

SPECIAL MEETING
March 13, 2013

The meeting was called to order at 10:30 a.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 22 persons present.

REPORT OF THE RULES AND LEGISLATION COMMITTEE:

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

Richard Lucas, Chairman
Philip Hathway
Charles Fanning

Dated: March 13, 2013

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

Chairman Tabolt opened the public hearing for comments on Local Law (Introductory No. 1-2013) "Amending Local Law No. 2-2009 Regarding the Fees Charged for ATV Permits for the Lewis County Trail System".

PRIVILEGE OF THE FLOOR:

Highmarket Wheelers ATV Club President Cliff White relayed meeting with the Economic Development Committee, at which complaints and objections to the proposed increased fees and procedures for ATV permits were aired. He invoked his club as the only one in the County to build ATV trails last year, reporting there were 22 more trails to complete. Mr. White reported having 14 volunteers who devote time for trail work. Additionally, their club generates revenues through grants, and fund raisers such as 50-50 raffles, poker runs and many other events. Their club members adamantly oppose raising the permit fee to \$25, instead suggests a \$10 fee, with the clubs reducing their membership fee to \$15. He declared that "Without memberships you're not going to have a trail system", adding that operators do not want to ride exclusively in reforestation areas. Quoting a previous report by Committee Chairman Richard Lucas, Mr. White referenced 2012 ATV permit sales equating \$80,000, estimating that \$30,000 of that amount should be available for trails. In light of disgruntled club members, and reduced membership, Mr. White does not deem it possible to maintain reforestation areas as previously proposed.

REPORTS OF STANDING COMMITTEES:

Legislator Jack Bush, Buildings and Grounds Committee Chairman, reported touring local buildings last week for relocation of employees currently housed at St. Peter's School.

The consensus of the committee is to move the Office For the Aging and Board of Elections' staff and voting machines into the ground floor at the Lowville Commons, and leasing one room on the upper floor for storage needs. Secondly, they propose to move the Highway and Solid Waste Department staff into existing office space of the Leroy Nichols Memorial Building, also referred to as the "Pepsi Building" located at the Fairgrounds. The leases would be for a period of up to 24 months.

Legislator Bush reported the Lowville Commons space would be partially at \$17/sq. ft. and the currently leased portion would continue at \$10/sq. ft., equating an annual total of \$54,139. There are minimal build-out requirements to be addressed with the owners.

Legislator Bush relayed speaking with Hospital CEO Eric Burch and confirmed that Public Health staff could remain at the hospital campus for the next two years.

Chairman Tabolt informed that some Legislators have differing opinions about leasing, instead wanting to discuss purchasing real estate. Legislator Lucas inquired whether the school building is definitely being sold. Legislators Burke and King each impressed that time is of the essence to relocate the personnel, while also wanting to confirm the St. Peters' sale.

Legislator Patrick Wallace, Election Committee Chairman, reported discussing space needs with Election Commissioners this morning.

Legislator Fanning reported that the Commissioners informed of proposed State legislation that would require Counties to offer early voting for 14 days prior to general, special and primary elections. Currently, 32 of the 50 States offer early voting. The law would require additional personnel and impose substantial expense. The Commissioners expressed opposing views for the near impossibility to find willing and trained individuals to cover nine (9) polling sites for 14 days, including weekends. Also, the cost to transport voting machines back to secured storage each evening. The Election Committee recommends the Board enact an opposing resolution similar to that of the Inter-County Legislative Committee of the Adirondacks. Legislator Lucas asserted the resolution oppose the initiative in its entirety, without support for an opt-in option. Early voting opportunities already exist through absentee ballots, he stated. A respective late resolution was enacted to oppose the Early Voting Act.

Legislator Richard Lucas, Economic Development Committee Chairman, announced that interviews of Trail Coordinator candidates are scheduled on 3/15/13.

Legislator Lucas proposed to sponsor a follow-up resolution to oppose the State Secure Ammunition and Firearms Enforcement (SAFE) ACT that requires gun owners to verify ownership every five years. He wants to promulgate the Board's opposition.

PRIVILEGE OF THE FLOOR (Cont'd)

Lewis County Sheriff Deputy Michael Leviker asked how the County tracks allotted ATV permits that business owners do not sell. Chamber of Commerce Executive Director Anne Merrill reported that in the past there was one business that did not return a few unsold permits. Legislator Lucas distinguished this as the first time hearing such a report, asserting that legal recourse should be pursued in such instances.

