

REGULAR MEETING
March 1, 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 asked for a moment of silence for all those departed since the last meeting, especially former Legislator Lewis O. Nicol. He then led the Pledge of Allegiance to the Flag.

There were 15 persons present.

Chairman Tabolt declared the February 9, 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.

Lawrence Dolhof, Chairman
Bryan Moser
Craig Brennan

Dated: March 1, 2016

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

Chairman Tabolt opened the public hearing at 5:02 p.m. for comments in consideration of the recommendation of the Lewis County Agricultural and Farmland Protection Board for inclusion of land into Agriculture District 6.

PRIVILEGE OF THE FLOOR:

Lewis County Cornell Cooperative Extension Executive Director Michele Ledoux extended an invitation to Maple Weekend events to be held 3/19-3/20 and 4/2-4/3/16. She reported that 300 gallons of syrup have already been produced. There is a Lewis County App that does not require cell service, which may be utilized for self-tours. There are seven (7) sugar houses participating, and a pancake breakfast will be served at the American Maple Museum on each day of the tour.

PRESENTATION OF COMMUNICATIONS AND NOTICES:

The New York State Office of Parks, Recreation and Historic Preservation had informed they will consider the Talcottville Common School #2 for nomination to the National and State Registers of Historic Places.

The Tioga County Legislature forwarded a resolution calling on the State to develop a 100% State funded Indigent Legal Defense System as a way to provide mandate relief and lower property taxes.

The Chenango and Yates County Legislatures each forwarded a resolution opposing the NYS Labor Commissioner's order to raise the minimum wage to \$15 an hour for employees of fast-food chain restaurants in New York.

REPORTS OF COUNTY OFFICERS AND DEPARTMENTS:

Legislators have received copies of the 2015 Social Services Annual Report; the 2/11 and 2/23/16 Highway Audit Reports, the 2/23/16 Solid Waste Audit Report; and the 2/24/16 Youth Bureau Advisory Board meeting minutes.

The Treasurer and Real Property Tax Director have reported approval of applications for corrected 2015 tax rolls for Jerome & Mary Arrigo, Bible Community Church, Stephen Collins, Alyssa Cough, Cheryl LaFountain Coyne, Joseph J. Galligan, Frederick L. & Frederick P. Croniser, Gregory Croniser, Scott J. Fuller & Sandy E. Corrice, North Country Properties, Kurt R. Ottmann, Richard J. Pominville, II, Elmer M. & Roseanne M. Poore, Alan R. & Lynette R. Ripp, Roggies' Real Estate, LLC, John Scouten, Josephine Skorupa, Paul K. & Lorraine Sullivan, Wabills Trust c/o William Swartzman, Trustee, Richard & Michelle Wojnar; and corrected 2016 tax rolls for Melinda L. Cook, Frederick L. Croniser, Michael & Joan Glenn, Mill Creek Apartments, LLC, and David & Patricia Vandelinden.

REPORTS OF STANDING COMMITTEES:

Legislator Philip Hathway, Ways and Means/Buildings and Grounds Committee Chairman, commended Maintenance Supervisor Frank Archer for his diligence to obtain additional project quotes with resulting savings of \$1,500. In February, maintenance personnel completed 142 work orders. The Committee continues to work with the Workplace Violence Committee to address identified safety issues. An energy audit of the public safety building will be conducted. The engineers are preparing the public safety building water upgrade specifications for Committee review; and bid quotes are being obtained to repair the steps between the Court House and church.

Legislator Hathway reported approving the solar array layout. The project was not eligible for Tier 1, but was approved for Tier 2 funding, resulting \$272,000 less credit over 20 years. Instead of \$124,000, the County is annually earmarked for \$113,000 and the Hospital's portion of \$41,000 was reduced to \$37,000. The County Attorney is preparing a respective Memorandum of Understanding with the Lewis County General Hospital.

Legislator Hathway announced the Ways & Means/Buildings and Grounds Committee will change their meeting date to March 29, 2016 for timely consideration of proposed resolutions.

Legislator Hathway made a motion to refund John Karelus the entire amount paid for the 2015-2016 agricultural land lease, on which the solar array will be constructed. Mr. Karelus is requested to till and seed the lot next to the EMS building. The County will pay for the seed. The motion was seconded by Legislator Chartrand and carried.

Legislator Hathway made a motion to authorize advertising for bids to design and construct conversion of the 1st, 2nd and 3rd floor Court House bathrooms to better accommodate the gender ratio of building employees. The motion was seconded by Legislator Fawcett and carried.

