

REGULAR MEETING
July 5, 2016

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

Roll Call: All Legislators were present.

Chairman Tabolt offered the Invocation, and led the Pledge of Allegiance to the Flag.

There were 12 persons present.

Chairman Tabolt declared the June 7, 2016 meeting minutes were approved.

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: July 5, 2016

Lawrence Dolhof, Chairman
Bryan Moser
Craig Brennan

Legislator Moser made a motion to waive the rules, seconded by Legislator Dolhof and carried.

Chairman Tabolt opened the public hearing for comments on the proposed addition of the Lee Gulf Trail in Turin to the Lewis County ATV Trail System.

PRIVILEGE OF THE FLOOR:

Mr. Dan Salmon, Lowville Village Councilman clarified later in the meeting that he was not speaking on behalf of the Council. He reported a special Council meeting was held on 6/30/2016 with Kraft Heinz (KH) representatives to discuss the water treatment project. They continue efforts for funding and easements for sewer lines to the plant. An Environmental Finance Corporation (EFC) grant application has been submitted; and equipment will be ordered upon funding guarantee. To-date the Village has expended several hundred thousand dollars on this project.

Pursuant to figures provided by County Planning Director Frank Pace, Mr. Salmon reported 192 dairy farms in Lewis County, of which 152 draw their milk to KH, with only one of those farms located within the Village of Lowville. The plant currently employs 343, of which 280 reside in the County. The plant intends to add 12 employees to their cream cheese production, as well as 120-150 employees for their string cheese line next fall, as their only string cheese production within the United States.

During the past 6 months KH used 62% of Lowville's metered water. Of the Village's total \$142,973 property tax on the filtration plant and the Number Three Road property, \$54,718 is for County apportioned tax. Based on Mr. Salmon's calculations that KH pays 48% of the total water bill, he submits that KH pays \$68,627 extra per year due to taxation on the water treatment system.

"For the betterment of KH and the regional community", Mr. Salmon requests that the Board consider exempting County taxation on the water filtration plant and the small portion located outside the village, in the spirit of economic development, citing the many KH employees that reside outside of Lowville. Mr. Salmon referenced an agreement/statement he had signed on 3/2/1998 as then Village Mayor and County Board Chairman Ralph Farney. As a result of the Village's subsequent lawsuit, the court deemed the document was not legally binding. He strongly believes that "Municipalities should not tax other municipalities".

In response to Legislator Dolhof, Mr. Salmon reiterated that KH uses 62% of the metered water. However, based on the methodology for industrial users, their bill equates 48% of the total. Legislator Dolhof asserted the aforementioned amounts are for the water budget to be borne by all water users inside and outside of the Village. Liz Swearingin recalled discussion for renegotiating the water and sewer agreement that has been in effect since the 1960's to reflect current usage, which for KH is estimated to inflate to 70-75% when their building addition is operational.

Legislator Brennan asserted that if the County exempted the Village's water system, it would essentially create an additional tax burden for all County property owners to offset the lost revenue/tax deficit.

Mr. Salmon reported an approximate 50% of property within the Village is tax exempt, compounded by the sale of the Lowville Commons building to the non-profit North Country Transitional Living Services, equating an additional \$8,000 Village tax deficit. He reiterated that many people residing outside come to work at Village locations, especially at KH, illustrating the regional impact.

Legislator Moser said he would consider exempting the Village water system, however, would want assurance the Village would utilize the tax savings to regularly upgrade and maintain the infrastructure that has had nominal investment since the 1950's. He was not placing blame, but wants clarification to justify consideration of an exemption.

Mr. Salmon expressed his conviction that the lower water rates are a primary reason for KH remaining in Lowville.

Legislator Dolhof affirmed the County taxes all water facilities located within the County, likewise as the Village of Lowville. Therefore, the Board's consideration must include all of the water systems. All taxation amounts are relevant to the respective municipality, he said. Legislator Moser invoked that any County tax deficit would have to be spread upon all taxpayers.

Repeating Mr. Salmon’s comment that “Municipalities should not tax other municipalities”, Chairman Tabolt referred the issue to the Taxation Committee for review and a recommendation for full Board consideration.

Legislator King indicated he could consider an exemption only if all municipalities are included, otherwise he would not.

PRESENTATION OF COMMUNICATIONS AND NOTICES:

Mr. Kenneth Bibbins submitted a letter of resignation from the Lewis County Traffic Safety Board, as the NYS Department of Transportation local representative, due to a promotion to the Watertown regional office.