In response to Legislator Stanford, Chamber of Commerce employee Donna Stenoski stated they do not police the types of ATV's purchasing permit stickers. She explained there is an executed contract with each business that sells the permits, thereby agreeing to submit the permit fee with the applications, and to return unsold permits to the Chamber of Commerce.

Ms. Stenoski stated that in 2011 there was one business that did not return a few unsold permits, which she realized only after the permit holder called to renew their permit, for which she had no record. She had alerted the County and followed up several times with the business owner about the unsold permits, to no avail.

Legislators Hathway, Fanning and Lucas each affirmed the committee's intent to work with the clubs that are building the off-road trails, to financially support those who are doing the work. The previous process, they said, was not working.

Mr. Floyd Rivers inquired the reason for the increased permit fee to \$65 and by-passing the previously agreed \$25 club membership portion. Legislator Lucas stated that \$25 of every permit sale is deposited into the Trail Fund, and is available to pay clubs for building trails and maintenance; as well as law enforcement and educational related expense.

Mr. Francis Roy, Black River Valley 4-Wheeler Club President, invoked that the new procedures will negatively impact on club memberships, because of additional membership fees. He relayed concern for the lack of volunteers to work on the trails; and exclaimed that the "system was working fine before".

In response to an inquiry from Patricia White, Legislator Lucas reiterated that all collected permit fee revenues were deposited into the Trail Fund, 100% of which is available for trail related expense, although could not recite the percentage of allocation for specific categorical expenses. The Local Law would be effective upon filing with the Department of State. In response to her query for trail fund balances, Legislator Lucas advised she submit a Freedom of Information Law (FOIL) request to the County Attorney.

Ms. Kelly Kovach inquired what businesses would be selling permits, and if they would be available on weekends. She was concerned that clubs may no longer choose to sell permits. Legislator Lucas stated the Chamber of Commerce determines the businesses and negotiates all contracts.

In response to Mr. Rivers' inquiry for the name of the business that did not submit unsold

ATV permits, County Attorney Richard Graham informed that allegations against specific businesses shall not be addressed in open forum. However, Donna Stenoski affirmed that the business in question was not allowed to sell permits after 2011.

Joseph Onyon, Tug Hill Adirondack ATV Association President, took grave exception to Legislators' earlier comments that the trail permit system does not work! He has log maintenance sheets as proof of the many hours spent by himself and other volunteers to build and maintain trails, including dozer work to move trees and pull stumps. Mr. Onyon referenced previous complaints by County officials that certain clubs were not infusing received permit funds back into the trail system. Accordingly, last year the change was made to allot on-line membership fees to the Association to support ongoing trail development and maintenance.

In 2012 the Association received \$18,000, of which \$10,000 was expensed for trail work, insurance, stone, and lumber on trails in all areas; \$4,000 for a new trailer and generator, and \$2,000 for other new equipment. Mr. Onyon reported the monies are expended to those doing the work, and are accountable.

Legislator Lucas affirmed that Legislators agree wholeheartedly that the maintenance program is working tremendously, and commended all the volunteers. It's the financing procedures, he said, that we are taking issue.

Chairman Tabolt declared the hearing closed at 11:20 a.m.

RESOLUTIONS:

**RESOLUTION NO. 120 - 2013
RESOLUTION ADOPTING AND OTHERWISE TREATING
LOCAL LAW NO. 6 – 2013, COUNTY OF LEWIS**

Introduced by Legislator Richard Lucas, Chairman of the Economic Development Committee.

WHEREAS, a resolution was duly adopted by the Board of Legislators on March 5, 2013, directing that a public hearing be held by said Board on March 13, 2013, from 10:30 a.m. to 11:00 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. 2 – 2009 REGARDING THE FEES CHARGED FOR ATV PERMITS IN THE LEWIS COUNTY TRAIL SYSTEM”**; and

WHEREAS, notice of said public hearing was duly advertised in the *Watertown Daily Times*, the official newspaper designated by the County, on March 7, 2013, 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. 1 – 2013), County of Lewis, being “**A LOCAL LAW AMENDING LOCAL LAW NO. 2 – 2009 REGARDING THE FEES CHARGED FOR ATV PERMITS IN THE LEWIS COUNTY TRAIL SYSTEM**”, be and the same hereby is designated as Local Law No. 6 –2013, County of Lewis.

