lewis County Public Health Department is an eligible provider of these services.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes a grant agreement between the County of Lewis, acting by and through the Lewis County Public Health Agency and the New York State Department of Health to provide services and expenses of the Women's Health Initiatives through the Cancer Services Program for the period of April 1, 2013 through March 31, 2014 in the amount of \$2,710.00.

December 19, 2013

Section 2. That the Chairman of the Board of Legislators, or the Vice-Chairman, be and the same is hereby authorized to execute and deliver such Agreement, pending approval by the County Attorney.

Section 3. That this Resolution shall take effect immediately.

Moved by Legislator Bush, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 547 - 2013
RESOLUTION TO TRANSFER FUNDS
RECREATION, FORESTRY AND PARKS**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

BE IT RESOLVED as follows:

Section 1. That the following 2014 transfer of funds is hereby approved in the Recreation, Forestry & Parks account for the purchase of a truck, utilizing Capital Equipment funds (HAD9901.9), balance \$152,446.86:

<u>Increase Revenue:</u>	
A50310 (Inter-fund transfers)	\$30,739.00
<u>Increase Expense:</u>	
A7989.2234 (Vehicles)	\$30,739.00

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

Moved by Legislator Hathway, seconded by Legislator Boyd, and adopted.

**RESOLUTION NO. 548 - 2013
RESOLUTION AMENDING THE COMPENSTION PLAN OF THE
COUNTY OF LEWIS WITH REFERENCE TO
RECREATION, FORESTRY AND PARKS DEPARTMENT**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

WHEREAS, Local Law No. 10-2013 Established the Recreation, Forestry and Parks Department, and thereby created the position of Director of Recreation, Forestry and Parks.

Now, Therefore, BE IT RESOLVED, as follows:

December 19, 2013

Section 1. That the Board of Legislators hereby amends the Compensation Plan of the County of Lewis to combine the 2014 allocated salaries for the positions of Trail Coordinator and Reforestation Conservation Supervisor, thereby allocating those monies to the following position:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Director of Recreation, Forestry and Parks	Full-Time	\$57,000

Section 2. That the position as above stated is authorized to be filled effective January 1, 2014 for the annualized salary as above stated.

Section 3. That the within resolution is effective immediately.

Moved by Legislator Lucas, seconded by Legislator Brennan, and adopted.

RESOLUTION NO. 549 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY SHERIFF'S DEPARTMENT
& NYS DIVISION OF HOMELAND SECURITY & EMERGENCY SERVICES
FOR LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement Committee.

WHEREAS, the Lewis County Sheriff's Department has received a grant award from the New York State Division of Homeland Security and Emergency Services in the amount of \$10,000 for the Enforcement Terrorism Prevention Program; and

WHEREAS, the Board of Legislators wishes to accept said grant.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby approves the contract with the New York State Division of Homeland Security and Emergency Services for the Lewis County Sheriff's Department to implement the Enforcement Terrorism Prevention Program in the amount of \$10,000.

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator King, seconded by Legislator Boyd, and adopted.

December 19, 2013

**RESOLUTION NO. 550 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY SHERIFF'S DEPARTMENT
AND LOCUM INTERACTIVE, INC.**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Committee.

WHEREAS, the Lewis County Sheriff's Department desires to enter into an Agreement with Locum Interactive, Inc., with offices located at 859 Penfield Road, Rochester, New York 14625; and

WHEREAS, Locum Interactive, Inc. shall provide mental health services to the inmates at the Lewis County Jail; and

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That the Board of Legislators hereby authorizes an Agreement between the County of Lewis, by and through the Lewis County Sheriff's Department with Locum Interactive, Inc. to provide the services of Lawrence J. Palinski and Steven M. Fogleman, MD for mental health services to the inmates at the Lewis County Jail for the term beginning January 1, 2014 and ending December 31, 2014 at a cost of \$2,500 per month (Physician's Rate") which includes the following:

- One visit to the work facility per month for a total of four (4) hours per visit
- One phone consultation per week for a total of one (1) hour per call
- Any additional coverage needed per month shall be charged:
 1. \$300 per hour to be on-call during a weeknight. Should the Physician be called back to the worksite during the weeknight, Physician will be paid at the rate of \$350 per hour
 2. \$400 per hour to be on call during a recognized holiday. Should the Physician be called back to the worksite on the holiday, the Physician will be paid at the rate of \$450 per hour

Section 2. 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 as may be approved by the County Attorney.

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

Moved by Legislator Boyd, seconded by Legislator Stanford, and adopted.

December 19, 2013

**RESOLUTION NO. 551 - 2013
RESOLUTION TO APPROPRIATE FUNDS
SHERIFF'S DEPARTMENT**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement Committee.

BE IT RESOLVED as follows:

Section 1. That the following appropriation be approved in the Sheriff's Department account for the Shop with a Cop event using donations that have been received:

<u>Increase Revenues</u>	<u>Amount:</u>
A27053.4 (Donations Shop w/a Cop)	\$350.00
<u>Increase Expense:</u>	<u>Amount</u>
A3110.4909 (Misc. Expense)	\$350.00

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

Moved by Legislator King, seconded by Legislator Brennan .

In response to Legislator Hathway, Undersheriff James Monnat reported that about 20 children participated in the Shop With A Cop event.

The resolution was then adopted.

**RESOLUTION NO. 552 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE COUNTY OF
LEWIS AND MOUNTAIN VIEW PREVENTION SERVICES, INC. STOP DWI**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

WHEREAS, Vehicle & Traffic Law § 1197 authorizes the development of a program to coordinate the efforts of interested parties and agencies in the formulation and execution of alcohol traffic safety programs including enforcement, adjudication, rehabilitation and education; and

WHEREAS, Vehicle & Traffic Law § 1197 further authorizes the Chairman of the Board of Legislators to designate the DWI Coordinator, who may be paid such compensation as may be authorized by the Board of Legislators and who may serve at the pleasure of the governing board or officer.

NOW, THEREFORE, BE IT RESOLVED as follows:

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Section 1. That the Chairman of the Board hereby designates and appoints MOUNTAIN VIEW PREVENTION SERVICES, INC., to serve as the DWI Coordinator for Lewis County, commencing January 1, 2014 through December 31, 2014.

Section 2. That this Board of Legislators hereby approves an agreement between the County of Lewis and Mountain View Prevention Services, Inc. ("MVPS"), pursuant to which MVPS shall provide DWI Coordinator services consistent with Vehicle & Traffic Law § 1197 for the term herein at an annual cost of \$13,300.00.

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

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

Moved by Legislator Burke, seconded by Legislator Brennan.

Legislator Hathway cited past practice, whereby the County Manager was involved with allocating discretionary funds to Harrisville, Beaver River and Copenhagen School districts for after-prom lock-in events. He queried why the \$3,600.00 funding was reduced to \$913.00 in 2013. He deems the events important and encourages reinstatement of prior funding levels. The reason, stated Undersheriff James Monnat, was due, in part, to receipt of lesser DWI fine revenues, while also citing lower school student participation than expected for the planned events.

In the future, funding will be considered for private after-prom parties sponsored by parents. Moreover, Mr. Monnat suggests that those 30 years of age and older are having greater alcohol related problems, and may be the focus of future funding allocations.

In conclusion, Chairman Tabolt reported that he and Mr. Monnat both attend the STOP DWI meetings and will be mindful of discretionary funding.

The resolution was then adopted.

**RESOLUTION NO. 553 - 2013
RESOLUTION AUTHORIZING COUNTY TREASURER
TO CORRECT ERRORS ON TAX ROLLS**

Introduced by Legislator Patrick Wallace, Chairman of the Taxation Committee.

WHEREAS, Section 554(9) of the Real Property Tax Law authorizes this Board of Legislators, by resolution, to delegate authority to perform said corrections to an appropriate official, who is either empowered to authorize payment of bills prior-to-audit by the Board of Legislators, or to an official responsible for the payment of bills upon audit by the Board of Legislators, provided said correction is \$2,500 or less; and

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WHEREAS, the Director of Real Property Tax Service Agency has requested approval for said procedure for 2014.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That pursuant to Real Property Tax Law Section 554(9) the Lewis County Treasurer is hereby authorized to perform the duties set forth in Section 554(9) of the Real Property Tax Law when the recommended correction is \$2,500 or less, during calendar year 2014.

Section 2. That the Lewis County Treasurer, in performing such duties, shall be governed by the provisions of Section 554 of the Real Property Tax Law and shall submit required reports in accordance with Section 554.

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

Moved by Legislator Brennan, seconded by Legislator Wallace, and adopted.

RESOLUTION NO. 554 - 2013
RESOLUTION AUTHORIZING RESOURCE ALLOCATION PLAN
WITH NYS OFFICE OF CHILDREN AND FAMILY SERVICES

Introduced by Legislator William Burke, Chairman of the Youth Bureau Committee.

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

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby approves the Resource Allocation Plan between the County of Lewis and the New York State Office of Children and Family Services (OFCS) for the 2014 program year, in the amount of \$21,395.00.

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

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

Moved by Legislator Burke, seconded by Legislator Bush, and adopted.

December 19, 2013

**RESOLUTION NO. 555 - 2013
RESOLUTION TO RESCIND RESOLUTION 351-2013
AND REAPPROPRIATE FUNDS HOSPITAL**

Introduced by Legislator Philip Hathway, Chairman of the Hospital Committee.

BE IT RESOLVED as follows:

Section 1. That the following 2014 budget re-appropriation in the CHHA & Hospice account is hereby approved for the purchase of two (2) vehicles for Lewis County General Hospital, utilizing Capital Equipment funds (HAD9901.9); balance \$152,446.86:

Increase Revenue:

A50310 (Inter-fund transfers) \$40,000.00

Increase Expense:

A4080.4901 (CHHA & Hospice) \$40,000.00

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

Moved by Legislator Stanford, seconded by Legislator Hathway, and adopted.

**RESOLUTION NO. 556 - 2013
RESOLUTION TO SCHEDULE
2014 ORGANIZATIONAL MEETING**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

BE IT RESOLVED as follows:

Section 1. That pursuant to Section 151, subd. 1 of the County Law, the Lewis County Board of Legislators hereby schedules their 2014 Organizational Meeting to be held on Tuesday, January 7, 2014 to begin at 5:00 p.m.

Section 2. That this resolution shall take effect immediately.

Moved by Legislator King, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 557 - 2013
RESOLUTION TO AMEND THE STANDING RULES OF THE
BOARD OF LEGISLATORS OF LEWIS COUNTY
WITH RESPECT TO POWERS AND DUTIES OF LEGISLATIVE COMMITTEES**

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Introduced by Legislator Richard Lucas, Chairman of the Rules and Legislation Committee.

WHEREAS, the Board of Legislators has heretofore adopted Local Law No. 10 - 2013, entitled "A LOCAL LAW ESTABLISHING THE RECREATION FORESTRY AND PARKS DEPARTMENT;" and

WHEREAS, the Board of Legislators has heretofore changed the name of the Mental Health Department to the Community Services Department; and

WHEREAS, the Board of Legislators wishes to amend the Standing Rules of the Board of Legislators of Lewis County ("Standing Rules") with respect to the Powers and Duties of Committees to correctly reflect the changes to County organization and function.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That this Board of Legislators hereby amends the Standing Rules of the Board of Legislators of Lewis County by replacing and substituting those portions of Rule XII (see, attached) for the corresponding sections therein presently.

Section 2. That except as specifically amended herein, the Standing Rules shall remain in full force and effect.

Pursuant to Rule X of the Standing Rules of the Board of Legislators which governs Amendment of Rules, 'the rules shall not be amended except by resolution duly introduced and read for information, at a meeting held at least one day before the meeting at which such resolution is adopted.' Accordingly, action is deferred on this Resolution until the next successive meeting of the Board of Legislators.

