

---

## REGULAR MEETING

August 5, 2014

The meeting was called to order at 9:00 a.m. by Chairman Michael A. Tabolt.

Roll Call: All Legislators were present.

The Invocation was offered by Legislator Hathway, followed by a moment of silence for those deceased. Chairman Tabolt led the Pledge of Allegiance to the Flag.

There were 26 persons present.

Chairman Tabolt announced approval of the July 1, 2014 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.

Lawrence Dolhof, Chairman  
Bryan Moser  
Craig Brennan, Committee

Dated: August 5, 2014

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

Chairman Tabolt opened the public hearing for comments on Local Laws (Intro. No. 6-2014) Establishing an E-911 Wireless Surcharge; and (Intro. No. 7-2014) Amending Local Law No. 3-2001 (And As Amended by Local Law No. 3-2011) Repealing all Former Junkyard Laws and Establishing a New County of Lewis Junkyard Law.

### PRIVILEGE OF THE FLOOR:

Junkyard Inspector William Houppert opined the proposed law lessens restrictions on junkyard owners, while imposing greater restriction on residents, especially citing that anyone with more than one unlicensed vehicle would in violation. However, he expressed support for allowing a junkyard owner to obtain written statements from neighboring property owners to waive screening requirements.

In reference to abolishing his position, Mr. Houppert reminded that prior to his appointment, it was a full-time job, submitting his latest performance evaluation was favorable. He does not believe the Code Enforcement Officers will be able to perform the duties as cost effectively as he did. He reported starting as an advisor to the Junkyard Review Board in 1991, after which he served 18 years as a member of that Board, encompassing 5 years as its Chairman. He proclaimed pride to serve as the Inspector for the past four years, as well as secretary to the Junkyard Review Board. In his official

capacity, however, Mr. Houppert took exception to times when he had been threatened or insulted; further taking exception to the public hearing being held at an inconvenient time for the public-at-large.

Mr. Edward Yancey proclaimed being a tax paying, law abiding citizen of Harrisburg and serves as the Town ZBA Chairman. He expressed support of Mr. Houppert as always been fair and works well with the people. He favors local enforcement over State regulation. Junkyards are a benefit, he said, by providing a place to isolate junk, while providing a livelihood for respective owners. Mr. Yancey commended Mr. Houppert for reasoned consideration of screening or fencing requirements based on each site's location and surroundings. He objects to someone being subject to fines for having more than one unlicensed vehicle, citing antique vehicles; while comparatively citing old farming equipment that is exempt from the law. In conclusion, Mr. Yancey expressed support for an experienced Inspector, because it has been proven to work, rather than opting for the State law.

Sheriff Michael Carpinelli wanted to affirm the good working relationship with the Board of Legislators, encouraging communication, while asserting that in his absence Undersheriff Monnat is available. He reportedly approaches budget requests in an unbiased manner, while being mindful he cannot please everyone. To strengthen communication, he requested an opportunity to meet separately with the Board.

Sheriff Carpinelli then made a request for the 911 Coordinator duties to be combined with the Sheriff Dispatch Supervisor's title. County Manager Liz Swearingin took grave exception that he had not followed protocol to discuss his request with either the Courts and Law Enforcement or the Human Resource Committee prior to broaching his proposal today. Sheriff Carpinelli asserted no disrespect for the process, and then agreed to put forth his request through the appropriate process.

#### PRESENTATION OF COMMUNICATIONS AND NOTICES:

Mr. George Feuerstein has submitted his letter of resignation as a member of the Lewis County Junkyard Review Board effective 7/30/2014.

On behalf of the Lewis County Farm Bureau, President Jan Karelus relayed appreciation for the County Legislature's supporting resolution to record their opposition to the proposed rule to change the definition of "Waters of the U.S." under the Clean Water Act, terming it an "overreach of the EPA's jurisdiction" that would hinder everyday practices and projects for farmers, municipalities and other entities.

The NYS Office of Parks, Recreation and Historic Preservation has informed they are recommending the Pinckney Corners Cemetery, located on Pinckney Road in Copenhagen, be placed on the National Register of Historic Places.

We acknowledged receipt of resolutions from Chenango County Board of Supervisors declaring "Mayday for Mandate Relief" and urging the Mandate Relief Council to take swift action to submit proposals to the Governor and State Legislature;

from Seneca County Board of Supervisors and Yates County Legislature recognizing NY State's first invasive species awareness week from 7/6-7/12/14; and from Wayne County Board of Supervisors opposing implementation of the International Joint Commission Plan2014, that they submit will cause catastrophic damage to the Lake Ontario shoreline due to extreme fluctuations for high and low water levels, as a result of regulating flows of Lake Ontario and the St. Lawrence River.

#### REPORTS OF COUNTY OFFICERS AND DEPARTMENTS:

The County Treasurer and Real Property Tax Director have submitted approved reports for refund of Town of Pinckney property taxes to Derek M. Davey for 2010, 2011 and 2012 in the amounts of \$780.30, \$819.56 and \$831.41 respectively; and for 2013 to Jennifer C. West in the amount of \$875.48.

All Legislators have received copies of the Treasurer's July monthly report; the 7/29/14 Highway Audit Report, the 7/22/14 Solid Waste Audit Report; Sr. Code Enforcement Officer Ward Dailey's second quarterly report; and minutes of the 7/22/14 Youth Bureau Advisory Board and 6/17/14 Soil & Water Conservation District meetings.

Minutes of the 4/8/2014 Health Services Advisory Committee meeting were received to be placed on file.

#### REPORTS OF STANDING COMMITTEES:

Legislator Philip Hathway, Ways and Means/Buildings and Grounds Committee Chairman, reported the maintenance department had finished 109 work orders during July; and cost estimates would be obtained for a fence to protect adjacent property at the Route 12 building occupied by Department of Motor Vehicle staff. NYSEG has informed they will install piping to the Highway Garage at no cost to the County, which would enable immediate natural gas utilization to effectuate estimated annual savings of \$3,800. Cost estimates to convert the waste oil boiler are also being obtained. They continue to study proposals for repairs to the garage wall.

Legislator Hathway made a motion to authorize Bernier, Carr & Associates to design, and prepare the construction and bid documents for the maintenance repairs of the Highway garage interior, for a cost of \$7,200.00. The motion was seconded by Legislator Chartrand. Referencing previous engineering documents prepared by the stated firm, and terming the cost too high, Legislator Brennan inquired whether the engineering could be handled by County staff. Legislator Hathway deemed the prior engineering documents as totally inadequate, and recommended professional engineering because of the structural issues. Legislator Chartrand concurred, stating that 11% of larger projects is standard, deeming the 15% for this smaller project as reasonable.

Legislators Moser and Brennan queried whether it would be more cost effective to have an engineering firm on retainer for all County projects. Following relative discussion, it was determined it would not be feasible. The motion then carried.

Legislator Hathway made a motion to authorize the County Treasurer to deposit the balance of \$874.90 from the dog license account for previously collected fees, into the Sheriff's Canine Unit account, as an authorized use. The motion was seconded by Legislator King and carried. Accordingly, the County Treasurer formulated a late resolution.

Legislator Bryan Moser, County Officers/Veterans/Junkyards/Human Resources Committee Chairman, stated that, if approved, the Local Law establishing a new Junkyard Law would require an amendment to the Standing Rules of the Board relative to powers and duties of committees. The changes will be read at the next meeting, but, pursuant to the rules, voting will be deferred until the subsequent Board meeting.

Legislator Moser also reported that the number of local veteran contacts continues to escalate, proportionate to beneficiary benefits.

