

**TO:** Ian Gilbert, Chair; Richard Chartrand, Vice-Chair; Andrea Moroughan; Phil Hathway; and Josh Leviker.

**FROM:** Ryan Piche, County Manager

**DATE:** November 16, 2023

**SUBJECT:** General Services Committee Agenda

Please let this correspondence serve as notification that the General Services Committee will meet on Tuesday, November 21<sup>st</sup> at 1:00 p.m. in the Board of Legislators' Chambers. Following is a list of agenda items for the meeting which will be streamed live at [Lewis County - YouTube](#).

\*\*Any Draft Resolutions in **bold** will be presented to the full board at the November 21<sup>st</sup> 5:00 p.m. Board Meeting for action\*\*

**Minutes:**

Approve October 17<sup>th</sup> committee minutes if no amendments.

**Presentations / Discussion Items:**

1. Public Defender overview and agreement increase request – Joan McNichol, County Attorney and Attorney Micheal Young, Public Defender (5 minutes)

**Draft Resolutions:**

1. **Introductory Local Law No. 3 – 2023 “A Local Law Amending Local Law No. 1 - 2012: To Regulate Camping on County Property” and setting the public hearing for December 5, 2023, at 5:00 p.m.**  
AYE \_\_\_ NAY \_\_\_
2. Appropriating \$150,000.00 in the Highway Department accounts from additional revenue received from Invenergy Wind for use of county roads.  
AYE \_\_\_ NAY \_\_\_
3. Awarding Bid to Tioga Construction Co, Inc. for the replacement of County Route 21 Bridge over Gulf Stream in the Town of Pinckney in the amount of \$1,753,275.50.  
AYE \_\_\_ NAY \_\_\_
4. Authorizing agreement between Lewis County Highway Department and Barton & Loguidice for design and bidding professional services and to send out an RFP for the

Culvert Replacement Project Kotel Road over South Branch of Crystal Creek in the amount of \$180,000.00.

AYE \_\_\_ NAY \_\_\_

5. Supporting Whole Milk Choice in Schools through the 2023 Federal Farm Bill.

AYE \_\_\_ NAY \_\_\_

6. Establishing and Adopting County Probation Firearm Policy.

AYE \_\_\_ NAY \_\_\_

7. Authorizing contract between the County of Lewis and New York State Office of Indigent Legal Services for a three-year second Statewide Expansion of Hurrell-Harring grant award in the amount of \$2,640,347.43.

AYE \_\_\_ NAY \_\_\_

8. Authorizing an amendment to existing contract with Lewis Defenders, PLLC to pay an additional \$20,000.00 per year commencing January 1, 2024 as a result of increased hourly rates for assigned counsel.

AYE \_\_\_ NAY \_\_\_

9. Authorizing contract with McClusky Law Firm, LLC to perform conflict defender services in an amount not to exceed \$115,000.00.

AYE \_\_\_ NAY \_\_\_

10. SEQRA review to add 0.7 miles of New Warrior Trail to the Lewis County OHV Trail System and Declaring No Significant Impact.

AYE \_\_\_ NAY \_\_\_

11. Incorporating 0.7 miles of New Warrior Trail to the Lewis County OHV Trail System.

AYE \_\_\_ NAY \_\_\_

**12. Appropriating \$231,769.00 in the Snowmobile Trail accounts for the 2023-2024 Snowmobile Award that will be passed on to the Snowmobile Association.**

AYE \_\_\_ NAY \_\_\_

**Motions:**

None

**Executive Session:**

1. Information about future investigations that obstructs effective law enforcement if revealed.

**Informational Items:**

1. Monthly Department reports are attached for your review.

If any committee member has inquiries regarding agenda items, please do not hesitate to contact me.

cc: Buildings & Grounds

Public Defender

Code Enforcement/Junkyards  
District Attorney  
Fire & Emergency Management  
Highway  
Probation

Recreation, Forestry, & Parks  
Recycling & Solid Waste  
Sheriff's Office  
Weights & Measures  
Agriculture

**LOCAL LAW (INTRODUCTORY NO. 3 - 2023)**

**COUNTY OF LEWIS**

Introduced by Legislator Ian Gilbert, Chair of the General Services Committee.

