



## OFFICE OF LEWIS COUNTY ATTORNEY

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November 13, 2015

Mr. Cliff White  
PO Box 483  
Constableville, NY 13325

Re: Letter regarding Lewis County ATV Permit System

Dear Mr. White:

I am in receipt of the letter you forwarded to the County Manager and Board of Legislators dated October 26, 2015. Since your letter is filled with inaccuracies and misinformation (which you chose to provide to other landowners in Lewis County), I am compelled to address your entire letter to set forth the correct facts.

At the outset, I make the following statements and observations on behalf of the County. The County has not ever abused the ATV Permit Fund; nor has the Economic & Development Committee lost sight of the County's recreational trade and financial benefits, nor mislead ATVers. The ATV Permit Fund is and has been properly maintained and dedicated to the establishment and operation of the Lewis County Trail System, as set forth in the Local Law establishing same.

The ATV Permit System also provides for the reimbursement of materials, and NYSORVA insurance fees (\$5.00) to clubs, and provides signage for the trails. Although there were a number of reimbursement checks sent to Highmarket in 2013, the amounts were less the last couple of years, not out of refusal to reimburse but for a failure to request reimbursement for materials. If reimbursement requests are not made, they cannot be paid. In addition, it is my understanding that you specifically advised the County not to do any maintenance on trail properties in your "area" because you would be doing the maintenance without the assistance of the County. That is quite different than alleging the County failed to reimburse for trail maintenance expenses.

Allow me to respond to your false allegations of abuse of the ATV Permit Fund as you enumerated in your letter:

2013

\$759.15 – IPAD - purchased in 2013 and still in use. The Ipad was used and continues to be used for taking GPS location pictures. These pictures are necessary for all SEQRA applications; which, by the way, the County has undertaken for the trails. The Ipad is also used by trail crews to document sites and issues and provide communication to the Director and others in real time. It is also then used to research regulatory issues and provide that information to the proper regulatory authorities.

\$120.50 was paid to Brantingham Snowmobile Club to reimburse for gravel that was used on the rail road bed which is, in fact, open for ATVs from Glenfield to Lyons Falls. The gravel was used between Burdick's crossing and Lyons Falls- part of the ATV trail system.

\$909.93- Lewis County Chamber - website. Didn't see this in the account, but the Chamber is responsible for maintaining and paying for website charges that benefit the ATV trail system and permit system.

2014

Property taxes: There are some property taxes which are incurred and paid from the fund for portions of the ATV trail system. Actual taxes paid from the Fund include areas for a portion of the rail road bed acquired from Iroquois Gas in 2012. The trail starts in the Village of Lyons Falls and goes through the Towns of Turin and West Turin to the Burdicks Crossing Road. These tax payments also cover a parcel of land in the Town of Grieg which adjoins the current trail, in anticipation to be included in the trail system. This particular parcel will be discussed at the next committee meeting on November 19<sup>th</sup> – meetings which are open to the public with the dates published on the County website.

The Carlson Super G survey-grad GPS (purchased for \$15,806.15) was done through a Grant. The Grant award was \$8,251.85 and the remaining amount was split between the Highway Department and Recreation, Forestry and Parks Department. The amount which was paid from the Permit Fund was \$3,777.15, and in fact, it is used for development of the ATV trails, the required SEQRA work and applications, and what other information the regulatory authorities require for the trails.

\$6,077.20 - Chamber/Website- did not see an entry for this amount.

2015

Dodge 1500 truck - \$22,069.50 – 75% of this truck is used throughout the year for trails. The county paid 25% of this cost and the trail fund paid 75%. There is also a Ford F350 which is used on the trails, but which the County paid 100%. The County also applied for and attained a combined grant fund award for both equipment and trail maintenance. Included in the grant application were the costs for the purchase of a 2005 Bobcat excavator, a 2012 Bobcat Compact Track Loader, a 2006 JD Dozer, a 2009 Neuson Wacker articulating Dump. The 2003 Kubota tractor with a loader was not purchased through the trail fund, but through the County Forestry department, and the loader is used on the trail system.