Legislator Jerry King, Courts and Law Enforcement Committee Chairman, reported agreement to share frequencies with an adjacent county for the emergency radio communications, reporting the overall project continues to progress. He urged approval of the proposed resolution to authorize the tower lease agreements.

Legislator Lawrence Dolhof, Economic Development/Recreation, Forestry & Parks Committee Chairman, reported the website and apps for trails and tourism is being formulated, and County staff continues to assist the Chamber of Commerce with their trade show display. Also, the year-to-date number of ATV permits are comparatively greater.

Legislator Dolhof announced that economic development and planning personnel continue preparation for the local Economic Development conference to be held on 10/23/2014; and discussion continues for a business park concept. The River Fest sponsored by the Chamber of Commerce included 104 boat participants, and the NYSDEC had provided two jet ski patrols. He also reported that Sno Pals had repaired or reimbursed for damages caused during the April SNIRT Run.

Legislator Craig Brennan, Transportation/Solid Waste Committee Chairman, reported that 27 road miles were deleted from the pavement marking list, due to budget constraints. In consideration of the overwhelming popularity, he suggests increased appropriations to continue the regularly scheduled road striping. Also, delivery of the steel for the French Settlement Road Bridge is expected by the end of August.

Legislator Brennan recognized and commended the Highway Department personnel for their willingness to assist the State Highway crew during the past weekend, to remediate flooding on Route 12.

Legislator Brennan reported that prior to advertising bids for the building addition at the Lowville Transfer Station, one of the contractors identified an unstable wall on the existing building. Accordingly, Terrence Thisse has been asked to amend his engineering plans to encompass repair of the wall.

Legislator Brennan made a motion to authorize waiving the solid waste \$25.00 per ton surcharge for friable asbestos removed from the Lyons Falls Pulp & Paper site for the Lewis County Development Corporation project, which will be hauled directly to the Rodman Landfill. The motion was seconded by Legislator Hathway and carried.

Legislator Gregory Kulzer, Taxation/Information Technology/Elections/Agriculture Committee Chairman, reported the telephone system will be transitioned from Windstream to Time Warner and the Internet connection will be based at the Court House, equating a \$1,000 monthly cost savings. Information Technology Director Adam Zehr was authorized to purchase firewall hardware; and is researching the process and cost to enable electronic record storage on cloud-based software. Also, the committee urges Board approval of the agreement with the Development Authority of the North Country to install fiber optic to enhance connectivity between County buildings.

Legislator Richard Chartrand, Hospital Committee Chairman, announced Dennis Meyer as the employee-of-the-month, as having a friendly helpful attitude who mentors other workers.

He further reported the critical care access designation will equate monthly revenue of \$250,000.00, projecting \$3 Million for 2015.

Legislator Chartrand reported County receipts from the Hospital of \$4,459,000 and \$572,876, reducing the debt to \$6,497,390, with a promise to pay an additional \$5,250,000.00 in August. The subsequent debt balance would be \$1,247,390, which the Hospital plans to pay off by 12/31/2014. The projected debt as of 1/1/2015 is estimated at \$5 Million, the amount equal to the Hospital pension payment due on 12/15/2014.

Legislator Chartrand further announced that Jeffrey Hellinger had been appointed as the new Chief Financial Officer (CFO) after serving as the Acting Interim CFO.

Legislator Andrea Moroughan, Public Health/Community Services Committee Chair, reported that the United Health Care grant awards would be announced in October. The Physically Handicapped Children's Program will utilize \$15,000-\$19,000 County appropriations to sustain service levels. There has been no confirmed rabies or West Nile disease in the County year-to-date. Public Health nurses offered tetanus vaccination to first responders, volunteers and anyone affected during the recent disaster.

In response to minor citations by the NYS Dept. of Health following their survey of the Diagnostic and Treatment Center, Director Penny Ingham has submitted her plan of correction. She had relayed the NYS Dept of Health had not issued any citations for the two on-site surveys of the Emergency Preparedness Program.

Legislator Moroughan further reported that the State has approved Sarah Bullock's appointment as Interim Community Services Director through 12/31/2014. The Community Services Board is requesting to extend her appointment through mid-2016, by which time she will have served the required time to become the permanent Director.

Legislator Moroughan reported a collaborative approach and efforts to urge re-allocation of State resources from the St. Lawrence Psychiatric to more adequately serve the outlying areas.

In conclusion, she reported that Transitional Living Services will be staffing satellite offices one day each week at the Beaver River and South Lewis clinics, commencing in September.

#### REPORTS OF SPECIAL COMMITTEES:

Chairman Tabolt reported that he, Legislator Brennan and Eric Virkler had attended a meeting of the Regional Economic Development Council, reporting that over the past three years the North Country has garnered \$50 Million. He strongly encouraged local governments and businesses to submit applications for project initiatives.

Eric Virkler explained the Governor had streamlined the grant application process, combining several previous separate funding sources into one. The funds, he said, are available for any government entity, organization, not-for-profit or private business, noting that very few local businesses had submitted applications. Priority is given to projects that would impact the largest population. If re-elected, the Governor will continue the Council, if not, he surmised the process may change.

In response to Legislator Kulzer, Mr. Virkler could not recite the aggregate amount of funding received within the County, relaying that not-for-profit agencies apply directly to the Council. To Legislator Kulzer's suggestion to hire a grant writer, Chairman Tabolt and Legislator Brennan each impressed the importance of putting forth initiatives to vie for funding, adding that the State Council's staff would assist to refine the grant and channel the process. Mr. Virkler invoked the State's key consideration for any project application is the sponsor's commitment to invest.

As an example, Legislator King referenced the \$6 Million grant award for the radio project, largely due to the County's funding commitment. Legislator Dolhof cited the Lyons Falls Pulp & Paper \$800,000 grant award and a prospective additional \$500,000, contingent upon local investment.

Legislator Brennan reported that he and Legislator Chartrand are the Board's representatives on the Fort Drum Regional Liaison Organization (FDRLO), relaying the threat of losing up to 16,000 troops and civilian employees as a result of a Base Realignment and Closure and U.S. Government Sequestration. Each Legislator impressed the regional economic devastation could not be overstated, if the reduction occurred.

Again, they strongly urged everyone to sign the on-line supporting petition and submit their comments at FDRLO Drum 2025.

#### COUNTY MANAGER REPORT:

County Manager Liz Swearingin clarified that Eric Virkler is gathering information for any viable County projects for submission to the Regional Council.

Fire and Emergency Management Director James Martin is working with the State Office of Emergency Management to sponsor a local "Citizens' Emergency Preparedness" training session to be held in September, similar to the recent local officials' training.

Ms. Swearingin reported penning her displeasure to Frontier for their lack of accurate or timely information during the latest storm that affected the County's phone lines, awaiting their response.

She and Recreation, Forestry & Parks Director Jackie Mahoney teleconferenced with the new Executive Director of the Adirondack Council, whom has agreed to schedule a meeting with Legislators to enhance communication and foster a better relationship.

At 10:02 a.m., Chairman Tabolt closed the public hearing for comments on the proposed Local Laws.

#### 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 \$ 882,619.11 and recommend that they be audited and allowed for the amounts claimed.



Philip Hathway Chair



Jerry King Committee



Richard Chartrand Committee

Dated: August 5, 2014

Approved on motion by Legislator Pepper, seconded by  
Legislator Brennan, and carried.

**RESOLUTION NO. 254 - 2014**  
**AUDITING AND ALLOWING CLAIMS**

Introduced by Legislator Philip Hathway, Chairman of the Ways and Means Committee.