The Board acknowledges receipt of a resolution adopted by the Cattaraugus County Legislature urging the Governor to sign the Public Defense Mandate Relief Act for the State’s phased in takeover of County Indigent Defense expense.

REPORTS OF COUNTY OFFICERS AND DEPARTMENTS:

Sealer of Weights and Measures Barbara Cooper has submitted her 2nd quarterly report to be placed on file.

County Treasurer Patricia O’Brien and Real Property Tax Director Candy Akin submitted an approved application for a refund of real property taxes for the year 2015 in the amount of \$132.24 for Kevin Farr for property in the Town of Leyden.

Legislators have received copies of the Treasurer’s June report and the 2nd Qtr. Bed Tax Report; the 6/24/16 Solid Waste and 6/28/16 Highway Audit Reports; and the following Apportionment of Mortgage Tax for the period 10/1/2015 to 3/31/2016:

**APPORTIONMENT OF MORTGAGE TAX
October 1, 2015 through March 31, 2016**

	<u>KEY</u>	<u>VALUATION</u>	<u>AMOUNT</u>
Town of Croghan		314,797,666	\$15,128.91
Village of Croghan	.025713783	16,189,278	<u>399.29</u>
			\$15,528.20
Town of Denmark		181,327,970	\$17,379.39
Village of Castorland	.044003942	15,958,291	905.76
Village of Copenhagen	.111664858	40,495,924	<u>2,298.47</u>
			\$20,583.62
Town of Diana		172,574,973	\$ 9,745.30
Village of Harrisville	.065388885	22,568,970	<u>681.82</u>
			\$10,427.12

Town of Greig		227,217,263	\$10,452.43
Town of Harrisburg		263,075,304	\$ 1,890.04
Town of Lewis		73,296,112	\$ 6,324.81
Town of Leyden		101,443,543	\$ 5,099.26
Village of Port Leyden	.079665854	16,163,173	<u>441.40</u>
			\$ 5,540.66
Town of Lowville		445,612,744	\$20,246.77
Village of Lowville	.281786159	251,135,007	<u>7,943.68</u>
			\$28,190.45
Town of Lyonsdale		100,487,319	\$ 2,918.91
Village of Lyons Falls	.036812720	7,398,423	114.77
Village of Port Leyden	.026913759	5,408,983	<u>83.91</u>
			\$ 3,117.59
Town of Martinsburg		401,107,085	\$ 1,946.99
Town of Montague		40,129,213	\$ 1,659.32
Town of New Bremen		173,656,584	\$10,716.72
Village of Croghan	.035625139	12,373,080	<u>395.89</u>
			\$11,112.61
Town of Osceola		50,932,462	\$ 892.71
Town of Pinckney		37,075,815	\$2,682.47
Town of Turin		74,746,977	\$ 3,360.87
Village of Turin	.080469462	12,029,698	<u>294.12</u>
			\$ 3,654.99
Town of Watson		205,348,969	\$11,082.21
Town of West Turin		148,366,967	\$10,041.51
Village of Constableville	.046158044	13,696,658	565.35
Village of Lyons Falls	.133996080	39,761,184	<u>1,641.19</u>
			\$12,248.05

GRAND TOTAL \$147,334.27

To County of Lewis \$73,667.20

Gregory Kulzer, Chairman
Craig Brennan
Lawrence Dolhof
Taxation Committee

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 \$73,667.20 from the tax on mortgages from October 1, 2015 through March 31, 2016 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 June 2016.

Michael A. Tabolt, Chairman
Teresa K. Clark, Clerk of the Board

REPORTS OF STANDING COMMITTEES:

Legislator Philip Hathway, Ways and Means/Buildings and Grounds Committee Chairman, reported that the Greenskies' company had done core drillings to test the soils for the solar project; the steps between the Court House and the church would be poured on 7/6/16; the fence at the Outer Stowe Street building would be installed during the next week; and the issues with the DSS parking lot pond and "punch list" items will be discussed with Bernier, Carr & Associates.

In response to an inmate's complaint, the water at the jail was tested and reported negative for bacteria.

Legislator Hathway requested an "Attorney-Client Privilege" update on contractual negotiations from County Atty. McNichol later today.

Legislator Hathway made a motion to authorize issuance of a Request For Proposals for snow plowing at all County-owned tower sites, seconded by Legislator Dolhof. In response to Legislator Dolhof, Legislator Hathway affirmed that separate bids would be accepted for one or some of the sites, but the preference is for one sole bidder for all sites. Highway Superintendent David Becker will formulate a quote for comparison purposes. The motion was then carried.