**A LOCAL LAW AMENDING LOCAL LAW NO.1 – 2012: TO REGULATE CAMPING ON COUNTY PROPERTY**

**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 **“A LOCAL LAW AMENDING LOCAL LAW NO.1-2012: TO REGULATE CAMPING ON COUNTY PROPERTY”**

**SECTION 2. LEGISLATIVE FINDINGS AND PURPOSE**

1. The Board of Legislators finds that the County of Lewis (the "County") presently owns several parcels of land, some of which are dedicated to reforestation pursuant to County Law § 219.
2. The Board further finds that to allow recreational uses on such properties, such use should be regulated so that it is consistent with forest and wildlife conservation and watershed protection. (Compare, Op. Atty. Gen. No. 2002-1).
3. The County owns several parcels of land which are not designated as reforestation properties, which the Board finds are appropriate for recreational use including camping.
4. The County has made improvements to its property known as Singing Waters Park, which includes a bathhouse, water, barbecue pits, picnic tables, and a pavilion which is intended for public use, including camping, subject to permit and reservations.
5. The Board of Legislators acknowledges that members of the public seek to use certain County-owned lands for camping (day-use and overnight). The County seeks to establish this local law to provide for rules and regulations for camping on County lands, and for regulations pertaining to uses at Singing Waters.

### **SECTION 3. STATUTORY AUTHORITY**

This local law is enacted pursuant to the following authority:

1. Municipal Home Rule Law ("MHL") 10(l)(i) provides that a county may adopt local laws relating to its property, affairs or government provided it is not inconsistent with the provisions of the constitution or any general law.
2. County Law §219(1) provides that a county may utilize its reforestation properties "for recreation and kindred purposes:' The Attorney General has opined that such recreational use must be consistent with forest and wildlife conservation and watershed protection. Op. Atty. Gen. No. 2002-1.

### **SECTION 4. DEFINITIONS**

As used in this Local Law:

1. **All-Terrain Vehicles (ATV's) and Off-Highway Vehicles (OHV's):** Shall have the same meanings as set forth in §2281 of the Vehicle & Traffic Law and Lewis County Local Law No. 3-2019.
2. **Camp or Camping:** For the purpose of this local law, camp or camping shall mean a temporary shelter, including but not limited to a tent or lean-to, camping trailer, "fifth wheel" camper, motor home travel trailer, mobile home, "pop-up" trailer, recreational vehicle or "RV", or the use of any vehicle for shelter or sleeping. This includes the following:
  - a. **Self-Contained Camping:** Camping in a self-contained vehicle or by alternative means providing that the camper(s) have the capability of meeting the sanitary needs of the occupants of the camp for a minimum of three (3) days without requiring external services, relying on public facilities, or discharging or depositing any waste onto the environment.
  - b. **Tent Camping:** Shall refer to a temporary structure, enclosure or shelter constructed of fabric or pliable material supported by any manner except by air or the contents it protects.
3. **Campground Sites:** Specific areas identified by the County for temporary reserved recreational use with facilities provided within a park area.
4. **County:** Shall mean the County of Lewis.
5. **County Lands:** Lands purchased, acquired, or accepted by gift by the County of Lewis, including but not limited to reforestation under the authority of County Law §219, and any other County lands designated for camping.

6. **Primitive Camp Sites:** Areas designated for camping where the camper lacks basic amenities such as running water, restrooms, or electricity.

## **SECTION 5. GENERAL REGULATIONS**

1. The following regulations apply to all County-owned lands designated for camping. The following activities **are prohibited** in and around designated camping areas:
  - a. Parking a motor vehicle in other than designated locations.
  - b. Primitive Camping is prohibited in areas that have not been designated for same.
  - c. Blocking of any trails or roads.
  - d. Campfires in parking lots.
  - e. Campfires in designated areas more than three (3) feet in height and three (3) feet in diameter.
  - f. Operating a motor vehicle in excess of twenty-five (25) miles per hour or in any manner contrary to posted regulations.
  - g. Operating a motor vehicle in areas other than designated roads or trails.
  - h. Operating a snowmobile except upon designated trails.
  - i. Operating an ATV/OHV except upon designated trails and in compliance with the Lewis County ATV/OHV Code (Local Law No. 3-2009).
  - j. Horseback riding on other than designated trails.
  - k. Allowing dogs to run unleashed and/or unlicensed. Unvaccinated dogs are prohibited.
  - l. The use of or being under the influence of any illegal drug or substance on any County property.
  - m. Use of any firearms, bow and arrow, or other dangerous weapons within the designated camping areas.
  - n. Disturbing the peace and good order in the county camping areas, including but not limited to fighting or arguing in loud voices, or threatening violence to any person or the property of others.