RESOLVED that the claims presented for payment in the total amount of \$ 882,619.11 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 Dolhof, seconded by Legislator Moser, and adopted by roll call vote:

**RESOLUTION NO. 255 - 2014**  
**RESOLUTION ADOPTING AND OTHERWISE TREATING**  
**LOCAL LAW NO. 6 – 2014, COUNTY OF LEWIS**

Introduced by Legislator Jerry King, Chairman of the Courts and Law Enforcement Committee.

WHEREAS, a resolution was duly adopted by the Board of Legislators on July 1, 2014, directing that a public hearing be held by said Board on August 5, 2014, 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 PROVIDING FOR THE ESTABLISHMENT OF AN E-911 WIRELESS SURCHARGE”**; and

WHEREAS, notice of said public hearing was duly advertised in the *Watertown Daily Times*, the official newspaper designated by the County, on July 30, 2014, 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. 4 ó 2014), County of Lewis, being **“A LOCAL LAW PROVIDING FOR THE ESTABLISHMENT OF AN E-911 WIRELESS SURCHARGE”**, be and the same hereby is designated as Local Law No. 6 ó 2014, County of Lewis.

Section 2. That Local Law No. 6 ó 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 Moser, seconded by Legislator King .

Chairman Tabolt reported annual revenue is estimated between \$50,000-\$75,000 based on the premise that 50% of the local population has a cell phone. He further conveyed information from NYSAC that State annual cell phone surcharge collections average \$200,000,000, based on \$1.20/month for each unit. Although the State is supposed to distribute the revenue to Counties, a mere \$10,000,000 is forwarded, plus an additional \$18,000,000 awarded in grants. The State, he said, chooses to retain the lucrative surcharge revenue, while paying an annual unknown fine for non-compliance.

Legislator King stated the surcharge revenue would offset the \$500,000 - \$600,000 annual maintenance and operational costs of the emergency communications system, submitting that everyone would benefit from the upgrades.

Legislator Moser cited the fact that all cell phone users would be subject to the surcharge, thereby affecting a much larger citizen base, as opposed to just property owners.

The resolution was adopted by the following roll call vote:

YEAS: Brennan, Chartrand, Dolhof, Hathway, King, Kulzer, Moroughan, Moser, Pepper,  
Tabolt

NAYS: None

ABSENT: None

**RESOLUTION NO. 256 - 2014**  
**RESOLUTION ADOPTING AND OTHERWISE TREATING**  
**LOCAL LAW NO. 7 – 2014, COUNTY OF LEWIS**

Introduced by Legislator Bryan Moser, Chairman of the Junkyard Inspector Committee.

WHEREAS, a resolution was duly adopted by the Board of Legislators on July 1, 2014, directing that a public hearing be held by said Board on August 5, 2014, 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 AMENDING LOCAL LAW NO. 3-2001, (AND AS AMENDED BY LOCAL LAW NO. 3-2011), REPEALING ALL FORMER JUNKYARD LAWS AND ESTABLISHING A NEW COUNTY OF LEWIS JUNKYARD LAW”**; and

WHEREAS, notice of said public hearing was duly advertised in the *Watertown Daily Times*, the official newspaper designated by the County, on July 30, 2014, 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. 5 ó 2014), County of Lewis, **“A LOCAL LAW AMENDING LOCAL LAW NO. 3-2001, (AND AS AMENDED BY LOCAL LAW NO. 3-2011), REPEALING ALL FORMER JUNKYARD LAWS AND ESTABLISHING A NEW COUNTY OF LEWIS JUNKYARD LAW”**, be and the same hereby is designated as Local Law No. 7 ó 2014, County of Lewis.

Section 2. That Local Law No. 7 ó 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 Moser .

Legislator Hathway disagreed with reducing the number of allowed unlicensed vehicles to one, asserting that the State Law already over-protects the public, while indicating the County Law is more punitive. County Attorney Joan McNichol clarified that if an unlicensed vehicle can be moved under its own power, it is not in violation of the law.

Legislator Moser referenced past practice, asserting the public-at-large would not be policed, instead Code Enforcement Officers would largely respond to complaints, while assuring junkyard compliance during annual inspections. Also, the 100-foot buffer from adjacent landowners was reduced to 50 feet as recommended by a member of the Junkyard Review Board.

Junkyard Inspector William Houppert invoked his differing interpretation of the definition of "junk vehicles". Currently, he said, he is charged to survey the County for potential violations, not merely respond to complaints. He felt he was micro-managed and, admittedly, did not always agree with Legislators' opinions. Mr. Houppert informed being familiar with precedents, having served for several years on the Review Board, which he had considered while making decisions.

Legislator Pepper referenced the State Junkyard Law, which he feels is stringent enough, expressing strong objection to imposing greater restrictions. He queried the wisdom of creating or inciting angst, most importantly if existing neighboring property owners are not raising issues.

Chairman Tabolt expressed his objection to the limit of one unlicensed vehicle, supposing a vehicle needing minor repair. Legislator Brennan asserted the possibility of tabling the action. Legislator Moser invoked his objection, explaining that Legislators had one month during which to relay desired changes to the proposed law prior to the hearing today. He strongly urged a vote to allow the process to move forward.

Legislator Chartrand relayed his understanding that some Towns and Villages also have embellished the State law restrictions. Legislator King stated that several municipalities had opted out because of expense, thereby requiring County enforcement. He further referenced owners of very nice properties that do not want junk vehicles next door, potentially reducing their property value.

Attorney McNichol explained the proposed law incorporates all previous amendments, affirming the Board's discretion to amend the law at any time.

In reference to municipalities opting for County enforcement, Legislator Pepper reiterated his objection to impose greater restrictions to the existing State Junkyard Law.

The resolution was then adopted by the following roll call vote:

YEAS: Brennan, Chartrand, Dolhof, Hathway, King, Kulzer, Moroughan, Moser

NAYS: Pepper, Tabolt

ABSENT: None

**RESOLUTION NO. 257 -2014**  
**RESOLUTION SUPPORTING RETENTION OF FORT DRUM**  
**AND THE 10<sup>TH</sup> MOUNTAIN DIVISION**

Introduced by Legislator Lawrence Dolhof, Chairman of the Economic Development Committee.

WHEREAS, the Army released a Supplemental Programmatic Environmental Assessment (SPEA) for Army 2020 Force Structure Realignment in June 2014 to evaluate force reductions and realignments; and

WHEREAS, this proposed action will reduce and realign active component Soldiers and Army civilian employees to help the Army meet current and future national security and defense requirements; and

WHEREAS, the Army's proposal is to reduce end-strength to as low as 420,000, double the reduction proposed in 2013; and

WHEREAS, the Army's SPEA is looking to cut 16,000 jobs from Fort Drum; 15,417 Soldiers and 583 Army civilians which includes the loss of the 3<sup>rd</sup> BCT from the 10<sup>th</sup> Mountain Division which was announced last year; and

WHEREAS, this SPEA looks at the socio-economic impact of this action and it predicts a loss of \$877,512,000 in area income, a loss of 19,102 jobs, and a decrease in population of 40,288; and

WHEREAS, Fort Drum and the surrounding communities have developed a unique relationship in regard to providing housing, education, health care, and infrastructure to support the installation; and

WHEREAS, this proposed force reduction under review by the Army would have a devastating impact on jobs, education, health care, quality of life and the ability of local governments to provide essential services for its residents; and

WHEREAS, the County of Lewis has welcomed Soldiers and their families as residents.

