November 15, 2017

TO: Media
FROM: Teresa Clark, Clerk of the Board

The Third Day of Annual Session of the Lewis County Board of Legislators will be held on Tuesday, November 21, 2017 at 5:00 p.m. in the Legislative Board room at the Court House in Lowville, NY 13367. Resolutions presented for action are herewith attached.

A public hearing will begin at 5:00 p.m. for comments on the following:

- Tentative 2018 County Budget

- Local Law Intro. No. 4-2017 “Overriding the Tax Levy Limit Established by General Municipal Law Section 3-c (A/K/A “2% Tax Cap”) for the 2018 Lewis County Budget

- To Grant a Waiver for a Conflict of Interest Between Snow Belt Housing Company Vice-Chairman and an Eligible Rehabilitation Grant Recipient

Any business may be conducted.
RESOLUTION NO. 455 - 2017

RESOLUTION ADOPTING AND OTHERWISE TREATING
LOCAL LAW NO. 5 – 2017, COUNTY OF LEWIS

Introduced by Legislator Craig Brennan, Chairman of the Ways and Means Committee.

WHEREAS, a resolution was duly adopted by the Board of Legislators on November 15, 2017, directing that a public hearing be held by said Board on November 21, 2017, from 5:00 p.m. to 5:30 p.m. at the Second Floor Board Room of the Courthouse, 7660 North State Street, Lowville, New York 13367, to hear all interested parties on a proposed Local Law entitled, “A LOCAL LAW TO AUTHORIZE OVERRIDING THE TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW § 3-C (A/K/A 2% TAX CAP) FOR THE LEWIS COUNTY 2018 BUDGET”; and

WHEREAS, notice of said public hearing was duly advertised in the Watertown Daily Times, the official newspaper designated by the County, and posted on the bulletin board of the Lewis County Courthouse, 7660 North State Street, Lowville, New York, at least five (5) days prior to such public hearing; and

WHEREAS, said public hearing was duly held at such location at such time and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, the Board of Legislators wishes to make certain determinations based upon the information heretofore submitted to the Board as well as received during the public hearing.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. This Local Law (Introductory No. 4 – 2017), County of Lewis, being “A LOCAL LAW TO AUTHORIZE OVERRIDING THE TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW § 3-C (A/K/A 2% TAX CAP) FOR THE LEWIS COUNTY 2018 BUDGET”; be and the same hereby is designated as Local Law No. 5 –2017, County of Lewis.

Section 2. That Local Law No. 5 – 2017, 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 ______________, seconded by Legislator ______________, and adopted.

YEAS:

NAYS:

ABSENT:
LOCAL LAW (INTRODUCTORY NO. 5 - 2017)
COUNTY OF LEWIS

Introduced by Legislator Bryan Moser, Chairman of the Junkyards Committee.

A LOCAL LAW AMENDING AND REPLACING LOCAL LAW NO. 2-2015 -
THE COUNTY OF LEWIS JUNKYARD LAW

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

ARTICLE A. INTRODUCTION

Section 1. AUTHORITY

This law is adopted pursuant to the authority granted in the County in Articles 2 and 3 of the Municipal Home Rule Law.

Section 2. TITLE

This Local Law shall be known as the “County of Lewis Junkyard Law”.

Section 3. PURPOSE OF THE JUNKYARD LAW

By adoption of this Law, the County of Lewis declares its intent to regulate and control the storage or keeping of junk, and to regulate junkyards whether operated for commercial profit or otherwise. The Lewis County Legislature hereby declares that a clean, wholesome, and attractive environment is of vital importance to the continued general welfare of its citizens, and that junk and junkyards can constitute a hazard to property and persons and can be a public nuisance. Such materials may be highly flammable, sometimes explosive, and harmful to the environment. Junk and particularly junked vehicles can constitute attractive nuisances to children and certain adults. The presence of junk and junkyards is unsightly and tends to detract from the value of surrounding properties unless properly screened from view.

ARTICLE B: DEFINITIONS

For purposes of this Law, the following words and phrases shall have the meaning ascribed to them in this Article.

Code Enforcement Officer: Any County Building Codes Department officer or any person proposed by and approved by the Lewis County Board of Legislators to represent the Junkyard Review Board in particular matters pertaining to this Local Law.

Junk: Materials and/or items which are discarded on one’s property, and in such condition to be regarded as trash, refuse or debris.

Junk Storage Area: The areas of any parcel of land or water used, or intended to be used
for the placement or storage of junk and/or junkyard items.

**Junk Vehicles:** Any motor vehicle whether automobile, bus, trailer, truck, tractor-trailer, motor home, motor cycle, bicycle, mini-bicycle, snowmobile, or any other device originally intended for travel on the public highways which meets any of the following conditions:

1) One (1) or more is unlicensed, and

2) Is either abandoned, wrecked, stored, discarded, dismantled, partly dismantled; or

3) Is not in any condition for legal use upon the public highway.

4) With respect to any motor vehicle not required to be licensed, or any motor vehicle not usually used on public highways, the fact such motor vehicle has remained unused for more than six (6) months and is not in condition to be removed under its own power shall be presumptive evidence that such motor vehicle is a junk motor vehicle.

**Junk Appliance:** A household appliance, including but not limited to, washing machine, dryer, dishwasher, stove, furnace, water heater, refrigerator, freezer, television, or computer that is stored outside of any residence or structure.

**Junk Items:** Any junk, junk vehicles, parts of a junk vehicle, or junk appliance.

**Junkyard:** The outdoor storage or deposit of any of the following:

1) Two (2) or more junk vehicles.