- o. The possession of fireworks of any nature on County property.
  - p. Beg, hawk, peddle, or solicit within the County lands.
  - q. Remove, deface, alter or otherwise damage signage, warning devices or other safety devices and property placed and maintained by the County.
  - r. Injure, deface, destroy, disturb, or remove any County property.
  - s. Litter or leave behind refuse and garbage except in receptacles provided for such purpose.
  - t. Start a fire except in grills, fireplaces, or designated areas.
  - u. Failure to extinguish all fires started before leaving the property; dumping of ashes or fire onto the ground is prohibited.
2. The Director of Recreation, Forestry, and Parks (DRFP) shall have the authority to amend the regulations from time to time upon on the approval of the Board of Legislators.

## **SECTION 6. CAMPING REGULATIONS**

- 1. No overnight camping shall be allowed on any County land except as specifically designated and authorized under this local law.
- 2. Camping by permit is allowed in designated areas only.
- 3. Self-Contained Camping, by permit, shall be allowed in parking areas only, no tents are permitted.
- 4. Visitor stay is limited to ten (10) successive nights with a permit.
- 5. All campers shall observe quiet hours from sunrise to sunset.

## **SECTION 7. CAMPING PERMIT PROCEDURE**

- 1. The Director of Recreation, Forestry & Parks (DRFP) is hereby authorized to designate certain County lands or portions thereof where overnight camping may be permitted, consistent with forest management practices, wildlife conservation practices, and watershed protection measures, subject to the approval of the Board of Legislators.
- 2. The DRFP is hereby authorized to issue permits and/or registration applications upon such form(s) as she/he may develop, for the purpose of registering day-use at campsites, permit reservations for overnight camping, and pavilion

reservations (at Singing Waters), in those areas within County lands as designated for same. Registration, Reservations, and the purchase of permits from the Lewis County Recreation, Forestry, and Park's Office can be made during regular business hours or online.

### **SECTION 8. FEE SCHEDULE**

1. The Board of Legislators is hereby authorized to establish by resolution from time to time, such fees as it may deem necessary and appropriate for the privilege of camping overnight within County lands and/or reserving the Singing Waters Pavilion.
2. All permit applications are to be paid either online or in person at the Lewis County Recreation, Forestry, and Park's office.
3. Limited refunds will be allowed at the discretion of the DRFP.
4. All permitted overnight campers are to pay a daily fee of five dollars (\$5.00) limited to ten (10) successive nights.
5. There is a per day fee of twenty dollars (\$20.00) to reserve the Singing Waters Pavilion (with access to the facilities).
6. There will be no fee for any day use of the lands, except for Singing Waters Pavilion.

### **SECTION 9. SINGING WATERS PARK: SPECIFIC REGULATIONS**

1. Day use or overnight tent camping only. No self-contained campers (such as RVs and other mobile campers) allowed.
2. No hunting or weapons of any kind allowed.
3. Shower facilities should be used responsibly, and minors are to be supervised at all times.
4. Quiet hours are to be observed from sunset to sunrise.
5. Singing Waters facilities are open starting the Friday before Memorial Day through the Tuesday after Columbus Day unless adjusted by the DRFP.
6. The DRFP shall have the authority to amend the regulations from time to time upon on the approval of the Board of Legislators.



## **SECTION 10. HOURS OF OPERATION SUBJECT TO CHANGE**

In case of an emergency or when in the judgment of the DRFP the public interest demands it, any portion of the County land designated for camping may be closed to the public or to designated persons, or the hours of operation changed.

## **SECTION 11. PENALTIES FOR OFFENSES AND ENFORCEMENT**

1. Campers who do not have a permit and/or fail to register, as the case may be, or who do not abide by camping regulations may be requested to leave the property by appropriate County Officials and/ or Law Enforcement.
2. A violation of this local law shall constitute an offense punishable by a minimum fine of one hundred dollars (\$100.00) per offense.
3. The destruction or removal of property or the dumping of waste or garbage shall subject the offender to criminal charges, fines, and penalties as well as civil actions brought by the County and any other public agency having jurisdiction over same for costs of damages, remediation, and legal fees.
4. Any law enforcement agency/ officer having jurisdiction may arrest any violator of any of the provisions of this Local Law and any other applicable laws or regulations.

## **SECTION 12. SEVERABILITY**

In the event that any part or provision of this Local Law or the application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered, and shall not affect or impair the validity of the remainder of the Local Law or the application thereof to other persons or circumstances. Moreover, the Board of Legislators of the County of Lewis hereby declares its intent that it would have passed this Local Law or the remainder thereof had such invalid provision or invalid application been apparent.