Legislator Hathway made a motion to hire Bernier, Carr & Associates (BC&A) for \$1,500.00 to develop a "Green" grant application for the parking lot at the Public Safety Building. The Committee recommends BC&A, due to favorable feedback from the NYS Environmental Facilities Corporation (EFC) on the DSS parking lot "Green" grant application and project. The motion was seconded by Legislator Brennan. Legislator Kulzer inquired whether any other firm could prepare the grant application. Legislator Hathway responded affirmatively, while reiterating the favorable comments from EFC officials. In response to Legislator Kulzer, Legislator Hathway was unsure, but would research whether the Wladis Law Firm could prepare the application, particularly citing required engineering expertise. Legislator Hathway estimates that BC&A has 75% of the required information due to the adjacent DSS parking lot project, which will lessen the cost. The motion was unanimously carried.

Legislator Roscoe Fawcett, Jr., Social Services/Office For Aging/Employment and Training/Youth Bureau Committee Chairman, reported that as of 2/26/16 three (3) persons had been sheltered for 17 bed nights as a result of Governor Cuomo's executive order 151 directing the Department of Social Services (DSS) to shelter homeless persons who are not otherwise eligible, when the temperature falls below 32 degrees. Commissioner Jennifer Jones' Shelter Plan was approved by the State Office of Temporary Assistance, thereby making the shelter costs eligible for State reimbursement.

Legislator Fawcett announced that Sr. Account Clerk is retiring on 3/30/16, and offered thanks for his 38 years of dedicated service.

Legislator Fawcett reported that Office For Aging staff have processed 353 regular and emergency HEAP applications. Public Health Immunization Coordinator Ellen Scanlon, R.N. will provide an adult vaccination review and recommendations at a senior forum at 11 a.m. on 3/3/16 at the Copenhagen meal site. Those interested should call 376-5313 to register.

The annual "Mayors For Meals" event will be held on 3/24/16. In an effort to increase awareness and enhance support for senior nutrition, mayors and other elected officials are invited to deliver meals to homebound seniors or participate at any of the six dining sites.

Legislator Fawcett relayed thanks from Youth Bureau Director Penny Demo for the additional \$2,000 County allocation to support positive youth activities and programs, while referencing the challenge to fund quality youth programs with dwindling State funding.

Legislator Fawcett also reported Youth Bureau student members would assist with marketing the 2016 seasonal bus run to Old Forge with posters, radio and in-school announcements.

Legislator Bryan Moser, County Officers/Junkyards/Veterans' Services/Human Resources, reported the Junkyard Review Board was appreciative that County Attorney Joan McNichol had attended their meeting to field related questions.

Legislator Moser announced the new union representing road patrol employees is the United Public Service Employee Union (UPSEU).

Legislator Jerry King, Courts and Law Enforcement/Fire & Emergency Management Director/Building Codes Committee Chairman, made a motion to authorize Sheriff Carpinelli to order two new patrol vehicles (Ford Explorers). One would be a marked vehicle at a cost of \$39,880.74 and the other un-marked for a cost of \$36,305.74. The motion was seconded by Legislator Hathway and carried.

Legislator King anticipates completion of the dispatch center renovations by mid-March, including an inter-com system for the sally port. Castlerock representatives are providing employee training for the doors and alarms, and as the service provider for EF Johnson, Wells Communications' representatives are participating.

Legislator Lawrence Dolhof, Economic Development Committee Chairman, made a motion to authorize Recreation, Forestry and Parks Director Jackie Mahoney to advertise for bids for a new 24-Ton trailer. The motion was seconded by Legislator Brennan. In response to Legislator Kulzer, Jackie Mahoney said she awaits response from Highway Superintendent David Becker as to whether the equipment is available through a State Bid. The motion carried unanimously.

Legislator Dolhof reported ongoing negotiations with Roaring Brook wind farm owners for a PILOT agreement; as well as review of the existing agreement for the Maple Ridge wind farm. County officials had met twice with ReEnergy owners to gain understanding of the Lyonsdale facility's challenges. He referenced a news article that quoted U.S. Senator Schumer's favorable support for the plant's continued operation. Also, they are very close to finalizing Small Business grant funding for a Tug Hill Vineyard expansion project.

Legislator Dolhof reported continued efforts to develop a space to produce maple products; as well as export of maple syrup and samples to the United Kingdom. Planner Frank Pace and Cornell Cooperative Extension Executive Director Michele Ledoux accompanied FFA students at the "Taste of New York" reception held in Albany, to showcase Lewis County agriculture products.