RULE XII
POWERS AND DUTIES OF COMMITTEES

* * * * *

PUBLIC HEALTH, COMMUNITY SERVICES COMMITTEE

This committee shall have general supervision of all matters relating to public health and particularly of all matters involving the Public Health Nursing Agency, the administration of all public health programs, the Lewis County Health Association, control of tuberculosis and other communicable diseases, assistance for physically handicapped children and all matters relating to public health. One member of this committee shall be a member of the County Health Services Advisory Board. The committee shall also work with and have general supervision over the Lewis County Community Services Board, as well as the provision of mental health and alcoholism and substance abuse services within Lewis County.

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RULES AND LEGISLATION,
WORKERS' COMPENSATION, ECONOMIC DEVELOPMENT, RECREATION
FORESTRY AND PARKS, AND INSURANCE COMMITTEE

This committee shall have charge of all matters relating to the Clerk of the Board and of the preparation and procurement of suitable forms for all matters connected with the transaction of business of the Board; shall each year after the adjournment of the State Legislature, examine these Rules and the prescribed forms for the purpose of determining any changes or amendments required by law or desirable for expediting and improving the conduct of the business of the Board; shall perform the duties prescribed under Rule VI; and shall have general charge, where not in conflict with other committees, and on an advisory basis for all officers and committees, of matters pertaining to state or federal legislation of interest to the County and the introduction, passage, amendment, interpretation and enforcement thereof.

This committee shall also work in cooperation with the Lewis County Chamber of Commerce and with other interested groups and organizations in publicizing the recreation, industrial and agricultural advantages of the County, in promoting the economic prosperity of the County, and in planning generally for the future welfare and growth of the County. Such committee shall perform the duties prescribed by Section 225 of the County Law in connection with any program carried on under ppe. of subd. 1 of said section for publicizing the advantages of the County or region. They shall work in cooperation with the Lewis County Planning Board.

This committee shall also have charge of all Workers' Compensation matters and of the consideration, payment and litigation of all claims against the County relating to Workers' Compensation. The Board shall provide personnel to perform such clerical, administrative and other duties as the committee may direct, and the County Attorney shall assist in the consideration and litigation of any claims at the request of the committee.

This committee shall also have charge over the provision of general liability insurance protection for the County, shall make such recommendations to the Board concerning insurance protection as it deems advisable, and shall at least once in each year examine the entire county program of insurance protection to determine adequacy of coverage and as a basis for recommendation and report to the Board. The committee shall also have jurisdiction over the County health insurance plan.

This committee shall have general supervision and control of all county reforestation projects; the acquisition of land for such projects; the planting, lumbering, management and care of county forests; the conservation of game, fish, wildlife and timber; and provision of public recreational facilities, where feasible, in connection with forest and conservation projects.

This committee shall have general supervision over the services provided by Lewis County to promote and enhance outdoor recreational activities and tourism within Lewis County including without limitation: ATV and snowmobile use, horseback riding, biking, hiking, canoeing, kayaking, running, kiting, kite-skiing, cross-country skiing.

TAXATION, INFORMATION TECHNOLOGY,
ELECTIONS AND AGRICULTURE COMMITTEE

This committee shall have general oversight of all administrative and procedural matters relative to taxation, including, but not limited to, the footing and verification of assessment rolls; the amount, purpose and apportionment of taxes to be levied for the various purposes in each of the towns of the county as determined from county and town budgets, records of unpaid taxes and returned school taxes and other sources; preparation of appropriate resolutions for the apportionment and levy of all taxes; preparation of tax statements for persons and corporations engaged in business of a public service nature; proper execution of tax warrants; and recommendation to the Rules and Legislation Committee of new or changed forms for tax purposes. This committee shall have the power to prescribe reasonable rules regarding the date and manner of submission of assessment rolls, budgets and all other documents required for the use of the committee in performing its duties.

This committee shall also have general supervisory and advisory jurisdiction over all matters related to the Department of Information Technology and all matters pertaining to information management including the acquisition, implementation and support of technology and telecommunications.

This committee shall have general supervisory and advisory jurisdiction over all matters relating to the Board of Elections and all matters pertaining to elections properly referable to the County.

This committee shall have general supervisory and advisory jurisdiction of all matters relating to agriculture, including all programs for control of animal diseases, the programs of the office of Cornell Cooperative Extension Service of Lewis County; the affairs of the County Soil and Water Conservation District, relations with the Lewis County Agricultural Society, programs and policies of State and Federal departments and agencies and the general improvement of agricultural conditions within the county.

RESOLUTION NO. 558 - 2013
RESOLUTION TO AMEND
LEWIS COUNTY PERSONNEL HANDBOOK

Introduced by Legislator Jerry King, Chairman of the Personnel Committee.

WHEREAS, Lewis County has developed a Lewis County Personnel Handbook for all Lewis County employees, that contains a summary of employment policies for Lewis County; and

WHEREAS, the Board of Legislators has heretofore adopted a Corporate Compliance Plan that sets forth its policies and procedures with regard to compliance with federal, state and local laws, rules and regulations; and

WHEREAS, the Board of Legislators finds that it is appropriate to include in the Personnel Handbook the appropriate provisions of the Corporate Compliance Plan as would put County employees on notice of important provisions of federal and state laws with regard to filing of false claims and whistleblower protections.

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Now Therefore, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby amends the Personnel Handbook to amend and restate the Section 3 "Standards of Conduct" (see attached).

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

Moved by Legislator Stanford, seconded by Legislator Brennan, and adopted.

Section 3 -- STANDARDS OF CONDUCT

Lewis County is committed to serving its constituents with a high level of integrity. Therefore, the County has established work rules and standards of conduct for its employees. All employees are urged to become familiar with these rules and standards. In addition, employees are expected to follow the rules and standards faithfully in doing their own jobs and conducting the County's business.

Please take the time to carefully read through these Standards of Conduct. If you have any questions about any of the information contained in the Code of Conduct, please ask. We believe that our commitment to these standards will enable all staff to effectively work together to provide the highest standard of service to our community.

Lewis County's goal is to communicate to all staff its expectations of ethical and professional conduct and to ensure that every staff member understands these expectations.

Please note that any employee who deviates from these rules and standards will be subject to corrective action, up to and including termination of employment.

Prohibited conduct:

While not intended to list all the forms of behavior that are considered unacceptable in the workplace, the following are examples of rule infractions or misconduct that may result in disciplinary action, including termination of employment.

- Theft or inappropriate removal or possession of property;
- Falsification of timekeeping records;
- Falsification of any record prepared, filed or maintained by a government agency;
- Working under the influence of alcohol or illegal drugs;
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace;
- Fighting or threatening violence in the workplace;
- Boisterous or disruptive activity in the workplace;
- Negligence or improper conduct leading to damage of County-owned or customer-owned property;
- Insubordination or other disrespectful conduct;
- Commission of a crime (other than a traffic infraction);
- Violation of safety or health rules;

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- Smoking in the workplace;
- Sexual or other unlawful or unwelcome harassment;
- Excessive absenteeism or any absence without notice;
- Unauthorized use of telephones, or other County-owned equipment;
- Using County equipment for purposes other than business (i.e. playing games on computers or personal Internet usage);
- Unauthorized disclosure of County confidential information;
- Violation of personnel policies; and
- Unsatisfactory performance or conduct.

Affirmative Expectations:

Every County employee is expected to:

- Perform their job in accordance with all applicable laws, regulations and standards.
- Ensure that all reports or other information required by any federal, state, or local government agency are filed timely, accurately and in conformance with the applicable laws and regulations.
- Promptly report any violations or suspected violations of any laws, regulations, policies, or procedures to a supervisor, director, Director of Human Resources, County Attorney or County Manager. If in a health services department you may also report suspected violation to the applicable Departmental Compliance Officer (DCO).
- Not tolerate false or misleading statements, written or oral, by employees to a government agency or other payer.
- Not engage, either directly or indirectly, in any corrupt business practice including bribery, kick-backs, or payoffs, intended to induce, influence, or reward favorable decisions of any customer, contractor, vendor, governmental personnel or anyone in a position to benefit any department.
- Not engage in retaliation or reprisal against anyone who reports violations of law, regulations or agency policies.
- Limit the use and disclosure of confidential patient health information to the extent necessary to treat the patient/client/resident and to meet legal requirements under HIPAA Laws and regulations and related State and Federal laws.

Conflicts of Interest:

- Except upon the specific approval of the chief administrator, Director or Department Head, a County employee shall not accept personal gratuities or gifts from patients, clients, suppliers or vendors.
- Not become involved for personal gain with a client, vendor or supplier.
- Not engage in outside employment or activity which conflicts with Lewis County's interests or which reduces our effectiveness in performing our duties.
- Act in the best interest of Lewis County whenever dealing with vendors, suppliers or governmental agencies.
- Provide full disclosure and obtain clearance from the County Manager and if appropriate, the Lewis County Ethics Board, before engaging in any

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transaction involving the department where the County employee or the County employee's family member(s) receive any benefit, directly or indirectly.

Business and Financial:

- Should represent the highest standards of business excellence.
- Handle all business and financial documents with integrity and accuracy.
- Retain all County documents as required by law.
- Comply with financial accounting standards.
- Maintain computer passwords and access codes in a confidential and responsible manner.
- Keep accurate, true and complete records including business expense accounts, vouchers, bills, payrolls, service records, petty cash and reports, whether electronic or on paper.
- Establish, maintain, support and follow internal controls designed to provide reasonable assurance that transactions are authorized, and that transactions and other data are recorded and presented in a manner that is accurate, complete, current and not misleading.

The County is also required to advise its employees of the federal and state laws regarding the filing of false claims as well as the protections that are afforded to those who report such wrongdoing, sometimes referred to as "whistleblowers."

FEDERAL & NEW YORK STATUTES RELATING TO FILING FALSE CLAIMS

The following is a brief summary of the federal and state laws specifically related to filing false claims. While these laws are commonly applied to the filing of false claims for Medicaid or Medicare benefits, they also to apply generally to filing any claim for a monetary benefit with a government agency that contains false information. In addition to the laws listed below, there are numerous criminal statutes that may also apply. Space does not allow for a full recitation of these laws or the potential penalties.

I. FEDERAL LAWS

False Claims Act (31 USC §3729-3733)

The False Claims Act ("FCA") provides, in pertinent part, that:

- (a) Any person who (1) knowingly presents, or causes to be presented, to an officer or employee of the United States Government or a member of the Armed Forces of the United States a false or fraudulent claim for payment or approval; (2) knowingly makes, uses, or causes to be made or used, a false record or statement to get a false or fraudulent claim paid or approved by the Government; (3) conspires to defraud the Government by getting a false or fraudulent claim paid or approved by the Government; ... or (7) knowingly makes, uses, or causes to be made or used, a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the Government,

is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, plus three (3) times the amount of damages

which the Government sustains because of the act of that person...

(b) For purposes of this section, the terms "knowing" and "knowingly" mean that a person, with respect to information (1) has actual knowledge of the information; (2) acts in deliberate ignorance of the truth or falsity of the information; or (3) acts in reckless disregard of the truth or falsity of the information, and no proof of specific intent to defraud is required. 31 U.S.C. § 3729.

While the False Claims Act imposes liability only when the claimant acts "knowingly," it does not require that the person submitting the claim have actual knowledge that the claim is false. A person who acts in reckless disregard or in deliberate ignorance of the truth or falsity of the information, can also be found liable under the Act. 31 U.S.C. 3729(b).

In sum, the False Claims Act imposes liability on any person who submits a claim to the federal government that he or she knows (or should know) is false. An example may be a physician who submits a bill to Medicare for medical services she knows she has not provided. The False Claims Act also imposes liability on an individual who may knowingly submit a false record in order to obtain payment from the government. An example of this may include a government contractor who submits a record that he knows (or should know) is false and that indicate compliance with certain contractual or regulatory requirements. The third area of liability includes those instances in which someone may obtain money from the federal government to which he may not be entitled, and then uses false statements or records in order to retain the money. An example of this so-called "reverse false claim" may include a hospital that obtains interim payments from Medicare throughout the year, and then knowingly files a false cost report at the end of the year in order to avoid making a refund to the Medicare program.