## **SECTION 13. EFFECTIVE DATE**

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

**RESOLUTION NO. \_\_ - 2023**

**FIXING DATE OF PUBLIC HEARING ON LOCAL LAW  
(INTRODUCTORY LOCAL LAW NO. 3 - 2023), COUNTY OF LEWIS**

Introduced by Legislator Ian Gilbert, Chair of the General Services Committee.

WHEREAS, there will be presented and introduced at a meeting of this Board of Legislators, a proposed Local Law entitled "A LOCAL LAW AMENDING LOCAL LAW NO. 1-2012: TO REGULATE CAMPING ON COUNTY PROPERTY".

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That a public hearing will be held on December 5, 2023, from 5:00 p.m. to 5:30 p.m., before the Lewis County Board of Legislators on the Second Floor Board Room at the Lewis County Courthouse, New York, 7660 North State Street, Lowville, New York to hear all persons for or against such local law.

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

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

**RESOLUTION NO. \_\_ - 2023**

**RESOLUTION TO APPROPRIATE FUNDS**

Introduced by Legislator Ian Gilbert, Chair of the General Services Committee.

BE IT RESOLVED, as follows:

Section 1. That the following budget appropriation is hereby approved and takes place in the Highway Department accounts to recognize additional revenue received from Invenergy Wind for use of county roads.

Increase Revenue:

D0501000 326800 Cty Road Insurance/Other Reimb           \$150,000.00

Increase Expenditure:

D0515000 495151 Cty Road Surface Treatments           \$150,000.00

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

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

**RESOLUTION NO. \_\_ - 2023**

**RESOLUTION TO AWARD BID TO TIOGA CONSTRUCTION CO., INC.  
FOR THE REPLACEMENT OF COUNTY ROUTE 21 BRIDGE OVER GULF STREAM  
IN THE TOWN OF PINCKNEY**

Introduced by Legislator Ian Gilbert, Chair of the General Services Committee.

WHEREAS, the County has commenced a project known as the replacement of County Route 21 Bridge over Gulf Stream and sent out a request for bids; and

WHEREAS, five (5) sealed bids received were publicly opened on October 16, 2023, at 1:00 p.m. on the Second Floor Board Room at the Lewis County Courthouse, 7660 North State Street, Lowville, New York; and

WHEREAS, the Highway Superintendent recommends that the County award the bid to Tioga Construction Co., Inc. the lowest qualified bidder, to perform the bridge replacement outlined in the bid specifications in the total amount of \$1,753,575.50;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. The Lewis County Board of Legislators hereby awards the bid to and authorizes a contract with Tioga Construction Co., Inc., Herkimer, NY in the amount of \$1,753,275.50, payable through BridgeNY and local funds, for the replacement of County Route 21 Bridge over Gulf Stream in the Town of Pinckney.

Section 2. That the Chair or Vice-Chair of the Lewis County Board of Legislators is hereby authorized to make, execute, seal, and deliver such Agreement, any related and necessary documents or instruments, and amendments thereto 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. \_\_ - 2023**

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN  
COUNTY OF LEWIS OBO LEWIS COUNTY HIGHWAY DEPARTMENT  
AND BARTON & LOGUIDICE FOR DESIGN AND BIDDING PROFESSIONAL  
SERVICES AND TO SEND OUT AN RFP FOR THE  
CULVERT REPLACEMENT PROJECT  
- KOTEL ROAD OVER SOUTH BRANCH OF CRYSTAL CREEK -**

Introduced by Legislator Ian Gilbert, Chair of the General Services Committee.

WHEREAS, the Lewis County Highway Department desires to enter into an agreement with Barton & Loguidice (B&L), authorized on the New York State list of professional engineers with the engineering expertise for culvert repair projects, to provide design and construction support services, including construction bid documents for the replacement project located on Kotel Road over South Branch of Crystal Creek in Watson, NY; and

WHEREAS, Barton & Loguidice has provided a detailed proposal dated September 20, 2023, with the professional scope of services and phases proffered for this project at maximum compensation of \$180,000.00; and

WHEREAS, the Highway Superintendent seeks to have the Board of Legislators authorize a contract with B&L for these professional services, and to authorize an RFP for public bidding of the construction phase of the project with the assistance of B&L; and

WHEREAS, the Lewis County Board of Legislators wishes to accept such services and authorizes a contract with B&L for this project;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes an Agreement between the County of Lewis (by and through the Lewis County Highway Department) and Barton & Loguidice to provide engineering services necessary for the design, bidding, and construction phases of the culvert replacement project known as Kotel Road over South Branch of Crystal Creek in Watson, New York, at a cost of \$180,000.00 as more fully set forth in the proposal dated September 20, 2023.