UTV - \$11,200. The fund was used to pay for the 2015 Honda Pioneer UTV, and in fact, this equipment is used for maintenance and development of the ATV trails. There were no snow tracks purchased for this UTV. In 2007 the County purchased a Polaris Sportsman 500 ATV with tracks, used to assess the trails in wet weather, especially the spring of each year. It is not used for snow mobile trails. \$197.95 was a purchase for a rear bracket for the 2007 ATV for its tracks – not for the UTV.

The ATV fund reimbursed the Chamber \$99.00 for the two-part ATV permit application used at the businesses, and \$320.00 to reimburse for the website credit card availability for electronic payment of ATV permits.

### OTHER CLARIFICATIONS TO YOUR INACCURATE INFORMATION

- The website the ATV Fund pays for is [www.permits.adirondacktueghill.com](http://www.permits.adirondacktueghill.com) This is the registration page to purchase permits on line. This is part of the website that promotes tourism in Lewis County, including ATV trail riding. The ATV fund only pays for the registration page expenses. So, you are incorrect in stating that “ATVing” pays for the whole website . This is the tourism website for Lewis County which necessarily includes any Chamber member , as well as any Lewis County business that requests to be added. Even chamber businesses not located in Lewis County, but which support the Lewis County Chamber and Tourism are listed.
- The Lewis County Local Law 1-2009 has not been violated by the Legislature, Economic Development Committee and/or the Director of Recreation, Forestry & Parks.
- Again, although you set forth a figure on how much Highmarket Wheelers Club spent on trail work from 2012, you apparently did not submit for reimbursement for a portion of that.
- The permit fund – revenues received and expended are reported at the monthly committee meetings and in fact, the minutes are posted on the County website. For even clearer transparency, the County will be setting up a post on the website for the ATV fund reports and club trail agreements.
- The ATV fund does in fact pay the compensation for two seasonal employees for their work on the ATV trails - maintenance and operation. The County has also partnered with local Foundations to have workership positions to assist with trail maintenance. The County has also paid for a seasonal position to assist in forestry, recreation and parks which also includes assistance on trail maintenance. The salary of the Director of Recreation, Forestry and Parks does not come out of the ATV trail fund.
- Since the inception of the ATV fund, there has been a line item for \$8,000 to be used for reimbursement to the Sheriff’s department for ATV patrols and enforcement. In an effort to increase such patrols and to develop better and safer program, the Sheriff’s Department and Dept. of Recreation, Forestry & Parks entered into an MOU for the monthly reimbursement to

the Sheriff for 50% of costs for patrol, etc of the ATV trail system, excluding the SNIRT run, up to a maximum reimbursement from this fund of \$8,000.00 per year. (Similar to snowmobile and boat patrol programs). The Sheriff's budget for ATV patrol and enforcement was not cut, but rather, apparently the expenses of such enforcement and patrol were not incurred.

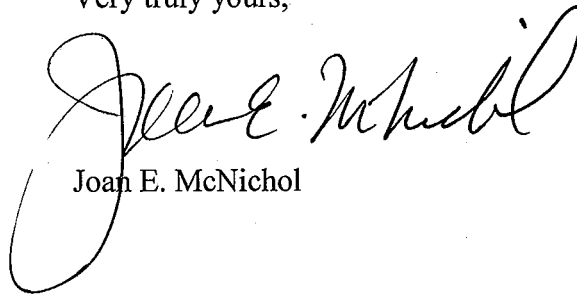
- Attendance at ATV club conferences, training, schools, etc. is a proper expense to be paid from the ATV fund in order to market the trails and keep abreast of issues, developments, and concerns to optimize the operation and development of the ATV trail system in Lewis County, however, these expenses have not been paid from the trail fund.

- Landowners have the right to close the trail on their property at any time. Having their coverage through NYSORVA is a decision for them to make. The question then becomes whether the "Club" members will be opening their trails to the public or just to "club" members. And, since it has been the County who obtained all of the required SEQRA's on the trail, who will now be responsible for that? Will town and county roads be open if trails are only through clubs?

I raise these issues simply to suggest, Mr. White, that open dialogue to address issues and concerns with all interested parties and stakeholders would seem to me to be a better approach than sending out communications with half-truths, misinformation and inaccuracies.

The door is open at any time to address this matter. Thank you for your attention.

Very truly yours,



Joan E. McNichol

JEM:hs  
cc: Jackie Mahoney, Director  
Elizabeth Swearingin, County Manager  
Landowners listed in letter