The SNIRT Run is scheduled for 4/16/16 with the same route and agreement terms. Barnes Corners Sno-Pals Snowmobile Club, as the event sponsor, is required to submit a certificate of insurance to indemnify the County. The Committee recommends approval of that event, as well as opening the West Road for the 5/7/16 Dick Seller Memorial ATV ride.

Legislator Dolhof announced the next ATV roundtable discussion is scheduled for 5:30 p.m. on 4/4/16 at the Chamber of Commerce office.

Legislator Dolhof also relayed the Sheriff's Department recorded 35,187 snowmobiles on the trail from Flat Rock Inn to Montague Inn from 1/1-1/31/16. They attribute the above average traffic to Lewis County being the only place with snow.

In response to Legislator Hathway, Legislator Dolhof explained that "Mud Mafia" refers to a small group ATV event scheduled for 5/1/16 from Tuggers to Montague Inn.

In response to Legislator Kulzer, Atty. McNichol stated if the appropriate indemnifying insurance certificate was not received from the SNIRT Run sponsor within 7-10 days prior to the event, the County could cancel the event. Upon receipt, the certificate will be forwarded to the County's insurance agent for verification. In response to Legislator Chartrand, Atty. McNichol affirmed that each event is separately reviewed to determine what is needed to protect the County, while distinguishing the SNIRT Run is an all-road event.

Legislator Craig Brennan, Taxation/Information Technology Committee Chairman, reported that IT Director Adam Zehr had attended a broadband forum in Albany, relating the County would be prohibited from the Governor's Broadband Phase I funding because our area is served by Time Warner Cable. The test program with St. Regis Mohawk Network will go forward, and thereafter, the County will apply for Phase II funding to provide broadband to non-served and underserved residents.

Legislator Brennan reported working with the Buildings and Grounds Committee to explore options to address safety issues for the Board of Elections' personnel, in response to daily loitering outside their windows. Village Mayor Donna Smith was present and agreed to request the Police Chief conduct more routine patrols around the building.

Legislator Gregory Kulzer, Transportation/Solid Waste Committee Chairman, made a motion to award bids based on project location in accordance with bid tabulations prepared by the Highway Superintendent and placed on file with the Clerk of the Board for sand, gravel, crushed stone, crushing of stone and concrete for the period 4/1/2016 to 3/31/2017. The motion was seconded by Legislator Hathway and carried.

On behalf of the Committee, Legislator Kulzer recommends approval of his sponsored resolution for Highway summer personnel. The hot asphalt bids will be opened in March. There was preliminary discussion with Highway Superintendent David Becker proposing 9-10 acres for a new garage building, possibly pre-engineered construction. Legislator Hathway posed a budget of \$5 million. Mr. Becker and Stan Samsa were asked to tour some new municipal garage buildings in the area to determine favored designs and/or features. A bid notice will be advertised for two new pick-up trucks. The new plow truck has been delivered, and Mr. Becker is preparing the specifications for a 2017 tandem plow truck.

Legislator Kulzer reported a notice to bid has been advertised for a Solid Waste 50-yard open top roll-off container. Director Pete Wood is researching options for removal of the

recycling sorting bins in preparation for building renovation. The Committee recommends approval of the resolution to create an HEO position for an additional truck driver when zero-sort recycling begins in April. As previously approved by the Board, Bernier, Carr & Associates engineers are preparing recycling building renovation specifications. Director Pete Wood held an open forum discussion with all haulers on 2/10/16 in preparation for clear bag use and zero-sort recycling.

Legislator Richard Chartrand, Hospital Committee Chairman, reported proceeds of \$1,900.00 for the "Fund of Hope" from the Hospital Auxiliary's sale of chocolate covered cherries and pretzels. A magic show will be held on 4/30/16 at Lowville Academy & Central School.

Legislator Chartrand stated that general surgeon Nick Gabriel started on 2/26/16 and will provide services 4 days every other week. A physician assistant is being recruited for the South Lewis Health Center for impending retiree replacement.

The nursing home and home health program each received a 4 out of 5 star rating from Medicare and Medicaid regulatory agencies. They anxiously await receipt of nursing home 2014 and 2015 IGT revenues equating \$8 million. Legislator Chartrand relayed reported figures from CFO Jeffrey Hellinger for a January gain of \$16,937; and nursing home occupancy of 94.9% being 2 percent above the budgeted level. The debt and health insurance payments to the County are current.