Section 2. That the Lewis County Board of Legislators authorizes the Highway Superintendent to send out an RFP for public construction bidding of the project with the professional assistance of Barton & Loguidice.

Section 3. That the Chair or Vice-Chair of the Lewis County Board of Legislators is hereby authorized to make, execute, seal, and deliver such Agreement, any related and necessary documents or instruments, and amendments thereto pending approval by the County Attorney

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

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

DRAFT

**RESOLUTION NO. \_\_ - 2023**

**RESOLUTION SUPPORTING WHOLE MILK CHOICE  
IN SCHOOLS THROUGH THE 2023 FEDERAL FARM BILL**

Introduced by Legislator Josh Leviker, Member of the General Services Committee.

WHEREAS, our nation's future well-being relies on well-nourished children ready to learn at school; and

WHEREAS, our nation's schools have been required by USDA Food Nutrition Service regulations to offer only fat-free and low-fat milk; and

WHEREAS, offering whole milk choice to students reduces waste and reduces shifts to sugary or artificially sweetened high fructose corn syrup ' la carte' beverages; and

WHEREAS, whole milk is an excellent source of nutrition and exceeds the benefits of fat-free and low-fat milk. Whole milk contains no more than 3.50% fat, with vitamins like D and A that are fat-soluble, and with one-third of the fatty acids being Omega-3s; and

WHEREAS, whole milk contains more than 9 essential nutrients, including Calcium, Iodine, Vitamins A, D, B12, B5, B6, Riboflavin, Phosphorus, Potassium, Niacin, Thiamin, Zinc, Magnesium, as well as 8 grams of complete protein containing all 9 amino acid building blocks for health; and

WHEREAS, studies showed children drinking Whole Milk vs. Low-Fat Milk absorbed three times the amount of Vitamin D; and studies show that this small amount of milkfat naturally slows the rate of carbohydrate (lactose) absorption to reduce hunger cravings and digestive sensitivity, with a 40% less risk of being overweight; and

WHEREAS, moderate consumption of milkfat has been associated with improved mood and cognition. Whole milk in schools will benefit our students who rely on school lunch and breakfast for nutrition in order to perform at their peak during the school day; and

WHEREAS, the State of New York, and Lewis County in particular, is a leader in milk production. Both our children/students and our dairy industry will benefit from and be strengthened by bringing back whole milk and 2% milk to our schools ;

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. The Lewis County Board of Legislators supports efforts to end the federal prohibition of Whole Milk in schools, and urges our Federal Representatives to support local schools and family dairy farm businesses by including a provision in the 2023 Farm Bill that brings 2% and whole milk back into our schools to support nutrition, health, and learning-readiness of our children while also supporting this major economic industry in Lewis County.

Section 2. That the Board of Legislators directs the Clerk of the Board to send certified copies of this resolution to New York State Agriculture Chair Michelle Hinchey, US Senators Charles Schumer and Kirsten Gillibrand, US Congresswoman Elise Stefanik, and all others the Board may deem appropriate.

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



**RESOLUTION NO. \_\_ - 2023**

**RESOLUTION ESTABLISHING AND ADOPTING  
COUNTY PROBATION FIREARM POLICY**

Introduced by Legislator Ian Gilbert, Chair of the General Services Committee.

WHEREAS, the Probation Director has developed a comprehensive Firearm policy to be followed by Lewis County Probation Officers; and

WHEREAS, the attached policy addresses general information, regulations, and practices including the acceptable use of firearms, training, and procedures for carrying; and

WHEREAS, the Board of Legislators wishes to accept and adopt said policy;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby approves and adopts the attached Firearm Policy for Lewis County Probation Officers as recommended to the Board of Legislators by the Director of the Probation Department.

Section 2. That the Clerk of the Board is directed to add the policy to the administrative and employee handbooks, upon such form as may be approved by the County Attorney and Human Resource Director.

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

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

**LEWIS COUNTY  
PROBATION DEPARTMENT**



**FIREARMS POLICY  
AND PROCEDURES**

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# LEWIS COUNTY PROBATION DEPARTMENT

## FIREARMS POLICY AND PROCEDURE

### OBJECTIVES:

- I. To establish policy and procedures for on duty use of firearms by probation officers.
- II. To assure the probation officers' maximum personal safety in the performance of his/her duties.

### POLICY:

#### I. Statutory Authority to Carry Firearms

Section 1.20(33), 2.10(24), 2.20 and 2.30 of the New York State Criminal Procedure Law and Articles 35 and 265.20 of the New York State Penal Law provide the mechanism for probation officers to carry firearms when engaged upon official matters and for self-defense, when acting pursuant to his/her special duties.