In addition to its substantive provisions, the FCA provides that private parties may bring an action on behalf of the United States. 31 U.S.C. 3730 (b). These private parties, known as "qui tam relators," may share in a percentage of the proceeds from an FCA action or settlement.

Section 3730(d)(1) of the FCA provides, with some exceptions, that a qui tam relator, when the Government has intervened in the lawsuit, shall receive at least fifteen (15) percent but not more than twenty-five (25) percent of the proceeds of the FCA action depending upon the extent to which the relator substantially contributed to the prosecution of the action. When the Government does not intervene, section 3730(d)(2) provides that the relator shall receive an amount that the court decides is reasonable and shall be not less than twenty-five (25) percent and not more than thirty (30) percent.

Administrative Remedies for False Claims (31 USC Chapter 38. §§3801 - 3812)

This statute allows for administrative recoveries by federal agencies. If a person submits a claim that the person knows is false or contains false information, or omits material information, then the agency receiving the claim may impose a penalty of up to \$5,000 for each claim. The agency may also recover twice the amount of the claim.

Unlike the False Claims Act, a violation of this law occurs when a false claim is submitted, not when it is paid. Also unlike the False Claims Act, the determination of whether a claim is false, and the imposition of fines and penalties is made by the administrative agency, not by prosecution in the federal court system.

II. NEW YORK STATE LAWS

New York's false claims laws fall into two categories: civil and administrative; and criminal laws. Some apply to recipient false claims and some apply to provider false claims, and while most are specific to healthcare or Medicaid, some of the "common law" crimes apply to areas of interaction with the government.

A. CIVIL AND ADMINISTRATIVE LAWS

NY False Claims Act (State Finance Law, §§187-194)

The NY False Claims Act closely tracks the federal False Claims Act. It imposes penalties and fines on individuals and entities that file false or fraudulent claims for payment from any state or local government, including health care programs such as Medicaid. The penalty for filing a false claim is \$6,000-\$12,000 per claim and the recoverable damages are between two (2) and three (3) times the value of the amount falsely received. In addition, the false claim filer may have to pay the government's legal fees.

The Act allows private individuals to file lawsuits in state court, just as if they were state or local government parties. If the suit eventually concludes with payments back to the government, the person who started the case can recover 25-30% of the proceeds if the government did not participate in the suit of 15-25% if the government did participate in the suit.

Social Services Law §145(b) - False Statements

It is a violation to knowingly obtain or attempt to obtain payment for items or services furnished under any Social Services program, including Medicaid, by use of a false statement, deliberate concealment or other fraudulent scheme or device. The state or the local Social Services district may recover three (3) times the amount incorrectly paid. In addition, the Department of Health may impose a civil penalty of up to \$2,000 per violation. If repeat violations occur within five (5) years, a penalty up to \$7,500 per violation may be imposed if they involve more serious violations of Medicaid rules, billing for services not rendered or providing excessive services.

Social Services Law §145(c) - Sanctions

If any person applies for or receives public assistance, including Medicaid, by intentionally making a false or misleading statement, or intending to do so, the person's, the person's family's needs are not taken into account for six (6) months if a first offense, twelve (12) months if a second (or once if benefits received are over \$3,900) and live years for four (4) or more offenses.

III. WHISTLEBLOWER PROTECTION

Federal False Claims Act - 31 U.S.C. §3730(h)

The FCA provides protection to qui tam relators who are discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of their employment as a result of their furtherance of an action under the FCA. 31 U.S.C. 3730(h). Remedies include reinstatement with comparable seniority as the qui tam relator would have had but for the discrimination, two times the amount of any back pay, interest on any back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorneys' fees.

NY False Claim Act - State Finance Law §191

The False Claim Act also provides protection to qui tam relators who are discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of their employment as a result of their furtherance of an action under the Act.

Remedies include reinstatement with comparable seniority as the qui tam relator would have had but for the discrimination, two times the amount of any back pay, interest on any back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorneys' fees.

New York Labor Law §740

An employer may not take any retaliatory action against an employee if the employee discloses information about the employer's policies, practices or activities to a regulatory, law enforcement or other similar agency or public official. Protected disclosures are those that assert that the employer is in violation of a law that creates a substantial and specific danger to the public health and safety or which constitutes health care fraud under Penal Law §177 (knowingly filing, with intent to defraud, a claim for payment that intentionally has false information or omissions). The employee's disclosure is protected only if the employee first brought up the matter with a supervisor and gave the employer a reasonable opportunity to correct the alleged violation. If an employer takes a retaliatory action against the employee, the employee may sue in state court for reinstatement to the same, or an equivalent position, any lost back wages and benefits and attorneys' fees. If the employer is a health provider and the court finds that the employer's retaliatory action was in bad faith, it may impose a civil penalty of \$10,000 on the employer.

New York Labor Law §741

An employer may not take any retaliatory action against an employee if the employee discloses certain information about the employer's policies, practices or activities to a regulatory, law enforcement or other similar agency or public official. Protected disclosures are those that assert that, in good faith, the employee believes constitute improper quality of patient care. The employee's disclosure is protected only if the employee first brought up the matter with a supervisor and gave the employer a reasonable opportunity to correct the alleged violation, unless the danger is imminent to the public or patient and the employee believes in good faith that reporting to a supervisor would not result in corrective action. If an employer takes a retaliatory action against the employee, the employee may sue in state court for reinstatement to the same, or an equivalent position, any lost back wages and benefits and attorneys' fees. If the employer is a health provider and the court finds that the employer's retaliatory action was in bad faith, it may impose a civil penalty of \$10,000 on the employer.

**RESOLUTION NO. 559 - 2013
RESOLUTION AUTHORIZING AGREEMENT WITH
LEWIS COUNTY GENERAL HOSPITAL FOR
RE-PAYMENT OF INDEBTEDNESS**

Introduced by Legislator Michael A. Tabolt, Chairman of the Board of Legislators.

WHEREAS, the County of Lewis (the "County") has heretofore made cash transfers from the Lewis County General Fund to Lewis County General Hospital ("the Hospital") for the purpose of providing operational support to the Hospital; and

WHEREAS, the County made a cash transfer from the General Fund to the Hospital in December, 2012 in the amount of \$ \$4,744,290.69 as a result of the County paying the Hospital's obligation to the NYS Retirement System for calendar year 2012; and

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WHEREAS, the County has made an additional cash transfer from the General Fund to the Hospital in the amount of \$ 5,000,000 as a result of the County paying the Hospital's obligation to the NYS Retirement System for calendar year 2013; and

WHEREAS, the total amount of payments made by the County on behalf of the Hospital as of the date of this Resolution is \$ 9,744,290.69, and the Hospital is justly indebted to the County in such amount (the "Indebtedness"); and

WHEREAS, the Hospital, through its Board of Managers, has acknowledged the operational support provided by the County, and has further acknowledged the Hospital's financial ability to repay the Indebtedness and, therefore, wishes to commence such payment for the purpose of retiring the Indebtedness; and

WHEREAS, the County is willing to accept payments by the Hospital to the Lewis County in such amounts and with such frequency as the Hospital's budget will allow so as to retire and satisfy said Indebtedness in full on or before December 31, 2014.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. The Board of Legislators hereby approves the agreement between the Hospital and the County whereby the Hospital promises and agrees to pay the Indebtedness in the total amount of \$ 9,744,290.69, to the County, without interest, in such amounts and with such frequency as the Hospital's budget will allow so as to retire and satisfy said Indebtedness in full on or before December 31, 2014. Further, upon payment in full by the Hospital to the County of said Indebtedness, the Hospital shall have no further obligations with respect to same.

Section 2. That the Chairman of the Board of Legislators, or the Vice-Chairman, be and the same is hereby authorized to execute and deliver such Agreement upon such form as may be approved by the County Attorney.

Section 3. That this Resolution shall take effect immediately.

Moved by Legislator Stanford, seconded by Legislator King.

Legislator Hathway stated the indebted amount is entirely attributable to pension costs; \$5 Million of which the Hospital expects to re-pay in February 2014 with anticipated IGT and meaningful use revenues, excepting \$300,000. Current year cash advances have been repaid, including the December 2013 health insurance premiums.

Although Legislator Hathway expressed cautious optimism, he credited the Hospital administrative team for the progress resulting in reduced County indebtedness.

In response to Legislator-Elect Bryan Moser, Legislator Hathway affirmed the Hospital's desire to repay the \$4.7 Million; citing a substantial impact caused by the unexplainable State delay to designate the Hospital as a Critical Access Care facility,

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which would affect \$3.6 Million annual revenues. Several other implemented operational amendments have resulted \$3.6 Million additional revenue as of the close of the third quarter. Accordingly, there is confidence for 2014 revenue receipts to bypass projected levels.

The resolution was then adopted.

**RESOLUTION NO. 560 - 2013
LEVYING TAXES AND ASSESSMENTS FOR
ANNUAL TOWN BUDGETS**

Introduced by Legislator Patrick Wallace, Chairman of the Taxation Committee.

WHEREAS, pursuant to Section 116 of the Town Law, there has been presented to this Board of Legislators a duly certified copy of the Annual Budget of each of the several towns of the County of Lewis for the fiscal year beginning January 1, 2014.

RESOLVED, that there shall be and hereby is assessed and levied upon and collected from the taxable property situated in the following named towns the amounts indicated below as specified in the budgets of the respective towns as follows:

	Town-Wide	Outside Village
Croghan	593,179.35	414,100.00
Denmark	596,112.00	326,977.00
Diana	344,106.00	167,802.00
Greig	665,336.00	
Harrisburg	131,247.49	
Lewis	446,068.00	
Leyden	234,910.00	185,975.00
Lowville	649,495.00	234,955.00
Lyonsdale	308,773.00	169,494.00
Martinsburg	327,345.00	
Montague	160,145.00	
New Bremen	545,990.00	335,950.00
Osceola	342,123.00	
Pinckney	294,957.00	
Turin	370,804.00	106,980.00
Watson	911,891.00	
West Turin	413,230.00	145,705.00
Totals	7,335,711.84	2,087,938.00

FURTHER RESOLVED, that there shall be, and hereby is, assessed and levied upon and collected from the real property liable therefor within the respective fire, fire

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protection, water health and electric light districts in the following towns indicated below, the following amounts for the purpose of such districts as specified in the respective annual budgets.

Croghan:	
Fire Protection District	126,800.00
Beaver Falls Fire District	17,638.20
Beaver Falls Light District	8,500.00
Relieved Sewer	34,677.50
Denmark:	
Fire Protection District	46,500.00
Diana:	
Fire Protection District	98,660.00
Natural Bridge Fire District	2,700.00
Natural Bridge Light District	300.00
Greig:	
Fire Protection District – 3G	62,899.00
Brantingham Water Control	1,800.00
Harrisburg:	
Fire Protection District	52,312.00
Lewis:	
Fire Protection District	39,493.00
Leyden:	
Fire Protection District & Ambulance	26,675.00
Lowville:	
Fire Protection	37,230.00
Fire Protection Flat Rock Phase 1	6,694.83
Fire Protection Flat Rock Phase 2	5,633.94
Water/Sewer Relevy	48,120.00
Lyonsdale:	
Lyons Falls & Port Leyden Fire Protection Districts	34,824.00
Lyonsdale Light District	1,050.00
Martinsburg:	
Fire Protection District	89,624.00
Glenfield Light District	4,900.00
Martinsburg Light District	4,400.00

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Water/Sewer Relevis	20,648.09
Montague:	
Fire Protection	7,309.00
New Bremen:	
New Bremen Fire District	54,532.00
Beaver Falls Fire District	13,361.80
New Bremen Fire Protection Dist	16,275.00
Lighting District	9,300.00
Water Relevy	177.84
Osceola:	
Fire Protection District	44,000.00
Pinckney:	
Fire Protection District & Ambulance	11,000.00
Turin:	
Fire Protection	37,400.00
Watson:	
Fire Protection	37,864.00
Watson Light & Water District	5,336.81
West Turin:	
Turin Fire Protection	11,543.00
Constableville Fire Protection	28,306.00

FURTHER RESOLVED, that such taxes and assessments when collected shall be paid to the Supervisors of the several towns in the amounts as shown in this resolution for distribution by them in the manner provided by law.