2) Three (3) or more junk appliances including but not limited to washing machines, dryers, dishwashers, stoves, furnaces, refrigerators, freezers, televisions, computers, scrap parts of junk vehicles, and metals.

3) Any combination of the above that totals three or more items.

**Junkyard Review Board:** Any board appointed or designated by the County Legislature to administer this Law. Also referred to herein as “JRB”.

**Person:** A person, firm, partnership, association, corporation, company, or organization of any kind.

**Right-of-Way Line:** Line forming boundary of the right of way of a street, road, or
highway as dedicated by a deed of record. Where the width of the right-of-way is not established, the right-of-way line shall be considered to be twenty-five (25) feet from the center line of the road pavement.

ARTICLE C: JUNKYARD REGULATIONS

Section 1. LOCATION

No junk storage area shall be located within:

A. Fifty (50) feet of any adjoining property line.

B. Five hundred (500) feet of any public park, church, educational facility, nursing home, public building, or other place of public gathering.

C. One hundred (100) feet of any stream, lake, pond, wetland, or other body of water.

D. One hundred (100) feet from the right-of-way line of any public street, road, or highway.

Section 2. SCREENING

A. Where a junkyard is or would be visible from a public highway or from neighboring properties, there shall be erected and maintained an eight (8) foot high opaque fence to screen the junk storage area. All junkyard items dealt with by the operation of the junkyard shall be kept within such screening at all times so that the junkyard items are not visible from the public highway or from neighboring properties. The applicant may secure waivers from any and all neighboring property owners with respect to requirement of the eight (8) foot high fence to screen. However, if the Junkyard is still visible from a public highway, the eight (8) foot high screening is still required.

B. The fence provided for in this section shall be of wood or other materials as required by the Junkyard Review Board to totally screen the junk storage area from view.

C. As an alternative, the Junkyard Review Board may permit or require such other screening by adequate planting of evergreen trees and shrubbery in place of or in addition to an eight (8) foot high fence. The following requirements shall apply in those cases where this alternative is permitted or required:

1. The applicant shall provide evidence that within five (5) years of the issuance of the initial license the proposed method of screening will provide a year-round opaque screen of the junk storage area from public highways and from neighboring properties.
2. The screening shall be opaque, and remain opaque and attain a height of five (5) feet within five (5) years of the issuance of the initial license. If such requirement is not met within five (5) years of the issuance of the initial license, the applicant shall be required to install an eight (8) foot high fence approved by the Junkyard Review Board pursuant to this Section.

3. Prior to the Junkyard Review Board approval of the license renewal, the junkyard owner shall be required to provide evidence of compliance with this section of the law. In addition, the junkyard owner shall be required to provide evidence that all dead trees and shrubbery constituting the screen have been replaced with flora of the same species as the approved screen. Such replacements shall be planted at a height sufficient to maintain an opaque screen. Replacements shall be planted prior to application for renewal.

Section 3. BURNING

No materials shall be burned in a junkyard except in compliance with the New York State Outdoor Burning Law (see 6 NYCRR 215).

Section 4. BURYING

No junkyard items shall be buried in a junkyard except in compliance with the New York State Solid Waste Disposal Law (see 6 NYCRR 360).

Section 5. APPROVED JUNKYARD ITEMS

No junkyard items shall be stored in any junk storage area other than those items specified on a junkyard license approved by the Junkyard Review Board pursuant to this Law.

ARTICLE D: JUNKYARD LICENSE

Section 1. LICENSE REQUIRED

A. No person shall establish or maintain a junkyard within the County of Lewis unless a license has first been issued for such junkyard pursuant to this Law.

B. No person owning, having any right to, or any interest in any real property within the County of Lewis shall license, rent, lease, or otherwise permit the use of such real property or any part thereof to be used for a junkyard unless a license has first been issued for such junkyard pursuant to this Law.

C. All licenses shall be issued for a period of four (4) years, after which time, renewal shall be required.

D. Any modification to an existing license requires a new application.
ARTICLE E: APPLICATION PROCEDURE

Section 1. APPLICATION

The applicant for a junkyard license shall obtain application from the County Code Enforcement Officer. The completed forms, along with one copy of the proposed site plan, and the appropriate fees, shall be returned to the County Clerk. The County Clerk shall notify and provide the application materials to the Code Enforcement Officer. The Code Enforcement Officer shall submit the application materials to the Junkyard Review Board.

Section 2. SITE PLAN CONTENTS

The site plan shall be drawn to scale or indicate all dimensions and show:

A. All existing and proposed structures, including fences;
B. All property lines including the names of owners of adjacent property;
C. All streams, lakes, wetlands, floodplains, and other water bodies;
D. All wells and sanitary facilities;
E. All roads and easements;
F. All existing and proposed junk storage areas;
G. All existing and proposed access ways, and parking and loading areas.

Section 3. ENVIRONMENTAL IMPACT STATEMENT

An Environmental Assessment Form (EAF) shall be completed and submitted with all applications pursuant to the provisions of the State Environmental Quality Review Act (SEQRA) (see 6 NYCRR 617). If the EAF indicates that the proposed activity may have significant environmental consequences, the Junkyard Review Board shall require that a Draft Environmental Impact Statement (DEIS) be submitted with the application. The application shall not be considered complete until the DEIS has been accepted by the Junkyard Review Board.