#### II. Peace Officer Designation

The employees permanently holding the following positions in this department are designated as Peace Officers:

Director of Probation

Senior Probation

Officer Probation Officer

For the purpose of this policy, the term "probation officer" refers to all of the titles designated as peace officers above. Note: the titles above represent the current titles of the probation department. Should new peace officer titles be added to the department, the new titles will also be referred to as "probation officer."

#### III. Authorization

##### A. Authority to Carry Firearms

The aforementioned peace officers who volunteer to participate in the Probation

Department Firearms Program may be granted the option to carry firearms on duty, subject to the approval of the Director of Probation.

**B. Authority to Purchase Firearms**

No employee of this department shall be permitted, solely under the authority of that employee's position, to carry on the person any firearm on duty, except that firearm, ammunition, holster authorized by the department. The department assumes no control over pistol permits issued to members and weapons carried on the permit while off duty.

**IV. Firearms Certification and Initial Training**

Authorized department designated peace officers will be required to participate in and successfully complete a course of training in the use of deadly physical force and firearms and other weapons. Such training and instructions must be approved by the Municipal Police Training Council (MPTC).

Upon successful completion of the appropriate firearms training and upon receipt of proof of such completion, the Director, at his/her discretion, will identify those employees who will be given the authority to carry firearms pursuant to their special duties as peace officers. The Director of Probation will provide this permission to carry a firearm, in writing, before the employee will be allowed to carry such a firearm.

**V. Firearms Requalification Training**

At a minimum, all employees authorized to carry firearms must re-qualify on an annual basis in accordance with the rules and regulations promulgated by the New York State Office of Probation and Correctional Alternatives and the Municipal Police Training Council (MPTC). More frequent training and/or re-qualification may be provided or required.

Any employee failing to successfully re-qualify will not be authorized to carry a firearm, pursuant to that employee's special duties, until such time that the employee successfully re-qualifies. When informed by the firearms instructor that the officer has failed to re-qualify, the employee will surrender his/her weapon immediately to the firearms instructor. The instructor shall notify the Director of Probation who shall arrange for its retrieval immediately and return to the County's possession.

The department will make every effort to ensure that any employee who fails to re-qualify will be given another opportunity. Additional attempts at re-qualification may be at the employee's expense. The employee will have two additional attempts to re-qualify. If the employee is still unsuccessful at re-qualifying after the third attempt, permission for the employee to carry a weapon will be automatically

rescinded for a minimum period of ninety (90) days.

An employee may use his/her department issued firearm for practice purposes. It is the officer's responsibility to maintain proficiency with the department issued firearm. However, the department will not issue ammunition for personal practice. Other than scheduled firearms training, if the employee chooses to practice, he or she must purchase his/her own ammunition, practice on his or her own time and at his/her own expense. The officer will not be reimbursed for ammunition or mileage. **Only factory loaded ammunition may be used, i.e., no reload or remanufactured ammunition is allowed.**

## **VI. Safety for Firearms Classroom Training**

The following firearm safety rules and any additional instructions given by the firearms instructors on the range or in the classroom will be observed by all firearm candidates:

- A. The firearm should be carried on your person and loaded to and from the range.
- B. All firearms are to be unloaded prior to entering the firearms classroom area.
- C. Upon entering the firearms classroom area, all firearms are to be in a clear, safe and empty condition, inspected by a second party, and holstered clear, safe and empty.
- D. An ammunition area will be established in the facility by the firearms instructor. This area will be away from the class instruction area. All ammunition will be stored in this area. No ammunition will be allowed in the firearms class instruction area.

## **VII. Issuance of Firearms and Official Use**

Qualified department personnel will be issued a specific firearm by the Director of Probation listed by serial number. Only specifically issued handguns will be allowed to be used in the official performance of department duties, in accordance with the following regulations:

- A. The specifically issued firearms are Lewis County property and will be carried only for on-duty use or while in transit.
- B. Except for practice, off-duty carry of the department issued firearm is not allowed.
- C. Employees of this department must immediately report to the Director of

Probation the loss or theft of this firearm.

- D. Damage to any firearm or any functioning problems will immediately be reported to the Director of Probation.

## **VIII. Authorized Firearms and Equipment**

Department employees are authorized to carry only firearms and equipment issued or previously approved by the department. Specifically, equipment will be only of the type and description as follows. All issued equipment is subject to inspection at any time by the Director or County Manager, department firearms instructors or a licensed approved vendor. No employee will modify or cause to be modified any department issued firearm without prior permission of the Director.