Moved by Legislator Bush, seconded by Legislator Stanford, and adopted.

**RESOLUTION NO. 561 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY COMMUNITY SERVICES DEPARTMENT
AND LOCUM INTERACTIVE, INC.**

Introduced by Legislator Paul Stanford, Chairman of the Community Services Committee.

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WHEREAS, the Lewis County Community Services Department desires to enter into an Agreement with Locum Interactive, Inc., with offices located at 859 Penfield Road, Rochester, New York 14625; and

WHEREAS, Locum Interactive, Inc. shall provide psychiatric services pursuant to NYS Criminal Procedure Law Article 730 for Assisted Outpatient Treatment evaluations and court testimony; and

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That the Board of Legislators hereby authorizes an Agreement between the County of Lewis, by and through the Lewis County Community Services Department with Locum Interactive, Inc. to provide the services of Steven M. Fogleman, MD for psychiatric services pursuant to NYS Criminal Procedure Law Article 730 for Assisted Outpatient Treatment evaluations and court testimony.

Section 2. That said Agreement is for the term beginning January 1, 2014 and ending December 31, 2014, at a cost of \$325 per hour.

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 as may be approved by the County Attorney.

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

Moved by Legislator Stanford, seconded by Legislator Burke, and adopted.

RESOLUTION NO. 562 - 2013
RESOLUTION REQUESTING NYSDOT ABANDONMENT OF MAINTENANCE
AND JURISDICTION OVER PARCEL OF LAND AT THE INTERSECTION OF
ROUTE 12 AND THE ROSS ROAD

Introduced by Legislator Michael Tabolt, Chairman of the Board of Legislators.

WHEREAS, New York State Department of Transportation (“NYSDOT”) has Maintenance and Jurisdiction over a certain parcel of land, consisting of 0.476 acres of land, located along New York State Route 12 and the Ross Road in the Town of Lowville and more particularly described in Map 12-R (1932) aka CH 1936 (later SH1936) attached hereto (the “Property”); and

WHEREAS, NYSDOT has determined that the Property is no longer needed by NYSDOT; and

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WHEREAS, the County of Lewis wishes to Request New York State to Abandon Maintenance and Jurisdiction of the Property;

NOW THEREFORE, BE IT RESOLVED, that

Section 1. The Board of Legislators hereby

- 1) Requests that New York State formally Abandon Maintenance and Jurisdiction of the area encompassed by SH 1936, Map 12-R 2,
- 2) Authorizes the acceptance of the abandonment of the Property, if approved.

Section 2. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to make, execute, seal and deliver such writings, documents or instruments necessary to fulfill the intent of this Resolution on such form(s) as may be approved by the County Attorney.

Section 3. That this Resolution shall take effect immediately.

Moved by Legislator Bush, seconded by Legislator Boyd, and adopted.

RESOLUTION NO. 563 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN LEWIS
COUNTY PUBLIC HEALTH AGENCY AND BUILDING BLOCKS
FOR PRESCHOOL RELATED SERVICES

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

WHEREAS, the County of Lewis, acting by and through the Lewis County Public Health Agency wishes to enter into an Agreement with Building Blocks for the provision of related services to preschool children with disabling conditions pursuant to Section 4410 of the New York State Education Law and Part 200 of the Regulations of the Commissioner of Education; and

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes an Agreement between the County of Lewis, acting by and through the Lewis County Public Health Agency to enter into an Agreement with Building Blocks for the provision of related services to preschool children with disabling conditions pursuant to Section 4410 of the New York State Education Law and Part 200 of the Regulations of the Commissioner of Education.

Section 2. That this is for the period commencing December 16, 2013 and ending June 30, 2014 at New York State Education Department approved rates.

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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 Stanford, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 564 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY PUBLIC HEALTH AGENCY AND
COUNTRYSIDE VETERINARY CLINIC
FOR RABIES CONTROL AND CLINICS**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

WHEREAS, Countryside Veterinary Clinic with an address at 7364 Utica Boulevard, Lowville, New York 13367, hereinafter referred to as "Clinic"; and

WHEREAS, Jennifer Nightingale, D.V.M., Animal Rabies Coordinator, with an address at East State Street, Lowville, New York 13367 hereinafter referred to as "Coordinator"; and

WHEREAS, Lewis County acting by and through the Lewis County Public Health Agency desires to enter into an Agreement with Clinic and Coordinator to provide animal rabies control and clinics.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That this Board of Legislators hereby authorizes an Agreement between Dr. Jennifer Nightingale, Animal Rabies Coordinator, together with Countryside Veterinary Clinic and the Lewis County Public Health Agency, to provide rabies control and clinics to dogs, cats or ferrets owned by Lewis County residents for a term commencing effective January 1, 2014 and terminating on December 31, 2016.

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Brennan, seconded by Legislator Lucas, and adopted.

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**RESOLUTION NO. 565 - 2013
RESOLUTION AUTHORIZING MEMORANDUM OF UNDERSTANDING
BETWEEN LEWIS COUNTY PUBLIC HEALTH AGENCY AND
JEFFERSON-LEWIS CHILD CARE PROJECT**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby authorizes a Memorandum of Understanding between the County of Lewis, by and through the Lewis County Public Health Agency, and Jefferson-Lewis Child Care Project for the purpose of implementing health care consultant services.

Section 2. That the term of this Memorandum of Understanding shall be from October 1, 2013 through September 30, 2014 at a rate of \$40.00 per unit of service.

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

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

Moved by Legislator Stanford, seconded by Legislator Burke, and adopted.

**RESOLUTION NO. 566 - 2013
RESOLUTION AUTHORIZING GRANT APPLICATION
TO BE SUBMITTED TO THE NATIONAL ASSOCIATION OF CHRONIC
DISEASE DIRECTORS GEOGRAPHIC INFORMATION SYSTEMS TRAINING**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

WHEREAS, grant funding is available for a Geographic Information System (GIS) project from the Centers for Disease Control and Prevention and is designed to enhance the ability for local health departments to integrate the use of GIS into daily operations that support existing priorities for surveillance and prevention of heart disease, stroke, and other chronic diseases; and

WHEREAS, local health departments are required to partner with neighboring health departments as part of this training and Lewis County is in collaboration with Jefferson County Public Health and Oneida County Public Health agencies; and

WHEREAS, the Lewis County Public Health Agency desires to submit a grant application;

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NOW, THEREFORE, be it resolved as follows:

Section 1. That the Board of Legislators hereby approves the above referenced grant application.

Section 2. That the Chairman, or Vice Chairman, of the Board of Legislators be and the same is hereby authorized to execute, seal and deliver such documents, writings and agreement to effectuate the intent of this Resolution and to take all steps necessary to advance this project, upon such terms as may be approved by the Lewis County Attorney.

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

Moved by Legislator Stanford, seconded by Legislator King, and adopted.

**RESOLUTION NO. 567 - 2013
RESOLUTION TO APPROPRIATE FUNDS
PUBLIC HEALTH**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

BE IT RESOLVED, as follows:

Section 1. That the following 2014 budget appropriation increase be approved for the Immunization Billing Grant: HRI Contract #: 4752-01

<u>Account</u>	<u>Description</u>	<u>Amount</u>
A44894	Immunization Billing Grant	\$22,500.00
A4089.4906	Immunization Billing Grant	\$22,500.00

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

Moved by Legislator Stanford, seconded by Legislator Brennan, and adopted.

**RESOLUTION NO. 568 - 2013
RESOLUTION AUTHORIZING COOPERATIVE AGREEMENT
BETWEEN LEWIS COUNTY DEPARTMENT OF SOCIAL SERVICES
AND THE COUNTY LAW DEPARTMENT**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

WHEREAS, pursuant to § 397 of the Social Services Law, the Department is responsible to bring such cases as deemed necessary before the family court for adjudication with regard to children considered to be neglected or abused and to institute proceedings in a court of competent jurisdiction against a parent or adult for neglect or

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abuse of a child and is also responsible for voluntary placements, foster care review, extensions of placements, including without limitation those placements that may result from Juvenile Delinquencies (J.D.) and Persons In Need of Supervision (PINS); and

WHEREAS, pursuant to County Law § 501, the County Attorney is responsible for prosecuting and defending all civil actions and proceedings brought by or against the County, and in that capacity, shall be responsible for the filing and presentment on behalf of the Department, of child protective matters including, but not limited to, abuse, neglect, voluntary placement, foster care review, extensions of placements, habeas corpus proceedings, custody matters, and representing the Department concerning the Department requirements for Juvenile Delinquencies (J.D.) and Persons In Need of Supervision (PINS) and representing the Department in support matters; and

WHEREAS, it is appropriate that the parties hereto enter into a written agreement setting forth their respective duties under the above-mentioned provisions of State and Federal Law; and

WHEREAS, it is economically and organizationally feasible for the Department to contract with the County Attorney for the performance of these services.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby approves a Cooperative Agreement/Purchase Of Services Agreement by and between the Department of Social Services and the County Attorney whereby the County Attorney shall provide legal representation to the Department relating to the presentment of children's matters including but not limited to abuse, neglect, voluntary placement, foster care review, extension of placements, termination of parental rights, habeas corpus proceedings, custody matters where the Department is an interested party, and surrenders and enforcement proceedings related thereto, Juvenile Delinquent and PINS where the Department is either directly involved as a litigant or has an interest in the proceedings, as well as support collection matters.

Section 2. That the Cooperation Agreement shall further provide for reimbursement to the County Attorney's Office for the cost of providing such legal representation, including without limitation, personnel services, supervision, support services, and related office expense. The parties understand that reimbursement is premised on Federal and State statutes, law, rules and regulations. The Department agrees to keep the County Attorney informed of changes in reimbursement methodology mandated by law, rules or regulation of the State and Federal Government for such expenditures.

Section 3. That the term of this Cooperation Agreement shall be from January 1, 2014 through December 31, 2014 for an amount not to exceed \$194,410.00.

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Section 4. That the Chairman, or Vice-Chairman, of the Board of Legislators, along with the Commissioner of Social Services and the County Attorney be and the same are hereby authorized to make, execute, seal and deliver said Agreement.

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

Moved by Legislator Hathway, seconded by Legislator King, and adopted.

**RESOLUTION NO. 569 - 2013
RESOLUTION AUTHORIZING AGREEMENT
BETWEEN DEPARTMENT OF SOCIAL SERVICES AND
LEWIS COUNTY OPPORTUNITIES, INC.**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby authorizes an Agreement between the County of Lewis, by and through the Department of Social Services, and Lewis County Opportunities, Inc. for the purpose of providing non-residential services to victims of domestic violence.

Section 2. That the term of this Agreement shall be from January 1, 2014 through December 31, 2014 for an amount not to exceed \$24,000.00.

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

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

Moved by Legislator Burke, seconded by Legislator Brennan, and adopted.

**RESOLUTION NO. 570 - 2013
RESOLUTION AUTHORIZING A MEMORANDUM OF AGREEMENT
BETWEEN LEWIS COUNTY DEPARTMENT OF SOCIAL SERVICES
AND SNOW BELT HOUSING COMPANY, INC.**

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

WHEREAS, the Lewis County Department of Social Services (“DSS”) wishes to enter into a Memorandum of Agreement with Snow Belt Housing Company, Inc. (“Snow Belt”) for the provision of having Snow Belt assess and document DSS clients who are

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eligible and meet the requirements for the services of Temporary Assistance to Needy Families and provide a monthly case count to DSS so that Snow Belt can provide up to one month rent, utility arrears, and/or security deposit for clients referred by DSS when funds will ameliorate the housing crisis through Snow Belt's Rapid Re-housing for the homeless grant; and

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That the Board of Legislators hereby approves the Memorandum of Agreement with Snow Belt Housing Company, Inc. ("Snow Belt") for the provision of having Snow Belt assess and document DSS clients who are eligible and meet the requirements for the services of Temporary Assistance to Needy Families for the period of January 1, 2014 through December 31, 2014.