Section 4. FEES

The application fee shall be in the minimum amount of ONE HUNDRED DOLLARS ($100.00) and must accompany all applications. A license fee shall be in the minimum amount of FIFTY DOLLARS ($50.00). The Junkyard Review Board is, in its discretion, empowered to set a higher application fee and license fee, and may also set such other fees and charges as it shall determine appropriate. All fees shall be collected by the Lewis County Clerk for and on behalf of the Lewis County Junkyard Review Board.
Section 5. PUBLIC HEARING

The Junkyard Review Board shall conduct a public hearing within forty-five (45) days of the date a complete application is received by the Review Board. Notice of the hearing shall be made in the official newspaper of the County at least five (5) days prior to the date thereof. At the hearing, the Junkyard Review Board shall hear the applicant and all other persons wishing to be heard on the application for a junkyard license.

Section 6. JUNKYARD REVIEW BOARD ACTION

Within forty-five (45) days of said hearing, the Junkyard Review Board shall render a decision to approve, to approve with conditions, or to disapprove the application for a junkyard license. The forty-five (45) day period may be extended by mutual consent of the applicant and the Junkyard Review Board. All findings of the Junkyard Review Board shall be entered into the Junkyard Review Board minutes. The decision of the Junkyard Review Board shall immediately be filed in the office of the County Clerk. The applicant shall be notified of the decision and the reasons for such decision within ten (10) days of the decision of the Board. Upon approval of the site plan and application, and payment of all fees and reimbursable costs due the County, the Junkyard Review Board shall endorse its approval upon a copy of the final site plan and application.

Section 7. ISSUANCE OF LICENSE

A. If the application is approved by the Junkyard Review Board, a Junkyard License shall be issued by the Enforcement Officer upon presentation of a paid receipt from the County Clerk with respect to payment of the license fee.

B. If the application is approved with conditions by the Junkyard Review Board, the Enforcement Officer shall issue a Junkyard License only upon completion of an on-site inspection verifying conditions at the proposed site are compliant with the Board's conditions and this law, and upon presentation of a paid receipt from the County Clerk with respect to payment of the license fee.

C. If the application is approved with conditions and if the Enforcement Officer determines that the conditions have not been met, the Enforcement Officer shall issue a report to the Junkyard Review Board describing how the conditions are not compliant and that the Enforcement Officer did not issue a license. The Junkyard Review Board shall notify the applicant, in writing, of non-compliance with the conditions and provide up to thirty (30) days for the applicant to meet the conditions. The JRB may, in its sole discretion, extend the period of time for compliance upon written request of the applicant for good cause shown. The JRB will provide the applicant with further Notice that if after said time there is no compliance with the conditions, the application is deemed denied and the applicant is deemed to be in violation of this Law, with the right of the JRB to pursue further legal action and proceedings hereinafter set forth for said violation.
Section 8. LICENSE RENEWAL

Applications for renewal shall be approved by the Junkyard Review Board upon notification by the Code Enforcement Officer that the junkyard remains in compliance with this Law. Upon receipt of a copy of the Board’s approval, and presentation of a paid receipt from the County Clerk with respect to payment of the application and license fees, the Code Enforcement Officer shall issue the Junkyard License Renewal.

Section 9. BY-LAWS, RULES, DIRECTIVES, AND REGULATIONS

There is hereby delegated to the Junkyard Review Board, full power and authority to adopt and enact any and all by-laws, rules, directives, and regulations necessary or appropriate in furtherance of carrying out its duties and responsibilities under this Local Law.

ARTICLE F: GENERAL CONSIDERATIONS

Section 1. AESTHETIC CONSIDERATIONS

In granting or denying a license, the Junkyard Review Board shall take the following aesthetic factors into consideration:

A. Type of road servicing the junkyard or from which the junkyard can be seen.

B. Natural or artificial barriers protecting the junkyard from view.

C. Proximity of the site to established residential or recreational areas or main access routes thereto.

Section 2. LOCATIONAL CONSIDERATIONS

In granting or denying a license, the Junkyard Review Board shall take the following locational factors into consideration:

A. The nature and development of surrounding property, such as the proximity of public parks, churches, educational facilities, nursing homes, public buildings, or places of public gathering.

B. Whether or not the proposed location can be reasonably protected from affecting the public health and safety by reason of offensive or unhealthy noise, odors, smoke, or of other causes.

C. The proximity of streams, lakes, wetlands, flood plains, groundwater supplies, and public water supplies.

D. Local drainage patterns.
E. Long range comprehensive plans for the County or local municipality.

F. Proximity of the site to established residential or recreational areas.

G. Availability of other suitable sites for the junkyard.

**ARTICLE G. ADMINISTRATION AND ENFORCEMENT**

Section 1. WAIVERS

Where a Junkyard Review Board finds that due to special circumstances of a particular case, a waiver of certain requirements as stated in Article C herein is justified, a waiver may be granted. No waiver shall be granted, however, unless the Junkyard Review Board finds and records in its minutes that:

A. Granting the waiver would be in keeping with the intent and spirit of this law, does not violate the granting of a variance (which is the domain of the local Planning and/or Zoning Boards), and is in the best interest of the community.

B. There are special circumstances in the particular application, which the JRB shall set forth in its decision to grant the waiver.

C. Denial of a waiver would result in undue hardship to the applicant, provided that such hardship has not been self-imposed by the applicant and/or based upon circumstances known to the applicant.

D. The waiver is the minimum necessary to accomplish the purpose, without violation of any local Planning or Zoning Board requirements.

Section 2. ENFORCEMENT OFFICER DUTIES AND RIGHTS

A. The Enforcement Officer shall make inspections of any junkyard for which application for a license has been made, or any other readily or commonly observed existing property within the County which appears to constitute a junkyard as defined in this local law. The enforcement officer shall report to the Junkyard Review Board on the conditions of such junkyard.