Legislator Hathway reported attending the presentation for the proposed Fort Drum missile defense site. Cognizant that the proposed closing of Route 3A would add five miles for Harrisville resident employees, military officials are working to mitigate that inconvenience. During construction 400-600 workers would be employed over a 5-year schedule or a greater number for a 3-year schedule. The construction would increase sales tax by one million dollars annually. The value added to the region is estimated at \$190,000,000 per year, and 1,836 indirect jobs are estimated during construction. Upon implementation, the site would employ 650-800, however, the General rejected giving a civilian versus military employee ratio. The site would annually impact \$1.6 million of sales tax revenue, added value of \$27 million, and 340 indirect jobs.

Legislator Roscoe Fawcett, Jr., Social Services/Office For Aging/Employment and Training/Youth Bureau Committee Chairman, reported the summer youth program started today, as well as 16 PINS Diversion summer youths and two counselors financed through the Pratt-Northam Foundation, that will participate in community service, recreation and educational programs.

Legislator Fawcett also reported, the cited issues with the local apartment used for a homeless shelter were remedied in a timely manner. The Department of Social Services partners with Lewis County Opportunities, Inc. to provide safe shelters for those in need.

Legislator Fawcett reported that Senior Farmer's Market Nutrition Program coupons are available through 9/30/2016. NY Connects in conjunction with the Office For Aging will distribute informational materials at a vendor booth at the Lewis County Fair from 7/19-7/22/16. The annual Senior Day is scheduled for 7/21, including musical entertainment events. A six-week course "Staying Healthy in Lewis County" through the Chronic Disease Self-Management Program "will be held on Tuesdays beginning 7/26 at the Maple Ridge Center. The Alzheimer's Caregivers Support Group meets on the third Thursday of each month at the Maple Ridge Center focused on caring for those with dementia.

Legislator Fawcett relayed the Youth Bureau Advisory Board welcomed new student representatives Dustin Snyder and Noah Ramer of Copenhagen Central School; Camille Ledoux and Shawn Shaw of Beaver River Central School; Jurnee Allen of Harrisville Central School; Reegan Domagala of South Lewis School; and Madeline Lehman of Lowville Academy & Central School.

Legislator Bryan Moser, County Officers/Junkyards/Veterans' Services/Human Resources Committee Chairman, reported six junkyard complaints, four of which are being addressed by the County Attorney. Ward Dailey has reached out to junkyard owners and follows the outlined process to address issues. Three license renewals and one annual inspection were completed.

Legislator Moser reported that Cooperative Extension Executive Director Michele Ledoux had submitted the 2017 County budget request. Agriculture Program Coordinator Peggy Murray assists beginner farmers. The Family Farm Visit is scheduled for 10/1/2016 at the Peter and Sandy Jones farm in Copenhagen.

Legislator Moser reported that at his request, Human Resource Director James Swords had forwarded departmental organizational charts to all Legislators as a reference when considering creation or filling of positions.

Legislator Jerry King, Courts and Law Enforcement/Emergency Services/Fire Coordinator/Building Codes Committee Chairman, reported weekly phone conferences with E.F. Johnson personnel to relate and discuss identified radio and pager problems. They are working to improve pager reception.

Legislator King reported attending a meeting in Stillwater with the Hudson River-Black River Regulating District and NYSDEC representatives.

Legislator King announced that Sheriff Carpinelli is searching for candidates to fill two deputy sheriff and one or two dispatcher positions.

In response to Chairman Tabolt, Legislator King stated that the new radio communication system was designed for on-road coverage. They have reached out to all first responders and instructed and reminded that all interior firefighters switch to an off-air channel. This is not a new procedure. Interior firefighters have historically used this protocol.

Legislator Lawrence Dolhof, Economic Development/Planning/Recreation, Forestry & Parks Committee Chairman, made a motion to retain engineering services from Terry Thisse for an amount not to exceed \$2,000 for engineering a septic system for the Singing Waters Park. The motion was seconded by Legislator Brennan and carried. Legislator Dolhof offered to address questions during presentation of his sponsored resolutions.

Legislator Craig Brennan, Taxation/Information Technology Committee Chairman, reported that Mohawk Networks is known locally as North Country Broadband. Company manager Jeff Beekhoo is looking to employ qualified persons/contractors to install wiring in selected homes for broadband service connection.