Section 2. 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 3. That the within resolution shall take effect immediately.

Moved by Legislator Bush, seconded by Legislator Lucas, and adopted.

RESOLUTION NO. 571 - 2013
RESOLUTION AUTHORIZING AGREEMENT
BETWEEN THE DEPARTMENT OF SOCIAL SERVICES AND
VICTIM ASSISTANCE CENTER OF JEFFERSON COUNTY

Introduced by Legislator William Burke, Chairman of the Social Services Committee.

WHEREAS, the Victim Assistance Center of Jefferson County ("Center") provides crisis intervention, shelter admission, emotional support, advocacy, information and referrals; and

WHEREAS, the Lewis County Department of Social Services ("DSS") wishes to enter into an Agreement with the Center to utilize this facility for women and their dependent children from Lewis County that are in crisis and in need of emergency safe housing; and

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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Section 1. That the Board of Legislators hereby approves the Agreement between the Lewis County Department of Social Services and Victim Assistance Center of Jefferson County to provide crisis intervention, shelter admission, emotional support, advocacy, information and referrals for women and their dependent children from Lewis County that are in crisis and in need of emergency safe housing.

Section 2. That this is for the period beginning January 1, 2014 and ending December 31, 2014 at a cost of \$104.00 per person per night.

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 King, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 572 - 2013
RESOLUTION TO AMEND RESOLUTION 390 - 2013 AUTHORIZING
AGREEMENT BETWEEN LEWIS COUNTY AND NYSARC, INC.
(ONEIDA-LEWIS CHAPTER)**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

WHEREAS, the Board of Legislators heretofore adopted Resolution No. 390 - 2013 which referenced the County being awarded a grant by NYS Department of Transportation in the amount of \$260,000 for the purpose of purchasing two buses for use in the Lewis County public transportation system, and authorized an agreement with an agreement between the County of Lewis and NYSARC, Inc. (Oneida-Lewis Chapter) (herein "NYSARC") to provide for the payment to the County of Lewis of the sum of \$26,000 to be applied toward the local match requirement of said grant; and

WHEREAS, the actual amount of the grant awarded by NYS DOT is \$ 252,577.52, and therefore the amount of the local match is reduced to \$25,257.75 and therefore the Board wishes to amend the prior resolution to accurately reflect the amount of the grant award as well as the amount to be paid by NYSARC;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby amends Resolution No. 390 - 2013 to replace any and all references to the amount of the grant awarded by NYS Department of Transportation with the correct amount of \$252,577.52 and to further replace any and all references as to the amount to be paid by NYSARC, Inc. (Oneida-Lewis Chapter) with the correct amount of \$25,577.75.

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Section 2. That the Board of Legislators hereby approves the contract with NYSARC, Inc. (Oneida-Lewis Chapter) to provide for the payment to the County of Lewis in the amount of \$25,577.75 in consideration of the improvements to the Lewis County public mass transportation system by reason of the acquisition of the two new buses.

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 as may be approved by the County Attorney.

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

Moved by Legislator Stanford, seconded by Legislator Brennan, and adopted.

RESOLUTION NO. 573 - 2013
RESOLUTION APPROVING THIRD PARTY LEASE
AGREEMENT BETWEEN LEWIS COUNTY AND
BIRNIE BUS TOURS, INC.

Introduced by Legislator Richard Lucas, Chairman of the Economic Development 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, this Federal Non-Urbanized Area Public Transportation program is administered by the Department of Transportation of the State of New York; and

WHEREAS, the State provides certain matching funds for capital assistance projects pursuant to Article 13 of the Transportation Law and such funds are administered by the State Department of Transportation; and

WHEREAS, the County of Lewis ("Municipal Corporation") is a grantee for certain capital equipment or facilities under said programs pursuant to an approved Project Application and a written Agreement with the State; and

WHEREAS, the Municipal Corporation and Birnie Bus Tours, Inc. ("Carrier") have entered into a Transportation Management Agreement for Coordinated Public Transportation System whereby the Carrier has agreed to provide certain public transportation services; and

WHEREAS, the Carrier will utilize the capital equipment obtained by the Municipal Corporation to provide certain public mass transportation services pursuant to said Project Application and Agreement with the State; and

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WHEREAS, the Municipal Corporation wishes to enter into a Third Party Lease Agreement with the Carrier to further enhance the provision of public mass transportation services in Lewis County; and

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes a Third Party Lease Agreement between the County of Lewis and Birnie Bus Tours, Inc. to lease two (2) medium duty buses to Birnie Bus Tours, Inc., which were acquired through the above referenced federal grant programs.

Section 2. That term of said Lease Agreement shall be for the service life of said buses (7 years or 200,000 miles) or for so long as Birnie Bus Tours, Inc. continues to provide public mass transportation services pursuant to the Transportation Management Agreement.

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 approval by the County Attorney, as to form.

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

Moved by Legislator Boyd, seconded by Legislator Bush, and adopted.

**RESOLUTION NO. 574 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY, BIRNIE BUS TOURS, INC. AND
NYSARC, INC. (ONEIDA-LEWIS CHAPTER)**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

WHEREAS, Section 119-r of the General Municipal Law of the State of New York authorizes a county to enter into a contract with a privately owned or operated mass transportation facility for mass transportation services to be rendered to the people of Lewis County; and

WHEREAS, the County has adopted Local Law No. 4 – 2009, entitled, “A LOCAL LAW AUTHORIZING PUBLIC TRANSPORTATION SYSTEM WITHIN LEWIS COUNTY;” whereby the County of Lewis has authorized the Board of Legislators to enter into a contract or contracts for a fair and reasonable consideration for mass transportation services to be rendered to the public by a privately-owned or operated mass transportation facility; and

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WHEREAS, the BIRNIE BUS TOURS, INC. (herein, the "CARRIER") represents that it is such a privately owned or operated mass transportation facility described in Section 119-r of the General Municipal Law and that it holds certificates of public convenience and necessity issued by the New York State Department of Transportation necessary and appropriate for the rendition of the services to be performed by it hereunder; and

WHEREAS, the County seeks management, operation and maintenance services for the public transportation system and for the coordination of and providing of transportation services for Lewis County; and

WHEREAS, the CARRIER is presently under contract with NYSARC to provide transportation services to ARC's clientele within the County of Lewis and the CARRIER wishes to coordinate those services and to expand those services to make them available to the general public; and

WHEREAS, the County wishes to enter into an agreement intended and designed to provide public transportation to Lewis County residents at fair and reasonable rates and to provide public assistance to the CARRIER under the provisions of the NYS Transportation Law, Section 18-b, being Chapter 56 of the Laws of 1975 as amended.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby approves the contract with BIRNIE BUS TOURS, INC. and NYSARC, Inc. (Oneida-Lewis Chapter) to provide public transportation management, operation and maintenance services pursuant to Section 119-r of the General Municipal Law and Section 18-B of the Transportation Law to commence effective January 1, 2014 and continue through December 31, 2014.

Section 2. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Agreement, upon approval by the County Attorney as to form.

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

Moved by Legislator Burke, seconded by Legislator Boyd, and adopted.

OTHER BUSINESS:

Legislator Lucas urged the incoming Legislators to move toward paperless meetings.

Legislator Hathway expressed gratitude for the good working relationship and assistance he has enjoyed with the Board, especially thanking the outgoing Legislators.

There being no other business to come before the Board, Legislator Brennan moved to adjourn at 11:26 a.m., seconded by Legislator Stanford and carried.

STATE OF NEW YORK

SS:

COUNTY OF LEWIS

We, Michael A. Tabolt, Chairman of the Lewis County Board of Legislators and Teresa K. Clark, Clerk of the Board of Legislators of Lewis County, pursuant to the provisions of the statute, DO HEREBY CERTIFY that the foregoing was printed by authority of said Board of Legislators and does contain a true record of the proceedings of the Lewis County Board of Legislators, and the whole thereof, for the year of 2013.

Dated at Lowville, New York on December 31, 2013



Michael A. Tabolt, Chairman



Teresa K. Clark, Clerk of the Board

**TAX WARRANT
TOWN OF DENMARK**

SPECIAL DISTRICT TAX KEY
Denmark Fire Protection 0.415974

Equalization Rate 100.00

General Tax Key-Town Wide	4,185039
General Tax Key-Outside Town	3,066726
Highway Tax Key	
State Reforestation Tax Key	
County Tax Key	7,589281

STATE OF NEW YORK
 ss:
County of Lewis }

To: Prudence Kunert

Collector of the Town of DENMARK

YOU ARE HEREBY COMMANDED to collect from the persons named in the Assessment Roll annexed hereto, the sums of taxes specified opposite their respective names, together with your legal fees. And you are hereby authorized, in case of any of them shall refuse or neglect to pay such sums, to levy the same by distress and sale of his or her goods or chattels together with the cost and charges of such distress and sale according to law. And you are hereby directed and required to pay over as follows, vis:

TO THE SUPERVISOR

Town Wide Tax Levy General	\$	<u>596,112.00</u>	\$	<u>596,112.00</u>
Town Outside Tax Levy General	\$	<u>4,359.00</u>	\$	<u>4,359.00</u>
Highway Money-Outside Village Item 1	\$	<u>322,618.00</u>		
(Donovan Plan)Outside Village Item 1A	\$		\$	<u>322,618.00</u>

Special District Tax:

Denmark Fire Protection	46,500.00
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TOTAL TO SUPERVISOR

\$ 969,589.00

TO THE COUNTY TREASURER:

County Tax	\$	<u>1,083,036.00</u>		
Levy & Assess BR Regulating District	\$			
Workmen's Compensation Insurance	\$	<u>0.00</u>		
			\$	<u>1,083,036.00</u>

Taxes to be Re-Assessed, viz:

Returned School Tax	\$	<u>133,901.57</u>		
Returned Village Tax	\$	<u>36,905.93</u>		
Amount Spread on Town	\$	<u>(0.04)</u>		
			\$	<u>170,807.46</u>

TOTAL TO COUNTY TREASURER

\$ 1,253,843.46

WHOLE AMOUNT OF WARRANT

\$ 2,223,432.46

LESS: Balance Due Town

\$

Amount Paid County Treasurer

\$

\$ 0.00

NET AMOUNT OF WARRANT

\$ 2,223,432.46

AMOUNT OF TAX LIST(Final Recapitulation)

EXCESS/DEFICIT

\$ (0.16)

\$ 2,223,432.30

And make out your return on or before the first day of February next, for which this shall be your WARRANT, AND HEREOF FAIL NOT.

Given under the Seal of the Board of Legislators of Lewis County and signed by the Chairman and the Clerk of such Board at Lowville, N.Y. this 19th day of December, in the year two thousand thirteen.