Section 2. That Local Law No. 6 – 2013, 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 Lucas , seconded by Legislator Hathway and adopted.

YEAS: Boyd, Burke, Bush, Fanning, Hathway, King, Lucas, Wallace, Tabolt

NAYS: Stanford

ABSENT:

**RESOLUTION NO. 121 - 2013
RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY PUBLIC HEALTH AND
NATALIE LAURINE**

Introduced by Legislator Paul Stanford, Chairman of the Public Health Committee.

WHEREAS, Lewis County Public Health Agency entered into a grant agreement with the New York State Department of Health Cancer Services Program and also contracted with Natalie Lauraine as an outreach assistant for this program on the 16th day of May, 2012; 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 Lewis County Public Health Agency and Natalie Lauraine as an outreach assistant for the New York State Department of Health Cancer Services Program.

Section 2. That said Agreement is for the period beginning May 16, 2012 through May 16, 2014 at \$15.00 per hour, plus mileage reimbursement at the IRS rate.

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 Bush, seconded by Legislator Lucas, and adopted.

**RESOLUTION NO. 122 - 2013
RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO SOCIAL SERVICES**

Introduced by Legislator William Burke, Chairman of the Social Services 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 Department of Social Services, to create the following positions:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Social Welfare Examiner	Temporary Full-time	Grade 20 \$16.59-\$17.92

Section 2. That the Temporary Part-time Social Welfare Examiner position created by Resolution No. 92-2013 is hereby abolished.

Section 3. That Commissioner Stacy Alvord is authorized to fill said positions for the period from April 1, 2013 through December 31, 2013.

Section 4. That this resolution shall take effect immediately.

Moved by Legislator Boyd, seconded by Legislator Burke, and adopted.

RESOLUTION NO. 123 - 2013
AUTHORIZING OPENING OF CERTAIN PORTIONS OF
COUNTY ROADS FOR ATV SPECIAL EVENT

Introduced by Legislator William Burke, Member of the Economic Development Committee.

WHEREAS, Barnes Corners Sno-Pals Snowmobile Club has requested that the Board of Legislators open:

- *CR 18 Cronk Road; from County Property east to where Cronk Road in the Town of Pinckney begins;*
- *CR 29 West Road from Gardner Road to NYS Route 12;*
- *CR 62 Turin Road, all of;*
- *CR 43 East Road; from CR 62 Turin Road intersection to intersection of CR 38E East Main Street;*
- *CR 38 E East & 38W West Main Streets in Village of Turin;*
- *CR 51 West Road; from CR 38W West Main Street south to Gomer Hill Road;*
- *CR 45 Mackay Road;*
- *CR 48 Highmarket Road from CR 45 Mackay Road to North Road;*
- *Houseville Road from NYS 26 to East Road; CR 34*
- *Lee Road from East Road to Milkhouse Road; CR 79*
- *Burdick's Crossing all of; CR 36*
- *CR 40 Greig Road from Burdick's Crossing Road to Sweeney Road;*

for a one day all terrain vehicle (ATV) rally event ("SNIRT") to be held on April 13, 2013; 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 ATV's; and

WHEREAS, this action is a "Type II" action for purposes of the State Environmental Quality Review Act, and the regulations promulgated there-under, 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, Barnes Corners Sno-Pals Snowmobile Club, as a sponsor of the event, has 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 ATV's on:

- *CR 18 Cronk Road; from County Property east to where Cronk Road in the Town of Pinckney begins;*
- *CR 29 West Road from Gardner Road to NYS Route 12;*
- *CR 62 Turin Road, all of;*
- *CR 43 East Road; from CR 62 Turin Road intersection to intersection of CR 38E East Main Street;*
- *CR 38 E East & 38W West Main Streets in Village of Turin;*
- *CR 51 West Road; from CR 38W West Main Street south to Gomer Hill Road;*
- *CR 45 Mackay Road;*
- *CR 48 Highmarket Road from CR 45 Mackay Road to North Road;*
- *Houseville Road from NYS 26 to East Road; CR 34*
- *Lee Road from East Road to Milkhouse Road; CR 79*
- *Burdick's Crossing all of; CR 36*
- *CR 40 Greig Road from Burdick's Crossing Road to Sweeney Road;*

for a one day all terrain vehicle (ATV) rally event to be held on April 13, 2013.

Section 2. That the permission granted herein is specifically conditioned upon Barnes Corners Sno-Pals Snowmobile Club entering into a written agreement with the County of Lewis whereby:

1. Barnes Corners Sno-Pals Snowmobile 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. Barnes Corners Sno-Pals Snowmobile 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. 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 Boyd , seconded by Legislator Lucas .

Legislator Burke made a motion to amend the resolution to add County Route 51 West Road from Gomer Hill Road to NY State Route 26, seconded by Legislator Bush.

Legislator Lucas clarified this action would allow ATV travel during the one day SNIRT RUN event to the Towpath Inn and Snow Ridge businesses, that would otherwise be excluded. The motion was unanimously carried.

The resolution was then adopted.

RESOLUTION NO. 124 - 2013
RESOLUTION OPPOSING PROPOSED LEGISLATION A.689/S.1461
ESTABLISHING EARLY VOTING FOR
GENERAL, PRIMARY AND SPECIAL ELECTIONS

Introduced by Legislator Patrick Wallace, Chairman of the Elections Committee.

WHEREAS, A.689 (Silver)/S.1461 (Stewart-Cousins) has been introduced in the New York State Legislature establishing early voting in primary, general and special elections in the State of New York; and

WHEREAS, said bill would allow early voting to take place up to 14 days before a general election and up to a week before a primary or special election, from 8:00 a.m. until 7:00 p.m. on every early voting day including Saturday and Sunday; and

WHEREAS, County Boards of Elections would be required to select a minimum of five polling places throughout their respective County and provide election inspectors at each location; and

WHEREAS, County Boards of Elections would also be required to follow the same polling place protocols that are observed on election day on all early voting days; and

WHEREAS, the costs associated with staffing early voting locations and printing county paper ballots associated with early voting in Lewis County have been estimated at \$80,000 for general elections and \$40,000 for primary elections; and

WHEREAS, the 2% tax cap and insufficient relief from State-imposed mandates has already placed an unprecedented strain on local governments to provide more services with less funding.

Now, Therefore, BE IT RESOLVED:

Section 1. That the Lewis County Board of Legislators hereby opposes proposed Bill A.689 (Silver)/S.1461 (Stewart-Cousins) legislation in its entirety requiring Counties to implement early voting.

Section 3. That the Clerk is hereby directed to forward certified copies of this resolution be forwarded to Governor Andrew Cuomo; Senator Joseph Griffo; Assemblyman Kenneth Blankenbush and NYSAC.

Moved by Legislator Fanning, seconded by Legislator Boyd, and adopted.

OTHER BUSINESS:

Chairman Tabolt informed the need for an executive session to discuss a prospective real estate purchase, and specific personnel. Legislator King moved to enter executive session, seconded by Legislator Fanning and carried at 11:25 p.m. Following the session, Legislator Bush moved to re-enter regular session at 12:07 p.m., seconded by Legislator Boyd and carried.

Legislator Bush made a motion to authorize a lease agreement with Lowville Partnership for 4,268 sq. ft. for office space for an annual cost of \$54,139; and office space at the Fairgrounds Pepsi Building from the Lewis County Agricultural Society for a monthly amount not to exceed \$1,200. The lease agreements will be for a period up to 24 months. Legislator King seconded the motion. During the Lewis County Fair, parking spaces will be reserved for County employees.

Legislator Fanning made an amending motion to allow a purchasing option for the Lowville Commons, seconded by Legislator Hathway. The amended motion was defeated by a roll call vote of 5 to 5. Legislators Bush, King, Lucas, Wallace and Tabolt were opposed.

The motion to approve leasing agreements at the Lowville Commons and Pepsi Building, was then unanimously carried.

Legislator Bush made a motion to approve advertising bids for constructing a new 45,000 sq. ft. two-floor office building on Outer Stowe Street. The first floor, he said, would house the 911 Dispatch Center, Emergency Management and Emergency Medical Services personnel; and the Department of Social Services will occupy the second floor. He reminded that over \$800,000 has been expended for architectural and engineering services for the proposed building. The motion was seconded by Legislator Lucas.

Legislator Lucas opined the Board is expected to consider future needs when planning new construction, for the benefit of all taxpayers, distinguishing that Legislators are also taxpayers. He submits that due diligence has been done to explore leasing and/or purchasing options and favors moving forward with the new construction.

In response to Legislator Stanford, Legislator Bush announced the Committee is scheduled to meet with Village of Lowville officials later today to discuss their concerns.

In consideration of the 2% or \$270,000 estimated annual appropriation for 10 years, Legislator Hathway exclaimed that “taxpayers are maxed out”! The supposed surplus, thereafter, would never go back to the taxpayers. He expressed genuine concern for current obligations, encompassing the Court House, radio project, Hospital Dialysis Unit and Meditech computer system, equating up to \$30 Million bonds against a \$40 Million levy. Accordingly, he objects to a new building construction.

Citing the State Social Services financing estimated between \$4.5-\$5 Million of the construction costs, Legislator Bush stated that we all pay State taxes. He proclaimed it beneficial for Lewis County to recover some State taxes, that alternatively would be allocated to support other areas of New York.

Legislator Lucas reiterated Legislator Hathway’s breakdown of the 2% levy increase, equating a \$10 - \$14 increase for the average property owner, terming the new construction as fiscally prudent to address County space needs well into the future. Responding, Legislator Hathway stated the increase would be compounded by other County project expenses, in addition to Town and school tax increases. While understanding the reasons for a new building, Legislator Hathway conceded his conservative nature impels him to reject imposing a greater tax burden on persons who are already struggling.

Legislator Stanford surmised that \$14 may burden senior citizens or low income persons just getting by.

Legislator Fanning expressed concern, inquiring whether the County could adequately respond to prospective Federal and/or State deficit funding cuts.

Legislator King reported his opposition to purchase the Lowville Commons because it does not conform to County needs. He favors a central building to house personnel under one roof, as much more efficient and cost effective.

In response to Legislator Burke’s inquiry, Atty. Graham explained that State Social Services funding reimbursement formulas are pursuant to State statute, unless amended through State Legislative action.

Legislator Lucas affirmed his favor to move forward with new construction, particularly citing the substantial expenditures to-date for architectural and engineering services.

Legislator Wallace expressed support to move forward with new construction and terminate leasing relationships.

Chairman Tabolt relayed laboring over both options because either imposes increased taxpayer expense. However, he feels the better plan for the next generation is to go forward with new construction, particularly considering the State financial reimbursements. He recounted the Board’s discretion to approve construction, pending bid proposals.

In response to Legislator Hathway, Legislator Bush reported the committee had been authorized to request proposals from qualified persons to serve as “Clerk of the Works”, The Committee will be prepared to recommend a contract if the Board approves construction.

The motion to move forward to advertise bids for the new building construction was approved by a roll call vote of 6 to 4. Legislators Boyd, Fanning, Hathway and Stanford were opposed.

It was confirmed that the 911 Dispatch Center would be housed on the ground floor of the new construction.

Chairman Tabolt informed that a purchase order for the Wladis Law Firm had been held at his request, until further review by the Ways and Means Committee. The committee had discussed and previously approved payment for December services, but the invoice in question is for January services. The Wladis Law Firm is requesting approval for prior-to-audit payment.

Legislator Lucas suggested delaying payment until Mr. Wladis justifies the invoiced amount to the Ways and Means Committee. Legislator Lucas made a motion to authorize the Committee to approve prior-to-audit payment of \$26,158.40 to Wladis Law Firm pending a satisfactory explanation by phone conference, seconded by Legislator Bush and carried.

Legislator Bush suggested having the Wladis Law Firm perform services only when specifically requested by the Board. In consideration of their past consulting input, Legislator King affirmed the Board’s authority to confer with the firm about the radio project, as needed.

Legislator Bush made a motion to enter executive session to discuss specific personnel at 12:51 p.m., seconded by Legislator Burke and carried. The session commenced at 12:58 p.m. following a short recess. Following the session, Legislator Fanning moved to re-enter regular session at 1:12 p.m., seconded by Legislator Stanford and carried.

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