B. The Enforcement Officer shall conduct annual inspections of licensed junkyard properties in the County to ensure compliance with the law and the license issued for same. Any observed violations shall be reported to the Junkyard Review Board together with the Enforcement Officer’s recommendation(s) for compliance.

C. The Enforcement Officer shall have the right to enter onto a property which is the subject of this Local Law as an invitee. It shall be the responsibility of an applicant or license holder to arrange for any additional access by the
enforcement officer to inspect the premises prior to license issuance and during the licensing process, during a license renewal period, and for other reasonable periodic inspections, including but not limited to the annual inspection. By submission of an application for a license or renewal license, the applicant is deemed to have consented to the enforcement officer’s access to his/her property to inspect the premises in the licensing process. In addition, if the JRB grants a license, the license holder is deemed to have consented to the enforcement officer’s right of access to the property in order to conduct the annual inspection and for inspections pertaining to any reported complaints with respect to this Local Law.

D. The Enforcement Officer shall investigate and report to the Junkyard Review Board, with respect to properties to which the officer has received any written complaints of any alleged violation of this law, as well as to any commonly and readily observed properties within the County alleged to be in violation of this law.

Section 3. DIRECTIVES BY JUNKYARD REVIEW BOARD & REVOCATIONS

A. If the Enforcement Officer reports a violation of this law to the Junkyard Review Board, and the Review Board determines that a violation is present, the Review Board shall direct the Enforcement Officer to issue a Notice of Violation(s) and Compliance Order to the property owner, setting forth the following:

1. address of the property;
2. specific statements and particulars of the violation(s);
3. a compliance order outlining specific steps or actions to be taken to remedy the violation(s) for the property to be in compliance with the law;
4. a statement setting forth that the steps or actions to remedy the violations shall commence within thirty (30) days of service of the Notice, and shall be completed within sixty (60) days thereafter, unless otherwise extended by the Junkyard Review Board for good cause shown;
5. issuance of an appearance ticket to the property owner/license holder, containing a date, time and location for the property owner/license holder to appear before the Junkyard Review Board to answer the alleged violations set forth in the Notice of Violation(s) and Compliance Order.

B. The aforesaid Notice of Violation(s) and Compliance Order and Appearance Ticket shall be served:

1. by delivering a copy of the Notice & Order and Appearance Ticket by regular mail and by certified mail- return receipt requested directed to the property owner(s), his executor, administrator or agent’s last known address as shown on the records of the receiver of taxes, and any other address which may be known to the enforcement officer as the owner’s address. If regular mail is returned undeliverable and if certified mail -RRR is returned unsigned, the enforcement officer shall effect service by nail and mail posting of a copy of the documents on the property, and shall attempt personal service upon the
property owner(s) with due diligence (at least three (3) separate attempts).

(2) In addition, service by certified mail and regular mail upon any other person having a vested interest in the property as shown by the records of the receiver of taxes (for example, a mortgage lender) shall be undertaken.

C. After a Notice of Violation and Compliance Order and Appearance Ticket have been issued, and close to the date that the matter is to appear before the JRB, the Enforcement Officer shall reinspect and/or observe the property so that the Enforcement Officer may report an update on the condition of the property to the Junkyard Review Board for further action and direction.

D. Where there is an existing license, the Junkyard Review Board may revoke a Junkyard License upon reasonable cause, should the applicant/license holder fail to comply with any provision of this law. Before a license may be revoked, a public hearing shall be held by the Junkyard Review Board. Notice of the hearing shall be made in the official newspaper of the County at least five (5) days prior to the date thereof. Service of a copy of the Notice of the Hearing shall be mailed to the license holder/applicant by certified mail and regular mail at least fourteen (14) days prior to the hearing. At the hearing, the Junkyard Review Board shall hear the license holder and all other persons wishing to be heard on the revocation of the junkyard license. Should the Junkyard Review Board decide to revoke a license, the reasons for such revocation shall be stated in the Junkyard Review Board minutes. The license holder shall be notified of the revocation and the reasons for same, by certified mail and regular mail within ten (10) days of the completion of the hearing.

A copy of the Notices served upon an applicant or property owner as hereinabove set forth shall be filed in the office of the County Clerk of Lewis County.

Section 4. FAILURE TO COMPLY, ENFORCEMENT AND PENALTY OPTIONS

In the event of the failure or refusal of the property owner(s)/responsible person(s) so notified to comply with a Compliance Order or other directive of the Junkyard Review Board through its Enforcement Officer, either for noncompliance with the application and licensing process or for a violation of this Local Law, the Junkyard Review Board may recommend and direct that the matter be turned over to the County to initiate any and all of the following enforcement proceedings:

A. Criminal Proceeding and Penalties: Any person who shall violate any provisions of this law may be subject to criminal prosecution, and if convicted of a criminal violation for failure to comply with this Local Law shall, for a first conviction thereof, be punished by a fine of not more than TWO HUNDRED FIFTY ($250.00), or by imprisonment for not more than fifteen (15) days, or by both such fine and imprisonment; for a second such conviction within thirty-six (36) months thereafter, such person shall be punished by a fine of not more than FIVE HUNDRED DOLLARS ($500.00),
or by imprisonment for not more than forty-five (45) days or by both such fine and imprisonment; upon a third or subsequent conviction within thirty-six (36) months after the first conviction, such person shall be punished by a fine of not more than ONE THOUSAND DOLLARS ($1,000.00), or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Every such person shall be deemed guilty of a separate violation for each week such violation, disobedience, omission, neglect, or refusal shall continue. Any reference for legal assistance in connection with criminal enforcement or prosecution herein shall be made to the District Attorney of the County of Lewis, or by delegation from the District Attorney to County Attorney of Lewis County for prosecution.