The 2015 Hospital IGT payment of \$1,225,000 was received in January; as well as Vital Access Provider Assurance Program (VAPAP) funds of \$658,000. The Hospital had also retained \$822,000 that was potentially at risk, as a result of the November 2015 meaningful use regulatory audit. The 340B program revenues have been bolstered with The Falls Pharmacy, Rite Aid and Wegmann pharmacies as new participants.

Legislator Chartrand reported Board of Manager approval of CEO Eric Burch's 2016 goals, and will now renegotiate his employment contract.

He announced the January employee-of-the-month was Respiratory Therapist Adrian Pilliod, who is conscientious, courteous and respectfully treats patients.

In response to Legislator Hathway's inquiry relative to VAPAP funding, Mr. Burch stated his intent to present the transformational plan for Board of Manager approval within 30 days, which could thereafter, be available for distribution to Legislators. In response to Legislator Kulzer, Mr. Burch affirmed that VAPAP funding is scheduled to continue for a couple more years. However, the Hospital has posed weaning off the funding after 2017 to Department of Health officials. Although, he said, funding termination is subject to NYSDOH approval dependent upon the facility's proven non-dependence for the funding.

Legislator Andrea Moroughan, Public Health/Community Services Committee Chair, reported the Director Penny Ingham had provided the Quality Assurance Report for review. There were no significant deficiencies noted.

Legislator Moroughan relayed that Public Health staff remain in contact with the NYSDOH and the CDC and are closely monitoring the spread and affects of the Zika Virus. There are no local cases, but a few cases have been diagnosed within the State of New York. All referrals are being screened. There are only a few labs capable of drawing specimens, the closest being in Utica or Syracuse. Penny is hopeful that a lab test will become available within a short time that would relieve the pressure on public health officials. Related information is disseminated through public forums and news releases. Some airlines are refunding tickets costs to susceptible persons. It has been determined the Zika Virus started in Brazil during the 2014 World Cup event. Preventive spraying has commenced in Florida and other high risk areas to prevent the mosquito population from carrying the Zika Virus. Countries are developing a vaccine, and expect to have it available by the end of the year.

Legislator Moroughan reported the flu season is upon us, but the number of diagnosed flu cases is less than 50 percent compared to last year. The State, she said, has rejected the Cancer Services Demonstration Program, thereby negating Lewis County's prospective program. She was pleased to announce that Lewis County's Diabetes Prevention Program has been certified by the CDC.

Legislator Moroughan sadly reported the untimely death of Transitional Living Services (TLS) Psychiatrist Dr. Camillo, offering thoughts and prayers to the family. A psychiatry nurse practitioner will begin work at TLS on 3/7/16. Executive Director Stevie Kiggins anticipates acceptance of an employment offer to a psychiatrist who had previously served as Clinical Medical Director. Also, Watertown professionals will be at the Lowville clinic two days per week. The staff is working diligently to ensure that Dr. Camillo's patients are treated and their medications are filled.

Legislator Hathway made a motion to authorize the County Attorney to compose an agreement with the property owner of the adjacent lot to the prospective solar array site, to allow the County access to cut down designated trees along the hedgerow, and leave the logs for removal by the owner. There would be no attendant cost. The motion was seconded by Legislator Chartrand and carried.

COUNTY MANAGER REPORT:

Liz Swearingin reported the core team of 10 departmental employees have commenced the substantial task of transitioning to the Tyler system, with Patty O'Brien at the forefront.

At a recent Government Efficiency meeting with municipal partners, Larsen Engineer Ben Frevert made a presentation on the solar project; the Tug Hill Commission spoke about opportunities for consolidation of Town Justice Courts; and Adam Zehr provided an update on the broadband initiative.

Ms. Swearingin also reported meeting with St. Regis Mohawk Network Manager Jeff Beekhoo, Adam Zehr and school district officials. She agreed to request all local municipalities to sign a formulated letter of support for inclusion in the County's broadband grant application that is due to the State by 4/15/16.

COUNTY TREASURER REPORT:

Treasurer Patricia O'Brien recited the balances of the Special Legislative Contingency Fund - \$250,000.00; Contingency Fund-\$475,000.00; Capital Data Processing Fund-\$138,153.13 and Capital Equipment Fund - \$327,278.79, of which \$215,214.19 is the Highway portion. Although the 2015 sales tax revenue of \$11,557,623.69 was above the budgeted level of \$10,350,000.00, Patty noted the total was less than the previous year receipts. The Hospital debt payments are current with a \$3.4 million balance.