WHEREAS, the board of the County of Lewis recognizes the Army needs to review force reductions and realignments as part of a long-term solution to the current fiscal crisis;

NOW THEREFORE BE IT RESOLVED, that the Board of the County of Lewis believes that the proposed cut of 16,000 at Fort Drum currently under review by the Army will have devastating and long lasting impacts on the local economy as forecast in the Army's own SPEA; and

BE IT FURTHER RESOLVED, that the Board of the County of Lewis asks that the Army, as part of their decision making process, consider our community's ability to continue to

support Fort Drum and the 10<sup>th</sup> Mountain Division and to provide those essential services needed by our citizens; and

BE IT FURTHER RESOLVED, that the Board of the County of Lewis asks that, due to these socio-economic impacts no further reductions in personnel occur at Fort Drum or to the 10<sup>th</sup> Mountain Division beyond those that were identified in the 2013 PEA.

Moved by Legislator Dolhof , seconded by Legislator Moser .

Legislator Chartrand reported that as the Board's representative on the Fort Drum Regional Liaison Organization, he had been assigned to the Sub-Committee on Sustainability. Town and Village Boards throughout the region have also been asked for supporting resolutions. The Organization remains vigilant to garner local support, while impressing the importance of retaining Fort Drum for economic viability of the Tri-County region.

Legislator Chartrand had forwarded an electronic message to Legislators, urging them to respond and encourage everyone to sign the on-line Drum 2025 petition, providing their comments for retention of Fort Drum by the deadline on 8/25/2014.

The resolution was then unanimously adopted.

**RESOLUTION NO. 258 -2014**  
**RESOLUTION CALLING UPON NEW YORK STATE PUBLIC SERVICE**  
**COMMISSION TO APPROVE ELECTRICAL TRANSMISSION UPGRADES**

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

WHEREAS, the United States Department of Energy and the New York Independent System Operator have identified New York State electric transmission lines as being aged and unable to deliver adequate capacity, a condition known as "transmission congestion"; and

WHEREAS, there is a growing demand for electricity in the New York City area, but because of the inadequate transmission system in New York State, specifically the "choke points" for electric transmission from Utica going east, and Albany going south, plants in Upstate New York that have abundant available power, the Somerset Generating Station included among them, cannot get their product to this demand market; and

WHEREAS, customers across New York State are paying higher utility bills due to congestion charges which cost ratepayers across the state more than \$650 million a year while impeding grid reliability; and

WHEREAS, in 2012, the Honorable Andrew M. Cuomo, Governor of the State of New York, announced his Energy Highway initiative to address this problem, establishing a goal of developing transmission improvement projects that would ease congestion charges, allow the transfer of an additional 1000 megawatts of power from upstate generators to New York City and create thousands of additional jobs in the process; and

WHEREAS, the Public Service Commission (PSC) initiated the AC transmission proceeding in order to vet various transmission proposals generated from said Energy Highway initiative; and

WHEREAS, the improvement of the state's transmission system will have numerous economic and environmental benefits including \$7 billion in economic activity in the state and the creation of nearly 38,000 total jobs, as well as reducing carbon emissions and Nitrous oxide emissions by 370,000 and 200,000 tons respectively; and

WHEREAS, Governor Cuomo called for an expedited ten month approval process for transmission upgrades that are undertaken within the existing right of way;

NOW, THEREFORE, BE IT RESOLVED, that the Legislature of the County of Lewis does call upon the Public Service Commission to act expeditiously to approve the necessary transmission upgrades through the AC Transmission proceeding, so that Western New York and the entirety of New York State may realize the economic and environmental benefits that such upgrades will provide; and

BE IT FURTHER RESOLVED, that the County of Lewis shall forward copies of this Resolution to the Honorable Andrew M. Cuomo, NYS Governor; Senator George D. Maziarz, Chairman, NYS Senate Energy & Telecommunications Committee; Senator Dean G. Skelos, Temporary President and Majority Coalition Leader; Senator Thomas W. Libous, Deputy Majority Leader; Senator Joseph Griffo; Gil A. Quiniones, President and CEO NY Power Authority; John R. Koelmel, Chairman NY Power Authority; Assemblywoman Amy Paulin, Chairwoman, Assembly Energy Committee; Leecia Eve, NYS Deputy Secretary of Economic Development; NYS Assemblyman Kenneth Blankenbush; Thomas Congdon, NYS Deputy Secretary of Energy; New York State Public Service Commission Chairwoman Audrey Zibelman; Commissioner Patricia L. Acampora; Commissioner Gregg C. Sayre; Commissioner Garry A. Brown; Commissioner Diane X. Burman; and all others deemed necessary and proper.

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

**RESOLUTION NO. 259 - 2014**  
**AUTHORIZING OPENING OF CERTAIN PORTIONS OF**  
**COUNTY ROADS FOR ATV SPECIAL EVENT**

Introduced by Legislator Lawrence Dolhof, Chairman of the Economic Development Committee

WHEREAS, Highmarket Wheelers Club has requested that the Board of Legislators open:

- *CR 51 West Road, from State Route 26 to the Gomer Hill Road in the Town of Turin*

for a one day all terrain vehicle (ATV) rally event to be held on August 16, 2014; 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 ATVs; 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, Highmarket Wheelers Club as sponsors of the event, have 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 ATVs on:

- *CR 51 West Road, from State Route 26 to the Gomer Hill Road in the Town of Turin*

for a one day all terrain vehicle (ATV) rally event to be held on August 16, 2014.

Section 2. That the permission granted herein is specifically conditioned upon Highmarket Wheelers Club entering into a written agreement with the County of Lewis whereby:

1. Highmarket Wheelers 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. Highmarket Wheelers 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. Sponsor agrees to pay for and fully indemnify, save and hold harmless the County and all of its officers, agents and employees from and against any and all property damage claims and expenses incurred and/or made by any person or entity as a result of this Event.
4. 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 Moser, and adopted.

**RESOLUTION NO. 260 – 2014**  
**RESOLUTION AUTHORIZING AND RATIFYING**  
**CONTRACT BETWEEN THE COUNTY OF LEWIS AND**  
**LOCAL 825 OF THE CIVIL SERVICE**  
**EMPLOYEES ASSOCIATION, INC.**

Introduced by Legislator Bryan Moser, Chairman of the County Officers and Employees Committee.

WHEREAS, the existing contract between the County of Lewis and Local 825 of the Civil Service Employees Association (‘‘CSEA’’) expired on December 31, 2013; and

WHEREAS, the negotiating teams representing the County of Lewis and the CSEA, signed on to the Mediator’s Recommended Tentative Agreement dated June 16, 2014, which was ratified by the Local CSEA on July 9, 2014; to be effective beginning January 1, 2014 and expiring on December 31, 2017.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby approves the agreement as developed by the mediator and negotiating teams, memorialized as the Mediator’s Recommended Tentative Agreement dated June 16, 2014, and accepted by the CSEA Local 825.

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 Employees Association for the period January 1, 2014 through December 31, 2017 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.

Section 4. That this resolution shall take effect immediately.

Moved by Legislator Dolhof, seconded by Legislator Pepper .

Legislator Hathway expressed concern that the aggregate wage increases equates 41% of the 2% tax cap for the 2015 County budget. However, considering that unknown wage increases were not appropriated in 2014 departmental budgets, on behalf of the Ways and Means Committee, upon approval, it is recommended that respective appropriations be transferred from the Contingency Fund into Department budgets to cover the expense.

The resolution was then adopted. Legislators Hathway and King were opposed.

**RESOLUTION NO. 261 – 2014**  
**RESOLUTION AUTHORIZING AND RATIFYING**  
**CONTRACT BETWEEN THE COUNTY OF LEWIS AND THE SHERIFF**  
**EMPLOYEES UNIT OF THE LEWIS COUNTY LOCAL 825 OF THE CIVIL SERVICE**  
**EMPLOYEES ASSOCIATION, INC.**

Introduced by Legislator Bryan Moser, Chairman of the County Officers and Employees Committee.