B. Civil Proceeding and Penalties: Any person who shall violate any of the provisions of this Local Law may be subject to a civil action to be found guilty of a violation of this law, and if so found shall be subject to a civil penalty of FIVE HUNDRED DOLLARS ($500.00), to be recovered by the County in the civil action. Every such person shall be deemed guilty of a separate violation for each week such violation, disobedience, omission, neglect, or refusal shall continue. Any reference for legal assistance in connection with enforcement (assistance) or prosecution herein shall be made to the County Attorney of the County of Lewis.

C. Order for Removal of Junk and Assessment of Expenses: In addition to the above proceedings and penalties, in the event of the refusal or neglect of the property owner so notified to comply with the directives and orders of the Junkyard Review Board as hereinabove set forth, the JRB shall refer the matter to the Lewis County Board of Legislators for further and additional action to be taken in the name of the County, including but not limited to the removal of said Junk either by County employees or by contract, upon the following procedure:

   (1) The Enforcement Officer, in consultation with the County Attorney, shall gather all information from his/her investigation and the steps followed with the Junkyard Review Board as hereinabove set forth, and report in writing to the Board of Legislators his documentation of the procedures and steps taken, his findings and recommendations to the Board of Legislators as to whether removal of the Junk should be undertaken. In the report, the Enforcement Officer is to advise the Board of any known hazardous materials, and confirm that the NYS Department of Environmental Conservation ("NYS DEC") has been contacted for input on taking appropriate action if hazardous materials were found;

   (2) The Enforcement Officer shall provide the property owner(s) with a copy of the Report and any other documents he/she provides to the Board of Legislators. In addition, the Enforcement Officer will provide the property owner(s) with Notice of the monthly Board of Legislators meeting when the Board will consider such report and take any action by Resolution.

   (3) The Board of Legislators shall, at a public meeting, consider such report and by resolution, determine:
i. If in its opinion such property is a junkyard under the provisions of this Law;

ii. If in its opinion the Enforcement Officer and Junkyard Review Board followed the steps and procedures outlined in this Law to provide the property owner with the ability to address the matter and remedy the matter with and before the Junkyard Review Board;

iii. Whether to order the removal of the Junk and assess expenses against the violator; and

iv. Direct that a notice of its decision be served upon the property owner(s) and any other persons with interest in the property by the methods set forth in Article G Section 3 above.

(4) Notice of the Board’s Decision shall be given as set forth in Article Section G (3) B. above, and contain the following:

i. a description of the property;

ii. a statement of the particulars in which the property is deemed to be a junkyard and in violation of this Local Law;

iii. an order outlining the manner in which the property is to be made compliant with the law, or its removal together with a date as to such steps are to be completed;

iv. a statement that in the event of neglect or failure to comply with the order of the Board of Legislators to comply with the Law or remove the Junk, the Board of Legislators is authorized to access the premises to provide for removal of the Junk, to assess all expenses thereof against the land on which it is located, and in addition, to institute a special proceeding to collect the costs of removal and enforcement, including legal expenses;

v. a date, time and place for a final hearing before the Board of Legislators in relation to such violations of this Local Law and the remedies the Board may order. Said hearing shall be scheduled not less than seven (7) business days from the date of service of the Notice.

vi. A copy of the Notice served shall be filed with the Lewis County Clerk.

ARTICLE H: REFUSAL TO COMPLY AND ASSESSMENT OF EXPENSES

A. In the event of the refusal or neglect of the property owner so notified to comply with said order(s) of the Board of Legislators and after final hearing, the Board of Legislators shall provide for the removal of such Junk either by County or Town employees (or a combination of said employees as they may agree), or by private contract. Any private contract for removal of Junk in excess of $20,000.00 shall be awarded through competitive bidding.

B. All expenses incurred by the County in connection with the proceedings to remove the Junk, and all reasonable and necessary legal expenses incidental thereto, shall, at the option of the Board of Legislators, either

(1) Be assessed against the land on which such Junk is located and shall be levied and collected in the same manner as provided in Section 270 of the County Law for the levy and collection of a special ad valorem levy, or
(2) Be collected by commencement of a special proceeding against the owner(s) of said property in the Supreme Court, County of Lewis.

ARTICLE I: REMEDIES AT LAW

Notwithstanding the above administrative procedures, the County may maintain an appropriate action or proceeding in a court of competent jurisdiction for enforcement and to recover costs and expenses incurred by the Junkyard Review Board and County to remedy a violation and to compel compliance with the law, or to restrain by injunction the violation of any article of this Local Law.

The appropriate remedy for an applicant who disputes a finding and decision of the Junkyard Review Board or the Board of Legislators is an action brought in a court of competent jurisdiction at the applicant’s sole cost and expense.

ARTICLE J: APPLICABILITY

This Local Law shall not apply to any city, village, or town during such time as such city, village, or town is regulating or licensing junkyards.

ARTICLE K: SEVERABILITY

If any clause, sentence, paragraph, section or article of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the controversy in which such judgment shall have been rendered.

ARTICLE L: EFFECTIVE DATE

This Local Law shall be effective immediately upon all legal requirements being met.

ARTICLE M: PRIOR JUNKYARD LAWS

This Local Law replaces Local Law No. 2 -2015, which amended and repealed all former Junkyard Laws (Local Law No. 3-2001, No. 3-2011, No. 7-2014).
RESOLUTION NO. 456 - 2017

FIXING DATE OF PUBLIC HEARING ON LOCAL LAW
(INTRDUCTORY LOCAL LAW NO. 5 - 2017), COUNTY OF LEWIS

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

WHEREAS, there will be presented and introduced at a meeting of this Board of Legislators to be held on November 21, 2017 a proposed Local Law entitled “A LOCAL LAW AMENDING AND REPLACING LOCAL LAW NO. 2-2015 - THE COUNTY OF LEWIS JUNKYARD LAW.”