Michael A. Tabala Chairman
Renee Clark Clerk

TAX WARRANT
TOWN OF DIANA

SPECIAL DISTRICT TAX KEY	
Diana Fire Protection 0.712546	General Tax Key-Town Wide 2.261852
Natural Bridge Fire District 1.778890	General Tax Key-Outside Town 1.231791
Natural Bridge Light District 0.542790	Highway Tax Key
Equalization Rate 100	State Reforestation Tax Key
	County Tax Key 7.589187

STATE OF NEW YORK}

County of Lewis } ss:

To: Janet Taylor

Collector of the Town of DIANA

YOU ARE HEREBY COMMANDED to collect from the persons named in the Assessment Roll annexed hereto, the sums of taxes specified opposite their respective names, together with your legal fees. And you are hereby authorized, in case of any of them shall refuse or neglect to pay such sums, to levy the same by distress and sale of his or her goods or chattels together with the cost and charges of such distress and sale according to law. And you are hereby directed and required to pay over as follows, vis:

TO THE SUPERVISOR

Town Wide Tax Levy General	\$ 344,106.00	\$ 344,106.00
Town Outside Tax Levy General	\$ 5,250.00	\$ 5,250.00
Highway Money-Outside Village Item 1 (Donovan Plan)Outside Village Item 1A	\$ 162,552.00	\$ 162,552.00

Special District Tax:

Diana Fire Protection	98,680.00
Natural Bridge Fire District	2,700.00
Natural Bridge Light District	300.00

TOTAL TO SUPERVISOR \$ 613,588.00

TO THE COUNTY TREASURER:

County Tax	\$ 1,068,500.00	
Levy & Assess BR Regulating District	\$ _____	
Workmen's Compensation Insurance	\$ 0.00	
		\$ <u>1,068,500.00</u>

Taxes to be Re-Assessed, viz:

Returned School Tax	\$ 212,481.66	
Returned Village Tax	\$ 33,845.10	
Amount Spread on Town	\$ 88.56	
		\$ <u>246,415.32</u>

TOTAL TO COUNTY TREASURER \$ 1,314,915.32

WHOLE AMOUNT OF WARRANT

		\$ <u>1,928,483.32</u>
LESS: Balance Due Town	\$ _____	
Amount Paid County Treasurer	\$ 0.00	\$ <u>0.00</u>

NET AMOUNT OF WARRANT

		\$ <u>1,928,483.32</u>
		\$ _____
		\$ <u>0.28</u>
AMOUNT OF TAX LIST(Final Recapitulation)	Excess/Deficit	\$ <u>1,928,483.58</u>

And make out your return on or before the first day of February next, for which this shall be your WARRANT, AND HEREOF FAIL NOT.

Given under the Seal of the Board of Legislators of Lewis County and signed by the Chairman and the Clerk of such Board at Lowville, N.Y. this 19th day of December, in the year two thousand thirteen.

Michael A. Tabola Chairman
Peresa Clark Clerk

TAX WARRANT
TOWN OF GREIG

SPECIAL DISTRICT TAX KEY		General Tax Key-Town Wide	3.292482
Greig Fire Protection	0.303935	General Tax Key-Outside Town	
Brantham Water Control	0.022293	Highway Tax Key	
Equalization Rate 100		State Reforestation Tax Key	
		County Tax Key	7.589545

STATE OF NEW YORK
)
 ss:
 County of Lewis)

To: Thomas Gunn

Collector of the Town of GREIG

YOU ARE HEREBY COMMANDED to collect from the persons named in the Assessment Roll annexed hereto, the sums of taxes specified opposite their respective names, together with your legal fees. And you are hereby authorized, in case of any of them shall refuse or neglect to pay such sums, to levy the same by distress and sale of his or her goods or chattels together with the cost and charges of such distress and sale according to law. And you are hereby directed and required to pay over as follows, vis:

TO THE SUPERVISOR

Town Wide Tax Levy General	\$ 665,336.00	\$ 665,336.00
Town Outside Tax Levy General	\$ _____	\$ _____
Highway Money-Outside Village Item 1	\$ _____	\$ _____
(Donovan Plan)Outside Village Item 1A	\$ _____	\$ _____

Special District Tax:

Greig Fire Protection	62,899.00
Brantham Water Control	1,800.00

TOTAL TO SUPERVISOR \$ 730,035.00

TO THE COUNTY TREASURER:

County Tax	\$ 1,522,276.00	
Workmen's Compensation Insurance	\$ 0.00	
		\$ <u>1,522,276.00</u>

Taxes to be Re-Assessed, viz:

Returned School Tax	\$ 242,365.21	
Returned Village Tax	\$ _____	
Amount Spread on Town	\$ 541.97	
		\$ <u>242,907.18</u>

TOTAL TO COUNTY TREASURER \$ 1,765,183.18

WHOLE AMOUNT OF WARRANT \$ 2,495,218.18

LESS: Balance Due Town \$ _____
 Amount Paid County Treasurer \$ _____ \$ 0.00

NET AMOUNT OF WARRANT \$ 2,495,218.18

AMOUNT OF TAX LIST(Final Recapitulation) Excess/Deficit \$ (0.26)
\$ 2,495,217.92

And make out your return on or before the first day of February next, for which this shall be your WARRANT, AND HEREOF FAIL NOT.

Given under the Seal of the Board of Legislators of Lewis County and signed by the Chairman and the Clerk of such Board at Lowville, N.Y. this 19th day of December, in the year two thousand thirteen.

Michael A. Talsky Chairman
Peresa Clark Clerk

**TAX WARRANT
TOWN OF LEYDEN**

<u>SPECIAL DISTRICT TAX KEY</u>	<u>General Tax Key-Town Wide</u>	<u>2.903576</u>
<u>Leyden Fire Prot & Ambulanc 0.360339</u>	<u>General Tax Key-Outside Town</u>	<u>2.601225</u>
	<u>Highway Tax Key</u>	
<u>EQUALIZATION RATE: 100.00</u>	<u>State Reforestation Tax Key</u>	
	<u>County Tax Key</u>	<u>7.589159</u>

STATE OF NEW YORK }
 ss:
County of Lewis }

To: Kim Hrim

Collector of the Town LEYDEN

YOU ARE HEREBY COMMANDED to collect from the persons named in the Assessment Roll annexed hereto, the sums of taxes specified opposite their respective names, together with your legal fees. And you are hereby authorized, in case of any of them shall refuse or neglect to pay such sums, to levy the same by distress and sale of his or her goods or chattels together with the cost and charges of such distress and sale according to law. And you are hereby directed and required to pay over as follows, vis:

TO THE SUPERVISOR

Town Wide Tax Levy General	\$ 234,910.00	\$ 234,910.00
Town Outside Tax Levy General	\$ 16,700.00	\$ 16,700.00
Highway Money-Outside Village Item 1	\$ 169,275.00	
(Donovan Plan)Outside Village Item 1A	\$	\$ 169,275.00

Special District Tax:

<u>Leyden Fire Protection & Ambulance</u>	<u>26,675.00</u>
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TOTAL TO SUPERVISOR \$ 447,560.00

TO THE COUNTY TREASURER:

County Tax	\$ 620,098.00	
Workmen's Compensation Insurance	\$ 0.00	
		\$ <u>620,098.00</u>

Taxes to be Re-Assessed, viz:

Returned School Tax	\$ 95,139.61	
Returned Village Tax	\$ 37,220.21	
Amount Spread on Town	\$ 713.10	
		\$ <u>133,072.92</u>

TOTAL TO COUNTY TREASURER \$ 753,170.92

WHOLE AMOUNT OF WARRANT \$ 1,200,730.92

LESS: Balance Due Town	\$ _____	
Amount Paid County Treasurer	\$ _____	

NET AMOUNT OF WARRANT \$ 1,200,730.92

Excess/Deficit \$ (0.19)

AMOUNT OF TAX LIST(Final Recapitulation) \$ 1,200,730.73

And make out your return on or before the first day of February next, for which this shall be your WARRANT, AND HEREOF FAIL NOT.

Given under the Seal of the Board of Legislators of Lewis County and signed by the Chairman and the Clerk of such Board at Lowville, N.Y. this 19th day of December, in the year two thousand thirteen.

Michael A Talbot Chairman
Deeann Clark Clerk

**TAX WARRANT
TOWN OF MARTINSBURG**

SPECIAL DISTRICT TAX KEY		General Tax Key-Town Wide	4.980838
Martinsburg Fire Protection	0.552839	General Tax Key-Outside Town	
Glenfield Light District	0.636524	Highway Tax Key	
Martinsburg Fire District	0.000000	State Reforestation Tax Key	
Martinsburg Light District	0.886052	County Tax Key	8.074003
Equalization Rate 94			

STATE OF NEW YORK
 ss:
 County of Lewis }

To: Deanna Doviak

Collector of the Town MARTINSBURG

YOU ARE HEREBY COMMANDED to collect from the persons named in the Assessment Roll annexed hereto, the sums of taxes specified opposite their respective names, together with your legal fees. And you are hereby authorized, in case of any of them shall refuse or neglect to pay such sums, to levy the same by distress and sale of his or her goods or chattels together with the cost and charges of such distress and sale according to law. And you are hereby directed and required to pay over as follows, vis:

TO THE SUPERVISOR

Town Wide Tax Levy General	\$ <u>327,345.00</u>	\$ <u>327,345.00</u>
Town Outside Tax Levy General	\$ _____	\$ _____
Highway Money-Outside Village Item 1	\$ _____	\$ _____
(Donovan Plan)Outside Village Item 1A	\$ _____	\$ _____

Special District Tax:

Martinsburg Fire Protection	41,205.40
Flat Rock Fire	48,418.60
Glenfield Light District	4,900.00
Martinsburg Fire District	_____
Martinsburg Light District	4,400.00
Glenfield Water and Glenfield Sewer	14,810.36
Martinsburg Water	6,037.73

TOTAL TO SUPERVISOR \$ 446,917.09

TO THE COUNTY TREASURER:

County Tax	\$ <u>509,969.00</u>	
Levy & Assess BR Regulating District	\$ _____	
Workmen's Compensation Insurance	\$ <u>0.00</u>	
		\$ <u>509,969.00</u>

Taxes to be Re-Assessed, viz:

Returned School Tax	\$ <u>44,223.75</u>	
Returned Village Tax	\$ _____	
Amount Spread on Town	\$ <u>419.36</u>	
		\$ <u>44,643.11</u>

TOTAL TO COUNTY TREASURER \$ 554,812.11

WHOLE AMOUNT OF WARRANT

		\$ <u>1,001,529.20</u>
LESS: Balance Due Town	\$ _____	
Amount Paid County Treasurer	\$ _____	\$ <u>0.00</u>

NET AMOUNT OF WARRANT

\$ 1,001,529.20

Excess/Deficit \$ 0.04

AMOUNT OF TAX LIST(Final Recapitulation)

\$ 1,001,529.24

And make out your return on or before the first day of February next, for which this shall be your WARRANT, AND HEREOF FAIL NOT.

Given under the Seal of the Board of Legislators of Lewis County and signed by the Chairman and the Clerk of such Board at Lowville, N.Y. this 19th day of December, in the year two thousand thirteen.

Michael A. Talbot Chairman
Peresa Clark Clerk

**TAX WARRANT
TOWN OF MONTAGUE**

SPECIAL DISTRICT TAX KEY		General Tax Key-Town Wide	4.629913
Montague Fire Protection	0.210062	General Tax Key-Outside Town	
		Highway Tax Key	
		State Reforestation Tax Key	
Equalization Rate: 100		County Tax Key	7.5890210

STATE OF NEW YORK)

County of Lewis } ss:

To: Barbara Loomis

Collector of the Town MONTAGUE

YOU ARE HEREBY COMMANDED to collect from the persons named in the Assessment Roll annexed hereto, the sums of taxes specified opposite their respective names, together with your legal fees. And you are hereby authorized, in case of any of them shall refuse or neglect to pay such sums, to levy the same by distress and sale of his or her goods or chattels together with the cost and charges of such distress and sale according to law. And you are hereby directed and required to pay over as follows, vis:

TO THE SUPERVISOR

Town Wide Tax Levy General	\$ 160,145.00	\$ 160,145.00
Town Outside Tax Levy General	\$ _____	\$ _____
Highway Money-Outside Village Item 1	\$ _____	\$ _____
(Donovan Plan)Outside Village Item 1A	\$ _____	\$ _____

Special District Tax:

Montague Fire Protection 7,309.00

TOTAL TO SUPERVISOR \$ 167,454.00

TO THE COUNTY TREASURER:

County Tax	\$ 261,971.00	
Levy & Assess BR Regulating District	\$ _____	
Workmen's Compensation Insurance	\$ 0.00	\$ 261,971.00

Taxes to be Re-Assessed, viz:

Returned School Tax	\$ 23,322.45	
Returned Village Tax	\$ _____	
Amount Spread on Town	\$ 454.77	\$ 23,777.22

TOTAL TO COUNTY TREASURER \$ 285,748.22

WHOLE AMOUNT OF WARRANT \$ 453,202.22

LESS: Balance Due Town \$ _____

Amount Paid County Treasurer \$ 0.00

NET AMOUNT OF WARRANT \$ 453,202.22

Excess/Deficit \$ (0.16)

AMOUNT OF TAX LIST(Final Recapitulation) \$ 453,202.06

And make out your return on or before the first day of February next, for which this shall be your WARRANT, AND HEREOF FAIL NOT.

