

**Jack T. Bush**  
CHAIRMAN



**Teresa K. Clark**  
CLERK

**David H. Pendergast**  
COUNTY MANAGER

**Board of Legislators**  
**Court House**  
**Lowville, New York 13367-1396**  
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September 2, 2010

TO: Media

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

The Lewis County Board of Legislators will meet on September 7, 2010 at 5:00 p.m. in the 2<sup>nd</sup> floor chambers at the Court House, Lowville, New York.

Proposed resolutions are attached.

Encs.

**RESOLUTION NO. 292-2010**

**AUDITING AND ALLOWING CLAIMS**

Introduced by Legislator **William Burke**, Chairman of the Ways and Means Committee.

**RESOLVED** that the claims presented for payment in the total amount of **\$1,289,863.37** 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 roll call vote:

**RESOLUTION NO. 293 - 2010**

**RESOLUTION DIRECTING THE DEMOLITION AND REMOVAL OF AN  
UNSAFE BUILDING PURSUANT TO LOCAL LAW NO. 2-2007,  
REUBEN KILBOURNE, PROPERTY OWNER**

Introduced by Legislator John Boyd, Chairman of Building Codes 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 as Tax Map No. 013.14-02-06.000, currently owned by Reuben Kilbourne (herein the “Owner”); and determined that the structures thereon were unsafe and that a partial or complete collapse was possible, and issued a report to the Board of Legislators on May 24, 2010; and

**WHEREAS**, the Code Enforcement Officer observed in his report that the residence located at 14344 Pearl Street, Village of Harrisville, County of Lewis, is extremely dilapidated and is unfit for use. The rear of the structure has collapsed, the roof has failed in places, the chimney has collapsed, and windows are missing. It is open at the rear where the porch has collapsed and the Code Enforcement Officer has recommended that the building be demolished; and

**WHEREAS**, the CEO declared as of June 14, 2010, the building was unsafe for occupancy and condemned the same; and

**WHEREAS**, by Resolution No. 215 -- 2010, the Board of Legislators found and determined that building located at 8152 14344 Pearl Street, Village of Harrisville, County of Lewis, is not fit for human habitation, constitutes a public nuisance and a danger to the safety, health and welfare of the community; and that the building must be demolished and removed from the premises; and

**WHEREAS**, the Board of Legislators further directed and ordered the Owner of said property to appear at special meeting of the Board of Legislators to be held on July 15, 2010 at 9:30 a.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. 013.14-02-06.000, 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 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**, the said Owner was given due notice of the hearing before this Board by mailing a certified copy of said Resolution No. 215 -- 2010 together with a Notice of the Hearing by personal service upon Pamela Hebert, at the residence of said Owner at 8292 State Route 3, Harrisville, NY 13648, County of Lewis, State of New York, on July 8, 2010, by certified mail return receipt requested at the address noted above, and by posting a copy of said Resolution on the unsafe building on July 8, 2010.

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

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

- (a) That Reuben Kilbourne is the Owner of the premises known as Tax Map No. 013.14-02-06.000 and located at 14344 Pearl Street, Village of Harrisville, County of Lewis;
- (b) That the Lewis County Code Enforcement Officer, Ward Dailey duly inspected said premises and declared as of May 24, 2010, that the building located on said premises was unsafe for occupancy and condemned the same;
- (c) That the building was involved in a fire in 2007 and the damage was extensive, leaving the home uninhabitable and unsafe and the Code Enforcement Officer has recommended that the building be demolished;
- (d) That the Board of Legislators received the report of the Code Enforcement Officer dated May 24, 2010 and agree with his findings;
- (e) That pursuant to Local Law No. 2 – 2007, on July 6, 2010, at its regular meeting the Board of Legislators determined that the building was unsafe, constitutes a public nuisance and a danger to the safety, health and welfare of the community; and that the building must be demolished and removed from the premises;
- (f) That the Owner has received due notice of these proceedings;
- (g) That the building located on the premises known as Tax Map No. 013.14-02-06.000 and located at 14344 Pearl Street, Village of Harrisville, 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 Reuben Kilbourne, the Owner of premises known as Tax Map No. 013.14-02-06.000 and located at 14344 Pearl Street, Village of Harrisville , County of Lewis, shall immediately demolish and remove the building located thereon; and it is further

**ORDERED AND DECREED**, that the Owner shall commence demolition and removal on or before August 15, 2010 and complete the same on or before September 15, 2010; 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 registered mail to the Owner at his last known address according to the records above.

Section 3. That this Resolution shall take effect immediately.

Moved by Legislator \_\_\_\_\_, seconded by Legislator

\_\_\_\_\_, and adopted.

**RESOLUTION NO. 294 - 2010**

**AUTHORIZING OPENING OF CERTAIN PORTIONS OF  
COUNTY ROADS FOR ATV SPECIAL EVENT**

Introduced by Legislator Patrick Wallace, Member of the Economic Development  
Committee.