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That a public hearing will be held on December 5, 2017 from 5:00 p.m. to 5:30 p.m., before the Lewis County Board of Legislators on the Second Floor Board Room at the Lewis County Courthouse, New York, 7660 North State Street, Lowville, New York to hear all persons for or against such local law.

Section 2. That at least five (5) days notice of such hearing shall be given by the Clerk of this Board by the due posting thereof upon the bulletin board of the Lewis County Court House, Lowville, New York, and by publishing such notice at least once in the official newspaper of the County.

Moved by Legislator ________________, seconded by Legislator ________________, and adopted.
RESOLUTION NO. 457 - 2017

RESOLUTION AUTHORIZING A WAIVER REQUEST FOR A CONFLICT OF INTEREST BETWEEN SNOW BELT HOUSING COMPANY, INC. VICE-CHAIRMAN AND AN ELIGIBLE REHABILITATION GRANT RECIPIENT

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

WHEREAS, Lewis County ("County") is a recipient of a Small Cities Community Development Block Grant (Lewis County 636HR334-16) which provides rehabilitation assistance to income eligible homeowners in the County; and

WHEREAS, Snow Belt Housing Company, Inc. ("Snow Belt") is a not-for-profit corporation organized under the laws of New York State, with offices located at 7500 South State Street, Lowville, New York 13367, who acts as a sub-recipient to the County by administering said Grant; and

WHEREAS, the Office of Community Renewal (OCR) Grant Manual requires that under the CDBG program, an applicant who may have a conflict of interest may need a waiver in order to participate in the CDBG funded activity. Where the municipality that has received CDBG assistance determines, after a public hearing, that a conflict of interest exists but authorizes a waiver, a request for the waiver must be submitted by the local municipality to OCR prior to undertaking any activity on the application under the Grant funds; and

WHEREAS, in accordance with the procedures outlined in the OCR Grant Manual for exceptions to conflicts of interest, the local government entity, i.e. the County of Lewis Board of Legislators authorized by Resolution, a Notice of a Public Hearing to be held on November 21, 2017 to receive public comment on a conflict of interest posed by Dennis Mastascusa as the Vice-Chairman of the Board of Directors of Snow Belt Housing Company, Inc., and a family member who has applied for and is otherwise financially eligible for a CDBG housing rehabilitation grant, but for the conflict of interest with the Vice-Chairman of said Board; and

WHEREAS, in further accordance with the Grant Manual procedures, the Lewis County Board of Legislators advertised the Notice of the Public Hearing in the official paper of the County and posted said Notice in the County building. On November 21, 2017 at 5:00 pm, the Board held the public hearing. During the public hearing, the Board considered the comments of those wishing to be heard; and

WHEREAS, the Lewis County Board of Legislators has considered any comments from the public together with the information provided by Snow Belt Housing Company, Inc., the opinion of the County Attorney, and the factors to be considered by OCR for exceptions and makes the following Findings and Conclusions in determining that a waiver should be requested.

NOW, THEREFORE, BE IT RESOLVED, as follows:
Section 1. That the Lewis County Board of Legislators, in accordance with the OCR CDBG Grant Manual procedures, advertised the Notice of the Public Hearing in the official paper of the County and posted said Notice in the County building. On November 21, 2017 at 5:00 pm, the Board held the public hearing. During the public hearing, the Board considered the comments of those wishing to be heard and considered all steps to mitigate same, namely:

i. Snow Belt requires all Directors, Officers, Board committee members, etc., to review and execute their Conflict of Interest/Confidentiality Policy. Said policy requires Board members to disclose conflicts and to fill out an annual conflict of interest questionnaire.

ii. Snow Belt’s policy provides for a Board member who has a conflict of interest on a matter to disclose same to the rest of the Board and not vote on the matter or to use personal influence on the matter. The Vice Chairman disclosed the conflict and has not participated in any way with the matter, either by vote or by use of personal influence. In fact, the Vice Chairman is not assigned to the sub-committee in charge of reviewing said application.

iii. Snow Belt requires CDBG applicants to fill out conflict of interest disclosure forms (using sample forms provided by OCR) to further identify any potential conflicts. In this matter, the applicant filled out the form and disclosed her relationship to the Vice-Chairman of the Board of Snow Belt.

Section 2. That the Lewis County Board of Legislators, in accordance with the OCR Grant Manual, specifically addressed and considered the applicability of each enumerated factor set forth in subparagraph (5) of 24 CFR 570.489(h) in determining whether a waiver should be requested and ultimately granted by the State, and finds:

i. The waiver would provide a significant cost benefit to the rehabilitation program and project in Lewis County;

ii. Open competitive bidding for rehabilitation of the property is provided and not affected by the requested waiver;

iii. The person affected is a low or moderate- income person intended to benefit from this grant program. The waiver/exception will permit the person to be considered and potentially receive generally the same benefit being made available to the same eligible class of citizens in Lewis County. In fact, to deny the exception/waiver would punish the eligible person, but for her familial relationship to the Vice-Chairman of the Board at Snow Belt;

iv. The Vice-Chairman is not a member of the Snow Belt sub-committee charged with the review and decision recommendation on this application. The Vice-Chairman will recuse himself from any discussion, decision-making and ultimate vote on this application by the Board of Directors.