Legislator Brennan reported budgetary savings for the Board of Elections attributable to having no Federal primary elections. The Croghan Village Board has officially acted to move their future elections to the November cycle, which eliminates the administration chargeback from the County Board of Elections. In contrast, the Lowville Village Board has indicated their intent to continue March elections.

Legislator Hathway recommended Northern Pioneer Contractors, Inc. for the broadband project, commending their electrical work for the DSS parking lot project.

Legislator Greg Kulzer, Transportation/Solid Waste Committee, made a motion to authorize Highway Superintendent David Becker to re-fill one Full-time Heavy Equipment Operator and one Full-time MEO (Medium), upon impending vacancies due to retirement and/or promotion of existing employees, seconded by Legislator Moser and carried.

Legislator Kulzer reported the 8-10 Tons of recyclables received daily represents a 40% increase since implementing clear bags. Director Pete Wood has researched the initiative of burning trash to create power and determined our 50-Ton daily trash volume is well below feasible amounts.

County personnel are removing the bins from the recycle building. The notice for bids will be advertised for the recycling building construction, to be opened on 7/21/2016. The Development Authority of the North Country has agreed to allocate \$100,000 toward the estimated building cost of \$350,000.

Legislator Kulzer reported the current \$1.71 per gallon oil market price is well below the \$2.293 bid and budgeted price, effecting nearly \$100,000 savings. Also, the State has informed approval of Pave NY CHIP's funding of \$395,903.33 for the next five years.

Legislator Kulzer said he would request David Becker to research information relayed by Legislator Moser of available USDA grant funds for municipal snow plow purchases.

Legislator Richard Chartrand, Hospital Committee Chairman, reported NYSDOH approval of the 2014 IGT funds and expects the \$4 million within 30 days. Delivery Services Reform Incentive Payment (DSRIP) funds totaling \$180,000 have been received. Vital Access Provider (VAP) 2015-2017 funding of \$1,040,000 has been awarded. The Insurance Committee will meet on 7/7/16 to review quotes for worker's compensation coverage.

Legislator Chartrand relayed CFO Jeffrey Hellinger reported a May surplus of \$451,934 versus a budgeted gain of \$229,694, for a year-to-date surplus of \$1,582,835; and a County debt balance of \$3.0 million. Administrative staff continues discussion for expenditure plans of the \$6.58 million Essential Health Provider grant. A value-based payment and quality improvement program for \$5.5 million is in effect from 4/1/2016 through 3/31/2017, with the initial payment due in August. The Hospital recovered \$1.7 million for re-submitted 2015 Medicare and Medicaid cost reports. The average monthly accounts payable period was 82.5 days, the lowest in three years, although greater than the target of 77.1 days. May accounts receivable collections were an all-time high of \$4.5 million.

The Lewis County Hospital Foundation donated eight battery operated "companion cats" for dementia patients of the Rainbow Community First Floor Nursing Home.

An ADHC grant application will be submitted that would finance 75% of the purchase of two new buses to transport nursing home patients to community events.

In response to Legislator Hathway, Legislator Chartrand realized the deadline had passed to withdraw from the County's worker's compensation plan at the end of this year, but exploration for alternative options continues.

Legislator Andrea Moroughan, Public Health/Community Services Committee Chairwoman, reported receipt of a COLA increase for Public Health. Director Penny Ingham will attend the next CNY Delivery Services Reform Incentive Payment (DSRIP) regional project

advisory committee meeting. The Medical Reserve Corp. will be volunteering with Public Health staff at the fair booth to distribute mosquito and tick bite prevention materials. The Pre-School year ended having served the annual average of 120 children. Ninety children are receiving summer services; and currently 59 are enrolled for the fall.

Legislator Moroughan reported submission to the State of the 2017 Community Services Plan with stated goals to ensure continuity of care and timely access to services; improve awareness of suicide risk; advance the understanding of State initiatives and how these will impact access and County needs; work with local agencies to improve access, choice and utilization of transportation options; increase community knowledge of the opioid and heroin crisis and available resources and treatment options; and work with local stakeholders to develop a plan to attract and retain qualified clinical staff needed to serve our population.

The Lewis County Suicide Coalition is working jointly with the Fort Drum Regional Health Planning Organization to develop a tri-county strategic plan to increase awareness and suicide prevention.