### **A. Firearm**

The standard issue firearm of the department for on-duty use shall be a Glock model 45 (9X19 MM) or any other firearm authorized by the Director, subject to the County's appropriation for same.

### **B. Ammunition**

The standard carry and training ammunition shall be designated by the Director.

At no time, even for practice purposes, shall reloaded or remanufactured ammunition be used. The use of such ammunition could void the warranty on the weapon.

The officer must also carry at least one department issued spare loaded magazine when carrying a firearm.

### **C. Aerosol Restraint**

Any staff person authorized to carry a department issued firearm must also carry Pepper Spray while carrying their firearm.

### **D. Holster**

The standard issue holster is authorized for use with the issued firearm. Any other holster or modification to issued holster must have prior authorization for use by the Director of Probation. Additionally, prior to using any authorized holster, individuals must be trained in the use of the holster by a department firearms instructor.



**E. Badges**

Department badges, identification cards and badge cases will be provided to all peace officers. The issued badge is the only badge authorized for use. No other badge will be allowed. The issued badge must be carried at all times while on duty and at all times while carrying the department issued firearm.

**F. Handcuffs**

Probation officers authorized to carry a firearm must also carry handcuffs. Handcuffs and cuff cases will be department issued or may be purchased at the officer's expense. The type of handcuffs must be approved and authorized for on- duty carry by the Director. Handcuffs must be carried in a cuff case approved by the Director of Probation. A cuff key is also required. Probation officers carrying handcuffs must be trained in the appropriate use of the handcuffs by a qualified instructor.

**G. Body Armor**

Department issued body armor is provided to every probation officer. The wear and use of such protection is strongly encouraged for probation officers authorized to carry a firearm. Maintenance and care of the body armor is the responsibility of the probation officer.

**H. Loss or Damaged Equipment**

Any equipment believed to be lost, stolen or damaged must be reported immediately to the Director of Probation. The Director of Probation shall advise the County Manager of said circumstance.

**IX. General Safety Rules**

**A. Safe Handling**

A probation officer is responsible for the safe handling and maintenance of the department issued firearm.

1. If the probation officer suspects that the firearm is not working properly, he/she is required to have it inspected by a licensed approved vendor. Under no circumstances should a probation officer who is authorized to carry go into the field with an inoperable or unloaded firearm. It is the probation officer's responsibility to clean and otherwise maintain any authorized firearm he/she possesses for on-duty use as per manufacturer's and training instructions. Care should be taken to ensure that there are no obstructions in the barrel of the firearm.

Firearms are to be cleaned only in a safe, designated area, but cleaning is specifically prohibited in office settings, except as authorized. The firearm must be submitted annually or at any time upon demand of the Director or firearms instructor for inspection.

2. Never presume a firearm is unloaded, always treat all firearms as if they are loaded. Always personally inspect and verify that it is unloaded by removing the magazine, opening the slide and ejecting the chambered round, while the muzzle is pointing in a safe direction in accordance with section X B of this policy. Only then should a visible and physical inspection of the chamber and barrel occur.
3. Never use the firearm for any purpose other than for which it was intended.
4. A department issued firearm may not be modified without prior written permission of the Director of Probation.

**B. Safekeeping**

A probation officer is responsible for the security and safekeeping of the department issued firearm at all times.

1. The probation officer should ensure that any authorized firearm in his/her possession is properly secured at all times so that it is not lost, stolen or used by unauthorized persons. If a weapon is lost, stolen or used by an unauthorized person, the department will initiate a report to the County Manager and law enforcement agencies indicating the date of loss, description of weapon and serial number. The probation officer whose county issued firearm is lost, stolen or used by an unauthorized person shall immediately notify the Director of Probation, who in turn shall notify the County Manager.
2. The firearm should not be left unattended in a public place, in luggage or in any other unauthorized receptacle. The firearm should be secured in a safe place at all times when not on the officer's person. If the firearm must be left in a vehicle, it must be locked in an appropriate, department approved safe or lock box.
3. A firearm is never to be used for intimidation. When worn, a firearm must be secured in a proper approved holster.
4. Proper care and procedure should be undertaken when handing a firearm to another. The probation officer presenting or receiving the firearm must make sure the firearm is made clear, safe and empty and rotated so that the butt-end may be grasped by the recipient.

5. Every probation officer has the responsibility to maintain professionalism when handling firearms or when in proximity to an officer authorized to carry. He/she must be mindful of the intended target and its surroundings. The best way to minimize the possibility of a mishap is for the probation officer to gain confidence and proficiency in the use of firearms by participation in the range program. Further, any violation of this policy, including any unprofessional behavior when handling firearms will lead to appropriate disciplinary action in termination of right to carry.