**WHEREAS**, Lewis County ATV Association, has requested that the Board of Legislators open County Route 15, from the Village of Copenhagen to the County Line, and a portion of County Route 18, from where it meets the Town of Pinckney's Cronk Road, west to the County Reforestation Land on CR 18, for a one day all terrain vehicle (ATV) rally event to be held on Saturday September 18, 2010 for the Ride for Ryan, and:

**WHEREAS**, Vehicle and Traffic Law § 2408 authorizes a governmental agency to review and approve requests for holding special events that involve the operation of ATV's; and

**WHEREAS**, the Lewis County ATV Association, as a sponsor of the event, has agreed to indemnify and hold the County of Lewis, its officers, agents and employees harmless from any claim, liability, damage or cost of any nature whatsoever, including reasonable attorney fees incurred by reason of the conduct of the event or use of those portions of County roads.

**Now, Therefore, BE IT RESOLVED** as follows:

- Section 1. The Board of Legislators hereby authorizes the operation of ATV's on County Route 15, from the Village of Copenhagen to the County Line, and a portion of County Route 18, from where it meets the Town of Pinckney's Cronk Road, west to the County Reforestation Land on CR 18, for a one day all terrain vehicle (ATV) rally event to be held on Saturday September 18, 2010 for the Ride for Ryan, and:
- Section 2. That the permission granted herein is specifically conditioned upon the Lewis County ATV Association entering into a written agreement with the County of Lewis whereby:
1. Lewis County ATV Association agrees to indemnify and hold the County of Lewis, its officers, agents and employees harmless from any loss, claim, liability, lawsuit, damage, cost or expense including reasonable attorney fees incurred by reason of injury to person(s) or property, including death arising out of or in any way connected with the conduct of the

event or the use of those portions of County Roads for such event;

2. The Lewis County ATV Association agrees to provide proof that it has obtained general liability insurance insuring such event in an amount not less than \$1,000,000 for injuries including wrongful death to any one person and in an amount not less than \$3,000,000 on account of any one occurrence and naming the County of Lewis as an additional insured; and
3. Such other terms as the Chairman of the Board of Legislators, with the consultation of the County Attorney may deem acceptable.

Section 3. That the Chairman of the Board of Legislators, or in his absence, the Vice-chairman, be and the same is hereby authorized to execute and deliver such written agreements or other documents as may be necessary to carry out the terms of this Resolution.

Section 4. That this Resolution shall take effect immediately.

Moved by Legislator \_\_\_\_\_, seconded by Legislator

\_\_\_\_\_, and adopted.

**RESOLUTION NO. 295 – 2010**

**RESOLUTION TO TRANSFER FUNDS  
CIVIL SERVICE**

Introduced by Legislator Paul Stanford, Chairman of the Civil Service Committee.

BE IT RESOLVED, as follows:

Section 1. That the following transfer be approved in the Civil Service accounts to cover expenses:

<u>From:</u>	<u>To:</u>	<u>Amount</u>
A1430.4507 (Travel)	A1430.4407 (Supplies)	\$500.00

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

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_, and adopted.

## **RESOLUTION NO. 296 - 2010**

Introduced by Legislator Jack T. Bush, Chairman of the Board

### **RESOLUTION ADOPTING THE LEWIS COUNTY CORPORATE COMPLIANCE PROGRAM**

**WHEREAS**, Lewis County provides medical and health related services for which it receives payments from Medicare, Medicaid and third part insurers. Such services are provided through several departments, including the Mental Hygiene Department, the Public Health Department, and the Lewis County General Hospital and Residential Health Care Facility (collectively, "Covered Departments"); and

**WHEREAS**, pursuant to Social Services Law § 363-d and the regulations adopted thereunder (18 NYCRR Part 521, *et. seq*), to be eligible to receive medical assistance payments, certain providers, including those who are subject to Articles 28 or 36 of the Public Health Law (Lewis County Public Health Department), those who are subject to Article 31 of the Mental Hygiene Law (Lewis County Mental Hygiene Department) and those who receive or submit claims in excess of \$500,000 (Lewis County General Hospital and Residential Health Care Facility) are required to adopt and implement an effective compliance program; and

**WHEREAS**, each of the Covered Departments has heretofore developed a compliance plan for their respective departments; and

**WHEREAS**, the Board of Legislators finds that it is in the public interest to establish a "corporate" (meaning throughout County government) compliance program to ensure that quality medical and health related services are provided in a manner that fully conforms to all applicable state and federal laws and regulations, and in particular the regulations of the Office of Medicaid Inspector General; and

**WHEREAS**, the Board of Legislators is committed to prevention, detection and resolution of instances of conduct that do not conform to federal, state and county laws, rules and regulations, and therefore wish to establish the goals of the Corporate Compliance Program, which are to:

- Improve quality, efficiency and consistency of medical and health related services,
- Demonstrate a strong commitment to corporate and individual integrity and ethical behavior,
- Identify weaknesses in internal systems,
- Create a centralized source for distributing information on compliance,
- Identify conduct that does not conform to federal or state laws, rules and regulations and/or the rules and regulations of the County

and the relevant department specifically as it relates to medical assistance payments,

- Develop a system for employees and others to report potential unlawful or improper conduct, without risk of retaliation or intimidation,
- Formulate procedures for investigating alleged misconduct, and
- Initiate corrective action and prevent fraud, abuse or other inappropriate activities.