WHEREAS, the existing contract between the County of Lewis and the Sheriff Employees Unit of Lewis County Local 825 of the Civil Service Employees Association (CSEA) expired on December 31, 2013; and

WHEREAS, the negotiating teams representing the County of Lewis and the CSEA, signed on to the Mediator's Recommended Tentative Agreement dated June 16, 2014, which was ratified by the Local CSEA on July 8, 2014; to be effective January 1, 2014 and expiring on December 31, 2016;

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby approves the agreement as developed by the mediator and negotiating teams, memorialized as the Mediator's Recommended Tentative Agreement dated June 16, 2014 and accepted by the CSEA Local 825.

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 Employees Association for the period January 1, 2014 through December 31, 2016 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 Sheriff Employees Unit of Lewis County Local 825.

Section 4. That this resolution shall take effect immediately.

Moved by Legislator Brennan, seconded by Legislator Pepper, and adopted. Legislators Hathway and King were opposed.

**RESOLUTION NO. 262 - 2014**  
**RESOLUTION AMENDING COMPENSATION PLAN**  
**WITH REFERENCE TO COMMUNITY SERVICES DEPARTMENT**

Introduced by Legislator Andrea Moroughan, Chair of the Community Services 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 Community Services Department, thereby reducing the Community Services Keyboard Specialist from full-time to part-time, to work 17.5 hours per week, effective August 4, 2014.

Section 2. That this resolution shall take effect immediately.

Moved by Legislator Moroughan , seconded by Legislator Moser , and adopted.

**RESOLUTION NO. 263 – 2014**  
**RESOLUTION TO APPROPRIATE FUNDS**  
**DISTRICT ATTORNEY**

Introduced by Legislator Philip Hathway, Chairman of the Ways and Means Committee.

BE IT RESOLVED as follows:

Section 1. That the following appropriation of forfeited funds is hereby approved in the office of the District Attorney:

Increase Revenues

A26260 (Forfeiture Proceeds)	\$1,528.40
------------------------------	------------

Increase Expense

A1165.4906 (Prosecution Fund)	\$1,528.40
-------------------------------	------------

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

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

**RESOLUTION NO. 264 – 2014**  
**RESOLUTION TO TRANSFER FUNDS**  
**DISTRICT ATTORNEY**

Introduced by Legislator Philip Hathway, Chairman of the Ways and Means Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfer is hereby approved in the District Attorney's account for a new laptop for the Assistant District Attorney utilizing Capital Data Processing funds; HAE9901.9 balance \$97,494:

Increase Revenue:

A50310 (Inter-fund transfers)	\$1,107.50
-------------------------------	------------

Increase Expense:

A1165.2217 (Computers)	\$1,107.50
------------------------	------------

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

Moved by Legislator Brennan , seconded by Legislator Pepper ,  
and adopted.

**RESOLUTION NO. 265 – 2014**  
**RESOLUTION TO APPROPRIATE FUNDS**  
**FIRE & EMERGENCY MANAGAGEMENT DEPARTMENT**

Introduced by Legislator Philip Hathway, Chairman of the Ways and Means Committee.

BE IT RESOLVED as follows:

Section 1. That the following appropriation is hereby approved for Emergency Management Fire Training Tower for contributions from the County Firemanø Association:

<u>Increase Revenues</u>	<u>Amount:</u>
A27064 (Contributions Emerg Management)	\$417.81

<u>Increase Expense:</u>	
A3410.4919 (Fire Training Tower)	\$417.81

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

Moved by Legislator Moser , seconded by Legislator Kulzer ,  
and adopted.

**RESOLUTION NO. 266 - 2014**  
**RESOLUTION AUTHORIZING**  
**PROFESSIONAL CONSULTING SERVICES WITH**  
**LOCEY AND CAHILL, LLC**

Introduced by Legislator Lawrence Dolhof, 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 provide the services in the preparation and filing of forms for the 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, 2014 to August 31, 2015 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 Brennan, seconded by Legislator King, and adopted.

**RESOLUTION NO. 267 – 2014**  
**RESOLUTION TO APPROPRIATE FUNDS**  
**TRANSPORTATION DEPARTMENT**

Introduced by Legislator Philip Hathway, Chairman of the Ways and Means Committee.

**BE IT RESOLVED** as follows:

Section 1. That the following appropriation is hereby approved in the Highway Department Accounts for the purchase of a tractor and mower, utilizing Capital Equipment funds with a balance of \$489,817:

Increase Revenue:

DM50310	\$107,850.00
---------	--------------

Increase Expense:

DM5130.2233	\$107,850.00
-------------	--------------

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

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

**RESOLUTION NO. 268 - 2014**  
**RESOLUTION AUTHORIZING SERVICE AGREEMENT**  
**BETWEEN DEVELOPMENT AUTHORITY OF THE NORTH COUNTRY**  
**AND LEWIS COUNTY TO CONSTRUCT FIBER OPTIC NETWORK**

Introduced by Legislator Greg Kulzer, Chairman of the Information Technology Committee.

WHEREAS, the County of Lewis wishes to enter into a Service Agreement with the Development Authority of the North Country (DANC) to construct a fiber optic data network to improve connectivity between County buildings; and

WHEREAS, the Board of Legislators wishes to accept such service agreement.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators wishes to enter into a Service Agreement with the Development Authority of the North Country to construct a fiber optic data network to improve connectivity between County buildings.

Section 2. That all construction costs for fiber installation will be covered by DANC as part of a NY State Connect NY Grant for local municipalities.

Section 3. That a 100MB connection will be installed from the Court House to the Public Safety Building at 5252 Outer Stowe Street, at a per month cost of \$200.00 for a contract term of twenty-four (24) months upon delivery.

Section 4. That a 100MB connection will be installed from the Court House to Lowville Commons at 7550 South State Street, at a per month cost of \$200.00 for a contract term of twenty-four (24) months upon delivery.

Section 5. That a 10MB connection will be installed from the Court House to the County Highway Garage at 7362 East Road, at a per month cost of \$80.00 for a contract term of twenty-four (24) months upon delivery.

Section 6. 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 7. That the within resolution shall take effect immediately.

Moved by Legislator Dolhof, seconded by Legislator Brennan, and adopted.

**RESOLUTION NO. 269 – 2014**  
**RESOLUTION TO APPROPRIATE FUNDS**  
**OFFICE FOR THE AGING**

Introduced by Legislator Philip Hathway, Chairman of the Ways and Means Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget appropriation is hereby approved in the Office for the Aging from Senior Prom Committee donations given to the department:

Increase Revenues

A27051 (Contrib-OFA)	\$100.00
----------------------	----------

Increase Expense

A6772.4919 (Other)	\$100.00
--------------------	----------

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

Moved by Legislator Moser , seconded by Legislator Moroughan ,  
and adopted.

**RESOLUTION NO. 270 - 2014**  
**RESOLUTION RE-APPOINTING MEMBER TO**  
**LEWIS COUNTY OPPORTUNITIES, INC.**  
**BOARD OF DIRECTORS**

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

BE IT RESOLVED as follows:

Section 1. That this Board of Legislators hereby re-appoints Lewis County Commissioner of Social Services **Stacy Alvord**, as a member of the Lewis County Opportunities, Inc. Board of Directors.

Section 2. The term of said appointment shall be effective immediately for a three-year term to expire on September 1, 2017.

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

Moved by Legislator Dolhof seconded by Legislator Moser, and adopted.

**RESOLUTION NO. 271 - 2014**  
**RESOLUTION AMENDING COMPENSATION PLAN**  
**WITH REFERENCE TO PROBATION DEPARTMENT**

Introduced by Legislator Jerry King, Chairman of the Courts and Law Enforcement Committee.