Given under the Seal of the Board of Legislators of Lewis County and signed by the Chairman and the Clerk of such Board at Lowville, N.Y. this 19th day of December, in the year two thousand thirteen.

Michael A. Talbot Chairman
Peresa Clark Clerk

**TAX WARRANT
TOWN OF NEW BREMEN**

SPECIAL DISTRICT TAX KEY		General Tax Key-Town Wide	3.561690
New Bremen Fire District	0.739280	General Tax Key-Outside Town	2.346106
Beaver Falls Fire District	0.989508	Highway Tax Key	
New Bremen Fire Protection	0.312960	State Reforestation Tax Key	
		County Tax Key	7.589473

Equalization Rate 100.

STATE OF NEW YORK

County of Lewis }
 ss:

To: Elizabeth B Jones

Collector of the Town NEW BREMEN

YOU ARE HEREBY COMMANDED to collect from the persons named in the Assessment Roll annexed hereto, the sums of taxes specified opposite their respective names, together with your legal fees. And you are hereby authorized, in case of any of them shall refuse or neglect to pay such sums, to levy the same by distress and sale of his or her goods or chattels together with the cost and charges of such distress and sale according to law. And you are hereby directed and required to pay over as follows, vis:

TO THE SUPERVISOR

Town Wide Tax Levy General	\$ 545,990.00	\$ 545,990.00
Town Outside Tax Levy General	\$ 1,400.00	\$ 1,400.00
Highway Money-Outside Village Item 1 (Donovan Plan)Outside Village Item 1A	\$ 334,550.00	\$ 334,550.00

Special District Tax:

New Bremen Fire District	54,532.00
Beaver Falls Fire District	13,361.80
New Bremen Fire Protection	16,275.00
New Bremen Light District	9,300.00
Water Relevy	177.84

TOTAL TO SUPERVISOR \$ 975,586.64

TO THE COUNTY TREASURER:

County Tax	\$ 1,159,293.00	
Levy & Assess BR Regulating District	\$	
Workmen's Compensation Insurance	\$ 0.00	\$ 1,159,293.00

Taxes to be Re-Assessed, viz:

Returned School Tax	\$ 137,689.44	
Returned Village Tax	\$ 5,494.60	
Amount Spread on Town	\$ 510.28	\$ 143,694.32

TOTAL TO COUNTY TREASURER \$ 1,302,987.32

WHOLE AMOUNT OF WARRANT \$ 2,278,573.96

LESS: Balance Due Town \$
Amount Paid County Treasurer \$ 0.00

NET AMOUNT OF WARRANT \$ 2,278,573.96

AMOUNT OF TAX LIST(Final Recapitulation) \$ 2,278,573.09
Excess/Deficit \$ (0.87)

And make out your return on or before the first day of February next, for which this shall be your WARRANT, AND HEREOF FAIL NOT.

Given under the Seal of the Board of Legislators of Lewis County and signed by the Chairman and the Clerk of such Board at Lowville, N.Y. this 19th day of December, in the year two thousand thirteen.

Michael A. Tabor Chairman
Perisa Clark Clerk

**TAX WARRANT
TOWN OF OSCEOLA**

SPECIAL DISTRICT TAX KEY	General Tax Key-Town Wide	8.299365
Osceola Fire Protection 0.978316	General Tax Key-Outside Town	
	Highway Tax Key	
	State Reforestation Tax Key	
Equalization Rate: 100	County Tax Key	7.589017

STATE OF NEW YORK

 ss:
County of Lewis }

To : Andrew Burns

Collector of the Town Osceola

YOU ARE HEREBY COMMANDED to collect from the persons named in the Assessment Roll annexed hereto, the sums of taxes specified opposite their respective names, together with your legal fees. And you are hereby authorized, in case of any of them shall refuse or neglect to pay such sums, to levy the same by distress and sale of his or her goods or chattels together with the cost and charges of such distress and sale according to law. And you are hereby directed and required to pay over as follows, vis:

TO THE SUPERVISOR

Town Wide Tax Levy General	\$ <u>342,123.00</u>	\$ <u>342,123.00</u>
Town Outside Tax Levy General	\$ _____	\$ _____
Highway Money-Outside Village Item 1	\$ _____	\$ _____
(Donovan Plan)Outside Village Item 1A	\$ _____	\$ _____

Special District Tax:

Osceola Fire Protection 44,000.00

TOTAL TO SUPERVISOR \$ 386,123.00

TO THE COUNTY TREASURER:

County Tax	\$ <u>290,384.00</u>	
Levy & Assess BR Regulating District	\$ _____	
Workmen's Compensation Insurance	\$ <u>0.00</u>	
		\$ <u>290,384.00</u>

Taxes to be Re-Assessed, viz:

Returned School Tax	\$ <u>77,692.26</u>	
Returned Village Tax	\$ _____	
Amount Spread on Town	\$ <u>0.04</u>	
		\$ <u>77,692.30</u>

TOTAL TO COUNTY TREASURER \$ 368,076.30

WHOLE AMOUNT OF WARRANT \$ 754,199.30

LESS: Balance Due Town	\$ _____	
Amount Paid County Treasurer	\$ _____	\$ <u>0.00</u>

NET AMOUNT OF WARRANT \$ 754,199.30

	Excess/Deficit	\$ <u>0.02</u>
AMOUNT OF TAX LIST(Final Recapitulation)		\$ <u>754,199.32</u>

And make out your return on or before the first day of February next, for which this shall be your WARRANT, AND HEREOF FAIL NOT.

Given under the Seal of the Board of Legislators of Lewis County and signed by the Chairman and the Clerk of such Board at Lowville, N.Y. this 19th day of December, in the year two thousand thirteen.

Michael A. Talbot Chairman
Pereen Clark Clerk

**TAX WARRANT
TOWN OF TURIN**

<u>SPECIAL DISTRICT TAX KEY</u>	<u>General Tax Key-Town Wide</u>	<u>6,697788</u>
<u>Turin Fire Protection 0.757972</u>	<u>General Tax Key-Outside Town</u>	<u>2.267560</u>
	<u>Highway Tax Key</u>	
	<u>State Reforestation Tax Key</u>	
<u>Equalization Rate 100</u>	<u>County Tax Key</u>	<u>7.589471</u>

STATE OF NEW YORK

ss:
County of Lewis)

To: Malinda Widrick Maciejko

Collector of the Town TURIN

YOU ARE HEREBY COMMANDED to collect from the persons named in the Assessment Roll annexed hereto, the sums of taxes specified opposite their respective names, together with your legal fees. And you are hereby authorized, in case of any of them shall refuse or neglect to pay such sums, to levy the same by distress and sale of his or her goods or chattels together with the cost and charges of such distress and sale according to law. And you are hereby directed and required to pay over as follows, vis:

TO THE SUPERVISOR

Town Wide Tax Levy General	\$ 370,804.00	\$ 370,804.00
Town Outside Tax Levy General	\$ 3,425.00	\$ 3,425.00
Highway Money-Outside Village Item 1 (Donovan Plan)Outside Village Item 1A	\$ 103,555.00	\$ 103,555.00

Special District Tax:

Turin Fire Protection 37,400.00

TOTAL TO SUPERVISOR \$ 515,184.00

TO THE COUNTY TREASURER:

County Tax	\$ 417,209.00	
Levy & Assess BR Regulating District	\$ _____	
Workmen's Compensation Insurance	\$ 0.00	
		\$ 417,209.00

Taxes to be Re-Assessed, viz:

Returned School Tax	\$ 98,807.41	
Returned Village Tax	\$ 9,302.62	
Amount Spread on Town	\$ 472.16	
		\$ 108,582.19

TOTAL TO COUNTY TREASURER \$ 525,791.19

WHOLE AMOUNT OF WARRANT \$ 1,040,975.19

LESS: Balance Due Town \$ _____
Amount Paid County Treasurer \$ _____ \$ 0.00

NET AMOUNT OF WARRANT \$ 1,040,975.19

Excess/Deficit \$ (0.02)

AMOUNT OF TAX LIST(Final Recapitulation) \$ 1,040,975.17

And make out your return on or before the first day of February next, for which this shall be your WARRANT, AND HEREOF FAIL NOT.

Given under the Seal of the Board of Legislators of Lewis County and signed by the Chairman and the Clerk of such Board at Lowville, N.Y. this 19th day of December, in the year two thousand thirteen.

Michael A. Tabolo Chairman
Rerisa Clark Clerk

**TAX WARRANT
TOWN OF WEST TURIN**

SPECIAL DISTRICT TAX KEY		General Tax Key-Town Wide	3.304790
Turin Fire Protection	0.483551	General Tax Key-Outside Town	1.648557
Constableville Fire Protection	0.428879	Highway Tax Key	
		State Reforestation Tax Key	
Equalization Rate: 100		County Tax Key	7.589280

STATE OF NEW YORK
 ss:
 County of Lewis }

To: Beth Ann McGovern

Collector of the Town WEST TURIN

YOU ARE HEREBY COMMANDED to collect from the persons named in the Assessment Roll annexed hereto, the sums of taxes specified opposite their respective names, together with your legal fees. And you are hereby authorized, in case of any of them shall refuse or neglect to pay such sums, to levy the same by distress and sale of his or her goods or chattels together with the cost and charges of such distress and sale according to law. And you are hereby directed and required to pay over as follows, vis:

TO THE SUPERVISOR			
Town Wide Tax Levy General	\$ 413,230.00	\$ 413,230.00	
Town Outside Tax Levy General	\$ 5,165.00	\$ 5,165.00	
Highway Money-Outside Village Item 1 (Donovan Plan)Outside Village Item 1A	\$ 140,540.00	\$ 140,540.00	

Special District Tax:		
Turin Fire Protection		11,543.00
Constableville Fire Protection		28,306.00

TOTAL TO SUPERVISOR \$ 598,784.00

TO THE COUNTY TREASURER:		
County Tax	\$ 905,530.00	
Levy & Assess BR Regulating District	\$	
Workmen's Compensation Insurance	\$ 0.00	
		<u>905,530.00</u>

Taxes to be Re-Assessed, viz:		
Returned School Tax	\$ 171,661.66	
Returned Village Tax	\$ 46,011.24	
Amount Spread on Town	\$ 769.13	
		<u>\$ 218,442.03</u>

TOTAL TO COUNTY TREASURER \$ 1,123,972.03

WHOLE AMOUNT OF WARRANT		\$ <u>1,722,756.03</u>
LESS: Balance Due Town	\$	
Amount Paid County Treasurer	\$	<u>0.00</u>

NET AMOUNT OF WARRANT \$ 1,722,756.03

AMOUNT OF TAX LIST(Final Recapitulation)	Excess/Deficit	\$ <u>(0.20)</u>
		\$ <u>1,722,755.83</u>

And make out your return on or before the first day of February next, for which this shall be your WARRANT, AND HEREOF FAIL NOT.

Given under the Seal of the Board of Legislators of Lewis County and signed by the Chairman and the Clerk of such Board at Lowville, N.Y. this 19th day of December, in the year two thousand thirteen.