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

Section 1. The Lewis County Board of Legislators hereby establishes the attached Corporate Compliance Program to assist its departmental staff in adhering to state and federal law, as well as health care program requirements, while conducting services in the highest ethical manner. Therefore, the within Corporate Compliance Program is hereby declared to be the policy of Lewis County with regard to such compliance issues and shall be incorporated into the Administrative Manual for Lewis County.

Section 2. The Board of Legislators hereby establishes a Corporate Compliance Committee (“Compliance Committee”) to be chaired by the County Attorney. The Compliance Committee will be comprised of the Public Health Director, the Director of Community Services, the Chief Executive Officer of the Lewis County General Hospital, the County Manager, the County Attorney as well as the Compliance Officer(s) from each of the Covered Departments. The purpose of the Compliance Committee is to monitor the operation of the compliance program overall within the County and within each Covered Department as well as to advise each Compliance Officer. This Committee will meet as often as deemed necessary, provided that it meets at a minimum on a quarterly basis.

Section 3. Each of the Covered Departments, in consultation with the Compliance Committee, are hereby directed to conform their departmental compliance plans to the Corporate Compliance Program.

Section 4. That this Resolution shall be effective immediately.

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_,

and adopted.

**RESOLUTION NO. 297 – 2010**

**RESOLUTION TO TRANSFER FUNDS  
DISTRICT ATTORNEY**

Introduced by Legislator Jack Bush , Chairman of the Board of  
Legislators.

Whereas, per Resolution No. 10-2010, the vacant Paralegal position in  
the District Attorney's office is hereby abolished.

Now, Therefore, BE IT RESOLVED, as follows:

Section 1. That the balance of personal service and fringe benefit  
appropriations for the vacant position be transferred as follows:

From:

A1165.1999 Personal Services	\$ 19,257.00
A1165.8999 Fringe Benefits	1,473.00

To:

A1010.4199 Contingency	\$ 20,730.00
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Section 2. That the within resolution shall take effect immediately.

Moved by Legislator \_\_\_\_\_, seconded by Legislator  
\_\_\_\_\_, and adopted.

RESOLUTION NO. 298 – 2010

RESOLUTION TO TRANSFER FUNDS  
DISTRICT ATTORNEY

Introduced by Legislator John Boyd, Chairman of Courts and Law Enforcement  
Committee.

**BE IT RESOLVED** as follows:

Section 1. That the following transfer of funds be approved in the District Attorney

Accounts to cover respective expenses:

<u>From:</u>	<u>To:</u>	<u>Amount:</u>
A1165.4301(Telephone)	A1165.4407(Supplies)	\$ 500.00
A1165.4906(Prosecution fund)	A1165.4505(Dues/subs)	\$1,000.00
A1165.4906(Prosecution fund)	A1165.4407(Supplies)	\$1,000.00
A1165.4906(Prosecution fund)	A1165.4507(Travel & Sub)	\$1,000.00
A1165.4906(Prosecution fund)	A1165.4901(Prof Serv)	\$4,000.00

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

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_,

and adopted.

**RESOLUTION NO. 299 – 2010**

**RESOLUTION TO TRANSFER FUNDS  
ECONOMIC DEVELOPMENT**

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

BE IT RESOLVED, as follows:

Section 1. That the following transfer be approved in the Economic  
Development accounts to cover insurance allocation:

From:

A8020.4703(Vehicle Exp) \$435.00

To:

A8020.4903(All Types Ins) \$435.00

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

Moved by Legislator \_\_\_\_\_, seconded by Legislator

\_\_\_\_\_, and adopted.

**RESOLUTION NO. 300 – 2010**

**RESOLUTION TO TRANSFER FUNDS  
TRANSPORTATION DEPARTMENT**

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

**BE IT RESOLVED** as follows:

Section 1. That the following 2010 budget changes be approved in the Highway Dept

Accounts for diagnostic software from Capital Equipment:

<u>Appropriate:</u>	<u>Amount:</u>
DM50310(Interfund Transfers)	\$5,512.50
DM5130.2233(vehicles/related equip)	\$5,512.50

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

Moved by Legislator \_\_\_\_\_, seconded by Legislator

\_\_\_\_\_, and adopted.

**RESOLUTION NO. 301 - 2010**

**RESOLUTION APPOINTING MEMBER TO  
JUNKYARD REVIEW BOARD**

Introduced by Legislator Paul Stanford, Chairman of the Junkyard Committee.

WHEREAS, Junkyard Review Board member William Houppert has been appointed to the position of Junkyard Inspector.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That this Board of Legislators hereby appoints William Betrus of 8264 High Street, Post Office Box 119, Harrisville, New York 13648, to fill the un-expired term of William Houppert, as a member of the Lewis County Junkyard Review Board.

Section 2. The term of said appointment shall be effective from September 8, 2010 through December 31, 2012.

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

Moved by Legislator \_\_\_\_\_ seconded by Legislator \_\_\_\_\_,  
and adopted.

**RESOLUTION NO. 302 – 2010**

**RESOLUTION TO TRANSFER FUNDS  
MAINTENANCE DEPARTMENT**

Introduced by Legislator William Burke, Chairman of the Buildings and Grounds Committee.