v. The Vice-Chairman was already an officer of the Board of Directors before an application was contemplated by the family member.

vi. Undue hardship will result not only to the otherwise eligible applicant and to the CDBG grant programs in Lewis County in general, if such a waiver is not considered and granted. Lewis County is a small, rural County with familial relationships in all sectors of Government. This program is designed to assist residents based upon income eligibility and need. The applicant satisfies all eligibility requirements of the Grant and should not be disadvantaged because of the long established, community-minded efforts of her relative. The general public interest served by attempting to avoid conflicts of interest is not served in this instance and in fact creates undue hardship.
vii. The procedures and policies adopted by Snow Belt Housing Company, Inc. to identify and address potential conflicts of interest are consistent with the County’s ethics procedures. The benefit of the financial assistance to this otherwise eligible applicant far outweighs the conflict of interest posed by the family relationship, especially with the Vice-Chairman recusing himself in any discussion and decision making on the application.

Section 3. That the Lewis County Board of Legislators authorizes the Chairman of the Board or the Vice-Chair in his absence, to execute a formal, written request, together with any other required documents, to OCR as set forth in 24 CFR 570.589(h) (4), for a waiver of the conflict of interest posed by the family relationship between Dennis Mastascusa as Vice-Chairman of the Snow Belt Housing Company, Inc. Board of Directors (the County’s subrecipient administrator under the CDGB program) and the family applicant for a housing rehabilitation assistance grant under the CDBG program.

Section 4. That the Lewis County Board of Legislators directs the County Attorney to submit an opinion letter to OCR stating that the interest for which the exception/waiver is sought does not violate state or local law.

Section 5. That the Lewis County Board of Legislators directs that the Clerk of the Board provide to OCR the minutes of the public meeting and hearing at which disclosure of the conflict was discussed and decided, a copy of the notice of the public hearing, together with a certified copy of this Resolution.

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

Moved by Legislator ____________________, seconded by Legislator ________________, and adopted.
RESOLUTION NO. 458 - 2017

RESOLUTION TO TRANSFER FUNDS
ELECTIONS

Introduced by Legislator Philip Hathway, Chairman of the Elections Committee.

BE IT RESOLVED, as follows:

Section 1. That the following transfer is here by approved in the Elections Accounts to cover line item expense:

<table>
<thead>
<tr>
<th>Decrease Expense</th>
<th>A0145000 490100 Inspectors</th>
<th>$1,500.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase Expense</td>
<td>A0145100 221100 Machines</td>
<td>$1,500.00</td>
</tr>
</tbody>
</table>

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

Moved by Legislator ________________, seconded by Legislator ________________, and adopted.
RESOLUTION NO. 459 - 2017

RESOLUTION TO RE-APPOINT
SUPERINTENDENT OF HIGHWAYS

Introduced by Legislator Gregory Kulzer, Chairman of the Transportation Committee.

WHEREAS, the term of Lewis County Superintendent of Highways David L. Becker will expire on December 31, 2017; and

WHEREAS, the Board of Legislators wishes to re-appoint him to said position.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby re-appoints David L. Becker of 4572 Flatrock Road, Lowville, New York 13367, as the Lewis County Superintendent of Highways.

Section 2. That the term of said appointment shall commence January 1, 2018 and terminate on December 31, 2021.

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

Moved by Legislator ________________, seconded by Legislator ________________, and adopted.
RESOLUTION NO. 460 - 2017

RESOLUTION APPOINTING
OFFICE FOR THE AGING DIRECTOR

Introduced by Legislator Roscoe Fawcett, Jr., Chairman of the Office For the Aging Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby appoints Kelly Hecker of 36901 County Route 136, Theresa, New York 13691, as the Lewis County Office For Aging Director, effective November 27, 2017.

Section 2. That the annual salary is hereby set at $52,000.00.

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

Moved by Legislator ________________, seconded by Legislator ________________, and adopted.
RESOLUTION NO. 461 - 2017

RESOLUTION AMENDING COMPENSATION PLAN WITH REFERENCE TO PROBATION DEPARTMENT

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

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby amends the Compensation Plan of the County of Lewis with reference to the Probation Department to increase the regular work week of all Probation Officers to 40 hours effective November 27, 2017.

Section 2. That said work week will continue until such time as amended by the Board of Legislators.

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

Moved by Legislator __________________, seconded by Legislator __________________, and adopted.
RESOLUTION NO. 462 - 2017

RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO PROBATION DEPARTMENT

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

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby amends the Compensation Plan of the County of Lewis with reference to the Probation Department to create the following position:

<table>
<thead>
<tr>
<th>TITLE</th>
<th>STATUS</th>
<th>SALARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sr. Probation Officer</td>
<td>Temporary Full-time</td>
<td>Grade B30</td>
</tr>
</tbody>
</table>

Section 2. That Director MaryJo Burkhard is hereby authorized to fill the position effective immediately for a period up to six (6) months.

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

Moved by Legislator ____________________, seconded by Legislator ____________________, and adopted.
RESOLUTION NO. 463 - 2017

RESOLUTION AUTHORIZING AGREEMENT
BETWEEN DEPARTMENT OF PROBATION AND
RUBENZAHL, KNUDSEN & ASSOCIATES PSYCHOLOGICAL SERVICES, P.C.