WHEREAS, Probation Officer Trainee Lisa Peebles commenced her position in August 2013; and

WHEREAS, Probation Director MaryJo Burkhard recommends she be promoted to Probation Officer.

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 Probation Department to create the following position:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Probation Officer	Full-time	Grade B27

Section 2. That Director Burkhard is hereby authorized to promote Lisa Peebles to Probation Officer effective immediately.

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

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

**RESOLUTION NO. 272 - 2014**  
**RESOLUTION AUTHORIZING AGREEMENT BETWEEN**  
**LEWIS COUNTY PUBLIC HEALTH DEPARTMENT**  
**AND ABILITY NETWORK, INC.**

Introduced by Legislator Andrea Moroughan, Chair of the Public Health Committee.

WHEREAS, the Lewis County Public Health Agency wishes to enter into a short term agreement with Ability Network, Inc. for the purpose of Medicare billing as a result of Ivans discontinuing the prior service; 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 Ability Network, Inc. for the purpose of Medicare billing for the period beginning July 22, 2014 for one year in the amount of \$180.00 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 Pepper, seconded by Legislator Moroughan, and adopted.

**RESOLUTION NO. 273 - 2014**  
**RESOLUTION AUTHORIZING AGREEMENT BETWEEN**  
**LEWIS COUNTY PUBLIC HEALTH DEPARTMENT**  
**AND CHILDREN'S THERAPY NETWORK**

Introduced by Legislator Andrea Moroughan, Chair of the Public Health Committee.

WHEREAS, the Lewis County Public Health Agency wishes to enter into an agreement with Children's Therapy Network that provides comprehensive, high-quality therapy and education services to children with special health needs; 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 Children's Therapy Network that provides comprehensive, high-quality therapy and education services to children with special health needs for the period beginning July 1, 2014 through June 30, 2015 based on the State Education Department approved rates.

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 Moroughan , seconded by Legislator Pepper , and adopted.

**RESOLUTION NO. 274 - 2014**  
**RESOLUTION APPROVING MEMORANDUM OF AGREEMENT**  
**BETWEEN LEWIS COUNTY PUBLIC HEALTH AGENCY AND**  
**SHANNON ETHIER, INDEPENDENT CONTRACTOR, FOR**  
**EMERGENCY PREPAREDNESS PLANNING SERVICES**

Introduced by Legislator Andrea Moroughan, Chair of the Public Health Committee.

WHEREAS, the County of Lewis provides Public Health Emergency Preparedness planning and services through Lewis County Public Health Emergency Preparedness Program; and

WHEREAS, the County of Lewis wishes to enter into a Memorandum of Agreement with Shannon Ethier, an independent contract, who provides such Emergency Preparedness Planning Services.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes a Memorandum of Agreement between the County of Lewis, by and through the Lewis County Public Health Agency, with Shannon Ethier, an independent contractor, who provides Emergency Preparedness Planning Services.

Section 2. That the term of this Agreement shall be from August 6, 2014 through December 31, 2014 for an amount not to exceed \$60.00 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, pending approval by the County Attorney.

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

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

**RESOLUTION NO. 275 - 2014**  
**RESOLUTION APPROVING AGREEMENT BETWEEN**  
**LEWIS COUNTY PUBLIC HEALTH AGENCY**  
**ON BEHALF OF THE COUNTY OF LEWIS AND NYS DOH FOR**  
**LEAD POISONING PREVENTION**

Introduced by Legislator Andrea Moroughan, Chair 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 a Lead Poisoning Prevention 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 a Lead Poisoning Prevention Program for the period of October 1, 2014 through September 30, 2015 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 Moroughan, seconded by Legislator King, and adopted.

**RESOLUTION NO. 276 – 2014**  
**RESOLUTION TO APPROPRIATE FUNDS**  
**PUBLIC HEALTH**

Introduced by Legislator Andrea Moroughan, Chair of the Public Health Committee.

BE IT RESOLVED, as follows:

Section 1. That the following budget appropriation is hereby approved for the 2014-2015 COLA (Cost of Living) Funds:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
A34461	COLA-PH	\$ 671.00
A4020.4909	COLA-Misc.	\$ 671.00

Programs providing COLA funds are as follows:

Children With Special Health Care Needs	-	\$671.00
-----------------------------------------	---	----------

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

Moved by Legislator Moroughan, signed by Legislator Pepper, and adopted.

**RESOLUTION NO. 277 – 2014**  
**RESOLUTION TO TRANSFER FUNDS**  
**PUBLIC HEALTH**

Introduced by Legislator Andrea Moroughan, Chair 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 for Medical Consultant/Director expense:

From:

A4042.4367	Vaccines/Pharmaceutic	\$ 3,000.00
A4089.4367	Vaccines/Pharmaceutic	\$ 3,000.00

To:

A4013.4901	Professional Services	\$ 6,000.00
------------	-----------------------	-------------

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

Moved by Legislator Moroughan , seconded by Legislator Brennan , and adopted.

**RESOLUTION NO. 278 – 2014**  
**RESOLUTION TO APPROPRIATE FUNDS**  
**SHERIFF’S DEPARTMENT**

Introduced by Legislator Jerry King, Chairman of the Courts and Law Enforcement Committee.

BE IT RESOLVED as follows:

Section 1. That the following appropriation be approved for Law Enforcement items using money from the DWI Crackdown Patrol Grant:

<u>Increase Revenues</u>	<u>Amount:</u>
A15890 (Sheriff DWI)	\$1,392.83

<u>Increase Expense:</u>	<u>Amount</u>
A3111.1104 (Shift Differential)	\$ 26.25
A3111.1103 (OT)	\$1,366.58

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

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

**RESOLUTION NO. 279 - 2014**  
**RESOLUTION AUTHORIZING AGREEMENT BETWEEN**  
**LEWIS COUNTY SEALER OF WEIGHTS AND MEASURES**  
**AND NYS DEPARTMENT OF AGRICULTURE AND MARKETS**

Introduced by Legislator Jerry King, Chairman of Sealer of Weights and Measures Committee.

WHEREAS, the Lewis County Sealer of Weights and Measures wishes to enter into an Agreement with the New York State Department of Agriculture and Markets for inspecting, testing and sampling petroleum products; and

WHEREAS, the Lewis County Sealer of Weights and Measures wishes to renew the contract for an additional five-year term; 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 Sealer of Weights and Measures and the New York State Department of Agriculture and Markets for inspecting, testing and sampling petroleum products.

Section 2. That the term of this Agreement shall be from April 1, 2014 and ending March 31, 2019, for an amount not to exceed \$18,760.00.

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

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

Moved by Legislator Dolhof, seconded by Legislator Pepper, and adopted.

**RESOLUTION NO. 280 - 2014**  
**RESOLUTION AUTHORIZING DISCHARGE OF MORTGAGE**  
**(COUNTY OF LEWIS TO SARAH L. WENDELL)**

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

WHEREAS, Sarah L. Wendell was granted a Mortgage to the County of Lewis dated July 11, 2012, and recorded in the Lewis County Clerk's Office on April 25, 2013, as Instrument # 2013-003286 to secure payment of a loan in the amount of \$21,575.00, 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 King, and adopted.

**RESOLUTION NO. 281 - 2014**  
**RESOLUTION AUTHORIZING SUB-RECIPIENT AGREEMENT**  
**BY AND BETWEEN LEWIS COUNTY AND**  
**SNOW BELT HOUSING COMPANY, INC.**

Introduced by Legislator Lawrence Dolhof, Chairman of Economic Development Committee.