BE IT RESOLVED, as follows:

Section 1. That the following transfers be approved to cover repairs of the Public Safety building:

<u>From:</u>	<u>To:</u>	<u>Amount:</u>
A1620.4304 (Fuel Oil)	A1624.4603 Public Safety Bldg. Maintenance	\$10,000.00

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

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_, and adopted.

**RESOLUTION NO. 303 -2010**

**RESOLUTION TO AMEND COMPENSATION PLAN  
WITH REFERENCE TO MENTAL HYGIENE DEPARTMENT**

Introduced by Legislator Charles Fanning, Chairman of the Mental Hygiene Committee.

Whereas, Elizabeth Davis, Supervising Licensed Clinical Social Worker, has submitted her plans to retire effective October 9, 2010; and

Whereas, this position provides clinical and administrative supervision to several clinicians at the Community Mental Hygiene Center and generates revenue for directly provided services to clients; and

Whereas, the Community Services Board recommends filling either a Supervising Licensed Clinical Social Worker or a Licensed Clinical Social Worker upon the retirement of Elizabeth Davis.

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 Mental Hygiene Department by creating one position of Licensed Clinical Social Worker and setting the salaries for each of the following positions effective upon the retirement of Elizabeth Davis:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Supervising Licensed Clinical Social Worker	Full-time	\$44,754
Licensed Clinical Social Worker	Full-time	\$44,754

Section 2. That the Board of Legislators hereby authorizes Director Jennifer Earl to fill **one** of the above positions upon the retirement of Elizabeth Davis, dependent upon recruiting abilities:

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

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_ and adopted.

**RESOLUTION NO. 304 - 2010**

**RESOLUTION TO AMEND COMPENSATION PLAN  
WITH REFERENCE TO MENTAL HYGIENE DEPARTMENT**

Introduced by Legislator Charles Fanning, Chairman of the Mental Hygiene  
Committee.

WHEREAS, pursuant to Resolution Number 263-2010 adopted on August 3, 2010,  
an incorrect salary was enacted that was inconsistent with the Civil Service Employee's  
Association (CSEA) negotiated agreement.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That this Board of Legislators hereby enacts the following salary for the  
Substance Abuse Counselor position as created by Resolution Number 263-2010:

<u>STATUS</u>	<u>SALARY</u>
Full-time (40 hrs.)	Grade 27 (\$19.58 - \$23.02/hr.)

Section 2. That the within resolution shall take effect immediately

Moved by Legislator \_\_\_\_\_ seconded by Legislator \_\_\_\_\_,  
and adopted.

**RESOLUTION NO. 305 - 2010**

**RESOLUTION AUTHORIZING  
MEMORANDUMS OF UNDERSTANDING BETWEEN  
LEWIS COUNTY MENTAL HYGIENE DEPARTMENT AND  
FOUR (4) LEWIS COUNTY SCHOOLS**

Introduced by Legislator Charles Fanning, Chairman of the Mental Hygiene Committee.

**WHEREAS**, the Community Services Board is a local governmental unit established by the Lewis County Board of Legislators pursuant to the authority granted in Mental Hygiene Law § 41.05; and

**WHEREAS**, the Community Services Board is responsible to provide local or unified services and facilities directly and/or Memorandum of Understanding for the provision of those services by other units of local or state government, by voluntary agencies, or by professionally qualified individuals; and

**WHEREAS**, the Community Services Board has reviewed the proposals for the following providers of mental health services and has determined that these services are necessary to meet the needs of the community and the costs are reasonable for servicing such needs; and

**WHEREAS**, the Community Services Board has heretofore duly met to consider the Memorandums of Understanding for the following schools and has resolved to recommend to the Board of Legislators to enter into such Memorandum of Understanding;

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

Section 1. That the Board of Legislators hereby approves the following Memorandums of Understanding. The term of these services are July 1, 2010 through June 30, 2011, at the amounts set opposite to each respectively:

<u>ENTITY</u>	<u>AMOUNT</u>
Beaver River Central School District	Services are provided at no cost to schools. Reimbursement to Mental Health is by third parties such as Medicaid or insurance.
Harrisville Central School District	
Lowville Academy Central School District	
South Lewis School District	

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. 306 - 2010**

**RESOLUTION TO TRANSFER FUNDS  
MENTAL HYGIENE DEPARTMENT**

Introduced by Legislator Charles Fanning, Chairman of the Mental Hygiene Committee.

WHEREAS, required coverage and training must continue during the transition from the contractual services of the Mental Health Acting Director to the newly hired Mental Health Services Director, through the month of September.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That this Board of Legislators hereby authorizes the following budget transfers to cover the additional contractual expense:

<u>From:</u>	<u>To:</u>	<u>Amount:</u>
A4310.1999 (Personal Srvcs)	A4310.4908 (Contracted Srvcs)	\$3,997.00
A4310.8999 (Fringe)	A4310.4908 (Contracted Srvcs)	\$1,503.00

Section 2. That the within resolution shall take effect immediately

Moved by Legislator \_\_\_\_\_ seconded by Legislator \_\_\_\_\_,  
and adopted.

