

**SPECIAL MEETING  
October 28, 2013**

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

Roll Call: All Legislators were present.

The Invocation was offered by Legislator Hathway, followed by Chairman Tabolt leading the Pledge of Allegiance to the Flag.

There were 4 persons present.

**REPORTS OF STANDING COMMITTEES:**

Legislator Philip Hathway, Hospital Committee Chairman, reported the 2014 Hospital budget had been prepared and would be presented for adoption by the Board of Managers on 10/30/13. As a member of that Board, he relayed his intent to be a nay vote.

Legislator Boyd made a motion to enter executive session at 1:09 p.m. for the purpose of discussion related to a prospective real estate purchase, seconded by Legislator Bush and carried. At the conclusion of the session, Legislator Hathway moved to re-enter regular session at 1:41 p.m., seconded by Legislator Bush and carried.

**REPORT OF THE RULES AND LEGISLATION COMMITTEE:**

The Rules and Legislation Committee had met and recommends waiving the rules to allow action on late resolutions.

Dated: October 28, 2013

Philip Hathway  
Craig P. Brennan

Legislator Burke made a motion to waive the rules, seconded by Legislator Stanford and carried.

**RESOLUTION:**

**RESOLUTION NO. 423 - 2013**

**RESOLUTION AUTHORIZING PURCHASE OF REAL PROPERTY**

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

**WHEREAS, LEWIS LANES, LLC**, having a principal address of 7483 Ossont Road, Lowville, 13367 is the fee title owner of a certain parcel of land located in the Town of Lowville, County of Lewis and State of New York consisting of

approximately 2 acres of land, together with the improvements located thereon consisting of a steel frame building of approximately 16,000 square feet (herein, the "Property"); and

**WHEREAS, LEWIS LANES, LLC** has offered to sell the property to Lewis County for use as office space for a purchase price of One Million Dollars (\$1,000,000) subject to certain terms and conditions; and

**WHEREAS,** the Board of Legislators wishes to accept the offer of **LEWIS LANES, LLC** and to purchase the Property.

**NOW, THEREFORE,** be it resolved as follows:

Section 1. The Board of Legislators hereby authorizes a Contract For The Purchase And Sale of the above described Real Property, together with the improvements located thereon and including the following items of personal property:

- a. Gas Stove;
- b. 3-door freezer;
- c. Walk-in cooler;
- d. prep table;
- e. Shelving;
- f. China;
- g. Plumbing fixtures;
- h. Electrical wiring and fixtures, except bowling machines, equipment, scoring equipment and related wiring and fixtures;
- i. HVAC machinery, equipment and fixtures;
- j. Office furniture, including desks, chairs, and filing cabinets;
- k. Carpeting.

Section 2. That the County's obligation to close and accept title to the Property hereunder shall be specifically conditioned upon the following:

- a. County's receipt of an appraisal prepared by an "MAI" or similarly designated appraiser, setting forth an opinion of value for the Property that meets or exceeds the Purchase Price;
- b. County's receipt of a report from its architects/engineers that the Property is suitable for use by the Purchaser as office space for its intended purposes;
- c. County's receipt of an acceptable environmental assessment report that indicates that the Property, including all of its improvements, does not contain any environmentally hazardous materials, is not presently in violation of any environmental law, rule or regulation, and that the renovation of the Property to meet the Purchaser's needs will not cause or result in an adverse environmental impact as that term is defined in the State Environmental Review Act ("SEQRA") and its implementing regulations.

The County reserves the right to waive in whole or in part any condition set forth herein at its sole discretion.

Section 3. The Property shall be transferred to the County by means of a Warranty Deed with Lien Covenant.

Section 4. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to make, execute, seal and deliver such writings, documents or instruments necessary to fulfill the intent of this Resolution on such form(s) as may be approved by the County Attorney.

Section 5. That this Resolution shall take effect immediately.

Moved by Legislator Stanford , seconded by Legislator Boyd .

Chairman Tabolt relayed the owner's intent to sell equipment.

Legislator Stanford expressed his opinion "this was a wise decision".

The resolution was adopted by the following roll call vote requested by Chairman Tabolt:

YEAS: Boyd, Burke, Brennan, Hathway, Stanford, Tabolt

NAYS: Bush, King, Lucas, Wallace

#### OTHER BUSINESS:

Legislator Jack Bush, Buildings and Grounds Committee Chairman, made a motion to contract with Don Coon of DGM Coon & Company for the purpose to provide an appraisal of the Lewis Lanes property located on State Route 26, Lowville, NY. The motion was seconded by Legislator Stanford and carried. Legislator King was opposed.

Legislator Bush made a motion to authorize prior-to-audit payment to Bernier Carr & Associates in the amount of \$4,627.50. The Board had previously approved payment up to \$3,500.00 for the Village of Lowville Stowe Street sewer scope. However, the company that had submitted that quote was not timely available, therefore an alternate company was retained at the higher amount. The motion was seconded by Legislator King and carried.

Legislator Stanford made a motion to contract with Bernier Carr & Associates to conduct a study and provide engineering plans for the Lewis Lanes building, considering the County has a credit balance with their firm relative to the rejected new building project. The motion was seconded by Legislator Brennan. Legislator Bush announced that Patrick Currier of the Aubertine and Currier engineering firm, had reminded their availability to

assist the County. At the request of Legislator King, Chairman Tabolt agreed to obtain an engineering quote. The motion then carried.

There being no other business to come before the Board, the meeting adjourned at 2:01 p.m. on motion by Legislator Brennan, seconded by Legislator Stanford and carried.