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

WHEREAS, the Lewis County Probation Department ("LCPD") wishes to enter into an Agreement with Rubenzahl, Knudsen & Associates Psychological Services, P.C., to provide sex offender evaluations and counseling services for individuals and also to provide psychological evaluations and treatment for juvenile delinquents/adolescent offenders when required; and

WHEREAS, LCPD was approved for an STSJ Grant which provides $12,000 for juvenile delinquents/adolescent offenders funds for psychological evaluations and treatment. 62% of these costs are reimbursed by the state with the local share being 38%.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes an agreement between the County of Lewis, by and through the Lewis County Probation Department, and Rubenzahl, Knudsen & Associates Psychological Services, P.C., to provide sex offender evaluations and counseling services for individuals and also to provide psychological evaluations and treatment for juvenile delinquents/adolescent offenders when required.

Section 2. That the term of this agreement shall be January 1, 2018 through December 31, 2018 at the following fees:

<table>
<thead>
<tr>
<th>SEX OFFENDER ASSESSMENT AND THERAPY</th>
<th>PSYCHOLOGICAL SERVICES FOR JUVENILE DELINQUENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>$45.00 per session for group therapy</td>
<td>$75.00 per hour for therapy</td>
</tr>
<tr>
<td>$75.00 per hour for individual therapy</td>
<td>$110.00 per hour for psychological evaluations</td>
</tr>
<tr>
<td>$500.00 per completed adult sex offender assessment</td>
<td>$65.00 per hour for clients receiving group Treatment</td>
</tr>
<tr>
<td>$300.00 per completed youth sex offender assessment</td>
<td>$135.00 per hour for expert court testimony</td>
</tr>
<tr>
<td></td>
<td>$75.00 per session, to include RKPS presence at monthly clinical treatment team meeting if applicable</td>
</tr>
</tbody>
</table>

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

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

Moved by Legislator __________, seconded by Legislator __________, and adopted.
RESOLUTION NO. 464 - 2017

RESOLUTION AUTHORIZING AMENDMENT TO EXTEND CONTRACT WITH THE COUNTY OF LEWIS AND NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES FOR DISTRIBUTION #5

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

WHEREAS, County Law Article 18-B directs each county to adopt a plan to provide legal counsel to persons charged with a crime or who are entitled to counsel pursuant to Family Court Act § 262 and who are financially unable to obtain counsel; and

WHEREAS, the County of Lewis entered into a contract pursuant to Resolution No. 394-2016 to receive a grant award from the New York State Office of Indigent Legal Services in the amount of $113,928.00 ("Distribution #5"), Contract Number C000722, for the provision of funds to assist the County in improving the quality of indigent legal services according to the Budget and Work Plan schedules set forth in said Grant Contract. The Grant term covers January 1, 2015 through December 31, 2017; and

WHEREAS, the County of Lewis desires to extend the term of the contract with New York State Office of Indigent Legal Services to December 31, 2018.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby approves the extension of the contract by and between the County of Lewis and New York State Office of Indigent Legal Services that provides grant funds under Distribution # 5 in the amount of $113,928.00 to assist the County in improving the quality of indigent legal services provided to December 31, 2018.

Section 2. That the Chairman or the Vice-Chairman of the Board of Legislators be and the same are hereby authorized to execute and deliver such agreement to effectuate the purpose of this Resolution upon such form as approved by the County Attorney.

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

Moved by Legislator ________________, seconded by Legislator ________________, and adopted.
RESOLUTION NO. 465 - 2017

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 budget appropriation of donated funds is hereby approved in the office of the Sheriff's Department for the Shop with a Cop program:

<table>
<thead>
<tr>
<th>Increase Revenues</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A0731000 327053 (Donations Shop w/a Cop)</td>
<td>$3,350.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Increase Expense</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A0311000 490900 (Misc Expense)</td>
<td>$3,350.00</td>
</tr>
</tbody>
</table>

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

Moved by Legislator ________________, seconded by Legislator ________________, and adopted.
RESOLUTION NO. 466 - 2017

RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2018 MAKING APPROPRIATIONS FOR THE CONDUCT OF COUNTY GOVERNMENT AND ESTABLISHING RATES OF COMPENSATION FOR OFFICERS AND EMPLOYEES FOR FISCAL YEAR 2018

Introduced by Legislator Craig Brennan, Chairman of the Ways and Means Committee.

WHEREAS, the governing body has met and considered the 2018 Tentative County Budget and has conducted a public hearing thereon as required by Section 359 of the County Law.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Tentative Budget as amended and revised and as hereinafter set forth is hereby adopted and that the several amounts as set forth in the “Adopted” column of such budget be and hereby are appropriated for the objects and purposes specified, and the salaries and wages set forth in Schedule 5 of that budget shall be and hereby are fixed at the amount shown therein, or by employees’ contract effective January 1, 2018.

Moved by Legislator ____________________, seconded by Legislator ________________, and adopted by the following roll call vote:

YEAS:

NAYS:

ABSENT:
RESOLUTION NO. 467 - 2017

ASSESSING AND LEVYING AMOUNT OF TAX CALLED FOR
UNDER THE COUNTY BUDGET AS ADOPTED BY THE BOARD OF
LEGISLATORS ON THE 21st DAY OF NOVEMBER 2017
AS PROVIDED FOR UNDER COUNTY LAW

Introduced by Legislator Craig Brennan, Chairman of the Ways and Means Committee.

WHEREAS, the Board of Legislators of the County of Lewis by Resolution No. 466-2017 adopted on the 21st day of November 2017, has adopted a County Budget for fiscal year 2018; and

WHEREAS, the said Board of Legislators by Resolution No. 466-2017 adopted on the 21st day of November 2017, has made appropriations for the conduct of Lewis County Government for fiscal year 2018.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That there be, and hereby is, assessed and levied upon and against the taxable property of the County of Lewis liable therefore the sum of $______________.

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

YEAS:

NAYS:

ABSENT: