



OFFICE OF LEWIS COUNTY BOARD OF LEGISLATORS

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September 26, 2019

TO: Media

FROM: Teresa Clark, Clerk of the Board *T. C.*

The Lewis County Board of Legislators will meet on **Tuesday, October 1, 2019 at 5 p.m.** in the Legislative board room at the Court House in Lowville, NY 13367. Enclosed are proposed resolutions on the agenda.

A public hearing will commence on October 1, 2019 at 5 p.m. for comments on Local Law (Intro. No. 4-2019) "To Authorize Overriding the Tax Levy Limit Established by General Municipal Law § 3-c (a/k/a "2% tax cap") for the Lewis County 2020 Budget"

RESOLUTION NO. 325 – 2019

AUDITING AND ALLOWING CLAIMS

Introduced by Legislator Bryan Moser, Chairman of the Finance and Rules Committee.

RESOLVED that the claims presented for payment in the total amount of \$ 820,304.34 be and each is hereby audited and allowed for the amounts claimed, and that the Clerk is authorized and directed to draw checks for the County Treasurer for the amounts claimed, in favor of each of the claimants or their assigns.

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

YEAS:

NAYS:

ABSENT:

RESOLUTION NO. 326 - 2019

**RESOLUTION ADOPTING AND OTHERWISE TREATING
LOCAL LAW NO. 5 – 2019, COUNTY OF LEWIS**

Introduced by Legislator Bryan Moser, Chairman of the Finance and Rules Committee.

WHEREAS, a resolution was duly adopted by the Board of Legislators on September 3, 2019, directing a public hearing be held by said Board on October 1, 2019, from 5:00 p.m. to 5:30 p.m. in the Second Floor Board Room of the Courthouse, 7660 North State Street, Lowville, New York 13367, to hear all interested parties on Local Law Intro. No. 4-2019 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 2020 BUDGET”; and

WHEREAS, notice of said public hearing was duly advertised in the *Watertown Daily Times*, the official newspaper designated by the County on September 25, 2019, 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 – 2019), 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 2020 BUDGET”; be and the same hereby is designated as Local Law No. 5–2019, County of Lewis.

Section 2. That Local Law No. 5 – 2019, 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 - 2019)
COUNTY OF LEWIS

Introduced by Legislator Bryan Moser, Chairman of the Finance and Rules Committee.

**A LOCAL LAW IMPOSING A TAX ON OCCUPANTS OF HOTEL OR MOTEL
ROOMS AND OTHER SHORT TERM ROOM RENTALS IN LEWIS COUNTY**

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

GENERAL INDEX:

Section	1. Short Title
	2. Purpose
	3. Definitions
	4. Impositions of Tax
	5. Transitional Provisions
	6. Exempt Organizations
	7. Territorial Limitations
	8. Registration
	9. Administration and collections
	10. Records to be kept
	11. Returns
	12. Payment of Taxes
	13. Determination of Tax
	14. Refunds
	15. Reserves
	16. Remedies
	17. Proceedings to Recover Tax
	18. General Powers to the County Treasurer
	19. Administration of Oaths
	20. Reference to Tax
	21. Penalties and Interest
	22. Returns to be Confidential
	23. Notices and Limitations of Time
	24. Separability
	25. Effective Date

SECTION 1. SHORT TITLE:

This Local Law shall be known as the “**LEWIS COUNTY ROOM OCCUPANCY TAX LAW**”.

SECTION 2. PURPOSE AND INTENT:

(a) The purpose of this Local Law is to enhance the general economy and quality of life in Lewis County, and to impose a tax on occupants of guest rooms in the County, pursuant to Section 1202-v of the Tax law. Since 2004 when the hotel and motel occupancy tax local law was established in Lewis County, numerous changes in the manner in which the guest room occupancy industry conducts business necessitates reconsideration and changes to the local law. This local law seeks to clarify previously enacted definitions of those establishments and entities providing lodging and who are therefore required to remit the Room Occupancy Tax in Lewis County.

(b) The adoption of this local law is intended to rescind and replace Lewis County Local Law No. 8 – 2004 and any and all laws and amendments thereafter adopted by the Board of Legislators relating to the Hotel and Motel Room Occupancy Tax in Lewis County.

SECTION 3. DEFINITIONS:

(a) **Person:** An individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee and any other person acting in a fiduciary or representative capacity, whether appointed by the court or otherwise, and any combinations of the foregoing.

(b) **Operator:** Any person operating a facility providing lodging on an overnight basis, including but not limited to a hotel, motel, tourist home, inn, cottage(s), condominium, Bed & Breakfast, short term rental of residences and/or camps in the County of Lewis, including, but not limited to the owner or proprietor of such premises, its agent, a lessee, sub-lessee, mortgagee in possession, licensee or any other person or entity otherwise operating or booking rooms or rentals of such hotel or motel as hereinafter defined.

(c) **Hotel or Motel:** Any facility providing lodging on an overnight basis, including but not limited to a hotel, motel, tourist home, inn, cottage(s), condominium, Bed & Breakfast, short term rental of residences and/or camps in the County of Lewis. The term “hotel or motel” shall also include an apartment, guest house, hostel, boarding house, motor court or club which has available for overnight lodging occupancy for rent, whether or not meals are served, or linens provided.

(d) **“Short term rental”:** Shall mean and include those units, residences and/or camps rented or leased to occupants for overnight lodging – other than permanent residents – including furnished apartments or living units in or consisting of a dwelling place ordinarily occupied for residential purposes, directly by the owner or through an owner’s agent or hosting platform, to include cabins, camps, camper or motor home at private campgrounds or RV Parks, whether or not meals are served, or linens provided. The provisions of this section relating to campgrounds shall only apply to those leases and rentals in which the campground provides overnight shelter or lodging, and shall not apply to the provision of services by a campground when the customer provides his or her own shelter or lodging such as a motorhome, RV, camper or tent.

(e) **Occupancy:** The use or possession, or the right to the use or possession, of any room in a hotel, motel, tourist home, inn, cottages, condominium, Bed & Breakfast, and short term rentals in Lewis County.

(f) **Occupant:** A person who, for a consideration, uses, possesses, or has the right to use or possess, any room for overnight lodging in a hotel, motel, tourist home, inn, cottages, condominium, Bed & Breakfast, and short term rental in the County of Lewis under any lease,

concession, permit, right of access, on line application, license to use or other agreement, or otherwise.

(g) **Permanent Resident:** Any occupant of any room or rooms in a hotel, motel, tourist home, inn, cottages, condominium, Bed & Breakfast, and short term rental in the County of Lewis for at least thirty (30) consecutive days shall be considered a permanent resident with regard to the period of such occupancy.

(h) **Rent:** The consideration received for occupancy valued in money, whether received in money or otherwise.

(i) **Room:** Any room or rooms of any kind in any part or portion of a hotel or motel, tourist home, inn, cottages, condominium, Bed & Breakfast, and short term rental which is available for or let out for lodging or any purpose other than a place of assembly.

(j) **Return:** Any return filed or required to be filed as herein provided.

(k) **Online room platforms and service agencies/businesses:** Companies and businesses which provide connections between guests and hosts for room accommodations through the internet/online services.

(l) **County Treasurer:** The Treasurer of Lewis County.

SECTION 4. IMPOSITION OF TAX:

(a) In addition to any other tax presently authorized and imposed (pursuant to Article 29 of the Tax Law), there is hereby imposed and there shall be paid a tax of FIVE (5%) percent of the per diem rental rate for each room occupied by a person in a hotel, motel, tourist home, inn, cottages, condominium, Bed & Breakfast, and short term rental in this County, except that the tax shall not be imposed upon a permanent resident.

(b) The tax imposed by Section 4(a) shall be paid by the occupant who is liable for the payment of rent for any such room and shall be paid to the operator entitled to be paid, or the operator's collection agent(s) for the room for and on account of the County of Lewis.

(c) The operator entitled to be paid rent in accordance with Section 4(b) shall be liable for the collection and payment of the tax imposed pursuant to Section 4(a); and such operator shall have the same right in respect to collecting the tax from the occupant, or in respect to nonpayment of the tax by the occupant, as if the tax were a part of the rent and due and payable at the same time as the rent; provided however, that the County Treasurer shall be joined as a party in any action or proceeding brought to collect the tax by said operator.

SECTION 5. TRANSITIONAL PROVISIONS:

The tax imposed by this Local Law shall be paid upon any occupancy on and after the effective date of this Local Law, although such occupancy is pursuant to a prior contract, lease or other arrangement. Where rent is paid on a weekly, monthly or other term basis, the rent shall be subject to the tax imposed by this Local Law to the extent that it is not in violation of this law.

SECTION 6. EXEMPT ORGANIZATIONS:

This Local Law shall not authorize the imposition of such tax upon any transaction, by or with any of the following in accordance with section 1230 of the Tax law:

(a) The State of New York, or any public corporation (including a Public corporation created pursuant to agreement or compact with another state or Canada), improvement district or political subdivision of the state;

(b) The United State of America, insofar as it is immune from taxation;

(c) Any corporation, association, trust or community chest fund or foundation, organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and not substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this subdivision shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this subdivision;

(d) Where any organization described in paragraph (3) of this subdivision carries on its activities in furtherance of the purposes for which it was organized, in premises in which, as part of said activities, it operates a hotel, occupancy of rooms in the premises and rents therefrom received by such corporation or association shall not be subject to tax hereunder.

SECTION 7. TERRITORIAL LIMITATIONS:

The tax imposed by this Local Law shall apply only within the territorial limits of the County of Lewis.

SECTION 8. REGISTRATION:

(a) Every person required to collect any tax imposed by this Local Law presently operating, commencing business or opening a new place of business, and every person who takes possession of or pays for business assets under circumstances requiring notification by such person to the County Treasurer pursuant to subdivision (d) of Section 18 of this Local Law shall file with the County Treasurer a certificate of registration, in a form prescribed by it, at least twenty (20) days prior to commencing business or opening a new place of business or such purchasing or taking of possessing or payment, whichever comes first.

(b) The certificate of registration shall contain information with respect to the notice requirements of purchaser transferee or assignee and his liability for the payment of taxes pursuant to subdivision (d) of Section 18 of this local law. The County Treasurer shall within five (5) days after such registration issue, without charge, to each registrant a certificate of authority empowering the Treasurer to collect the tax and a duplicate thereof for each additional place of business of such registrant.

(c) The County Treasurer shall issue within five (5) business days of its receipt the certificate of authority, general information about the tax imposed under this Local Law, including information on records to be kept, returns and payments, notification requirements and forms. Each certificate or duplicate shall state the place of business to which it is applicable. Such certificates of authority shall be prominently displayed in the places of business of the registrant. Such certificates shall be non-assignable and non-transferable and shall be surrendered to the County Treasurer immediately upon the registrant's ceasing to do business at the place named or in the event that such business never commenced.

SECTION 9. ADMINISTRATION AND COLLECTION:

(a) The tax imposed by this local law shall be administered and collected by the County Treasurer, or such other employees of the County as the County Treasurer may designate, by such means and in such manner as are other taxes which are now collected and administered or as otherwise are provided by this local law;

(b) Every person or entity required to collect the tax shall collect the tax from the occupant when collecting the rent to which it applies. If the occupant is given any receipt or other statement or memorandum of rent paid or payable, the tax shall be stated, charged and shown separately on the first of such documents given to him/her. The tax shall be paid to the person or entity required to collect it as trustee for and on account of the County;

(c) The County Treasurer shall by regulation prescribe a method or methods or a schedule or schedules of the amounts to be collected from occupants in respect to rent upon which a tax is imposed by this Local Law so that the aggregate collection of taxes by a person required to collect tax shall, as far as practicable, equal to five (5%) percent of the total rents of such person upon whom a tax is imposed by this Local Law;

(d) For the purpose of the proper administration of this Local Law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents for occupancy of hotel, motel, tourist home, inn, cottages, condominium, Bed & Breakfast, and short term rental in the County of Lewis are subject to tax until the contrary is established, and the burden of proving that any rent is not taxable shall be upon the person required to collect tax or the occupant. Unless an occupant, prior to taking possession, furnishes to the operator a statement which the County Treasurer may require demonstrating that the occupant is an exempt organization described in Section 6 of this Local Law, the sale shall be deemed a taxable transaction. Where such a statement has been furnished to the operator, the burden of proving that the rent is not taxable hereunder shall be solely upon the occupant. The operator shall not be required to collect tax from occupants who furnish an exempt organization statement in proper form;

(e) The County Treasurer may provide, by regulation, for the exclusion from taxable rents, rent which has been ascertained to be uncollectible or, in case the tax has been paid upon such rent, for refund of or credit for the tax so paid. Where the County Treasurer provides for a credit for the tax so paid, the Treasurer shall require an application for credit to be filed, but the Treasurer may also allow the applicant to immediately take the credit on the return which is due coincident with or immediately subsequent to the time the applicant files his/her application for credit. However, the taking of the credit on the return shall be deemed to be part of the application for credit and shall be subject to the provisions in respect to applications for credit in Section 14 of the Local Law.

SECTION 10. RECORDS TO BE KEPT:

Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the County Treasurer may by regulation require. Such records shall include a true copy of each receipt or statement separately stating the tax charged. Such records shall be available for inspection, examination and audit at any time upon demand by the County or its duly authorized agent or employees, and shall be preserved for a period of three (3) years, except that period or may require that they be kept longer.

SECTION 11. RETURNS:

(a) Every operator required to register pursuant to Section 8 hereof shall file a return quarterly with the County Treasurer. The return shall show all rents received or charged and the amount of tax thereon. The returns to be filed quarterly shall be filed for the quarterly periods ending on the last day of February, May, August and November of each year, and shall be filed within twenty (20) days after the end of the quarterly period covered thereby. The County Treasurer may permit or require returns to be made by other periods and upon such dates they may specify. If the County Treasurer deems it necessary in order to insure the payment of the tax imposed by this Local Law, they may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as she/he may specify;

(b) The form of returns shall be prescribed by the County Treasurer and shall contain such information as he or she may deem necessary for the proper administration of this Local Law. The County Treasurer may require amended returns to be filed within twenty (20) days after notice and to contain the information specified in the notice;

(c) If a return required by this Local Law is not filed, or a return when filed is incorrect or insufficient on its face, the County Treasurer shall take the necessary steps to enforce the filing of such a return or of a corrected return.

SECTION 12. PAYMENT OF TAX:

(a) Every operator required to file a return under the preceding section shall, at the time of filing such return, pay to the County Treasurer five (5%) percent of the total of all rents subject to tax pursuant to this Local Law, as well as all other moneys collected by the operator acting or purporting to act under the provisions of this Local Law;

(b) The amount payable for the period for which a return is filed shall be due and payable to the County Treasurer on the date required for filing the return, whether or not the return is filed, or whether or not the return filed correctly shows the rents or the taxes due thereon;

(c) If deemed necessary to protect the revenues to be obtained under this Local Law, the County Treasurer may, in his or her discretion, require any operator required to collect the tax imposed by this Local Law to file with the County Treasurer's Office a bond, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the County Treasurer may fix, to secure the payment of any tax or penalties or interest due or which may become due from such operator. In such event, the County Treasurer shall give written notice to such operator to that effect specifying the amount of the bond required. The operator shall file such bond within five (5) days after the giving of such notice unless within such five (5) days after the giving of such notice unless within such five days the operator shall request in writing a hearing before the County Treasurer. At such hearing, the operator may present such information and documentation as he/she deems necessary. The County Treasurer may rely upon any information in his or her possession and/or presented by the operator or occupant to determine the necessity, propriety and amount of the bond. The determination by the County Treasurer shall be final and the operator shall comply therewith within fifteen (15) days of the giving of notice of the determination. In lieu of any such bond, the operator may deposit with the County Treasurer's Office securities approved by the County Treasurer or cash in such amount as the Treasurer may prescribe, and

which shall be kept in the custody of the County Treasurer, who may at any time without notice of the depositor, apply them to any tax and/or interest or penalties as they are then or may become due and payable, and for that purpose the securities may be sold by him or her at public or private sale without notice to the depositor thereof.

SECTION 13. DETERMINATION OF TAX:

(a) If a return required by this Local Law is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be determined by the County Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall be given to the person liable for the collection and/or payment of the tax. Such determinations shall finally and irrevocably fix the tax unless the person against whom it is assessed, within ninety (90) days after giving of notice of such determination, shall apply to the County Treasurer for a hearing, or unless the County Treasurer, on his or her own motion, shall re-determine the same;

(b) Whenever such tax is estimated as provided for in this section, such notice shall contain a statement in bold face type conspicuously placed on such notice advising the person; that the amount of tax was estimated, that the tax may be challenged through a hearing process, and that the petition for such challenge must be filed with the County Treasurer within thirty (30) days;

(c) After such hearing, the County Treasurer shall give notice promptly, by registered or certified mail, of his or her determination to the applicant. The determination of the County Treasurer shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under Article 78 of the Civil Practice Law and Rules if application therefore is made to the Supreme Court within four (4) months after the giving of the notice of such determination. A proceeding under Article 78 of the Civil Practice Law and Rules shall not be instituted unless the amount of any tax sought to be reviewed, with penalties and interest thereon, if any, shall be first deposited with the County Treasurer, and there shall be filed with the County Treasurer and undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a Justice of the Supreme Court shall approve to the effect that is such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of the proceeding or at the option of the applicant, such undertaking filed with the County Treasurer may be in a sum sufficient to cover taxes, penalties and interest thereon stated in such determination plus the costs and charges with may accrue against it in the prosecution of the proceeding, in which event the applicant shall not be required to deposit such taxes, penalties and interest as a condition precedent to the application.

SECTION 14. REFUNDS:

(a) In the manner provided in this section, the County Treasurer shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the County Treasurer for such refund shall be made within one (1) year from the payment thereof. Whenever a refund is made by the County Treasurer, he or she shall state his or her reason therefore in writing. Such application may be made by the occupant,

operator or other person or entity who has actually paid the tax. No actual refund of moneys shall be made to any operator, of tax which has been collected from an occupant, until the alleged taxpayer shall first establish to the satisfaction of the County Treasurer under such regulations as the County Treasurer may prescribe, that he or she has repaid to the occupant the amount for which the application for refund is made. The County Treasurer may in lieu of any refund required to be made. The County Treasurer may in lieu of any refund required to be made, allow credit therefor on payments due from the applicant;

(b) An application for a refund or credit made as herein provided shall be deemed an application for a revision of any tax, penalty or interest complained of and the County Treasurer may receive evidence with respect thereto. After making his or her determination, the County Treasurer shall give notice thereof to the applicant who shall be entitled to review such determination by a proceeding pursuant to Article 78 of the Civil Practice Law and Rules, provided such proceeding is instituted within four (4) months after the giving of the notice of such determination, and provided that a final determination of tax due was not previously made. Such a proceeding shall not be instituted unless an undertaking is filed with the County Treasurer in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that if such proceedings be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding;

(c) A person shall be entitled to a revision, refund or credit under this section of a tax, interest or penalty which had been determined to be due pursuant to the provisions of Section 13 of this Local Law where he or she has had hearing or an opportunity for a hearing, as provided in said section, or has failed to avail himself or herself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the County Treasurer made pursuant to Section 13 of this Local Law unless it be found that such determination was erroneous, illegal or unconstitutional or otherwise improper by the County Treasurer after a hearing, or of his or her own motion or in a proceeding under Article 78 of the Civil Practice Law and Rules, pursuant to the provisions of said section, in which event, refund or credit without interest shall be made of the tax, interest or penalty found to have been overpaid.

SECTION 15. RESERVES:

In cases where the occupant or operator has applied for a refund and has instituted a proceeding under Article 78 of the Civil Practice Law and Rules to review a determination adverse to him or her on his or her application for refund, the County Treasurer shall set up appropriate reserves to meet any decision adverse to the County.

SECTION 16. REMEDIES EXCLUSIVE:

The remedies provided by Sections 13 and 14 of this Local Law shall be exclusive remedies available to any person for the review of the tax liability imposed by this Local Law; and no determination or proposed determination of tax, or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received, or by any action or proceeding other than a proceeding under Article 78 of the Civil Practice Law and Rules.

SECTION 17. PROCEEDING TO RECOVER TAX:

(a) Whenever any operator required to collect a tax shall fail to collect and pay over any tax, penalty or interest, or whenever any occupant shall fail to pay any tax, penalty or interest imposed by this Local Law as herein provided, the County Attorney shall, upon the request of the County Treasurer, bring or cause to be brought an action to enforce the payment of the same on behalf of the County of St. Lawrence in any court of competent jurisdiction in the State of New York, or of any other state or of the United States;

(b) If, however, the County Treasurer in his/her discretion believes that any such operator, officer, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, he/she may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately;

(c) As an additional or alternate remedy, the County Treasurer may issue a warrant, directed to the Sheriff commanding him or her to levy upon and sell the real and personal property of the operator which may be found within the county for the payment of the amount thereof, with any penalties and interest, and the cost of executing the warrant, and to return such warrant to the County Treasurer and to pay to him or her the money collected by virtue thereof within sixty (60) days after the receipt of such warrant. The Sheriff shall within five (5) days after the receipt of the warrant file with the County Clerk a copy thereof, and thereupon such Clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalties and interest for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon the interest in real and personal property of the person against whom the warrant is issued. The Sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by law in respect to executions issued against property upon judgments of a court of record and for services in executing the warrant he shall be entitled to the same fees, with he may collect in the same manner. In the discretion of the County Treasurer, a warrant of like terms, force and effect may be issued and directed to any office or employee of the County Treasurer and in the execution thereof such officer or employee shall have all the powers conferred by law upon Sheriffs, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the County Treasurer may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the county had recovered judgment therefor and execution thereon had been returned unsatisfied;

(d) Whenever an operator shall make a sale, transfer or assignment in bulk of any part or the whole of his/her hotel or motel assets, otherwise than in the ordinary course of business, the purchaser, transferee or assignee shall, at least ten days before taking possession of the subject of said sale, transfer or assignment, or paying therefor, notify the County Treasurer by registered mail of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferor or assignor has represented to or informed the purchaser, transferee or assignee that the owes any tax pursuant to this Local Law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing; (e) Whenever the purchaser, transferee or assignee shall fail to give notice to the County Treasurer as required by the preceding paragraph, or whenever the County Treasurer shall inform the purchaser, transferee or assignee that a possible claim for such tax or taxes exists, any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is

required to transfer over to the seller, transferor or assignor shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the seller, transferor or assignor to the county, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property or choses in action to the extent of the amount of the county's claim. For failure to comply with the provisions of this subdivision, the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of Article 6 of the Uniform Commercial Code, shall be personally liable for the payment of the county of any such taxes theretofore or thereafter determined to be due to the county from the seller, transferor, or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this Local Law.

SECTION 18. GENERAL POWERS OF THE COUNTY TREASURER:

In addition to the powers granted to the County Treasurer in this Local Law, he/she is hereby authorized and empowered:

(1) To make, adopt and amend rules and regulations appropriate to the carrying out of this Local Law and purposes thereof;

(2) To extend for cause shown, the time of filing any return for a period not exceeding thirty (30) days, and for cause shown, to remit penalties but not interest computed at the rate of six (6) percent per annum;

(3) To request information from the tax commission of the state of New York or the treasury department of the United States relative to any person; and to afford information to such tax commission or such treasury department relative to any person, any other provision of this Local Law to the contrary notwithstanding;

(4) To delegate his or her functions hereunder to a Deputy County Treasurer or any employee or employees of the office of the County Treasurer;

(5) To prescribe methods for determining the amount of rents for determining which of them are taxable on non-taxable;

(6) To require any operator to keep detailed records of all rents received, charged and accrued, including those claimed to be non-taxable, and also the nature, type, value and amount of all occupancies, names and addresses of occupants, and other facts relevant in determining the amount of tax due, and to furnish such information to the County Treasurer;

(7) To assess, determine, revise and readjust the taxes imposed under this Local Law.

SECTION 19. ADMINISTRATION OF OATHS AND COMPELLING TESTIMONY:

(a) The County Treasurer, or his/her employees or agents duly designated and authorized by him/her, shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this Local Law. The County Treasurer shall have power to subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance of his/her duties hereunder and of the enforcement of this Local Law, and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before him/her or excused from attendance.

(b) A justice of the Supreme Court either in court or in chambers shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the

production and examination of books, papers and documents called for by the subpoena of the County Treasurer under this Local Law.

(c) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the County Treasurer under the Local Law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for not more than one (1) year, or both such fine and imprisonment.

(d) The officers who serve the summons or subpoena of the County Treasurer and the witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided. Such officers shall be the County Sheriff and his/her duly appointed deputies or any officers or employees of another county department designated to serve such process.

SECTION 20. REFERENCE TO TAX:

Wherever reference is made in placards or advertisements or in any other publications to this tax, such reference shall be substantially in the following form: "Tax on occupancy of Hotel, Motel, tourist home, inn, cottages, condominium, vacation rentals, Bed & Breakfast, and short term or lodging rental in the County of Lewis," except that in any bill, receipt, statement or other evidence or memorandum of occupancy or rent charge issued or employed by the operator, the words "occupancy tax" will suffice.

SECTION 21. PENALTIES AND INTEREST:

(a) Any operator failing to file a return or to pay or pay over any tax to the County Treasurer within the time required by this Local Law shall be subject to a penalty of five (5) percent of the amount of tax due if such failure is for not more than one (1) month, with an additional one (1) percent for each additional month or fraction thereof during which such failure continues, not exceeding twenty-five (25) percent in the aggregate, plus interest at the rate of one (1) percent of such tax for each month of delay after such return was required to be filed or such tax became due.

(b) If the County Treasurer determines that such failure or delay was due to reasonable cause and not due to willful neglect, he or she shall remit all of such penalty. The County Treasurer shall promulgate rules and regulations as to what constitutes reasonable cause.

(c) If the failure to file a return or to pay over any tax to the County Treasurer within the time required by this Local Law is due to fraud, there shall be added to the tax a penalty of fifty (50) percent of the amount of the tax due [in lieu of the penalty provided for in paragraph (a)], plus interest at the rate of one (1) percent of such tax for each month of delay after such return was required to be filed or such tax became due. Such penalties and interest shall be paid and imposed of in the same manner as other revenues from this Local Law. Unpaid penalties and interest may be determined, assessed, collected and enforced in the same manner as the tax imposed by this Local Law.

(d) Any operator failing to file a return or report required by this Local Law or filing, or causing to be filed, or making or causing to be made, or giving or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this Local Law, which is willfully false, or willfully failing to file a bond required by this Local Law or willfully failing to comply with the provisions of Section 12(c) of this Local Law, or failing

to file a registration certificate and such data in connection therewith as the County Treasurer by regulation or otherwise may require, or to display or surrender a certificate of authority as required by this Local Law, or assigning or transferring such certificate of authority, or willfully failing to charge separately the tax herein imposed or to state such tax separately on any bill, statement, memorandum or receipt issued or employed by him upon which the tax is required to be stated separately as provided in section 10, or willfully failing to collect the tax from a customer, or who shall refer or cause reference to be made to this tax in a form or manner other than that required by this Local Law, or failing to keep any records required by this Local Law, shall, in addition to any other penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for not more than one (1) year, or both such fine and imprisonment. The penalties herein shall not apply to a failure to surrender a certificate of authority which is required to be surrendered where business never commenced.

(e) The certificate of the County Treasurer to the effect that a tax has not been paid, that a return, bond or registration has not been filed, or that information has not been supplied pursuant to the provisions of this Local Law, shall be presumptive evidence thereof.

(f) The penalties provided for in this section shall not preclude prosecution pursuant to the penal law with respect to the willful failure of any person to pay over to the county any tax imposed by this Local Law, whenever such person has been required to collect and has collected any such sales tax.

SECTION 22. RETURNS TO BE CONFIDENTIAL:

(a) Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the County Treasurer, or any officer or employee of the department, or any person who in any manner may acquire knowledge of the contents of a return or report filed with the County Treasurer pursuant to this Local Law, to divulge or make known in any manner any particulars set forth or disclosed in any such return or report. The County Treasurer shall not be required to produce any returns or reports, or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the County Treasurer in an action or proceeding under the provisions of the tax law or in any other action or proceeding involving the collection of a tax due under this Local Law to which the County or the County Treasurer is a party or a claimant, or on behalf of any party to any action, proceeding or hearing under the provisions of this Local Law, when the returns, reports or facts shown thereby are directly involved in such action, proceeding or hearing, in any of which events the court, or in the case of a hearing, the County Treasurer may require the production of, and may admit into evidence, so much of said returns, reports or of the facts shown thereby, as are pertinent to the action, proceeding or hearing and no more. The County Treasurer may, nevertheless, publish a copy or a summary of any decision rendered after a hearing required by this Local Law. Nothing herein shall be construed to prohibit the delivery to a person who has filed a return or report, or to his duly authorized representative of a certified copy of any return or report filed in connection with his/her tax. Nor shall anything herein be construed to prohibit the delivery to a person required to collect the tax under this Local Law or a purchaser, transferee or assignee personally liable under the provisions of Section 18(d) of this Local Law for the tax due from the seller, transferor or assignor, or any return or report filed under this Local Law in connection with such tax, provided, however, that there may be delivered only so much of said return, report or of the facts shown thereby as are pertinent to a determination of the taxes due or liability owed by such person or purchaser, transferee or assignee

and no more, or to prohibit the publication of statistics so classified as to prevent the identification of particular returns or reports and the items thereof, or the inspection by the County Attorney or other legal representatives of the County of the return or report of any person required to collect or pay the tax who shall bring action to review the tax based thereon, or against whom an action or proceeding under this Local Law has been recommended by the County Treasurer or the County Attorney, or has been instituted.

(b) Returns filed under this Local Law shall be preserved for three (3) years and thereafter until the County Treasurer orders them to be destroyed.

(c) Any violation of subdivision (a) of this section shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding one (1) year, or both, in the discretion of the court, and if the offender be an officer or employee of the county he/she shall be appropriately disciplined, and may be dismissed from office and be prohibited from holding any public office for a period of five (5) years thereafter.

SECTION 23. NOTICES AND LIMITATIONS OF TIME:

(a) (1) Any notice authorized or required under the provisions of this Local Law may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him/her pursuant to the provisions of this Local Law, or in any application made by him/her, or, if no return has been filed or application made, then to such address as may be obtainable. A notice of determination shall be mailed promptly by registered or certified mail. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this Local Law by the giving of notice shall commence to run from the date of mailing of such notice.

(2) If any return, claim, statement, notice, application, or other required to be filed, or any payment required to be made, within a prescribed period or on or before a prescribed date under authority of any provision of this Local Law is, after such period or such date, delivered by United States mail to the County Treasurer or his/her office, the date of the United States postmark stamped on the envelope shall be deemed to be the date of delivery. This subdivision shall apply only if the postmark date falls within the prescribed period or on or before the prescribed date for the filing of such document or for making the payment, including any extension granted for such filing or payment, and only if such document or payment was deposited in the mail, postage prepaid properly addressed to the County Treasurer or his/her office. If any document is sent by United States registered mail such registration shall be prima facie evidence that such document was delivered to the County Treasurer or his/her office. Certified mail may be used in lieu of registered mail under this section. This subdivision shall apply in the case of postmarks not made by the United States Post Office only if and to the extent provided by regulation of the County Treasurer.

(3) When the last day prescribed under the authority of this Local Law (including any extension of time) for performing any act falls on Saturday, Sunday or a legal holiday in the State of New York, the performance of such act shall be considered timely if it is performed on the next succeeding day which is not a Saturday, Sunday or a legal holiday.

(b) The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the County to levy, appraise, assess determine or enforce the collection of any tax or

penalty provided by this Local Law. However, except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of filing of a return; provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.

(c) Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing before the expiration of the extended period.

SECTION 24. SEPARABILITY:

If any provision of this Local Law, or the application thereof to any person, entity or circumstance is held invalid, the remainder of this Local Law, and the application of such provisions to other persons, entities or circumstances shall not be affected thereby.

SECTION 25. EFFECTIVE DATE:

This local law shall take effect upon its adoption and filing with the Office of the Secretary of State.

RESOLUTION NO. 327 - 2019

**FIXING DATE OF PUBLIC HEARING ON LOCAL LAW
(INTRODUCTORY LOCAL LAW NO. 5 - 2019), COUNTY OF LEWIS**

Introduced by Legislator Bryan Moser, Chairman of the Finance and Rules Committee

WHEREAS, there will be presented and introduced at a meeting of this Board of Legislators to be held on October 1, 2019, a proposed Local Law entitled **“LEWIS COUNTY ROOM OCCUPANCY TAX LAW”**, which is intended to replace Lewis County Local Law No. 8- 2004, **to impose a tax on overnight lodging of occupants in hotel or motel rooms as well as in short term rentals of residences, camps, guest houses and other facilities in Lewis County as defined in the Local Law.**

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That a public hearing will be held on November 5, 2019, 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, 7660 North State Street, Lowville, New York.

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.

LOCAL LAW (INTRODUCTORY NO. 6 - 2019)
COUNTY OF LEWIS

Introduced by Legislator Jerry King, Chairman of the General Services Committee.

A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN PROGRAM

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

SECTION 1. TITLE:

This Local Law shall be known as the

“ENERGIZE NY OPEN C-PACE FINANCING LOCAL LAW”.

SECTION 2. AUTHORITY, FINDINGS, INTENT AND PURPOSE:

A. It is the policy of both the County and the State of New York (the “State”) to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The County finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, “EIC”), a local development corporation, acting on behalf of the County pursuant to the municipal agreement (the “Municipal Agreement”) to be entered into between the County and EIC, to make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the “Enabling Act”).

B. The County is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.

C. This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the **“ENERGIZE NY OPEN C-PACE FINANCING LOCAL LAW”.**

SECTION 3. DEFINITIONS:

- A.** Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.
- B.** For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

Annual Installment Amount – shall have the meaning assigned in Section 9, paragraph B

Annual Installment Lien – shall have the meaning assigned in Section 9 paragraph B.

Authority – the New York State Energy Research and Development Authority.

Benefit Assessment Lien – shall have the meaning assigned in Section 4, paragraph A.

Benefited Property – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

Benefited Property Owner – the owner of record of a Benefited Property.

EIC – the Energy Improvement Corporation, a local development corporation, duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of the County to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of the County as a charge to be levied on the real property.

Eligible Costs – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC's Program administration fee, closing costs and fees, title and appraisal fees, professionals' fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement.

Enabling Act – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

Finance Agreement – the finance agreement described in Section 7A of this local law.

Financing Charges – all charges, fees and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys' fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

Financing Parties – Third party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in the County.

Municipality – the County of Lewis, a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL of the State.

Municipal Lien – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

Non-Municipal Lien – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

Program – the Energize NY Open C-PACE Financing Program authorized hereby.

Qualified Project – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

Qualified Property – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of the County that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and

the Enabling Act and has become the site of a Qualified Project.

Qualified Property Owner – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

RPTL – the Real Property Tax Law of the State, as amended from time to time.

Secured Amount – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 9, paragraph C.

State – the State of New York.

SECTION 4. ESTABLISHMENT OF ENERGIZE NY OPEN C-PACE FINANCING PROGRAM:

A. An Energize NY Open C-PACE Financing Program is hereby established by the County of Lewis, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of the County, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the “Benefit Assessment Lien”) on the land records for the County. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality.

B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a Benefit Assessment Lien, a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

SECTION 5. PROCEDURES FOR ELIGIBILITY:

A. Any property owner in the County may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the County’s Real Property Tax office.

B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of the County, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.

C. If a positive determination on an application is made by EIC, acting on behalf of the County, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with this local law.

SECTION 6. APPLICATION CRITERIA:

Upon the submission of an application, EIC, acting on behalf of the County, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;

B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;

C. Sufficient funds are available from Financing Parties to provide financing to the property owner;

D. The property owner is current in payments on any existing mortgage on the Qualified Property;

E. The property owner is current in payments on any real property taxes on the Qualified Property; and

F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, the County, or EIC acting on its behalf, or other Financing Parties may set from time to time.

SECTION 7. ENERGIZE NY FINANCE AGREEMENT:

A. Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of the County, shall be a third-party beneficiary (the "Finance Agreement"). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a "Benefited Property").

B. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.

C. The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.

D. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

SECTION 8. TERMS AND CONDITIONS OF REPAYMENT:

The Finance Agreement shall set forth the terms and conditions of repayment in accordance with

the following:

A. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records on which liens are recorded for properties within the County. The special benefit assessment shall constitute a “charge” within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed and collected by EIC, on behalf of the County, and shall be paid to the Financing Party as provided in the Finance Agreement.

B. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of the County.

C. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of the County, as provided in the Finance Agreement.

SECTION 9. LEVY OF ANNUAL INSTALLMENT AMOUNT AND CREATION OF ANNUAL INSTALLMENT LIEN:

A. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of the County. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of the County, in the land records for properties in the County. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by the County.

B. The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the “Annual Installment Amount”). The Annual Installment Amount shall be levied by EIC, on behalf of the County, on the Benefited Property in the same manner as levies for municipal charges, shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the “Annual Installment Lien”) and shall remain a lien until paid. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the County. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.

C. The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created by Section 902 of the RPTL or by any other State or local law. No portion of a Secured Amount shall be recovered by the County, EIC, or an assignee upon foreclosure, sale or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.

D. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of the County, at the same time and in the same manner as real property taxes or municipal charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of the County, or the Financing Party, as may be provided in the Finance Agreement.

E. EIC shall act as the County's agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.

F. EIC, on behalf of the County, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the County, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as the Municipality would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection.

SECTION 10. VERIFICATION AND REPORT:

EIC, on behalf of the Municipality, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

SECTION 11. SEPARABILITY:

If any clause, sentence, paragraph, section, or part 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 part thereof involved in the controversy in which such judgment shall have been rendered.

SECTION 12. EFFECTIVE DATE:

This local law shall take effect upon filing with the Secretary of State.

RESOLUTION NO. 328 - 2019

**FIXING DATE OF PUBLIC HEARING ON LOCAL LAW
(INTRODUCTORY LOCAL LAW NO. 6 - 2019), COUNTY OF LEWIS
LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN PROGRAM**

Introduced by Legislator Jerry King, Chairman of the Ways and Means Committee.

WHEREAS, there will be presented and introduced at a meeting of this Board of Legislators to be held on October 1, 2019 a proposed Local Law to establish a sustainable energy loan program, to be known as the "ENERGIZE NY OPEN C-PACE FINANCING LOCAL LAW."

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That a public hearing will be held on November 5, 2019 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, 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 the 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. 329 - 2019

**RESOLUTION TO AMEND AND ADOPT THE STANDING RULES
OF THE BOARD OF LEGISLATORS OF LEWIS COUNTY**

Introduced by Legislator Bryan Moser, Chairman of the Finance and Rules Committee.

WHEREAS, the Standing Rules of the Board of Legislators were last amended and adopted pursuant to Resolution No. 215-2019 on July 2, 2019; and

WHEREAS, the Finance and Rules Committee proposes the following amendments to the Standing Rules to further clarify and reflect procedural changes.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That this Board of Legislators hereby amends the Standing Rules of the Board of Legislators of Lewis County to Amend Rule VIII GENERAL PROVISIONS: Subsection "Committees" to amend Section 1. (d) to delete the word "Only" for the section to read "Those resolutions receiving a majority vote of the committee shall be forwarded for action by the full Board at the next scheduled Board meeting".

Section 2. That the Sub-section entitled "Committee Rules for Legislators", Number 2. shall be amended to read "Any Legislator may bring any jurisdictional issue directly to the Board of Legislators with either a positive or negative recommendation".

Section 3. That the Standing Rules of the Board of Legislators so amended shall take effect October 2, 2019.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 330 - 2019

**RESOLUTION DIRECTING DEMOLITION AND REMOVAL
OF UNSAFE BUILDING PURSUANT TO LOCAL LAW NO. 2-2007,
JOHN D. RAUSCHER, PROPERTY OWNER**

Introduced by Legislator Jerry King, Chairman of the General Services Committee.

WHEREAS, pursuant to Local Law No. 2-2007, entitled, "A LOCAL LAW PROVIDING FOR THE REPAIR OR REMOVAL OF UNSAFE BUILDINGS, UNSAFE EQUIPMENT AND COLLAPSED STRUCTURES," (herein "Unsafe Building Law"), the Board of Legislators is empowered to take certain actions in connection with the investigation and enforcement of buildings and structures that are deemed to be unsafe; and

WHEREAS, pursuant to Section 5 of such Local Law, the Lewis County Code Enforcement Officer conducted an investigation of the premises known Tax Map No. 411.00-01-05.200, currently owned by John D. Rauscher (herein the "Owner"); and determined that the structure is unsafe and issued a report to the Board of Legislators on September 26, 2018; and

WHEREAS, the Code Enforcement Officer observed in his report that a barn/storage structure located at and designated as 1419 State Route 26, Boonville, NY, in the Town of Lewis, County of Lewis, partially collapsed from ongoing neglect, snow and wind loads over the past two years, and is in nearly total collapse presently. The property owner has made no attempt to clean up or secure any part of this structure or to get rid of any debris associated with the collapsed structure. The Code Enforcement Officer opines that in its current collapsed state, the structure is dangerous, may be accessible and an attraction to minors, vagrants, rodents and trespassers; and that the structure is not stabilized and the doors and windows have not been covered to prevent persons from entering; and

WHEREAS, the Code Enforcement Officer also states that the building is so close to Route 26 that the front portion may lie in the State Road right of way. Numerous notices of code violations have been served upon the owner, with numerous court appearances for the owner to remedy the property and the violations. The owner has failed to take the proper steps to remedy this unsafe structure; and

WHEREAS, the Code Enforcement Officer concludes in his report that this building is unsafe and is a collapsed structure which poses an unsafe condition to the general public. It is the Code Enforcement Officer's recommendation that the structure should be completely demolished and removed.

WHEREAS, by Resolution No. 413-2018, the Board of Legislators ordered and decreed that the Owner of said building appear before this Board of Legislators on December 4, 2018 at 5:00 p.m. and to Show Cause before this Board why it should not Order said Owner to immediately demolish and remove the building located on the parcel identified as Tax Map No. 411.00-01-05.200, located at and designated as 1419 State Route 26, in the Town of Lewis, County of Lewis and that in the event that the Owner fails to comply with such Order or fails or

refuses to demolish or remove said building, and related debris, that the Board of Legislators provide for its demolition and removal and assess all expenses thereof against the land on which it is located and to commence a special proceeding to collect the costs of demolition, including legal expenses; and

WHEREAS, efforts to give due notice of the hearing before this Board were attempted by personal service to said Owner at 127 MacArthur Drive in Rome, New York by the Oneida County Sheriff's Office, but documents were returned stating he does not live there. Notice was also sent by Registered Mail to this same address that was returned "Unclaimed". Further, Notices were mailed by Regular Mail to three different PO Boxes in West Leyden, New York and all returned "Unable to Forward". Finally, a Notice of the Hearing was securely affixed upon the unsafe building on November 28, 2018; and

WHEREAS, the Owner did not appear for the hearing before the Lewis County Board of Legislators on December 4, 2018.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby finds and determines as follows:

- (a) That John D. Rauscher is the Owner of the premises known as Tax Map No. 411.00-01-05.200 and located at and designated as 1419 State Route 26, in the Town of Lewis, County of Lewis;
- (b) That the Lewis County Code Enforcement Officer duly inspected said premises and declared that the building located on said premises was unsafe and not repairable and should be demolished and removed;
- (c) That the barn/storage structure is partially collapsed from ongoing neglect, snow and wind loads over the past two years, and is in nearly total collapse presently, and leaving the building in its current collapsed state, the structure is dangerous, may be accessible and an attraction to minors, vagrants, rodents and trespassers; and that the structure is not stabilized and the doors and windows have not been covered to prevent persons from entering;
- (d) That the Board of Legislators received the report of the Code Enforcement Officer dated September 26, 2018 and agrees with his findings;
- (e) That efforts to give due notice of the hearing before this Board were attempted by personal service to said Owner at 127 MacArthur Drive in Rome, New York by the Oneida County Sheriff's Office, but documents were returned stating he does not live there. Notice was also sent by Registered Mail to this same address that was returned "Unclaimed". Further, Notices were mailed by Regular Mail to three different PO Boxes in West Leyden, New York and all returned "Unable to Forward". Finally, a Notice of the Hearing was securely affixed upon the unsafe building on November 28, 2018;

- (f) That the Owner did not appear for the enforcement hearing after having received proper notice;
- (g) That the building located on the premises known as Tax Map No. 411.00-01-05.200 and located at and designated as 1419 State Route 26, in the Town of Lewis, County of Lewis is unsafe, constitutes a public nuisance and a danger to the safety, health and welfare of the community and must be immediately demolished and removed;

Section 2. That by reason of such findings, it is hereby

ORDERED AND DECREED that John D. Rauscher, the Owner of premises known as Tax Map No. 411.00-01-05.200 and located at and designated as 1419 State Route 26, in the Town of Lewis, County of Lewis, shall immediately demolish and remove the building located thereon; and it is further

ORDERED AND DECREED that the Owner shall immediately commence demolition and removal and complete the same on or before December 31, 2019; and it is further

ORDERED AND DECREED, that in the event that the Owner fails or refuses to commence or to complete said demolition and removal in accordance with this Resolution, the Code Enforcement Officer shall cause such building to be demolished and removed either by County employees or by contract, provided that any contract for demolition and removal of a building in excess of \$20,000.00 shall be awarded through competitive bidding; and it is further

ORDERED AND DECREED, that in the event that the County provides for the demolition and removal of such building, that all of the costs and expenses of same shall be assessed against the land upon which it is located; and it is further

ORDERED AND DECREED that Notice of this Decision and Order shall be given to the Owner of such building by mailing a certified copy of this Resolution by certified mail to the Owner at his last known address according to the records above, by regular mail, by affixing to the building, and by reasonable attempts at personal service.

Section 3. That this Resolution shall take effect immediately.

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 331 - 2019

**RESOLUTION AUTHORIZING RENEWAL AGREEMENT BETWEEN
LEWIS COUNTY BUILDINGS AND GROUNDS AND
DEVEINES ENTERPRISES, LLC FOR SNOW PLOWING AT TOWER SITES**

Introduced by Legislator Jerry King, Chairman of the General Services Committee.

WHEREAS, the County of Lewis desires to renew the agreement with Deveines Enterprises, LLC to provide snow plowing services at eight (8) Lewis County 911 Tower Sites located in Montague, Osceola, Denmark, Leyden, Turin, Diana, Lyonsdale and Croghan throughout the 2019-2020 snow season; and

WHEREAS, the location of the sites are Sears Pond Road (Montague), North Osceola Road (Osceola), Hayes Road (Denmark), Zeigler Road (Leyden), Brenon Road (Turin), State Route 3 (Diana), Marmon Road (Lyonsdale) and Long Pond Road (Croghan).

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes a renewal agreement with Deveines Enterprises, LLC for snow plowing services at eight (8) Lewis County 911 Tower Sites located in Montague, Osceola, Denmark, Leyden, Turin, Diana, Lyonsdale and Croghan.

Section 2. That the term of this agreement shall be for the 2019-2020 snow season, at a cost not to exceed \$24,715.00, payable in three (3) equal installments on October 1, 2019, January 1, 2020 and May 1, 2020.

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

Section 4. That this Resolution shall take effect immediately.

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 332 - 2019

**RESOLUTION TO APPROPRIATE FUNDS
CAPITAL BUILDING ACCOUNT**

Introduced by Legislator Jerry King, Chairman of the General Services Committee.

BE IT RESOLVED as follows:

Section 1. That the following appropriation is hereby approved in the Capital Building Account for any future projects:

Revenue:

H0162000 350310 LOCAL	\$410,027.94
Project HAR	

Expense:

H0162000 499900	\$410,027.94
Project HAR	

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

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 333 - 2019

**RESOLUTION TO APPROPRIATE FUNDS
COMMUNITY SERVICES**

Introduced by Legislator Gregory Kulzer, Chairman of the Health and Human Services Committee.

BE IT RESOLVED, as follows:

Section 1. That the following appropriation is hereby approved in the Community Services Accounts for the increase in funds for the Healing Communities Study:

Increase Revenue

A0431700 344902 MH Healing Comm Study	\$48,794.00
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Increase Expense

A0431700 423000 MH Healing Comm Study	\$47,502.00
A0433500 110100 MH Pers Serv	\$ 1,292.00

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

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 334 – 2019

**RESOLUTION IN OPPOSITION TO PROPOSED BAN ON
FLAVORED MILK IN NEW YORK CITY SCHOOLS**

Introduced by Legislator Lawrence Dolhof, Chairman of the Lewis County Board of Legislators.

WHEREAS, as the North Country's representative U.S. Congresswoman Elise Stefanik has memorialized her opposition to a New York City proposal to ban the sale of flavored milk in school cafeterias, terming it a disservice to Upstate New York's dairy farmers; and

WHEREAS, North Country, and specifically Lewis County, dairy farmers proudly supply wholesome dairy products, including flavored milks, to schools not only in New York City, but across the state; and

WHEREAS, according to the latest data available from the U.S. Department of Agriculture, approximately 1,145 of the total 4,000 dairy farms are located in the twelve-county upstate New York region; and

WHEREAS, according to New York Farm Bureau statistics, the dairy industry equates half of the state's agriculture value at \$2.5 billion, with other markets paling in comparison; and

WHEREAS, New York City school systems are a major purchaser of milk and would cause a ripple effect on farmers and consumers, essentially reducing demand and increasing supply which inevitably would affect milk prices for everybody; and

WHEREAS, respective school districts have differing policies about flavored milk, but have it in their daily menus; and

WHEREAS, the New York City Department of Education's stated reason for the ban to reduce the intake of sugary drinks of city students is refuted by several studies published in health journals, including the Journal of the American Dietetic Association and the journal Pediatrics; and

WHEREAS, studies have shown that flavored milks are the vehicle through which many growing children receive essential nutrients; and

WHEREAS, studies have shown that reducing or eliminating the availability of flavored milk in schools has led to overall decreased milk consumption and increased food waste; and

WHEREAS, removing the option of flavored milks in schools is an unnecessary threat, not only to children in the New York City school systems, but a serious and avoidable threat to the North Country dairy economy.

NOW THEREFORE, BE IT RESOLVED as follows:

Section 1. The Lewis County Board of Legislators hereby records their opposition to the proposed ban on flavored milks in New York City schools.

Section 2. The Lewis County Board of Legislators directs the Clerk of the Board to forward copies of this resolution to Congresswoman Elise Stefanik, U.S. Senator Charles Schumer, U.S. Senator Kirsten Gillibrand, New York City Mayor Bill de Blasio, Governor Andrew M. Cuomo, and all others deemed necessary and proper.

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

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 335 - 2019

**RESOLUTION TO APPROPRIATE FUNDS
DISTRICT ATTORNEY**

Introduced by Legislator Jerry King, Chairman of the General Services Committee.

BE IT RESOLVED, as follows:

Section 1. That the following budget appropriations are hereby approved in the Office of the District Attorney to appropriate funds received through Discretionary Trust Account T0 000873 (DA Federal Money) to reimburse District Attorney Moser for plaque presented to former ADA Lemieux:

Increase Revenue

A0116500 326260 (Forfeiture Proceeds)	\$188.25
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Increase Expense

A0116500 493600 (DA Prosecution Fund)	\$188.25
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Section 2. Appropriate funds for a computer, monitor, tablets, scanner and accessories for the Prosecutor's Case Management System utilizing Capital funds from Project HAE Capital Equipment H0990100 499900 balance \$52,043.97:

Increase Revenue:

A0100000 350310 Inter-fund transfers	\$2,755.94
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Increase Expense:

A0116500 221700 Computers	\$2,755.94
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Section 2. That the within resolution shall take effect immediately.

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 336 - 2019

**RESOLUTION AMENDING COMPENSATION PLAN OF COUNTY OF LEWIS
WITH REFERENCE TO DISTRICT ATTORNEY OFFICE**

Introduced by Legislator Jerry King, Chairman of the General Services Committee.

WHEREAS, the resignation of the full-time Assistant District Attorney has created a need for additional staff due to recruitment difficulty for that position, and

WHEREAS, there is an applicant with a Juris Doctor (JD) degree, whom is awaiting results from the BAR examination; and

WHEREAS, the District Attorney has available personnel funds due to the resignation and current vacancy.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby amends the Compensation Plan of the County of Lewis with reference to the District Attorney's office to create the following temporary position:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Legal Assistant	Temporary full-time	\$45,000 - \$50,000

Section 2. That District Attorney Leanne Moser is hereby authorized to fill said position effective October 2, 2019 through February 28, 2020,

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 337 - 2019

**RESOLUTION TO APPROPRIATE FUNDS
FIRE AND EMERGENCY MANAGEMENT**

Introduced by Legislator Jerry King, Chairman of the General Services Committee.

BE IT RESOLVED, as follows:

Section 1. That the following appropriation is hereby approved in the Fire and Emergency Management accounts for the FY19 Homeland Security Grant:

Increase Revenue

A0341900 343073	FY19 HL EM/SH CFDA#97.067	\$54,984.00
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Increase Expense

A0341900 292000	FY19 HL EM/SH CFDA#97.067	\$51,933.00
A0341900 499800	FY19 HL EM/SH CFDA#97.067	\$ 3,051.00

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

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 338 - 2019

**RESOLUTION APPROVING AGREEMENTS BETWEEN
ALL EMERGENCY RESPONDER AGENCIES AND
LEWIS COUNTY OFFICE OF FIRE AND EMERGENCY MANAGEMENT**

Introduced by Legislator Jerry King, Chairman of the General Services Committee.

WHEREAS, the Lewis County Office of Fire and Emergency Management has updated the EMS mutual aid agreement with emergency responder agencies; and

WHEREAS, these agreements are to secure for each the benefits of Mutual Aid coverage, for the protection of life, health and wellbeing of citizens and property through emergency services, basic medical support, basic and advanced life support.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes Mutual Aid Agreements between emergency responder agencies and Lewis County Office of Fire and Emergency Management Department to secure for each the benefits of mutual aid assistance for the term commencing November 1, 2019 through October 31, 2022.

Section 2. That Robert A. MacKenzie, III Director of Lewis County Fire and Emergency Management, is hereby authorized to make, execute, seal and deliver said Agreements, pending approval by the County Attorney.

Section 3. That this Resolution shall take effect immediately.

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 339 - 2019

**RESOLUTION AUTHORIZING AGREEMENTS
BETWEEN COUNTY OF LEWIS AND NYS DIVISION
OF HOMELAND SECURITY & EMERGENCY SERVICES
STATE HOMELAND SECURITY PROGRAM AND
EMERGENCY MANAGEMENT PERFORMANCE GRANT AWARDS**

Introduced by Legislator Jerry King, Chairman of the General Services Committee.

WHEREAS, the County of Lewis, through the Emergency Management Director has received notification of a FY2019 State Homeland Security Program (SHSP) grant award in the amount of \$54,984.00, to assist in security efforts and programs in the county, and a FY2019 Emergency Management Performance Grant (EMPG) award in the amount of \$14,891.00 to enhance the Emergency Operations Center by partial funding of Director compensation; these awards provided by the U.S. Division of Homeland Security, Federal Emergency Management Agency (FEMA) to be administered through the NYS Homeland Security and Emergency Services (DHSES); and

WHEREAS, the SHSP Grant guidelines require at least 25% (\$13,746) of the award be directed towards law enforcement terrorism prevention activities consistent with the local Counter Terrorism Zone. The Director of Emergency Management has identified specific funding for law enforcement to meet these requirements, including but not limited to, the purchase of laptops and related IT equipment for patrol vehicles, P25 radio equipment, mass casualty medical supplies and kits, new trailer equipment, and a one year maintenance contract to support law enforcement LE fingerprinting technology; and

WHEREAS, the EMPG Grant program supports the goal of readying local communities for catastrophic disasters by building a system of emergency preparedness for the protection of life and property through funds to assist local emergency management agencies to obtain the resources required to support these goals.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes a SHSP Agreement and a EMPG Agreement between the County of Lewis and NYS Division of Homeland Security and Emergency Management as administrator of these FEMA Grant awards of \$54,984.00 and \$14,891.00 respectively, to the Lewis County Emergency Management Department.

Section 2. That the terms of the performance periods are from September 1, 2019 through August 31, 2022 for the SHSP Grant, and from October 1, 2018 through September 30, 2021 for EMPG Grant.

Section 3. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to execute said Agreements and any other documents and/or extension/modification agreements required to give effect to these Grant awards.

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

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 340 - 2019

**RESOLUTION ADOPTING PROCUREMENT POLICY
LEWIS COUNTY EMERGENCY MANAGEMENT SERVICES
FOR FEDERAL GRANT AWARDS**

Introduced by Legislator Jerry King, Chairman of the General Services Committee.

WHEREAS, the Lewis County Emergency Management Services Department (“EMS”) proposes the adoption of the attached Procurement Policy by the Lewis County Board of Legislators, applicable to any Federal Grant Funding Award contracts. Organizations such as EMS, who receive Federal grant awards, are required to establish and maintain a procurement policy which incorporates specific federal guidelines and procedures.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby approves and adopts the attached Procurement Policy for Lewis County Emergency Management Services Department pertaining to any Federal grant awards received by Emergency Management Services.

Section 2. That the Clerk of the Board is hereby directed to retain the policy in the Board of Legislators Office and distribute the same to the Director of Lewis County Emergency Management Services and any other Department which may request same.

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

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

Uniform Guidance Compliance for Federal Awards - Procurement, Suspension and Debarment:

Purpose

2 CFR Part 200 (Subparts A through F), Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, requires organizations receiving federal awards to establish and maintain effective internal controls over federal awards.

Procurement standards and procedures

The requirements for procurements using federal awards are contained in the Uniform Guidance (2 CFR Part 200, Subparts A through F), program legislation, federal awarding agency regulations, and the terms and conditions of the award. To comply with 2 CFR Part 200 (Subparts A through F), the County of Lewis implements policies and procedures, including, but not limited to:

- The County will use its own documented procurement procedures which reflect applicable state, local and tribal laws and regulations; provided that the procurements conform to applicable federal law and Uniform Guidance. As such, County procurements related to federal grants will be subject to New York State General Municipal Law, Lewis County Procurement Policy and Uniform Guidance requirements.
- Contract files will document the significant history of the procurement, including the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis of contract price.
- The County will utilize one of the five acceptable procurement methodologies detailed in 2 CFR 200.320, which include:
 - o Micro-purchase.
 - o Small purchase procedure.
 - o Sealed bid.
 - o Competitive proposal.
 - o Non-competitive proposal (sole-source).
- Procurements will provide for full and open competition as set forth in the Uniform Guidance, or state and local procurement thresholds, whichever is most restrictive.
- No employee, officer or agent may participate in the selection, award or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents can neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. If the financial interest is not substantial or

the gift is an unsolicited item of nominal value, no further action will be taken. However, disciplinary actions will be applied for violations of such standards otherwise.

- The County will avoid acquisition of unnecessary or duplicative items. Consideration will be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical procurement approach. The County will also analyze other means, as described in 2 CFR 200.318 of the Uniform Guidance, to ensure appropriate and economical acquisitions.
- The County will enter into state and local intergovernmental agreements or inter- entity agreements, where appropriate.
- The County will only utilize time-and-materials contracts when it has been determined, in writing, that no other contract type is suitable.
- Vendors/contractors that develop or draft specifications, requirements, statements of work, or invitation to bids or requests for proposals must be excluded from competing for such procurements.
- The County will make available, upon request of the federal awarding agency or pass-through entity, technical specifications on proposed procurements where the federal awarding agency or pass-through entity believes such review is needed.
- County departments are prohibited from contracting with or making subawards under covered transactions to parties that are suspended or debarred or whose principals are suspended or debarred. "Covered transactions" include those procurement contracts for goods and services awarded under a non-procurement transaction (i.e., grant or cooperative agreement) that are expected to equal or exceed \$20,000. All non-procurement transactions (i.e., subawards to recipients), irrespective of award amount, are considered covered transactions.
- The County of Lewis will include a suspension/debarment clause in all written contracts in which the vendor/contractor will certify that it is not suspended or debarred. The contract will also contain language requiring the vendor/contractor to notify the County immediately upon becoming suspended or debarred. This will serve as adequate documentation as long as the contract remains in effect.
- County departments will be required to notify the Purchasing Division and Department of Law that federal funding will be used for a certain procurement/contract. When requesting a written contract, the County Department will be responsible for running the vendor's/contractor's name through the System for Award Management (SAM) to determine any exclusions. A copy of the SAM search will be included with the contract request. Prior to issuing a purchase order using federal funds, the Purchasing Division will check the SAM to determine if any exclusions exist for the vendor/contractor. If a vendor/contractor is found to be

suspended or debarred, the County will immediately cease to do business with the vendor.

- The County will not use statutorily or administratively imposed state, local or tribal geographical preferences in the evaluation of bids or proposals; except in those cases where applicable federal statutes expressly mandate or encourage geographical preference.
- The County will take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor area surplus area firms are used when possible.
- The County will procure recovered materials in compliance with 2 CFR 200.322.
- The County will perform a cost or price analysis relating to every procurement more than the simplified acquisition thresholds \$150,000.
- The County will require appropriate bonding requirements as per 2 CFR 200.325.
- The County will only award contracts to responsible vendors and will document, in writing, such determination.
- County contracts will contain the applicable provisions described in Appendix II to Part 200, Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.
- The County will maintain oversight to ensure that contractors perform in accordance with the contract's terms, conditions, and specifications.
- Copies of executed contracts will be maintained in the Lewis County system and purchase orders will be maintained in the County system.

RESOLUTION NO. 341 - 2019

**RESOLUTION TO TRANSFER FUNDS
LEGISLATIVE CONTINGENCY**

Introduced by Legislator Bryan Moser, Chairman of the Finance & Rules Committee.

BE IT RESOLVED, as follows:

Section 1. That the following transfers are hereby approved from Special Legislative Contingency to Fire & Emergency Department Expense for allocations to the various Fire Departments in the County, and to the Lowville Food Pantry:

<u>From:</u>	<u>Amount</u>
A0101000 419900 Legislative Contingency	\$26,000.00
A0101000 419900 Legislative Contingency	\$ 2,000.00

<u>To:</u>	
A0349701 499900 Fire & Emergency Dept Exp	\$26,000.00
A0614400 499900 Food Pantry Exp	\$ 2,000.00

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

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 342 - 2019

**RESOLUTION AUTHORIZING DESIGNATION AND
PLACEMENT OF STOP SIGNS AT SPECIFIC
INTERSECTIONS IN LEWIS COUNTY**

Introduced by Legislator Jerry King, Chairman of the General Services Committee.

WHEREAS, the Manual on Uniform Traffic Control Devices for Streets and Highways, or "MUTCD" defines the standards used by road managers nationwide to install and maintain traffic control devices on all public streets, highways, bikeways, and private roads open to public travel. The MUTCD is published by the Federal Highway Administration under 23 Code of Federal Regulations, Part 655, Subpart F; and

WHEREAS, the yield signs that are placed at the following three (3) intersections no longer meet the standards set by the MUTCD: (1) Intersection of Van Amber Road, CR33 and SR 410 Spur in the Town of Croghan; (2) Intersection of 3G Fish and Game Club Road and Brantingham Road, CR42 in the Town of Greig and (3) Intersection of Number 3 Road, CR1423 and Rice Road in the Town of Lowville; and

WHEREAS, pursuant to NYS Vehicle and Traffic Law § 1651, the County Superintendent of Highways may, *inter alia*, designate any intersection of a county road with another county road or town highway as a stop intersection and order like signs at the entrances at such intersection; and

WHEREAS, the County Superintendent of Highways desires to designate the above three (3) intersections as stop intersections and place stop signs there upon approval of the Board of Legislators.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby approves the Superintendent of Highways decision to remove the yield signs at the following three (3) intersections: (1) Intersection of Van Amber Road, CR33 and SR 410 Spur in the Town of New Bremen; (2) Intersection of 3G Fish and Game Club Road and Brantingham Road, CR42 in the Town of Greig and (3) Intersection of Number 3 Road, CR14 and Rice Road in the Town of Lowville, and to replace them with stop signs.

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

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 343 - 2019

**RESOLUTION TO CLOSE
CR33 over Beaver River**

Introduced by Legislator Jerry King, Chairperson of Ways and Means Committee.

BE IT RESOLVED as follows:

Section 1. That the Capital Account for County Road 33 over Beaver River project is hereby closed and all funds are hereby appropriated:

Increase Revenue:

Project HAF	
H0512000 335910 NYS	\$ 244,480.04
H0512000 345970 Fed	\$1,234,559.41
H0512000 350310 Interfund	\$ 59,106.45

Increase Expense:

Project HAF	
H0512000 499900 Exp	\$1,538,145.90

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

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 344 - 2019

**RESOLUTION TO APPROPRIATE FUNDS
HIGHWAY DEPARTMENT**

Introduced by Legislator Jerry King, Chairman of the General Services Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget appropriation is hereby approved in the Highway Department accounts for insurance recovery funds for damage to the Plank Road and Number Three Road:

Increase Revenue:

D0501000 326800 Ins Recovery	\$32,000.00
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Increase Expense:

D0550000 110200 Bridge Temp Labor	\$20,000.00
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D0511000 110200 Maint Temp Labor	\$12,000.00
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Section 2. That the within resolution shall take effect immediately.

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 345 - 2019

**RESOLUTION TO APPROPRIATE FUNDS
TRANSPORTATION DEPARTMENT**

Introduced by Legislator Jerry King, Chairman of the General Services Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget change is hereby approved in the Highway Department Accounts for the purchase of a 1994 International from the Town of Martinsburg Fire Department, utilizing Project HAD Capital Equipment Funds H0990100 499900, balance \$359,264.50:

Increase Revenue:

DM513000 350310

\$10,600.00

Increase Expense:

DM513000 223300

\$10,600.00

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

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 346 - 2019

**RESOLUTION APPROVING AGREEMENT BETWEEN
LEWIS COUNTY HIGHWAY DEPARTMENT AND
C&S COMPANIES FOR BRIDGE REPLACEMENT ON
EAST ROAD OVER MOOSE CREEK (PIN 775389; BIN 3339700)**

Introduced by Legislator Jerry King, Chairman of the General Services Committee.

WHEREAS, the Lewis County Highway Department desires to enter into an agreement with C&S Companies ("C&S"), an architecture, engineering and surveying company (authorized on the New York State list of professional engineers with the engineering expertise for these projects), with respect to the bridge replacement located on the East Road over Moose Creek (PIN 775389; BIN 3339700) in Leyden, New York; and

WHEREAS, the Lewis County Highway Department will perform all construction services related to this project and C&S will provide engineering services necessary for bridge repair of this project by the Department.

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 Highway Department and C&S Companies to provide engineering services necessary for the construction work related to the bridge replacement located on the East Road over Moose Creek (PIN 775389; BIN 3339700) in Leyden, New York, at a cost not to exceed \$279,000.00.

Section 2. That the Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Agreement, pending approval by the County Attorney.

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

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 347 - 2019

**RESOLUTION APPROVING AGREEMENT BETWEEN
LEWIS COUNTY HIGHWAY DEPARTMENT AND
FOIT-ALBERT ARCHITECTURE, ENGINEERING AND SURVEYING, P.C.
FOR BRIDGE REPLACEMENT ON
WEST ROAD OVER WHETSTONE CREEK (PIN 775387; BIN 3340230)**

Introduced by Legislator Jerry King, Chairman of the General Services Committee.

WHEREAS, the Lewis County Highway Department desires to enter into an agreement with Foit-Albert Architecture, Engineering and Surveying, P.C. ("Foit-Albert"), an architecture, engineering and surveying company (authorized on the New York State list of professional engineers with the engineering expertise for these projects), with respect to the bridge replacement located on the West Road over Whetstone Creek (PIN 775387; BIN 3340230) in Martinsburg, New York; and

WHEREAS, the Lewis County Highway Department will perform all construction services related to this project and Foit-Albert will provide engineering services necessary to bridge repair for the Department's performance of this construction work.

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 Highway Department and Foit-Albert Architecture, Engineering and Surveying, P.C. to provide engineering services necessary for the construction work related to the bridge replacement located on the West Road over Whetstone Creek (PIN 775387; BIN 3340230) in Martinsburg, New York, at a cost not to exceed \$266,500.00.

Section 2. That the Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Agreement, pending approval by the County Attorney.

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

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 348 - 2019

**RESOLUTION ESTABLISHING AND ADOPTING
LEWIS COUNTY INFORMATION TECHNOLOGY ("IT")
BREACH AND INCIDENT RESPONSE POLICY**

Introduced by Legislator Jerry King, Chairman of the General Services Committee.

WHEREAS, a data breach is a confirmed incident in which sensitive, confidential or otherwise protected data has been accessed and/or disclosed in an unauthorized fashion. Data breaches may involve personal health information (PHI), personally identifiable information (PII), trade secrets or intellectual property; and

WHEREAS, the Director of Information Technology proposes the adoption of the attached policy by the Lewis County Board of Legislators to become effective immediately. The policy lists identified markers for data breaches as well as a list of actions to set in motion in the event a breach occurs.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby approves and adopts the attached Lewis County Information Technology ("IT") Breach and Incident Response Policy as presented to the Board of Legislators by the Director of Information Technology.

Section 2. That the Clerk of the Board is hereby directed to add the policy to the Administrative Manual, and any other appropriate manual, upon such form as may be approved by the County Attorney and distribute the same to all Department Heads, Appointed Officials, Board members and any other appropriate agencies of the County.

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

Moved by Legislator _____, seconded by Legislator _____,
and adopted.



OFFICE OF LEWIS COUNTY INFORMATION TECHNOLOGY

7660 North State Street
Lowville, New York 13367
Telephone: (315) 377-2008

Adam P. Zehr
Director of Information Technology
adamzehr@lewiscounty.ny.gov

Lewis County Breach and Incident Response Policy

A data breach is a confirmed incident in which sensitive, confidential or otherwise protected data has been accessed and/or disclosed in an unauthorized fashion. Data breaches may involve personal health information (PHI), personally identifiable information (PII), trade secrets or intellectual property. The following policy lists identified markers for data breaches as well as a list of actions to set in motion after a breach occurs.

Identify the Problem

The first step is to identify whether or not you have a problem. Any user who notices signs of anomalous activity should contact the Information Technology Director (or members of his staff) and the County Manager (the County's technical support team) who will work together to address the problem. A cyber security incident is considered to be any adverse event that threatens the confidentiality, integrity or availability of your organization's information resources.

Possible causes of cyber incidents include the following:

- Attempts to gain unauthorized access to a system or its data
- Unwanted disruption or distributed denial of service (DDoS)
- Unauthorized access to critical computers, servers, routers, firewalls, etc.
- Changes to system hardware or software without approval
- Virus or worm infection, spyware, malware
- Loss or inconsistent electrical power

Symptoms

Signs a computer has been compromised may include the following:

- Abnormal response time or non-responsiveness
- Unexplained account lockouts
- Passwords not working
- Website homepage won't open or has unexplained changes/content
- Programs not running properly
- Running unexpected programs
- Lack of disk space or memory
- Bounced-back emails
- Inability to connect to the network
- Constant or increasing crashes

- Abnormal hard drive activity
- Connecting to unfamiliar sites
- Browser settings changed
- Extra toolbars that cannot be deleted

Notification Procedure for Lewis County

- Report the incident to Information Technology Director and to the County Manager

Assess if this is a Security Incident

The next step is to determine if the anomalous activity is an actual security incident. The Information Technology Director will assess the situation. Members of the IT Staff may be called to assist in the initial assessment.

Questions the response team needs to address include: What are the symptoms? What may be the cause? What is being impacted? How wide spread is it? What part of the system or network is impacted? Could this impact your business partners?

Gather Information

The IT Director should document all relevant information into a logbook. The following types of information should be documented:

- Organization's name
- Characteristics of incident
- Date and time incident was detected
- List of symptoms noticed
- Scope of impact
- How widespread
- Number of users impacted
- Number of machines affected
- Nature of incident
- Denial of Service
- Malicious code
- Scans
- Unauthorized access
- Other

It is recommended that forms be readily available to document this information. The information can be used for future references, information sharing, and incident reporting, and should be kept in one location (such as in a logbook).

Responding to a Cyber Security Incident – IT Director and Staff

Once it is determined that your organization has a cyber security incident, the process for responding has several steps and may involve several people, as the Technical Support Team responds under the direction of the IT Director. It is important to be familiar with these procedures.

Briefing of Administration

Administration should be notified immediately when a significant incident is detected. The County Manager, County Attorney and County Sheriff should be notified. The County Manager will notify the Board of Legislators. Briefing is a critical step in response, providing administration with an assessment of the situation to help determine the necessary courses of action. As more information becomes available throughout the response process, additional briefings should take place which will help administration determine if it is necessary to take additional steps, such as bringing in more resources, sharing information or involving law enforcement.

Initial Response

It is important to determine the origin of the incident, where possible, identify what systems have been compromised and what data may have been accessed. This information will help determine the necessary course of action.

The first step the Technical Support Team should take is to isolate the problem, which may mean disconnecting the equipment from the network or if no network exists, the Internet. Additionally, the Incident Response Team should examine the equipment and check the appropriate logs, such as the firewall and system logs for signs of unauthorized access. Performing a vulnerability scan is helpful to identify vulnerabilities that may have led to the incident. It may be necessary to bring in an outside expert to provide assistance.

If it is determined that the incident warrants potential legal action, it is essential to preserve the evidence in the original form as much as possible. It is important to keep thorough and detailed logs of all actions to accurately document information for an investigation. The County Attorney may provide advice on the proper procedures for collecting evidence and assist with contacting law enforcement, if necessary.

Recovery

Once the cause is determined, the Technical Support Team is responsible for appropriate remediation and restoration. Management should be informed of the progress at all times. Basic recovery steps may include the following:

- Remove vulnerabilities and install or update routers or firewalls to prevent future unauthorized access.
- Reinstall clean versions of the operating system.
- Install vendor security patches.
- Change all passwords.
- Conduct a vulnerability scan of the compromised machine/system before reconnecting to the network.

- Reconnect to the network.
- Monitor the system closely.
- Document recovery procedures to submit to the IT Director for logging.

The necessary courses of action will depend on the cause of the incident.

Reporting to Appropriate Outside Resources – For IT Director and County Manager

New York State Cyber Incident Reporting Procedure

What to Report?

Any adverse event that threatens the confidentiality, integrity or availability of government resources, or that involves misuse of computing resources or is disruptive to normal system or data processing operations, including:

- Misuse, criminal or unauthorized use of systems
- Data theft or accidental disclosure of data
- Unauthorized modification or deletion of data
- Web page compromise
- Credential compromise
- Unauthorized access attempts
- Denial of service
- Unauthorized changes to hardware, software or configuration
- Unauthorized or malicious software (malware)
- Unusual system behavior

Call Cyber Command Center (518) 242-5045

After hours (5 p.m. - 9 a.m., weekends and holidays), please call the NYS Watch Center at (518) 292-2200 and ask to report an incident to the Cyber Command Center.

Email cycom@its.ny.gov

If you are including sensitive data and you are not a NYS Office 365 user, consider encrypting using the ITS Enterprise Information Security Office's PGP public key.

More information on the incident reporting procedures, the public key, and forms can be found at: <https://its.ny.gov/incident-reporting>

Federal Bureau of Investigation

- Email the FBI's CyWatch at cywatch@ic.fbi.gov
- Internet Crime Complaint Center www.ic3.gov
- Cyber Task Forces www.fbi.gov/contact-us/field

Department of Homeland Security

US Computer Emergency Readiness Team

National Cybersecurity and Communications Integration Center

- Report to DHS via email at info@us-cert.gov or at nccic@hq.dhs.gov
- On-line www.us-cert.gov/report or <https://forms.us-cert.gov/report>
- Phone at (888)282-0870

When to Report an Incident

If there is a confirmed cyber or communications event or incident that:

- Affects core government functions
- Affects critical infrastructure functions
- Results in a significant loss of data, system availability or control of systems
- Indicates malicious software is present on critical systems

NCCIC provides real-time threat analysis and incident reporting capabilities

24x7 contact number: 1-888-282-0870; <https://forms.us-cert.gov/report/>

Malware Submission Process:

Please send all submissions to the

Advance Malware Analysis Center

(AMAC) at: submit@malware.us-cert.gov

Must be provided in password-protected

zip files using password "infected"

Web-submission:

<https://malware.us-cert.gov>

MS-ISAC:

To report an incident, please contact the MS-ISAC SOC for 24x7 assistance:

- Phone: 1-866-787-4722
- Email: soc@msisac.org

If the incident you are reporting requires direct assistance, the Computer Emergency Response Team (CERT), a unit comprised of highly trained staff, can assist you with a cybersecurity incident at no cost.

Information Security Incident Response

The Director of Information Technology shall designate IT staff to serve as an IT Security Incident Response Team. The IT Security Team will respond in a quick, effective and orderly manner to all information security incidents on the County's information infrastructure. The IT Security Team is composed of staff from the Information Technology Services Department and other individuals as designated. The ISIRT is responsible for defining procedures for detecting, mitigating, investigating, implementing procedures and preventing such future incidents.

Recovery Actions

The IT Security Team will take appropriate measures to secure the County's information resources from further compromise. After a security incident, the IT Security Team will follow the list of approved recovery actions to bring the affected system(s) on-line and into service.

Risk Analysis, Assessment and Management

The Director of Information Technology Services and/or assigned staff shall perform a risk assessment on all applications, systems and services to be deployed on the County's information systems. The analysis should consist of seven steps:

- Identification of threats and vulnerabilities
- Identification of application owners
- Analysis of the value of the information
- Identification of the impact on the County's operations in the event of a security compromise;
- Classifying the potential damage level: high, medium, low
- Predict occurring possibility
- Estimate the cost of implementing security controls

Post Incident

Suspected Malicious File Handling:

The MS-ISAC (described more fully below) has a Malicious Code Analysis Platform which the County can submit items to. Refer to the MS-ISAC section for more information.

Notification Reporting Forms / Policies

Incident Log:

Reported by: ▪ Name: ▪ Phone: ▪ E-mail:						
Date & Time of incident detection:						
Nature of Incident: <table><tr><td>☐ Denial of Service</td><td>☐ Unauthorized Access</td></tr><tr><td>☐ Malicious Code (worm, virus)</td><td>☐ Website Defacement</td></tr><tr><td>☐ Scans and Probes</td><td>☐ Other (describe)</td></tr></table>	☐ Denial of Service	☐ Unauthorized Access	☐ Malicious Code (worm, virus)	☐ Website Defacement	☐ Scans and Probes	☐ Other (describe)
☐ Denial of Service	☐ Unauthorized Access					
☐ Malicious Code (worm, virus)	☐ Website Defacement					
☐ Scans and Probes	☐ Other (describe)					
Incident description (What were the signs?): 						
Details: (e.g. virus name, events, etc) 						
Business impact (e.g. what information or services are impacted?) 						
Course of Action: 						
Additional Notes: 						



ITS EISO Cyber Command Center Incident Notification Report

Incident Notification Report			
Contact Information			
Name:		Title:	
Agency/Department:		Email:	
Office Phone:		Mobile Phone:	
Incident Location			
Local Contact Name:		Title/Role:	
Office Phone:		Mobile Phone:	
Email:			
Location / Address:			
Incident Detection			
☐ Device Alert	☐ Log Analysis	☐ Help Desk	
☐ End User Alert	☐ Endpoint Security Software Alert	☐ Law Enforcement	
☐ Other			
Incident Type			
☐ Exercise / Network Defense	☐ Denial of Service	☐ Improper Usage	☐ Investigation
☐ Unauthorized Access	☐ Malicious Code	☐ Scans / Probes / Attempted Access	
☐ Other			
Incident Characteristics			
Source IP/Port:		Destination IP/Port:	
Scope of Impact:		Additional Information:	
Incident Timeline			
Duration of Attack (From):		Duration of Attack (To):	



Incident Notification Report			
Incident Impact			
☐ Number of Affected Users:			
☐ System Down Time:			
☐ System Damage:			
☐ Service / Information Integrity Damage:			
☐ Financial Loss:			
☐ Data Loss / Compromise:			
☐ Other			
Incident Severity			
☐ High	☐ Medium	☐ Low	☐ Unknown
Affected Data Sensitivity			
☐ High	☐ Medium	☐ Low	☐ Unknown
Confidentiality			
☐ Do Not Share – Information may not be shared beyond EISO and may be shared with law enforcement if necessary.			
☐ Share Restricted – Information cleansed of identifying characteristics may be shared with other SEs, states and other appropriate organizations			
☐ Share Unrestricted – Information including identifying characteristics may be shared with other SEs, states and other appropriate organizations			
What immediate assistance can the Cyber Command Center offer?			
Additional Notes			

RESOLUTION NO. 349 - 2019

**RESOLUTION SETTING ENFORCEMENT HEARING
UNDER LOCAL LAW NO. 6-2017 - JUNKYARD LAW
(1286 STATE ROUTE 26, TOWN OF LEWIS, NY)**

Introduced by Legislator Jerry King, Chairman of the General Services Committee.

WHEREAS, pursuant to Local Law No. 6-2017, entitled, "A LOCAL LAW AMENDING AND REPLACING LOCAL LAW NO. 2-2015 – THE COUNTY OF LEWIS JUNKYARD LAW," (herein "Junkyard Law"), the Board of Legislators is empowered to take certain actions in connection with the investigation and enforcement of regulating and controlling the storage or keeping of junk; and

WHEREAS, the premises known as Tax Map Parcel No. 411.00-01-12.300, 1286 State Route 26, Boonville, NY, Town of Lewis, currently owned by Joseph L. Morczek (herein the "Owner") is in continuing violation of the Junkyard Law, with unlicensed and unregistered motor vehicles, vehicle parts, metals, RV trailer, truck trailer, discarded refuse and debris, and causes a public nuisance and a danger to the safety, health and welfare of the community; and

WHEREAS, pursuant to the procedures set forth in the Local Law, the Code Enforcement Officer has issued a full report to the Board of Legislators that the property owner remains in violation of the Local Law, with all attempts for compliance by any other means now exhausted; and

WHEREAS, the Code Enforcement Officer concludes and recommends that the Board of Legislators set a public hearing to determine further action to remedy the violations set forth in the report, including orders for removal of the vehicles, refuse and debris with charges for the costs of removal assessed against the owner as additional taxes.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby sets a public enforcement hearing under Local Law No. 6-2017, the Junkyard Law, for November 5, 2019 at 5:00 p.m., at the Lewis County Courthouse, Second Floor Board of Legislators Chambers, 7660 North State Street, Lowville, NY 13367, and

ORDERS that Joseph L. Morczek, the Owner of said property appear before this Board of Legislators, at the Second Floor Chambers, 7660 North State Street, Lowville, NY 13367 on November 5, 2019 at 5:00 p.m., and Show Cause before this Board why it should not Order said Owner to immediately remove all vehicles, refuse and debris causing violation of Local Law No. 6-2017 located on his property identified as Tax Map No. 411.00-01-12.300 (1286 State Route 26, Boonville, NY, Town of Lewis); and that in the event that the Owner fails to comply with such Order or fails or refuses to remove same within the time frame the Board may direct, that the Board of Legislators provide for the removal of said vehicles, debris, and refuse causing said violations in accordance with the remedies set forth in said Local Law, and to assess all expenses

thereof against the land on which it is located, and/or to take such other action or proceeding to collect the costs of removal, including legal expenses.

Section 3. That the Board of Legislators further directs that the property owner be served with Notice of this hearing and the Report upon which it is based, in accordance with the procedures set forth in the Local Law.

Section 4. That this Resolution shall take effect immediately.

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 350 - 2019

**RESOLUTION SETTING ENFORCEMENT HEARING
UNDER LOCAL LAW NO. 6-2017 - JUNKYARD LAW
(1419 STATE ROUTE 26, TOWN OF LEWIS, NY)**

Introduced by Legislator Jerry King, Chairman of the General Services Committee.

WHEREAS, pursuant to Local Law No. 6-2017, entitled, "A LOCAL LAW AMENDING AND REPLACING LOCAL LAW NO. 2-2015 – THE COUNTY OF LEWIS JUNKYARD LAW," (herein "Junkyard Law"), the Board of Legislators is empowered to take certain actions in connection with the investigation and enforcement of regulating and controlling the storage or keeping of junk; and

WHEREAS, the premises known as Tax Map No. 411.00-01-05.200, 1419 State Route 26, Boonville, NY, in the Town of Lewis, County of Lewis, currently owned by John D. Rauscher (herein the "Owner") is in continuing violation of the Junkyard Law, with unlicensed and unregistered motor vehicles, and causes a public nuisance and a danger to the safety, health and welfare of the community; and

WHEREAS, pursuant to the procedures set forth in the Local Law, the Code Enforcement Officer has issued a full report to the Board of Legislators that the property owner remains in violation of the Local Law, with all attempts for compliance by any other means now exhausted; and

WHEREAS, the Code Enforcement Officer concludes and recommends that the Board of Legislators set a public hearing to determine further action to remedy the violations set forth in the report, including orders for removal of the vehicles, with charges for the costs of removal assessed against the owner as additional taxes.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby sets a public enforcement hearing under Local Law No. 6-2017, the Junkyard Law, for November 5, 2019 at 5:00 p.m., at the Lewis County Courthouse, Second Floor Board of Legislators Chambers, 7660 North State Street, Lowville, NY 13367, and

ORDERS that John D. Rauscher, the Owner of said property appear before this Board of Legislators, at the Second Floor Chambers, 7660 North State Street, Lowville, NY 13367 on November 5, 2019 at 5:00 p.m., and Show Cause before this Board why it should not Order said Owner to immediately remove all vehicles causing violation of Local Law No. 6-2017 located on his property identified as Tax Map No. 411.00-01-05.200 (1419 State Route 26, in the Town of Lewis); and that in the event that the Owner fails to comply with such Order or fails or refuses to remove same within the time frame the Board may direct, that the Board of Legislators provide for the removal of said vehicles causing said violations in accordance with the remedies set forth in said Local Law, and to assess all expenses thereof against the land on which it is located,

and/or to take such other action or proceeding to collect the costs of removal, including legal expenses.

Section 3. That the Board of Legislators further directs that the property owner be served with Notice of this hearing and the Report upon which it is based, in accordance with the procedures set forth in the Local Law.

Section 4. That this Resolution shall take effect immediately.

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 351 - 2019

**RESOLUTION TO TRANSFER FUNDS
OFFICE FOR THE AGING**

Introduced by Legislator Gregory Kulzer, Chairman of the Health & Human Services Committee.

BE IT RESOLVED, as follows:

Section 1. That the following transfer is hereby approved in the Office For Aging Department accounts for the Registered Dietician:

<u>From:</u>	<u>Amount</u>
A0677200 110100 Per Serv	\$20,000.00

<u>To:</u>	
A0677200 491700 Reg Diet	\$20,000.00

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

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 352 - 2019

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN LEWIS COUNTY
PLANNING DEPARTMENT AND COMMUNITY PLANNING & ENVIRONMENTAL
ASSOCIATES FOR DEVELOPMENT OF
AGRICULTURAL AND FARMLAND PROTECTION PLAN**

Introduced by Legislator Jerry King, Chairman of the General Services Committee.

WHEREAS, the County of Lewis, acting by and through the Lewis County Planning Department issued a Request for Proposals to retain a professional planning and consulting firm to assist in the development of a County Agricultural and Farmland Protection Plan, with NYS Department of Agriculture and Markets grant funds; and

WHEREAS, after careful consideration of the three (3) received proposals, the Planning Department recommends awarding the bid and enter an agreement with Community Planning & Environmental Associates ("CP&EA"), 152 Stolzenburg Road, Berne, NY 12023, to assist with development of the Lewis County Agricultural and Farmland Protection Plan, based upon their 9/10/19 proposal; and

WHEREAS, CP&EA provides specialized professional consulting and planning services to New York State's small and rural communities and has extensive experience with comprehensive land use planning, agriculture, and environmental planning, and years of experience working with counties and towns throughout New York to develop agricultural and farmland protection plans; and

WHEREAS, CP&EA will assist in development and perform tasks including but not limited to the following: 1) Document the economic importance, issues, and needs of agriculture; 2) Compilation of Geographic Information System (GIS) mapping of farms and farmland; 3) Develop farmland priority ranking system; 4) Develop a public outreach plan and then implement it to gain input from and involve multiple stakeholders and audiences; 5) Identify strengths, weaknesses, needs and opportunities related to agriculture in Lewis County; 6) Update Vision and Goals; 7) Develop an Agricultural and Farmland Protection Toolbox for Lewis County; and 8) Prepare a full plan document and attend public hearing on same.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby awards the bid for professional consultant and planning services to assist with planning and development of the Lewis County Agricultural and Farmland Protection Plan to Community Planning & Environmental Associates (CP&EA) and hereby authorizes an agreement between the County of Lewis, acting by and through the Lewis County Planning Department for said services at a cost not to exceed \$49,130.00.

Section 2. That the term of the agreement shall be from October 1, 2019 through January 31, 2021.

Section 3. That the Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Agreement, and any amendments thereto, upon review and 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. 353 - 2019

**RESOLUTION AUTHORIZING CONTRACT BETWEEN COUNTY OF LEWIS
AND NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES
FOR FIVE-YEAR STATEWIDE EXPANSION OF
HURRELL-HARRING GRANT AWARD**

Introduced by Legislator Jerry King, Chairman of the General Services 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 has received a five-year Statewide Expansion of *Hurrell-Harring* grant award from the New York State Office of Indigent Legal Services in the amount of \$2,160,347.43, (Contract Number CSTWIDEHH23), 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 the Grant Contract covering the period of April 1, 2018 through March 31, 2023; and

WHEREAS, this grant money reflects the total funding for Lewis County to supplement and not to supplant any state and local funds for three written plans (counsel at arraignment, quality improvement and caseload relief) submitted by the Office of Indigent Legal Services (ILS) on December 1, 2017 pursuant to the 2017 amendment to County Law § 722-e and enactment of Executive Law § 832 (4) (“Statewide Expansion of *Hurrell-Harring* Reform”); and

WHEREAS, this contract contains a line item Budget and Work Plan for the first year of this five-year contract. The year one budget provides financial reimbursement to Lewis Defenders, PLLC, McClusky Law Firm, LLC (Conflict Defender’s Office), and specialized service funding for the Assigned Counsel Program (18-b), for a total of \$144,023.16. For each year of the remaining four years of the contract, a line item Budget and Work plan will be developed for that respective year.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby approves the contract by and between the County of Lewis and New York State Office of Indigent Legal Services to provide funds in the amount of \$2,160,347.43 for a five-year Statewide Expansion of *Hurrell-Harring* grant award (Contract Number CSTWIDEHH23) to assist the County in improving the quality of indigent legal services provided.

Section 2. That this is for the term commencing April 1, 2018 and ending March 31, 2023, with the first year funding of \$144,023.16 as set forth in the first year Budget Plan attachment.

Section 3. 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 and any amendments and/or extensions thereto to effectuate the purpose of this Resolution upon such form as approved by the County Attorney.

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

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 354 - 2019

**RESOLUTION AUTHORIZING MEMORANDUM OF UNDERSTANDING
BETWEEN THE LEWIS COUNTY PUBLIC HEALTH DEPARTMENT AND
DR. DANIEL ROOT FOR HCV/HIV DIAGNOSTIC TESTING**

Introduced by Legislator Gregory Kulzer, Chairman of the Health and Human Services Committee.

WHEREAS, the Lewis County Public Health Department desires to enter into a Memorandum of Understanding with Dr. Daniel Root to accept referrals to conduct Hepatitis C Virus ("HCV") and Human Immunodeficiency Virus ("HIV") diagnostic testing for clients with reactive/positive rapid HCV/HIV antibody test from Lewis County Public Health; and

WHEREAS, Dr. Root will contact Lewis County Public Health to verify client's receipt of HCV/HIV diagnostic testing and provide HCV/HIV medical evaluation and linkage to specialized HCV/HIV care based on HCV/HIV diagnostic test result and as needed and appropriate.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby authorizes a Memorandum of Understanding between the Lewis County Public Health Department and Dr. Daniel Root to accept referrals to conduct Hepatitis C Virus and Human Immunodeficiency Virus diagnostic testing for clients with reactive/positive rapid HCV/HIV antibody test from Lewis County Public Health.

Section 2. That the Director of Public Health is hereby authorized to make, execute, seal and deliver such Agreement, pending approval by the County Attorney.

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

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 355 - 2019

**RESOLUTION AUTHORIZING MEMORANDUM OF UNDERSTANDING
BETWEEN LEWIS COUNTY PUBLIC HEALTH AGENCY AND
COMMUNITY ACTION PLANNING COUNCIL
(JEFFERSON-LEWIS CHILD CARE PROJECT)**

Introduced by Legislator Gregory Kulzer, Chair of the Health and Human Services Committee.

WHEREAS, Community Action Planning Council recognizes and responds to the needs of the community with specialized programs and services; one service in particular is the Jefferson-Lewis Child Care Project which implements Health Care Consultant Services; and

WHEREAS, the Jefferson-Lewis Child Care Project provides information for child care needs in the Jefferson and Lewis County areas. They assist in locating high-quality child care, guide providers through the licensing and registration process, and assist child care providers by offering education, start-up grants and quality improvement materials; and

WHEREAS, the Lewis County Public Health Agency desires to enter into a Memorandum of Understanding with the Community Action Planning Council (Jefferson-Lewis Child Care Project) for Lewis County Public Health to provide site visits to childcare programs; examine and verify childcare staff's certificates of training; review, approve, revise and sign childcare program's Health Care Plan; and notify Jefferson-Lewis Child Care Project if health care plan is revoked.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby authorizes a Memorandum of Understanding between the County of Lewis, by and through the Lewis County Public Health Agency, and Community Action Planning Council (Jefferson-Lewis Child Care Project) for the purpose of Lewis County Public Health implementing the Council's Child Care Project to provide site visits to childcare programs; examine and verify childcare staff's certificates of training; review, approve, revise and sign childcare program's Health Care Plan; and notify Jefferson-Lewis Child Care Project if Health Care Plan is revoked.

Section 2. That the term of this Memorandum of Understanding shall be from October 1, 2019 through September 30, 2020 with Lewis County Public Health to be compensated at a rate of \$40.00 per unit of service.

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. 356 - 2019

**RESOLUTION AUTHORIZING AMENDMENTS TO
PHASE 3 PROJECT ADDENDUM AGREEMENT
BETWEEN LEWIS COUNTY PUBLIC HEALTH AGENCY AND
CENTRAL NEW YORK CARE COLLABORATIVE, INC.
FOR PERFORMANCE ACTIVITIES FUNDING**

Introduced by Legislator Gregory Kulzer, Chairman of the Health and Human Services Committee.

WHEREAS, Central New York Care Collaborative, Inc. ("CNYCC") is a New York not-for-profit corporation with whom the County of Lewis, through Lewis County Public Health, became a Partner Organization by Agreement authorized by Resolution No. 351-2015; and

WHEREAS, in 2018, the Lewis County Board of Legislators authorized a Phase 3 Project Addendum Agreement to the original Partner Organization Agreement by and through the Lewis County Public Health Agency with CNYCC in order for Lewis County Public Health to earn and receive up to \$107,200.00 in eligible funding in value based payment readiness and performance activities in DSRIP Projects; and

WHEREAS, CNYCC now seeks to enter into a First Amendment to the Phase 3 Project Addendum which will amend the eligible Readiness Plan Milestone amount total to \$100,000.00, with payments of \$33,333.33 upon attaining each of three (3) milestones and with the removal of the obligation to provide status update reports, as more fully described in the amendment.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes Amendments to the Phase 3 Project Addendum and Appendices Agreement between the County of Lewis, acting by and through the Lewis County Public Health Agency, and Central New York Care Collaborative, Inc., governing the distribution of up to \$100,000.00 in DSRIP funds for Value Based Payment Readiness and Performance Activities to be completed between July 1, 2018 and December 31, 2020, with three (3) payments of \$33,333.33 upon satisfactory completion of each identified milestone in the Plan.

Section 2. That the Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to make, execute, seal and deliver all such Amendments to Phase 3 Project Addendum, pending approval by the County Attorney.

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

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 357 - 2019

**RESOLUTION AMENDING COMPENSATION PLAN
WITH REFERENCE TO PUBLIC HEALTH**

Introduced by Legislator Gregory Kulzer, Chairman of the Health and Human 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 Public Health Department to:

<u>ABOLISH</u>	<u>STATUS</u>	<u>SALARY</u>
Account Clerk Typist	Permanent Full-Time	Grade 16 (\$16.94-\$18.30/hr.)
<u>CREATE</u>	<u>STATUS</u>	<u>SALARY</u>
Senior Account Clerk	Permanent Full-Time	Grade 19 (\$18.15-\$19.62/hr.)

Section 2. That Public Health Director is hereby authorized to fill said position effective immediately.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 358 - 2019

**RESOLUTION AUTHORIZING AGREEMENT
BETWEEN COUNTY OF LEWIS AND ONEIDA COUNTY
TO UTILIZE SHELTER SPACE AT NYPA TOWER SITE**

Introduced by Legislator Jerry King, Chairman of the General Services Committee.

WHEREAS, the County of Lewis ("County") has 911 Emergency equipment on the tower owned by the New York Power Authority (NYPA), and an equipment shelter on the site to house County equipment and utility sources for 911 radio system equipment on that tower; and

WHEREAS, Oneida County has requested to utilize space in the County's equipment shelter at the site to house its radio equipment associated with its utilization of space on NYPA's tower for their radio system; and

WHEREAS, the Lewis County 911 Coordinator has confirmed that providing the space to Oneida County in the shelter, on a separate circuit, not be co-mingled with the Lewis County system will not jeopardize or displace any of Lewis County's needs; and

WHEREAS, Oneida County has been advised that if approved, they would be obligated to enter an agreement with Lewis County and abide by any and all, terms and conditions Lewis County to ensure that there would be no interference or compromise with the Lewis County 911 radio system, and that Oneida County will be responsible to reimburse Lewis County for its share of the electric costs of its equipment at the site.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes the County of Lewis, by and through the Lewis County 911 Emergency Radio System, to enter into an Agreement with Oneida County, our neighbor county, to utilize space in the County's equipment shelter located at the base of the tower owned by the New York Power Authority.

Section 2. That the Board authorizes said agreement to include provisions for Lewis County to terminate the arrangement at any time in the event Lewis County needs the additional space, deems Oneida's equipment to pose interference with Lewis County's Radio System operations, or if Oneida fails to reimburse Lewis County for the electric costs associated with its equipment, together with any other relevant terms and conditions to protect Lewis County's Radio system operations.

Section 3. That the Chairman of the Board of Legislators or the Vice-Chairman be and the same is hereby authorized to execute, seal and deliver such Agreement upon such terms and conditions as set forth above, together with any additional terms as may be recommended and approved by the Lewis County Attorney.

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

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 359 - 2019

**RESOLUTION TO CLOSE
CAPITAL RADIO SYSTEM**

Introduced by Legislator Jerry King, Chairman of the General Services Committee.

BE IT RESOLVED as follows:

Section 1. That the Capital Radio System Account shall be closed and all funds be appropriated:

Increase Expense:

Project HA	
H0990100 499900 County Share	\$4,538,704.08

Increase Revenue:

Project HA	
H0302000 324010 Interest	\$ 3,718.13
H0302000 327100 Premium on Ban	\$ 58,158.00

Decrease Expense:

Project HA	
H0302000 499900 Exp	\$4,476,827.95

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

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 360 - 2019

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

Introduced by Legislator Jerry King, Chairman of the General Services Committee.

BE IT RESOLVED, as follows:

Section 1. That the following transfer is hereby approved from Contingency to the Sheriff's Department account for the purchase of an oven and hood for the jail kitchen:

<u>From:</u>	<u>Amount</u>
A0199000 499900 Contingency	\$10,000.00

<u>To:</u>	
A0315000 290900 Misc Equip	\$10,000.00

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

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 361 - 2019

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN
DEPARTMENT OF SOCIAL SERVICES AND
HAND IN HAND EARLY CHILDHOOD CENTER**

Introduced by Legislator Gregory Kulzer, Chairman of the Health and Human Services Committee.

WHEREAS, the Lewis County Department of Social Services wishes to purchase day care services through Hand in Hand Early Childhood Center for eligible recipients.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby approves the contract with Hand in Hand Early Childhood Center for the period of September 1, 2019 through August 31, 2020 at the Day Care market rate established by Hand in Hand Early Childhood Center and pursuant to the DSS Fair Market Rates as established by the State. The cost for eligible recipients is approximately 1% for the County and 99% federally reimbursed.

Childcare Center Rates 2019-2020

Age	5 Days	4 Days	3 Days	2 Days	1 Day
Infant-Pre-K	\$210.00	\$188.00	\$141.00	\$94.00	\$47.00
AM SACC	\$30.00	\$24.00	\$18.00	\$12.00	\$6.00
Afterschool	\$25.00	\$20.00	\$15.00	\$10.00	\$5.00

- AM SACC - In the event of a school closure, rates are \$25.00 if picked up by 11:00 a.m. or \$47.00 for a full day rate.
- Children who are enrolled for five (5) days per week will receive a reduction in their weekly tuition fees.

Universal Pre-K Wrap-around Care 2019-2020

Class	Tuition
AM/PM Class	\$145.00
Daily Rate	\$32.00
Full Day Care	\$47.00
½ day rate for snow day, ½ day of school	\$15.00

Family Discount

Days Enrolled	Discount
5 full days per week	\$30.00 for second child
4 full days per week	\$25.00 for second child

- There is a one-time registration fee of \$55.00 per child for Center Programs
- School Aged Program Registration Fee is \$60.00
- After School Program Registration Fee at Lowville Academy is \$15.00

Section 2. That the Chairman or Vice-Chairman of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Agreement, pending approval by the County Attorney.

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

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 362 - 2019

**RESOLUTION AUTHORIZING AGREEMENT
BETWEEN DEPARTMENT OF SOCIAL SERVICES AND
VICTIM ASSISTANCE CENTER OF JEFFERSON COUNTY**

Introduced by Legislator Gregory Kulzer, Chairman of the Health and Human Services Committee.

WHEREAS, the Victim Assistance Center of Jefferson County ("Center") provides crisis intervention, shelter admission, emotional support, advocacy, information and referrals; and

WHEREAS, the Lewis County Department of Social Services ("DSS") wishes to enter into an Agreement with the Center to utilize this facility for women and their dependent children from Lewis County who are in crisis and in need of emergency safe housing.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby approves the Agreement between the Lewis County Department of Social Services and Victim Assistance Center of Jefferson County to provide crisis intervention, shelter admission, emotional support, advocacy, information and referrals for women and their dependent children from Lewis County who are in crisis and in need of emergency safe housing.

Section 2. That this is for the period beginning January 1, 2020 and ending December 31, 2020 at a cost of \$112.22 per person per night. The local share is 25% to 100% depending on the eligibility of the client; federal share is 50% and the state share is 25%.

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 _____, seconded by Legislator _____, and adopted.

RESOLUTION NO. 363 - 2019

**RESOLUTION TO RESCIND RESOLUTION NO. 201-2019
STOP DWI**

Introduced by Legislator Jerry King, Chairman of the General Services Committee.

BE IT RESOLVED, as follows:

Section 1. That the following transfers are hereby approved in the STOP DWI accounts, due to a duplicate entry in Resolution 232-2019:

<u>Decrease Expense:</u>	<u>Amount</u>
A0331500 492400 Grant	\$4,200.91
A0331500 496200 Grant	\$6,465.52

<u>Decrease Revenue:</u>	
A0331500 333110 Grant	\$4,200.91
A0331500 333111 Grant	\$6,465.52

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

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 364 - 2019

**RESOLUTION AUTHORIZING RENEWAL AGREEMENTS BETWEEN
THE COUNTY OF LEWIS AND SPECTRUM REACH
FOR A MOBILE DIGITAL AUDIENCE NETWORK CAMPAIGN AND
A CABLE TV COMMERCIAL AD CAMPAIGN**

Introduced by Legislator Jerry King, Chairman of the General Services Committee.

WHEREAS, the County of Lewis, acting by and through the Lewis County Planning Department desires to enter into renewal Agreements with Spectrum Reach for a Mobile Digital Audience Network campaign and cable TV commercials, designed to serve and promote public transportation services throughout Lewis County; and

WHEREAS, the Mobile Digital Audience Network campaign will display banners on digital devices and use Lowville Academy Central School, Jefferson Community College, Mohawk Valley Community College and SUNY POLY as geographic target areas; the cable TV commercial ads campaign includes commercial development, 510 spots on E!, 60 spots on the Hallmark Channel, 120 spots on the History Channel, 510 spots on Spectrum News, and 510 spots on TLC over a twelve (12) month period; all of the above to promote Lewis County Public Transportation.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes the renewal Agreements between the County of Lewis, acting by and through the Lewis County Planning Department, and Spectrum Reach for a Digital Audience Network campaign and for cable TV commercial ads designed to serve and promote public transportation services throughout Lewis County.

Section 2. That the advertising plan and schedule will run from January 1, 2020 through December 31, 2020 for both campaigns. The cost for the Mobile Digital Audience Network campaign is not to exceed \$3,600.00; and the cable TV commercial ads campaign is not to exceed \$5,100.00.

Section 3. That the Chairman of the Board of Legislators or the Vice-Chairman be and the same is hereby authorized to execute, seal and deliver such Agreements upon such terms as may be approved by the Lewis County Attorney.

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

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 365 - 2019

**RESOLUTION AUTHORIZING RENEWAL AGREEMENT BETWEEN
THE COUNTY OF LEWIS AND THE FLACK BROADCASTING GROUP, LLC
FOR LEWIS COUNTY PUBLIC TRANSPORTATION SYSTEM
RADIO STATION ADVERTISING CAMPAIGN**

Introduced by Legislator Jerry King, Chairman of the General Services Committee.

WHEREAS, the County of Lewis, acting by and through the Lewis County Planning Department desires to enter into a renewal Agreement with The Flack Broadcasting Group, LLC for advertisements on the radio stations WBRV, the Moose and WLLG, the Blizzard to serve and promote public transportation services throughout Lewis County; and

WHEREAS, the advertisements will consist of 192 thirty second commercials, (16 spots per month) for the term commencing January 1, 2020 through December 31, 2020.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes a renewal Agreement between the County of Lewis, acting by and through the Lewis County Planning Department, and The Flack Broadcasting Group, LLC for advertisements on the radio stations WBRV, the Moose and WLLG, the Blizzard to serve and promote public transportation services throughout Lewis County.

Section 2. That the commercials, at a cost not to exceed \$1,950.00, shall include 192 thirty second commercials, (16 spots per month) for the term commencing January 1, 2020 through December 31, 2020.

Section 3. That the Chairman of the Board of Legislators or the Vice-Chairman be and the same is hereby authorized to execute, seal and deliver such Agreement upon such terms as may be approved by the Lewis County Attorney.

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

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 366 - 2019

**RESOLUTION AUTHORIZING RENEWAL AGREEMENT BETWEEN
THE COUNTY OF LEWIS AND WWNY 7 NEWS / FOX 28
FOR LEWIS COUNTY PUBLIC TRANSPORTATION SYSTEM
ADVERTISING CAMPAIGN**

Introduced by Legislator Jerry King, Chairman of the General Services Committee.

WHEREAS, the County of Lewis, acting by and through the Lewis County Planning Department desires to enter into a renewal Agreement with WWNY 7 News / Fox 28 for an integrated media plan across multiple platforms designed to serve and promote public transportation services throughout Lewis County; and

WHEREAS, the advertising includes at least 182 commercials on WWNY (CBS); at least 160 commercials on WNYF (Fox 28) television stations; at least 315 commercials on ME TV (Super Hero / Sci Fi) television stations and at least 28 commercials in sporting events for a total of at least 685 commercials. This also includes digital platforms consisting of banner advertisements on www.wwnytv.com mobile application that will link to Lewis County Public Transportation FaceBook page, at a total cost not to exceed \$20,853.00.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes a renewal Agreement between the County of Lewis, acting by and through the Lewis County Planning Department, and WWNY 7 News / Fox 28 for an integrated media plan designed to promote and serve the Lewis County Public Transportation System.

Section 2. That the advertising plan and schedule will run from December 31, 2019 through December 27, 2020, with at least 685 commercials and banner advertisements on www.wwnytv.com mobile application that will link to Lewis County Public Transportation FaceBook page, all as set forth in the advertising summary proposal, at a total cost not to exceed \$20,853.00.

Section 3. That the Chairman of the Board of Legislators or the Vice-Chairman be and the same is hereby authorized to execute, seal and deliver such Agreement upon such terms as may be approved by the Lewis County Attorney.

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

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 367 - 2019

**RESOLUTION AUTHORIZING EXTENSION/MODIFICATION AGREEMENT
TO THE THIRD PARTY LEASE AGREEMENT
BETWEEN LEWIS COUNTY AND BIRNIE BUS TOURS, INC.
TO COVER TWO (2) ADDITIONAL COUNTY BUSES**

Introduced by Legislator Jerry King, Chairman of the General Services Committee.

WHEREAS, the County of Lewis ("County") entered into a Third Party Lease Agreement dated December 19, 2013 with Birnie Bus Tours, Inc. ("Birnie Bus") to lease two (2) County medium duty buses to Birnie Bus, for the service life of said buses (7 years or 200,000 miles) or for so long as Birnie Bus continues to provide public mass transportation services on behalf of the County pursuant to the annual Transportation Management Agreement; and

WHEREAS, the County of Lewis is in the process of purchasing two (2) additional buses through federal and state grant funding; to wit: 1) 2019 Ford E350, 8 Passenger/1 Wheelchair Bus, VIN # 1FDEE3FS5KDC06536; and 2) 2020 Freightliner custom bus, 30 passenger/6 Wheelchair Bus, VIN # 4UZADRFC1LCLX5389; and

WHEREAS, the County of Lewis desires to extend and modify the Third Party Lease Agreement to add the two (2) new buses for the service life of said buses (7 years or 200,000 miles) or for so long as Birnie Bus continues to provide public mass transportation services on behalf of the County's public transportation system.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes an extension/modification agreement to the Third Party Lease between the County of Lewis and Birnie Bus Tours, Inc. to add the two (2) new County buses; to wit: 1) 2019 Ford E350, 8 Passenger/1 Wheelchair Bus; and 2) 2020 Freightliner custom bus, 30 passenger/6 Wheelchair Bus.

Section 2. That the term of said Lease Agreement shall be for the service life of said buses (7 years or 200,000 miles) or for so long as Birnie Bus Tours, Inc. continues to provide public mass transportation services on behalf of the County pursuant to the Transportation Management Agreement.

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

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

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 368 - 2019

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN
LEWIS COUNTY TREASURER'S OFFICE
AND SYSTEMS EAST, INC.**

Introduced by Legislator Bryan Moser, Chairman of the Finance and Rules Committee.

WHEREAS, Systems East, Inc. wishes to enter into an agreement with the Lewis County Treasurer's Office for the purpose of providing software support and maintenance services for its tax collection system, including cloud hosting of application and data and tax collection web hosting; and

WHEREAS, the Board of Legislators wishes to accept such services;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators approves the contract with Systems East, Inc. to provide software support, maintenance services, cloud hosting and web hosting services for the Treasurer's tax collection system for the period of January 1, 2020 through December 31, 2020, at a cost not to exceed \$8,064.00.

Section 2. That Patricia O'Brien, Lewis County Treasurer, is hereby authorized to make, execute, seal and deliver such Agreement, pending approval by the County Attorney.

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

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 369 - 2019

**RESOLUTION TO TRANSFER CAPITAL FUNDS
SEALER WEIGHTS & MEASURES/SOCIAL SERVICES
OFFICE FOR AGING/TRANSPORTATION DEPARTMENT**

Introduced by Legislator Bryan Moser, Chairman of the Finance and Rules Committee.

BE IT RESOLVED as follows:

Section 1. That the following transfer of funds is hereby approved in the Sealer of Weights & Measures, Social Services, Office For Aging and Highway Department accounts for vehicle lease payments, utilizing Project HAD Capital Equipment Funds H0990100 499900 balance \$359,264.50:

Increase Revenue:

A0100000 350310 Inter-fund transfers	\$ 3,375.19
A0100000 350310(Inter-fund transfers)	\$ 3,180.95
A0601000 336100 DSS State Admin	\$ 3,180.95
A0601000 346100 DSS Fed Admin	\$ 6,361.91
A0100000 350310 Inter-fund transfers	\$ 9,868.11
DM513000 350310	\$20,401.19

Increase Expense:

A0661000 223400 Vehicle Lease	\$ 3,375.19
A0601000 223400 Vehicle Lease	\$12,723.81
A0677200 223400 Vehicle Lease	\$ 9,868.11
DM513000 223400 Vehicle Lease	\$20,401.19

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

Moved by Legislator _____, seconded by Legislator _____ ,
and adopted.

RESOLUTION NO. 370 - 2019

**RESOLUTION AUTHORIZING ROAD AGREEMENT
BETWEEN COUNTY OF LEWIS, TOWNS OF HARRISBURG
AND PINCKNEY AND ATLANTIC WIND, LLC
(DEER RIVER WIND FARM PROJECT)**

Introduced by Legislator Jerry King, Chairman of the General Services Committee.

WHEREAS, ATLANTIC WIND, LLC, (the "Company") currently owned by Avangrid Renewables, LLC, proposes to acquire, construct, install and operate a wind-powered electric generating facility, together with associated electric transmission facilities and related infrastructure (the "Project"), in the Towns of Harrisburg and Pinckney, and in the County of Lewis (the "Municipalities"); and

WHEREAS, if authorized to move forward with the Project, and in connection with the Company's development, construction, operation and maintenance of the Project, it will be necessary for the Company and its contractors and subcontractors and/or designees to transport heavy equipment and materials over certain roads and highways ("Designated Roads") in these Towns and County; and

WHEREAS, the County and Towns, through their respective attorneys and highway department superintendents, have been negotiating the appropriate terms and conditions of a road agreement with the Company, and have been presented with a proposed Agreement for final review and execution; and

WHEREAS, the Lewis County Board of Legislators seeks to accept the terms and modifications negotiated by the municipalities and authorize the execution of the Road Agreement.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby authorizes acceptance of the proposed road agreement negotiated by the affected municipalities, i.e., the County of Lewis, Town of Harrisburg and Town of Pinckney, and ATLANTIC WIND, LLC, or its successor.

Section 2. That the Chairman or the Vice-Chairman of the Board of Legislators is hereby authorized to negotiate, make, execute, seal and deliver such Road Agreement, provided that any additional modifications meet with the approval of the County Attorney and Lewis County Superintendent of Highways and are immediately reported to the Board of Legislators.

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

Moved by Legislator _____, seconded by Legislator _____,
and adopted.

RESOLUTION NO. 371 - 2019

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE COUNTY OF
JEFFERSON AND COUNTY OF LEWIS FOR CONDUCT OF ACTIVITIES
UNDER WORKFORCE INNOVATION AND OPPORTUNITY ACT (“WIOA”)**

Introduced by Legislator Lawrence Dolhof, Chairman of the Board of Legislators.

WHEREAS, Jefferson and Lewis Counties are designated as a multi-jurisdictional workforce development area under the Workforce Innovation and Opportunity Act (WIOA), and seek to have the area be known as the “JEFFERSON - LEWIS LOCAL WORKFORCE DEVELOPMENT AREA” by designation of its respective Chief Elected Officials; and

WHEREAS, the WIOA provides for the Chief Elected Officials of each County to be designated its respective Board’s Executive authorized to enter into an agreement to organize and implement activities pursuant WIOA, and as proposed by the Governor of the State of New York for the purpose of administering WIOA in Jefferson and Lewis Counties; and

WHEREAS, the Board of Legislators wishes to authorize such designation and Chief Elected Officials Agreement pursuant to WIOA. .

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators hereby authorizes, Lawrence Dolhof, Chairman of the Lewis County Board of Legislators and Lewis County Executive, to enter into an Agreement with the designated Executive of Jefferson County for purposes of administering WIOA, and entering into agreements to organize and implement workforce development in the Jefferson-Lewis areas pursuant to WIOA for the term July 1, 2019 through June 30, 2020.

Section 2. That the Board of Legislators hereby designates Lawrence Dolhof as the Executive authorized to designate the Jefferson-Lewis County areas to be known as the “Jefferson - Lewis Local Workforce Development Area” pursuant to WIOA.

Section 3. That Lawrence Dolhof, as the Chief Executive Official of the County of Lewis is hereby authorized to make, execute, seal and deliver such Agreements, 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. 372 - 2019

**RESOLUTION TO REALLOCATE FUNDS
WORKFORCE INVESTMENT OPPORTUNITIES ACT**

Introduced by Legislator Gregory Kulzer, Chairman of the Health and Human Services Committee.

BE IT RESOLVED as follows:

Section 1. That the following budget transfer is hereby approved in the WIOA accounts to reallocate funds:

<u>From:</u>	<u>Amount</u>
CD629000 499900 Youth Expense	\$2,930.30
CD629000 499900 Youth Expense	\$1,516.16
 <u>To:</u>	
CD629000 110100 Wages	\$2,694.53
CD629000 803000 FICA	\$ 206.14
CD629000 804000 Comp	\$ 29.63
CD629000 803000 Youth FICA	\$1,516.16

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

Moved by Legislator _____, seconded by Legislator _____,
and adopted.