Ms. O'Brien reported the January 2016 Internal Service Fund deficient expense ratio versus receipts. She is concerned with the negative trend, particularly because the 15% premium increase has not made an impact. In response to Legislator Moser, Patty predicts the 6/1/16 health plan changes should equate \$300,000 savings over a year, terming it only incremental improvement. The plan has been impacted by a few very large claims, even though any claim above \$165,000 is covered by Stop Loss insurance.

SPECIAL REPORTS:

Chairman Tabolt reported that he and Terry Clark had attended an Inter-County meeting in Gloversville. The group adopted Lewis County's proposed resolution opposing the \$15 minimum wage increase that was forwarded to the Governor. One person had expressed objection.

Several Inter-County representatives had asserted great dissatisfaction for being blocked out of the Phase I broadband funding, due to availability of area services through Time Warner Cable. Chairman Tabolt had relayed the concerns to Jeff Farrell of the Governor's office, subsequently receiving a call from Empire State Development Director of Broadband Ana Rua. In response to her expressed willingness, he will invite her to attend the April Inter-County meeting in Saratoga, for knowledgeable response to inquiries. The March Inter-County meeting, he said, will be held Franklin County, being a much farther distance from Albany.

As a result of an Inter-County representative's suggestion, NYSAC Executive Director Stephen Acquario is coordinating a 3/14/16 meeting in Albany with representatives from the Inter-County Legislative Committee of the Adirondacks, the NYS Association of Towns and the Adirondack Association of Towns and Villages. The purpose is to identify and prioritize issues of mutual concern, requesting each group to then adopt supporting resolutions to affect optimum influence with State officials. Proposed topics include roads and bridges, broadband, ATV registration and impending changes to the 480A program impacting forest owners. Chairman Tabolt asked his colleagues to inform him of any topic they would like him to put forth and pursue by the collective groups.

Chairman Tabolt had attended the Governor's Winter Challenge in Lake Placid on 2/28/2016, having participated in the bobsled event. While there, he had personal contact with NYS Agriculture & Markets Commissioner Richard Ball; and Kevin Chlad of the Adirondack

Council. As a key official for the ATV issue, he updated Mr. Chlad on Lewis County initiatives. He also relayed the challenges of the ReEnergy Lyonsdale plant to Adirondack North Country Association Executive Director Kate Fish and Congresswoman Elise Stefanik. Each of them agreed to make additional contacts to invoke assistance.

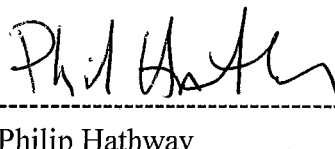
Chairman Tabolt declared the public hearing closed at 6:00 p.m. for consideration of the Agriculture and Farmland Protection Board's recommendation for agriculture land inclusion into Ag District 6.

REPORT OF THE WAYS AND MEANS COMMITTEE:

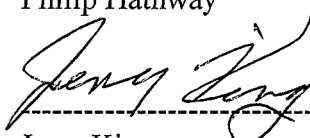
**REPORT OF
WAYS AND MEANS COMMITTEE
ON THE EXAMINATION OF CLAIMS**

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 \$ 1,361,968.25 and recommend that they be audited and allowed for the amounts claimed.



Philip Hathway Chair



Jerry King Committee



Richard Chartrand Committee

Dated: March 1, 2016

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

OTHER BUSINESS:

Legislator Hathway proudly announced that Nathaniel Atkinson of Harrisville had been featured on TV Channel 7 as an "Arts All-Star". His artwork has been displayed at Carnegie Hall and around the Country.

Chairman Tabolt announced the May 3, 2016 Board meeting would be held at the Lyons Falls Library or the Forest Presbyterian Church to begin at 5:00 p.m. District Legislator Rocky Fawcett will coordinate a 4:00 p.m. tour of the Cogeneration Plant prior to that meeting.

Legislator Brennan made a motion to enter executive session at 6:17 p.m. to discuss certain potential contracts, seconded by Legislator Dolhof and carried. Village of Lowville Mayor Donna Smith, Councilman Dan Salmon and Planning Director Frank Pace remained for the session. After a short recess, the session began at 6:25 p.m. At 7:35 p.m. Legislator King made a motion to re-enter regular session, seconded by Legislator Fawcett and carried.

There being no other business to come before the Board, the meeting adjourned on motion by Legislator Brennan, seconded by Legislator Moser and carried.