COUNTY MANAGER REPORT:

Liz Swearingin reported the Tyler-Munis financial software program is on schedule for implementation in October-November, which will require an intense schedule for staff during August. The payroll programming work will start in September with implementation scheduled for March-April 2017.

Department Heads have been requested to enter their preliminary 2017 personnel and contractual budget requests in the IFM system by 7/8/2016, and full budgets are expected by 9/7/2016.

COUNTY TREASURER REPORT:

Patricia O'Brien recited the balances of the Special Legislative Contingency Fund - \$249,168.00; Contingency Fund-\$431,000.00; Capital Data Processing Fund- \$130,081.17 and Capital Equipment Fund - \$242,883.43, of which \$137,213.98 is the Highway portion. She also reported budgeted level year-to-date sales tax revenue of \$4,282,796.88; and the current Hospital debt of \$3 million.

Ms. O'Brien reported a slight increase in the Internal Service Fund, while cautioning that payment of some June claims had been delayed.

In response to Legislator Chartrand, she clarified that the bed tax delinquencies are 10 days past due and the amount is inclusive of a large sum for one business. She notifies the County Attorney of businesses that are over 30 days delinquent.

SPECIAL REPORT:

Chairman Tabolt reported attending the Clean Energy Expo hosted by the Adirondack North Country Association at SUNY Polytechnic Institute in Utica on 6/14/2016. He had a private meeting with representatives from the Governor's office and State Energy Department to speak about efforts to assist the ReEnergy plant in Lyonsdale, with a follow-up phone conference planned in the near future.

He and Clerk of the Board Terry Clark had attended the Inter-County Legislative Committee of the Adirondacks' meeting in Hamilton County on 6/23/2016. The group adopted resolutions urging the Governor to sign legislation for the State phased-in takeover of Indigent Legal Defense expenses; to enact legislation for the State to assume the additional District Attorney salary expense; and urging legislation to more equitably and efficiently impose 9-1-1 surcharges on all wireless communication devices and designate the revenue to finance County operations. The next meeting will be hosted by St. Lawrence County on 7/28/2016.

Chairman Tabolt reported attending the 7/1/2016 unveiling ceremony of the Monument for Fort Drum Soldiers at Thompson Park. He was very impressed by the speech of former Fort Drum Commander Lieutenant General James Campbell.

Chairman Tabolt relayed being informed by a Habitat for Humanity representative of their rejection to take ownership of the Village of Constableville property that the Board had removed from the delinquent tax sale. They had determined the foundation was irreparable and the structure would require a financial investment well beyond its worth. The deed for the property had not been transferred. The property will be included in the next delinquent auction.

In response to Legislator Chartrand, Chairman Tabolt reported the State Senate had passed legislation for the State to assume the additional District Attorney salary, but the Assembly had not. However, NYSAC remains diligent to repeat the request during the next State Legislative session.

At 6:03 p.m. Chairman Tabolt closed the public hearing.

REPORT OF THE WAYS AND MEANS COMMITTEE:

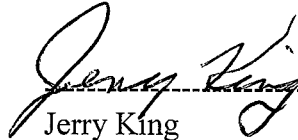
**REPORT OF
WAYS AND MEANS COMMITTEE
ON THE EXAMINATION OF CLAIMS**

To: The Honorable County Legislators

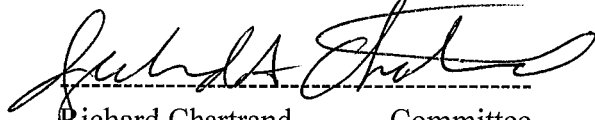
The Ways and Means Committee reports that they have examined the claims presented for payment in the total amount of \$ 853,276.80 and recommend that they be audited and allowed for the amounts claimed.



Philip Hathway Chair



Jerry King Committee



Richard Chartrand Committee

Dated: July 5, 2016

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

OTHER BUSINESS:

Legislator Moser made a motion to change the time of the August 2, 2016 board meeting to begin at 9:00 a.m. to accommodate the annual golf outing and dinner to be held at Cedar's Golf Course. The motion was seconded by Legislator Brennan and carried.

Legislator Dolhof made a motion to hold the September 6, 2016 board meeting to begin at 5:00 p.m. at Constable Hall, seconded by Legislator King and carried. Legislator Fawcett offered a 4:00 p.m. tour of the site to anyone interested.

There being no other business to come before the Board, the meeting adjourned on motion by Legislator Brennan at 6:22 p.m., seconded by Legislator Moser and carried.