Michael A. Tabolt Chairman
Pereen Clark Clerk

ANNUAL CASH REPORT

OF
Patricia O'Brien

**LEWIS COUNTY TREASURER
FOR FISCAL YEAR ENDING
DECEMBER 31, 2013**

GENERAL FUND

Bal on Hand 1/1/13	2,661,872.12	13,769,138.77	
Cash on Hand	11,107,266.65		
Time Deposits			
Plus: Receipts 1/1-12/31/13		74,383,724.29	74,869,642.07
Total Receipts+Beg Bal		<u>\$ 88,152,863.06</u>	(11,423.86)
Disbursements: 1/1-12/31/13		74,881,065.93	74,881,065.93
Bal on Hand 12/31/13	2,175,954.34	13,271,797.13	
Cash on Hand	11,095,842.79		
Time Deposits			
Total 2012 Disb+Ending Bal		<u>\$ 88,152,863.06</u>	

Includes Reserved Cash for MH/DSS \$2,035,781+

Trail Fund

Bal on Hand 1/1/13	104,006.72	104,006.72	
Cash on Hand			
Time Deposits			
Plus: Receipts 1/1-12/31/13		101,144.11	70,765.46
Total Receipts+Beg Bal		<u>\$ 205,150.83</u>	0.00
Disbursements: 1/1-12/31/13		70,765.46	70,765.46
Bal on Hand 12/31/13	134,385.37	134,385.37	0.00
Cash on Hand			0.00
Time Deposits			
Total 2012 Disb+Ending Bal		<u>\$ 205,150.83</u>	70,765.46

ANNUAL CASH REPORT

HOSPITAL FUND

Bal on Hand 1/1/13		1,868,742.91	
Cash on Hand	1,033,320.53		
Time Deposits(includes Foundation)	835,422.38		
Plus: Receipts 1/1-12/31/13		59,567,502.25	
Total Receipts+Beg Bal		<u>\$ 61,436,245.16</u>	
Disbursements: 1/1-12/31/13	59,277,699.26		60,027,464.75
Bal on Hand 12/31/13	2,158,545.90		749,765.49
Cash on Hand			59,277,699.26
Time Deposits(includes Foundation)	573,358.03		
Total 2012 Disb+Ending Bal	1,585,187.87		

COUNTY ROAD FUND

Bal on Hand 1/1/13		725,870.25	
Cash on Hand	376,696.91		
Time Deposits	349,173.34		
Plus: Receipts 1/1-12/31/13		6,230,068.85	
Total Receipts+Beg Bal		<u>\$ 6,955,939.10</u>	

Disbursements: 1/1-12/31/13	6,492,880.95		6,143,707.61
Bal on Hand 12/31/13	463,058.15		(349,173.34)
Cash on Hand			6,492,880.95
Time Deposits	463,058.15		
Total 2012 Disb+Ending Bal		<u>\$ 6,955,939.10</u>	

MACHINERY FUND

Bal on Hand 1/1/13		490,841.67	
Cash on Hand	234,420.08		
Time Deposits	256,421.59		
Plus: Receipts 1/1-12/31/13		1,438,702.99	
Total Receipts+Beg Bal		<u>\$ 1,929,544.66</u>	
Disbursements: 1/1-12/31/13	1,544,948.26		1,513,221.76
Bal on Hand 12/31/13	384,596.40		31,726.50
Cash on Hand	159,901.31		1,544,948.26
Time Deposits	224,695.09		
Total 2012 Disb+Ending Bal		<u>\$ 1,929,544.66</u>	

ANNUAL CASH REPORT

SOLID WASTE

Bal on Hand 1/1/13	547,411.69
Cash on Hand	
Time Deposits	
Plus: Receipts 1/1-12/31/13	1,740,520.43
Total Receipts+Beg Bal	<u>\$ 2,287,932.12</u>

Disbursements: 1/1-12/31/13	1,482,939.51
Bal on Hand 12/31/13	804,992.61
Cash on Hand	409,144.42
Time Deposits	395,848.19
Total 2012 Disb+Ending Bal	<u>\$ 2,287,932.12</u>

1,630,138.44
(147,198.93)
1,482,939.51

WIA

Bal on Hand 1/1/13	12,102.65
Cash on Hand	
Time Deposits	
Plus: Receipts 1/1-12/31/13	144,932.58
Total Receipts+Beg Bal	<u>\$ 157,035.23</u>

Disbursements: 1/1-12/31/13	141,259.21
Bal on Hand 12/31/13	15,776.02
Cash on Hand	
Time Deposits	
Total 2012 Disb+Ending Bal	<u>\$ 157,035.23</u>

SELF INSURANCE FUND

Bal on Hand 1/1/13	1,443,501.48
Cash on Hand	
Time Deposits	
Plus: Receipts 1/1-12/31/13	1,440,774.42
Total Receipts+Beg Bal	<u>\$ 2,884,275.90</u>

Disbursements: 1/1-12/31/13	1,744,533.41
Bal on Hand 12/31/13	1,139,742.49
Cash on Hand	
Time Deposits	53,627.64
Total 2012 Disb+Ending Bal	<u>\$ 2,884,275.90</u>

1,645,087.04
99,446.37
1,744,533.41

ANNUAL CASH REPORT

INTERNAL SERVICE FUND

Bal on Hand 1/1/13
 Cash on Hand-Int Bearing
 Time Deposits
 Plus: Receipts 1/1-12/31/13
 Total Receipts+Beg Bal

4,571,912.96

 1,920,142.84
 2,651,770.12

 20,971,621.90
\$ 25,543,534.86

Disbursements: 1/1-12/31/13
 Bal on Hand 12/31/13
 Cash on Hand-Int Bearing
 Time Deposits
 Total 2012 Disb+Ending Bal

21,032,082.13
 1,099,450.35
 22,131,532.48

\$ 25,543,534.86

TRUST & AGENCY FUND

Bal on Hand 1/1/13
 Trust Cash
 Time Deposit Cash
 Plus: Receipts 1/1-12/31/13
 Total 2012 Receipts+Beg Bal

433,233.95

 421,049.88
 12,184.07

 15,464,271.00
\$ 15,897,504.95

Disbursements: 1/1-12/31/13
 Bal on Hand 12/31/13
 Trust Cash (Incl Ct & Trust)
 Time Deposit Cash
 Total 2012 Disb+Ending Bal

15,428,497.12
 469,007.83

 15,428,510.28
 (13.16)
 15,428,497.12

\$ 15,897,504.95

Micro Loan Fund

Bal on Hand 1/1/13
 Time Deposit Cash
 Plus: Receipts 1/1-12/31/13
 Total 2012 Receipts+Beg Bal

65,921.22

 65,921.22
 3,356.17
\$ 69,277.39

Disbursements: 1/1-12/31/13
 Bal on Hand 12/31/13
 Trust Cash
 Time Deposit Cash
 Total 2012 Disb+Ending Bal

59.77
 69,217.62

 69,217.62
\$ 69,277.39

ANNUAL CASH REPORT

HOSP SP GIFT EXPENDABLE/INON-EXPENDABLE

Bal on Hand 1/1/13		28,301.99
Trust Cash	883.94	
Time Deposit Cash	27,418.05	
Plus: Receipts 1/1-12/31/13		
Total 2012 Receipts+Beg Bal	1,446.64	
	29,748.63	
Disbursements: 1/1-12/31/13		
Bal on Hand 12/31/13		0.00
Trust Cash		(28.89)
Time Deposit Cash	2,330.58	(28.89)
Total 2012 Disb+Ending Bal	29,777.52	(28.89)

CAPITAL FUNDS

Bal 1/1/13		2,277,434.71
Bridges Cash	267,009.49	
West Main/SRB Deposit	49,699.85	
Mad River Br Deposit	40,243.65	
West Road Rehab	41,637.75	
Em Radio Cash	603,438.95	
Em Radio Time Deposit	19,339.66	
Capital Building Cash	-	
Capital Building Invested	26,256.49	
Utilities Cash	52.91	
ESll Cash	82,324.43	
Paving Time Deposit	-	
Blid Maint Cash	8,330.00	
Blid Maint Time Deposit	454,036.26	
Capital Equipment	-	
Capital Equipment Deposit	205,210.02	
Data Processing	13,348.94	
Data Proc Deposit	17,695.93	
Hospital Dialysis Project	-	
Hwy Bldg Time Deposit	155,107.62	
DSS Bldg	-	
DSS Bldg Time Deposit	231,844.55	
Deer River Rd	53,058.21	
Highway Striping	8,800.00	
Plus: Receipts 1/1-12/31/13		
Total 2012 Receipts+Beg Bal	3,119,292.35	5,396,727.06

ANNUAL CASH REPORT

Disb: 1/1-12/31/13		3,232,514.64
Bal on Hand 12/31/13		(211,468.89)
Bridges Cash		3,021,045.75
West Main/SRB Deposit	293,010.11	
Mad River Br Deposit	15,370.71	
West Road Rehab	40,308.75	
Em Radio Cash	13,358.79	
Em Radio Time Deposit	507,009.41	
Capital Building Cash	519,411.54	
Capital Building Invested	-	
Utilites Cash	26,302.63	
E911 Cash	52.91	
Paving Time Deposit	55,754.43	
Bid Maint Cash	-	
Bid Maint Time Deposit	4,025.71	
Capital Equipment	454,779.43	
Capital Equipment Deposit	10,609.36	
Data Processing	113,957.86	
Data Proc Deposit	6,902.68	
Hospital Dialysis Project	21,146.36	
Hwy Bldg Time Deposit	3.20	
Deer River Rd	155,380.24	
DSS Bldg	72,089.84	
DSS Bldg Time Deposit	-	
Highway striping	64,242.20	
Disbursements:1/1-12/31/13	1,965.15	
Bal on Hand 12/31/13		
Trust Cash		
Time Deposit Cash		
Total 2012 Disb+Ending Bal		\$ 5,396,727.06

ANNUAL CASH REPORT

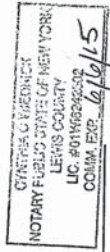
	CONSOLIDATED TOTALS			
	BALANCE 12/31/2012	RECEIVED 2013	DISBURSED 2013	
	BALANCE 12/31/2013			
Cash on Hand	13,769,138.77	74,383,724.29	74,881,065.93	13,271,797.13
TRAIL FUND	104,006.72	101,144.11	70,765.46	134,385.37
HOSPITAL FUND	1,868,742.91	59,567,502.25	59,277,699.26	2,158,545.90
COUNTY ROAD FUND	725,870.25	6,230,068.85	6,492,880.95	463,058.15
MACHINERY FUND	490,841.67	1,438,702.99	1,544,948.26	384,596.40
SOLID WASTE	547,411.69	1,740,520.43	1,482,939.51	804,992.61
WIA	12,102.65	144,932.58	141,259.21	15,776.02
Total 2012 Disb+Ending Bal	1,443,501.48	1,440,774.42	1,744,533.41	1,139,742.49
INTERNAL SERVICE FUND	4,571,912.96	20,971,621.90	22,131,532.48	3,412,002.38
TRUST & AGENCY FUND	433,233.95	15,464,271.00	15,428,497.12	469,007.83
MICRO LOAN PROGRAM	65,921.22	3,356.17	59.77	69,217.62
HOSP SP GIFT EXP/NON-EXP	28,301.99	1,446.64	(28.89)	29,777.52
CAPITAL FUNDS	2,277,434.71	3,119,292.35	3,021,045.75	2,375,681.31
TOTAL	26,338,420.97	184,607,357.96	186,217,199.22	24,728,596.73

**ANNUAL CASH REPORT
COUNTY INDEBTEDNESS**

TYPE & PURPOSE	OUTSTANDING 12/31/2013	MATURITY DATE
SERIAL-GENERAL OBLIGATION 2010 RECONSTRUCTION HOSP FACILITIES	3,395,000.00	2030
2010 GENERAL OBLIGATION COURT HOUSE PROJECT	8,850,000.00	2037
2013 DIALYSIS AND MEDITECH BOND HOSPITAL	4,795,000.00	2020

STATE OF NEW YORK} ss:
COUNTY OF LEWIS}

Patricia O'Brien, being duly sworn, deposes and says that she is the Treasurer of the County of Lewis, State of New York, and the foregoing cash report is a true and correct statement of the Cash Transactions of said County for the Fiscal Year ending DECEMBER 31, 2013, as shown by the official records of said County.



Subscribed and Sworn to Before Me
this 9th Day of January 2014:
Patricia C. Wedrich
NOTARY PUBLIC

Patricia O'Brien
PATRICIA O'BRIEN

REPORT INFORMATION

The above cash report was made as required by Law to report the Cash Flow of funds through the County Treasurer's Office.
It by no means shall be considered as a report of actual operating expenses or revenues.

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