RESOLUTION NO. 307 – 2010

RESOLUTION TO TRANSFER FUNDS  
Office For Aging

Introduced by Legislator Philip Hathway, Chairman of the Office For  
Aging Committee.

BE IT RESOLVED, as follows:

Section 1. That the following transfer be approved in the Office For  
Aging accounts :

From:

A6772.4407(supplies)	\$1,600.00
A6772.4912(Prof Serv EISEP)	\$5,000.00

To:

A6772.4605(repairs & maint equip)	\$1,600.00
A6772.4911(Prof serv Nutrition)	\$5,000.00

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

Moved by Legislator \_\_\_\_\_, seconded by Legislator

\_\_\_\_\_, and adopted.

**RESOLUTION NO. 308 - 2010**

**RESOLUTION AUTHORIZING AGREEMENT  
NYS DIVISION OF CRIMINAL JUSTICE SERVICES  
DEPT OF PROBATION & CORRECTIONAL ALTERNATIVES**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement Committee.

Whereas, the New York State Division of Criminal Justice Services-Department of Probation and Correctional Alternatives has informed approval of Lewis County's Probation Eligible Diversion grant application.

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 Probation Department, and the NYS Division of Criminal Justice Services – Department of Probation and Correctional Alternatives, for the Probation Eligible Diversion grant in the amount of \$11,336.00

Section 2. That said grant Agreement shall be in effect from January 1, 2010 through December 31, 2010.

Section 3. That the Chairman, or Vice-Chairman, of the Board of Legislators is hereby authorized to execute, seal and deliver said grant Agreement.

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

Moved by Legislator \_\_\_\_\_ seconded by Legislator \_\_\_\_\_,  
and adopted.

**RESOLUTION NO. 309 – 2010**

**RESOLUTION TO APPROPRIATE FUNDS  
Probation-Youth At Risk**

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement Committee.

BE IT RESOLVED, as follows:

Section 1. That the following budget changes be approved in the Probation Accounts for the Youth At Risk Program: (note: grant is funded thru DSS)

Increase Revenues:

A15109	Youth At Risk (DSS)	\$3,309.60
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Increase Appropriations:

A3140.4909	Misc-Youth at Risk	3,309.60
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Section 2. That the within resolution shall take effect immediately.

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_, and adopted.

**RESOLUTION NO. 310 - 2010**

**RESOLUTION IN MEMORIAM OF**

**SHARON BARDO, LPN**

Introduced by Legislator Charles Fanning, Chairman of the Public Health Committee.

WHEREAS, Sharon Bardo, LPN of 7429 Abbey Road, Lyons Falls, recently departed this life on August 1, 2010; and

WHEREAS, this Board of Legislators makes the following determinations:

That Sharon Bardo started working for Lewis County Public Health on January 10, 1983 as a Home Health Aide, rendering compassionate, personal care to residents of Lewis County.

On January 1, 1989, Sharon became licensed as a Practical Nurse and served in the department in a variety of ways. She assisted at Well Child Clinics, Childhood Immunization Clinics, and Flu Clinics. She assisted with the Childhood Lead Poisoning Prevention Program and the Child Passenger Safety Seat Program. She coordinated the Rabies Prevention Program and she is most recognized for her weekly health article in the Journal and Republican; "From the Desk of Sharon Bardo"; and

WHEREAS, Sharon provided 31 years of dedicated and professional service to the citizens of Lewis County, enhancing the Public's health with her service and promoting the mission of Public Health at every opportunity; and

WHEREAS, Sharon delivered care in a most kind and compassionate manner, while making all the children and adults she vaccinated feel at ease; and

WHEREAS, Sharon organized and implemented the rabies program with great efficiency and expertise.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That it is proper for us as friends and colleagues to record our recognition and appreciation for the sincere, generous and valuable services rendered by Sharon Bardo, LPN.

Section 2. That as an enduring record and mark of respect to the memory of the deceased, Sharon Bardo, a true friend, honorable professional and dedicated public employee, this resolution shall be printed in the official record of the proceedings of the Board of Legislators of the County of Lewis, and a copy thereof forwarded to the family of Sharon Bardo.

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_, and adopted.

**RESOLUTION NO. 311 - 2010**

**RESOLUTION TO AMEND COMPENSATION PLAN  
WITH REFERENCE TO PUBLIC HEALTH DEPARTMENT**

Introduced by Legislator Charles Fanning, Chairman of the Public Health Committee.

WHEREAS, currently, Hospice Home Health Aides hold concurrent titles of Licensed Practical Nurse with the Public Health Agency; and due to a recent resignation one of the Home Health Aide titles was abolished.

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 Public Health Department, to **abolish** two (2) Home Health Aide positions; and create the following:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Licensed Practical Nurse (3)	Full-time (17.5 – 35 hours)	Grade B22 \$17.14-\$20.11/hr.

Section 2. That Interim Public Health Director Carol Paluck is hereby authorized to fill said positions effective immediately.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_, and adopted.

**RESOLUTION NO. 312 - 2010**

**RESOLUTION APPROVING AGREEMENT BETWEEN  
LEWIS COUNTY PUBLIC HEALTH AGENCY ON BEHALF OF  
THE COUNTY OF LEWIS AND ALWAYS ACTIVE ASSESSMENTS, LLC**

Introduced by Legislator Charles Fanning, Chairman of the Public Health Committee.

**WHEREAS**, the Lewis County Public Health Agency wishes to enter into an Agreement with Always Active Assessments, LLC that provides evaluations for children under the Early Intervention Program for Children with Special Needs; and

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

**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 Public Health Agency and Always Active Assessments, LLC to provide evaluations for children under the Early Intervention Program for Children with Special Needs.

Section 2. That said Agreement shall be for the period of July 1, 2010 through June 30, 2011 and shall be at the applicable rates established or approved by the New York State Department of Health.

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. 313 – 2010**

**RESOLUTION TO TRANSFER FUNDS  
PUBLIC HEALTH DEPARTMENT**

Introduced by Legislator Charles Fanning, Chairman of the Public Health Department.

Whereas, pursuant to resolution No. 10-2010, the vacant positions of Sr. Account Clerk Typist, Home Health Aide and Keyboard Specialist in the Public Health Department, are hereby abolished.

Now, Therefore, BE IT RESOLVED, as follows:

Section 1. That the balance of personal and fringe benefit appropriations for the vacant positions of Sr. Account Clerk Typist, Home Health Aide, and Keyboard Specialist in the Public Health Department be transferred as follows:

From:

A4010.1101 Personal Services	\$ 30,589.00
A4035.1999 Personal Services	24,105.00
A4085.1999 Personal Services	9,356.00
A4091.1999 Personal Services	9,356.00
A4099.8999 Fringe Benefits	5,616.00

To:

A1010.41999 Contingency	\$ 79,022.00
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Section 2. That the within resolution shall take effect immediately.

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_, and adopted.

RESOLUTION NO. 314 – 2010

RESOLUTION TO TRANSFER FUNDS  
PUBLIC HEALTH

Introduced by Legislator Charles Fanning, Chairman of the Public Health Committee.

BE IT RESOLVED, as follows:

Section 1. That the following 2010 budget changes be approved in the Public Health accounts to cover furniture, equipment and other expenses:

<u>From:</u>	<u>Account:</u>	<u>Amount:</u>
A4015.4900	Contracted Therapy Services	\$ 8,000.00
A4035.4803	Office Rent	\$ 2,500.00
A4091.4901	Professional Services	\$ 2,000.00
A4092.110	Personal Services	\$ <u>10,300.00</u>
	Total:	\$ 22,800.00
<u>To:</u>		
A4015.2201	Office Furniture	\$ 6,500.00
A4015.2211	Office Equipment	\$ 1,000.00
A4035.2211	Office Equipment	\$ 2,500.00
A4092.2218	Software	\$ 10,300.00
A4015.4503	Educational Materials	\$ 500.00
A4091.4900	Contracted Therapy Services	\$ <u>2,000.00</u>
	Total:	\$ 22,800.00

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

Moved by Legislator \_\_\_\_\_, seconded by Legislator  
\_\_\_\_\_ and adopted.

**RESOLUTION NO. 315 – 2010**

**RESOLUTION TO TRANSFER FUNDS  
REAL PROPERTY TAX**

Introduced by Legislator Jerry King, Chairman of the Taxation  
Committee.

BE IT RESOLVED, as follows:

Section 1. That the following transfer be approved in the Real Property  
Tax accounts to cover a new employee notary renewal expense:

<u>From:</u>	<u>To:</u>	<u>Amount</u>
A1355.4407 (Supplies)	A1355.4909 (Misc. Expense)	\$17.47

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

Moved by Legislator \_\_\_\_\_, seconded by Legislator  
\_\_\_\_\_, and adopted.

**RESOLUTION NO. 316 – 2010**

**RESOLUTION TO TRANSFER FUNDS  
REAL PROPERTY TAX**

Introduced by Legislator Jerry King, Chairman of the Taxation  
Committee.

BE IT RESOLVED, as follows:

Section 1. That the following transfer be approved for the purchase of  
a new chair for new employee:

<u>From:</u>	<u>To:</u>	<u>Amount</u>
A1355.4406 (Software)	A1355.2201 (Office furniture)	\$210.01

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

Moved by Legislator \_\_\_\_\_, seconded by Legislator  
\_\_\_\_\_, and adopted.

**RESOLUTION NO. 317 - 2010**

**RESOLUTION TO AMEND COMPENSATION PLAN WITH  
REFERENCE TO SEALER OF WEIGHTS AND MEASURES**

Introduced by Legislator John Boyd, Chairman of the Sealer of  
Weights and Measures Committee.

Whereas, due to temporarily limited physical capabilities of the  
County Sealer of Weights and Measures, it is recommended to hire a  
student worker to assist with lifting requirements.

Now, Therefore, BE IT RESOLVED as follows:

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

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Student Worker	Temporary Part-time	\$10.00/hr.

Section 2. That County Sealer of Weights and Measures Barbara  
Cooper is authorized to fill said position effective August 23, 2010  
through December 31, 2010.

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

Moved by Legislator \_\_\_\_\_, seconded by Legislator  
\_\_\_\_\_, and adopted.

**RESOLUTION NO. 318 -2010**

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

Introduced by Legislator John Boyd, Chairman of the Courts and Law Enforcement Committee.

**BE IT RESOLVED** as follows:

Section 1. That the following budget appropriation be approved to the 2010 budget for unforeseen medical expenses for inmates in the Sheriff's Dept:

<u>ACCOUNT</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
A22640	Inmate Board	\$31,000.00
A3150.4509	Inmate Medical	\$31,000.00

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

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_, and adopted.

**RESOLUTION NO. 319 - 2010**

**RESOLUTION TO APPROPRIATE  
SNOWMOBILE TRAIL PROGRAM FUNDS  
2009-2010 SEASON**

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

**BE IT RESOLVED** as follows:

Section 1. That \$161,947.54 is hereby appropriated to Account No.A7141.4.999 Snowmobile Trail Program and offset by State Aid Account No. A38202.

Section 2. That the funds will be forwarded to the Lewis County Snowmobile Association upon receipt.

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

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_, and adopted.

**RESOLUTION NO. 320 - 2010**

**RESOLUTION AMENDING COMPENSATION PLAN  
WITH REFERENCE TO SOCIAL SERVICES**

Introduced by Legislator Philip Hathway, Chairman of the Social Services Committee.

BE IT RESOLVED as follows:

Section 1. That the Board of Legislators hereby amends the Compensation Plan of the County of Lewis with reference to the Department of Social Services to create the following temporary positions to assist with HEAP applications:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Community Services Worker (2)	Temporary Full-time	Grade 9

Section 2. That Commissioner Stacy Alvord is hereby authorized to fill said positions for the period September 20, 2010 to May 13, 2011.

Section 3. That this resolution shall take effect immediately.

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_,  
and adopted.

**RESOLUTION NO. 321 - 2010**

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN  
THE DEPARTMENT OF SOCIAL SERVICES AND  
U. S. CARE SYSTEMS, INC.**

Introduced by Legislator Philip Hathway, Chairman of the Social Services Committee.

**WHEREAS**, Social Services District is authorized, pursuant to Section 365-a(2)(e) of the New York State Social Services Law and 18 New York Code of the Rules and Regulations (NYCRR) and/or other New York State Department of Health regulations, to provide personal care services to persons eligible to receive said services; and

**WHEREAS**, the Lewis County Department of Social Services wishes to enter into an Agreement with U. S. Care Systems, Inc. to provide personal care services to eligible persons in Lewis County; 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 hereby approves the Agreement between the Lewis County Department of Social Services and U. S. Care Systems, Inc. to provide personal care services to eligible persons in Lewis County for the period of January 1, 2010 through December 31, 2011 at an hourly rate that is determined by the State.

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. 322 - 2010**

**RESOLUTION AUTHORIZING AGREEMENT  
BETWEEN DEPARTMENT OF SOCIAL SERVICES AND  
LEWIS COUNTY OFFICE FOR THE AGING**

Introduced by Legislator Philip Hathway, Chairman of the Social Services Committee.

**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 Department of Social Services, and Lewis County Office for the Aging for the purpose of providing the Home Energy Assistance Program (HEAP) outreach and certification services to low income residents of Lewis County.

Section 2. That the term of this Agreement shall be from October 1, 2010 through September 30, 2011 at a cost not to exceed \$17,000.00.

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

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

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_,  
and adopted.

RESOLUTION NO. 323 - 2010

RESOLUTION TO TRANSFER FUNDS  
DEPARTMENT OF SOCIAL SERVICES

Introduced by Legislator Philip Hathway, Chairman of Social Services Committee.

BE IT RESOLVED, as follows:

Section 1. That the following transfers be approved within the Social Services accounts:

From:

A6010.1101	DSS Admin	\$9,200
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To:

A6010.2211	Office Equipment	\$5,450
A6010.2217	Computers	\$3,750

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

Moved by Legislator \_\_\_\_\_, seconded by  
Legislator \_\_\_\_\_, and adopted.

**RESOLUTION NO. 324 - 2010**

**RESOLUTION TO RESCIND RESOLUTION  
NUMBER 278-2010 AS DUPLICATE ACTION  
FOR SOCIAL SERVICES DEPARTMENT**

Introduced by Legislator Philip Hathway, Chairman of the Social Services  
Committee.

Whereas, Resolution Number 278-2010 was an inadvertent duplication of a  
prior action by the Board of Legislators.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That Resolution Number 278-2010 as adopted on August 3, 2010 is  
hereby rescinded as a duplicate action previously authorized by the Board to  
appropriate funds to the Social Services accounts.

Section 2. That this resolution shall take effect immediately.

Moved by Legislator \_\_\_\_\_, seconded by Legislator \_\_\_\_\_,  
and adopted.

**RESOLUTION NO. 325 - 2010**

**RESOLUTION AUTHORIZING LEWIS COUNTY'S  
PARTICIPATION AND INCLUSION IN A REGIONAL  
SOLID WASTE MANAGEMENT PLAN**

Introduced by Legislator Patrick Wallace, Chairman of the Solid Waste Committee.

Whereas, the State of New York has issued a new Solid Waste Management Plan for comment and adoption; and

Whereas, Lewis County, as the current planning unit, will be required to submit a new Solid Waste Management Plan; and

Whereas, the Development Authority of the North Country has recommended the designation of the three-County region of Jefferson, Lewis and St. Lawrence as a single planning unit for future plans; and

Whereas, the Development Authority, in partnership with the three counties, currently provides a single regional disposal site; and

Whereas, the Development Authority, in partnership with the three counties, currently coordinates a regional Waste Reduction, Reuse and Recycling Program; and

Whereas, the Development Authority, in partnership with the three Counties, has initiated regional coordinated programs for household hazardous waste and glass processing for alternative beneficial uses; and

Whereas, the Development Authority has been working cooperatively with the Solid Waste Managers in the three Counties to develop common initiatives and coordinate solutions; and

Whereas, the development of a coordinated regional Solid Waste Management Plan is the logical extension of these regional efforts.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That Lewis County will participate in the development and submission of a regional Solid Waste Management Plan.

Section 2. The Lewis County Board of Legislators hereby authorizes the Development Authority of the North Country to be designated as the required planning unit for the preparation and submission of a three-County Solid Waste Management Plan.

Section 3. The Development Authority of the North Country shall be responsible for the preparation costs of the plan, including professional engineering services, waste analysis, survey and all related costs, and that Lewis County's costs would be limited to in-kind service costs for existing personnel needed to assist in data collection and information gathering.

Section 4. The Development Authority of the North Country shall continue to work with the Solid Waste Managers of the three Counties to develop a regional consensus for the actions to be reflected in the Plan.

Section 5. That Lewis County may withdraw from participation at any time and shall not have any resulting obligations other than the requirements of New York State Department of Environmental Conservation regulation or law.

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

Moved by Legislator \_\_\_\_\_, seconded by Legislator

\_\_\_\_\_, and adopted.

**RESOLUTION NO. 326 - 2010**

**RESOLUTION SETTING 2011 CHARGE-BACK  
APPORTIONMENT FOR WORKERS'  
COMPENSATION PLAN PARTICIPANTS**

Introduced by Legislator Richard Lucas, Chairman of the Workers' Compensation Committee.

WHEREAS, the Board of Legislators emphasizes the importance of safety and prevention of injuries in the workplace, whereby participants are held more accountable for respective expenses through assessment charge-backs to their municipalities for actual expense to the Lewis County Self-Insurance Plan; and

WHEREAS, in line with standard practice throughout the industry, a portion of the assessments shall be based on the ratio of payroll for each participating entity.

Now, Therefore, BE IT RESOLVED as follows:

Section 1. That this Board of Legislators hereby assesses a 50% experience rating based on actual respective expenses in 2007, 2008 and 2009 that shall be capped at \$30,000 for any one claim per annum; 30% to property valuation; and 20% against respective 2009 gross payroll figures, for computation of the 2011 workers' compensation assessments for participants of the Lewis County Self-Insurance Plan.

Section 2. That the within resolution shall take effect immediately

Moved by Legislator \_\_\_\_\_ seconded by Legislator \_\_\_\_\_,  
and adopted.

**RESOLUTION NO. 327 - 2010**

**RESOLUTION TO APPROPRIATE FUNDS  
WORKFORCE INVESTMENT ACT**

Introduced by Legislator Philip Hathway, Chairman of the Employment and Training Committee.

**BE IT RESOLVED** as follows:

Section 1. That the following Administration funds shall be appropriated for Program Year 2010 for the period 7/1/10 – 6/30/12, per the Notice of Obligational Authority, Pay Year 2010-02, dated July 29, 2010 through the New York State Department of Labor, in the amount of \$4,216.58.

Admin		
CD6295.1999	\$ 2,951.61	Wages
CD6295.4909	\$ 632.49	Contractual
CD6295.8999	<u>\$ 632.48</u>	Fringes
Total	\$4,216.58	

Section 2. That the following Adult funds be appropriated for Program Year 2010 for the period 7/1/10 – 6/30/12, per the Notice of Obligational Authority, Pay Year 2010-02, dated July 29, 2010, through the New York State Department of Labor, in the amount of \$13,387.87.

Adult		
CD6292.1999	\$ 2,008.18	Wages
CD6292.4909	\$ 9,371.51	Contractual
CD6292.8999	<u>\$ 2,008.18</u>	Fringes
Total	\$13,387.87	

Section 3. That the following Dislocated Worker funds be appropriated for Program Year 2010 for the period 7/1/10 – 6/30/12, per the Notice of Obligational Authority, Pay Year 2010-02, dated July 29, 2010, through the New York State Department of Labor, in the amount of \$24,561.98.

Dislocated Worker		
CD6291.1999	\$ 6,140.50	Wages
CD6291.4909	\$15,965.29	Contractual
CD6291.8999	<u>\$ 2,456.19</u>	Fringes
Total	\$24,561.98	

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

Moved by Legislator \_\_\_\_\_, seconded by Legislator

\_\_\_\_\_, and adopted.