WHEREAS, Lewis County (öCountyö) has heretofore applied for and received a Small Cities Community Development Block Grant (öCDBGö), Project No. 636HR51-13, in the amount of \$522,500.00 to finance the community development activities for housing rehabilitation assistance to income eligible homeowners in the County; and

WHEREAS, Snow Belt Housing Company, Inc. (öSnow Beltö) is a not-for-profit corporation organized under the laws of New York State, and whose offices are located at 7500 South State Street, Lowville, New York 13367 and has the experience and is willing to act as sub-recipient to the County by administering said Grant; and

WHEREAS, the Board of Legislators wishes to enter into a Sub-Recipient Agreement with Snow Belt and the County is desirous of having Snow Belt administer said Grant on its behalf.

NOW, THEREFORE, be it resolved as follows:

Section 1. That the Board of Legislators hereby authorizes and approves Snow Belt Housing Company, Inc. to administer the Small Cities Community Development Block Grant in accordance with the program requirements, and to act as a sub-recipient of the above referenced funding.

Section 2. That the term of this agreement shall commence as of May 1, 2014 and shall continue through December 31, 2016. However, pursuant to 24 CFR 570.503(a), this Agreement shall remain in effect during any period that the sub-recipient has control over the CDBG funds, including program income.

Section 3. That the sub-recipient will be entitled to receive a maximum of \$83,000.00 from said grant to cover the administration and program delivery expenses thereto.

Section 4. That the Chairman of the Board, or the Vice-Chairman, be and the same hereby is authorized to execute and deliver such documents, contracts or agreements, including a Sub-recipient Agreement to effectuate this Resolution, upon such terms as may be approved by the Lewis County Attorney.

Section 5. That this Resolution shall take effect immediately.

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

**RESOLUTION NO. 282 -2014**  
**RESOLUTION AUTHORIZING LEWIS COUNTY**  
**TO LEASE AND/OR PURCHASE CERTAIN PROPERTIES FOR**  
**CONSTRUCTION AND PLACEMENT OF RADIO TOWERS AS PART OF THE**  
**EMERGENCY COMMUNICATIONS SYSTEM IMPROVEMENT PROJECT**

Introduced by Legislator Jerry King, Chairman of the Courts & Law Enforcement Committee.

WHEREAS, the Board of Legislators of Lewis County (öCountyö) is in the process of upgrading the Emergency Radio Communications System. The system upgrade requires placement of six (6) additional radio towers and the supporting structures and equipment for same in various locations in the County and proposes to authorize the County to undertake certain improvements; and

WHEREAS, the County, with the assistance of the engineer on this project, has identified certain property locations in Lyons Falls, Osceola, Croghan, Turin, Harrisville and Montague wherein the towers are to be placed; and

WHEREAS, the County desires to enter into lease agreements and/or contracts to purchase portions of property at said locations sufficient for the construction and maintenance of the Countyö radio towers with the property owners of the identified properties.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. That the Board of Legislators hereby authorizes Lease Agreements and/or Property Purchase Agreements with certain property owners in Lewis County at locations identified in Lyons Falls, Osceola, Croghan, Turin, Harrisville and Montague to construct and maintain radio towers for the Emergency Radio Communications System.

Section 2. That the term of these lease agreements is for ninety-nine plus (99+) years and the cost of each Lease/Purchase Agreement is not to exceed \$15,000.00 plus no more than \$750.00 for attorneyö fees to said property owners for each location.

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, subject to the approval of the County Attorney.

Section 4. That this Resolution shall take effect immediately.

Moved by Legislator Brennan, seconded by Legislator Moroughan.

Legislator Pepper made a motion to amend the resolution to delete payment to Harrisville, objecting to any municipality charging the County for antennae space, particularly when their constituents will be the benefactors of enhanced fire and emergency radio

transmission and communication, upon completion of the multi-million dollar project. The motion was seconded by Legislator Dolhof.

Legislator Hathway clarified the Town of Diana would receive the lease fees, clarifying their request would be far less than \$15,000. He suggested that in lieu of a lease agreement, the County could provide some radios for their plows that would enhance transmission communication on very rural outlying roads. Legislator Hathway relayed the Town's concern for revenue loss, predicting that cell phone companies that currently lease tower space for antennae will choose to transfer to the County's much higher tower to enhance transmissions. The lease revenue offsets road maintenance and plowing expenses, he said, asserting their request would not exceed the amount of displaced antennae lease fees.

Legislator King reported that negotiations for the tower leases are continuing.

Legislator Brennan termed it "ludicrous" to pay a municipality rent fees, considering the benefits to the respective municipality.

Legislator Pepper queried whether the Town of Diana may want to build a tower and have the County lease antennae space?

In response to Legislator Dolhof, Legislator King affirmed there are no cell towers in the areas of the proposed new tower sites. The height of the Harrisville and Osceola towers will be 300 feet, and the Montague tower will exceed that height. Legislator King urged approval of the lease agreements to progress with the planned timeline to advertise by the end of August for tower construction. He agreed to abide by any terms set by the Board, reiterating ongoing negotiations.

Legislator Hathway had spoken with consultant Robert Duclos, relating doubt that cell phone companies would want to move their antennae from the shorter existing tower, due to known diminished reception at higher altitudes.

County Attorney Joan McNichol clarified that five (5) of the tower sites involve private property owners; the Montague location involves the County purchase of one acre; and the Harrisville site is the only municipally owned property. Except the Lyons Falls site proposed for \$1.00, all other sites are projected at \$15,000 at this time. She assured that current cell phone frequencies will not interfere with emergency radio communication frequencies. The County would consider, but is not seeking requests for antennae leases on the new towers.

Legislator King agreed to poll the Legislators upon determination of the final lease with the Town of Diana.

The amending motion to delete payment to Harrisville was unanimously defeated.

Legislator Pepper made a motion that Harrisville does not receive any compensation to install a tower on their property, seconded by Legislator Dolhof. The motion was defeated by a vote of 4 to 6. Legislators Chartrand, Hathway, King, Kulzer, Moser and Tabolt were opposed.

In response to Legislator Chartrand's inquiry, it was confirmed that all lease agreements will be for a period of 99 plus (99+) years.

After further discussion, it was agreed that all Legislators would be advised of the terms of the lease agreement for the Harrisville site, prior to approval.

The resolution was then unanimously adopted.

**RESOLUTION NO. 283 - 2014**  
**RESOLUTION AUTHORIZING AGREEMENT BETWEEN**  
**LEWIS COUNTY TREASURER'S OFFICE AND**  
**FISCAL ADVISORS & MARKETING, INC.**

Introduced by Legislator Philip Hathway, Chairman of the Ways & Means Committee.

WHEREAS, Fiscal Advisors and Marketing, Inc. wishes to enter into an agreement with the Lewis County Treasurer's Office for the purpose of providing financial advisory 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 Fiscal Advisors and Marketing, Inc. to provide financial advisory services effective July 1, 2014 pursuant to the fee schedule attached and marked as Appendix B of the contract.

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

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

**RESOLUTION NO. 284 - 2014**  
**RESOLUTION TO APPROPRIATE FUNDS**  
**WORKFORCE INVESTMENT ACT**

Introduced by Legislator Neil Pepper, Chairman of the Employment and Training Committee.

BE IT RESOLVED as follows:

**NOA #PY13-4**

Section 1. In accordance with the Workforce Investment Board of Jefferson County request, pursuant to Technical Advisory 13-9.2 dated May 30, 2014, the following transfer of funds has been approved for transfer from Dislocated Worker Account to Adult Account:

<u>From: Dislocated Worker</u>	
CD6291.1999	\$5,300.00
CD6291.8999	\$2,300.00
CD6291.4999	\$10,700.00
<u>To: Adult</u>	
CD6292.1999	\$4,000.00
CD6292.4999	\$4,300.00
CD6292.4909	\$8,000.00
CD6292.8999	\$2,000.00

No change to revenue.

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

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

**RESOLUTION NO. 285 - 2014**  
**RESOLUTION APPOINTING MEMBERS TO**  
**YOUTH BUREAU ADVISORY BOARD**

Introduced by Legislator Neil Pepper, Chairman of the Youth Bureau Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby appoints the following individuals as members of the Lewis County Youth Bureau Advisory Board:

Karrie McCullouch  
Mountain View Prevention Services  
7714 Number Three Road  
Lowville, NY 13367  
376-2321

Sgt. Randy Roggie  
Lowville Village Police Department  
5535 Bostwick Street  
Lowville, NY 13367  
376-6511

Sgt. Eric Schmitt  
Lewis County Sheriff's Office  
PO Box 233  
Lowville, NY 13367  
376-3511

Section 2. That the term of said appointments shall be effective August 6, 2014 through June 30, 2016.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator Pepper, seconded by Legislator Moroughan, and adopted.

**RESOLUTION NO. 286 – 2014**  
**RESOLUTION TO APPROPRIATE FUNDS**  
**YOUTH BUREAU**

Introduced by Legislator Neil Pepper, Chairman of the Youth Bureau Committee.

BE IT RESOLVED, as follows:

Section 1. That the following State Aid budget appropriation increase is hereby approved in the Youth Bureau accounts:

Revenue

A38201 (Youth Bureau)	\$15,160.00
A7311.4909 (Initiatives)	<u>\$ 2,291.00</u>
	\$17,451.00

Expense

A7311.4904 (Services Funding)	\$ 7,341.00
A7311.4905 (Recreation Funding)	\$ 7,842.00
A7311.4906 (National Night Out)	\$ 1,954.00
A7311.4401 (Postage)	<u>\$ 314.00</u>
	\$17,451.00

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

Moved by Legislator Dolhof, seconded by Legislator Moroughan, and adopted.

**RESOLUTION NO. 287 – 2014**  
**RESOLUTION TO TRANSFER FUNDS**  
**PUBLIC HEALTH**

Introduced by Legislator Andrea Moroughan, Chair 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 for Clinical Laboratory Improvement Amendments (CLIA) expense:

From:

A4014.1999	Pers Svs ó Prenatal	\$ 1,000.00
A4071.1999	Pers Svs ó Lead	\$ 1,000.00
A4086.1999	Pers Svs ó Disease Control	<u>\$ 500.00</u>
	Total	\$ 2,500.00

To:

A4014.4901	Professional Services	\$ 1,000.00
A4071.4901	Professional Services	\$ 1,000.00
A4093.4909	Miscellaneous	<u>\$ 500.00</u>
	Total	\$ 2,500.00

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

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

**RESOLUTION NO. 288 - 2014**  
**RESOLUTION AMENDING COMPENSATION PLAN**  
**LEWIS COUNTY GENERAL HOSPITAL**

Introduced by Legislator Richard Chartrand, 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>
Certified Nursing Assistant (2)	Full-Time

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

Moved by Legislator Dolhof, seconded by Legislator Chartrand .

Legislator Chartrand explained the C.N.A.ø would assist the dermatologist starting in September, for which there has been over 200 prospective patient inquiries. The positions may be filled by transferring existing C.N.A.ø from the Skilled Nursing Facility, which would allow re-filling of those positions. He cited the recent prestigious award recognizing the excellent nursing continuous of care attendant to \$50,000, strongly discouraging any negative impact to that distinction. He inquired whether the issue is with the overall hospital employee numbers, distinguishing that as a separate issue.

Legislator Pepper referenced the recent critical care access designation that was attendant to a reduced number of hospital beds, inquiring the possibility of reassigning nursing staff to cover the dermatologistø office. He queried whether the hospital may be over-estimating the dermatologistø potential income revenue, indicating his favor to defer creating positions until the dermatologist resumes her practice. Legislator Moser concurred with those sentiments.

Chairman Tabolt clarified that the reduced number of beds had not impacted the number of patients. Nursing staff have consistently been assigned based on the average patient census of 17.

County Manager Liz Swearingin reported the Hospitalø history of hiring over the last 10 years had effectually doubled their payroll during that period, while the population base has remained static. She urged the Board to inquire the possibility of the Hospital re-allocating existing staff to fill the requested need. Legislator Kulzer expressed his support to re-allocate staff, recalling the report was to staff the dermatologist four days per week, with the C.N.A.ø being assigned to the clinics for remaining day.

While commending the dermatologist for accepting lesser paid C.N.A.s rather than desired LPNs, Legislator Hathway also expressed support to explore whether a re-allocation of nursing staff could fill the need.

In response to the doubling of payroll from \$15 Million to \$30 Million as reported by Ms. Swearingin, Legislator Chartrand was certain the figures had been, at least partially, impacted by union contractual agreements. He reiterated his affirmation that denying the C.N.A.s was not the solution, instead urging an overall factual study.

Legislators Moser, King and Kulzer affirmed their earlier statements to explore the feasibility of whether a re-allocation of staff could serve the dermatologist.

Chairman Tabolt understands the need to hold the line on job creation, "But not at the expense of C.N.A.s", he asserted. Citing them as some of the lowest paid employees, he relayed commendations from many persons that have experienced skilled nursing home services. Considering the wage differential, he does not deem it cost effective to fill the need with LPNs or RNs, even on a temporary basis. The Hospital hopes to fill the C.N.A. shortage by recruiting some of the soon-to-be nursing class graduates, he concluded.

The resolution was then defeated by a vote of 8 to 2. Legislators Brennan, Dolhof, Hathway, King, Kulzer, Moroughan, Moser and Pepper were opposed.

**RESOLUTION NO. 289 - 2014**  
**RESOLUTION AMENDING COMPENSATION PLAN**  
**LEWIS COUNTY GENERAL HOSPITAL**

Introduced by Legislator Richard Chartrand, 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>
Nurse Case Manager (2)	Part-Time

Section 2. That upon depletion and/or termination of the related \$1.9 Million grant through the Lewis County General Hospital, the above captioned positions shall be re-evaluated.

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

Moved by Legislator Pepper, seconded by Legislator Chartrand.

Legislator Chartrand distinguished the meaning is to re-evaluate the positions if the grant is lost, to determine related profit or loss impact, as opposed to automatic termination. He submits the estimated \$60,000-\$70,000 personnel cost is a minute commitment against the total grant.

The resolution was then unanimously adopted.

**RESOLUTION NO. 290 – 2014**

**RESOLUTION TO APPROPRIATE FUNDS  
SHERIFF'S DEPARTMENT**

Introduced by Legislator Philip Hathway, Chairman of the Ways and Means Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget appropriation is hereby approved in the Sheriff's Department Canine Unit to appropriate the balance of funds from the County Dog Money trust account:

Increase Revenues

A27063 Contributions-Canine Fund	\$874.90
----------------------------------	----------

Increase Expense

A3110.4911 K9 Unit expense	\$874.90
----------------------------	----------

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

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

OTHER BUSINESS:

Legislator Chartrand made a motion to enter executive session at 11:16 a.m. for discussion with Sheriff Carpinelli and Undersheriff Monnat relative to specific personnel issues; and for legal advisory council from County Attorney McNichol. The motion was seconded by Legislator Dolhof and carried. The session commenced at 11:28 a.m. following a recess called by Chairman Tabolt. Following the session, Legislator Hathway moved to re-enter regular session at 12:23 p.m., seconded by Legislator Pepper and carried.

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