## **X. Procedures For Carry**

- A. A probation officer authorized to carry a firearm is required to carry it on duty unless receiving prior supervisory or administrative approval not to carry. While carrying this firearm, the probation officer must have his/her badge and identification on his/her person.
- B. A firearm must never be loaded or unloaded when in the office.
- C. When a firearm is worn on duty, it shall be carried on the probation officer's person.

**Firearms left at work must be stored in a designated locker, loaded and in the holster. Do not unload the weapon or remove the weapon from the holster.**

- D. While escorting clients to and from an office, the officer will have the client walk in front of him/her, escorting the client from behind.
- E. It is the individual officer's responsibility to safely store his/her weapon at all times, and maintain the skill of loading and unloading their weapon.

When a probation officer is off duty and at home, the authorized firearm shall be stored and rendered inoperable by employing a safety locking device or securing such firearm in an enclosure constructed entirely of wood or metal which is locked and the conventional or intended means of disengaging the lock is not accessible to anyone other than the probation officer. The probation officer is not to loan the firearm or permit another person (this includes other probation officers) to take possession of it except when authorized in writing by the Director of Probation. The firearm may be surrendered to a firearms instructor or to the Director for the purpose of inspection or suspension of firearms privileges at any time.

The department will offer several appropriate options for home storage. Officers will select one of the approved options, the cost of which will be

borne by the officer.

- F.** A probation officer authorized to carry a firearm by the department shall be fit for duty and must not be under the influence of alcoholic beverages, controlled substances and/or any type of medication having a significant physical or mental effect, which could have a negative influence upon the individual's functioning, while carrying the issued firearm.
- G.** Requirement to Notify the Department of Condition Affecting the Ability to Carry a Firearm.

  - 1.** Probation officers shall notify the Director of any personal impairment. Impairment is defined as any condition which can affect judgment, reaction time or motor skills as it may affect the ability to handle a firearm safely and proficiently.
  - 2.** In those instances where an officer believes and/or medical personnel indicate that a medication may affect judgment and/or reaction time, authorization to carry a firearm shall be automatically suspended. Authorization shall be reinstated upon the cessation of the medication and its effects or with a physician's ruling that the medication's potential effects would not be averse to handling a firearm safely and proficiently.
  - 3.** The Director may, at any time, require medical clearance from a physician prior to restoring the authority for an officer to carry a firearm.
- H.** A probation officer who is armed shall immediately notify the Director if he/she is charged with a crime or if a temporary or permanent Order of Protection by any court is issued against him/her. The probation officer shall immediately surrender the departmental issued firearm. Department firearm may be reissued at the discretion of the Director, and in compliance with any Court Order.
- I.** Under no circumstances is the department issued firearm to be used for secondary employment.
- J.** Extradition via Air Travel (Flying While Armed) procedure:

  - 1.** Officer provides weapon serial number, copy of DLIC Number, Badge Number and credentials to the Lewis County DA's Investigator to input into e-Justice.
  - 2.** The DA Investigator and/or the probation officer completes/submits applicable paperwork to appropriate agencies. E-Justice will provide an NLETS Number for each officer. This is your unique LEO Identifier

number. You will need this printout to provide to TSA at airport. You will have a different NLETS number for the return flight.

3. Equipment Carried: Loaded Firearm, badge and credentials. It will be optional to carry the extra magazine/handcuff carrier.
4. Pepper Spray and body armor are not authorized and will NOT be carried on aircraft.
5. Officer must have two (2) picture ID's (DLIC and Credentials).
6. Upon arrival at airport, check in at ticket counter and inform them you are a "L.E.O." flying armed. Ticket Agent will provide appropriate boarding passes.
7. Go to TSA Security and ask for a TSA Supervisor and advise them you are flying armed. They will already have paperwork to correspond with yours.
8. Immediately check in at gate and advise gate agent you are flying armed. You will/should board first.
9. Upon boarding aircraft, notify flight attendant that you are flying armed. They will advise pilot. They may inform you of everyone else flying armed. You may be introduced to the pilot, crew and/or air marshal. You will submit the one boarding pass to the pilot indicating you are flying while armed.
10. On return flight, the procedures are the same but the inmate must sit on the inside seat and officer on the aisle seat.

**XI. Procedures for Display or Use (Other Than Training or Practice Situations)**

- A. A probation officer is to use his/her firearm only in defense of his/her own life, or the life of a third party, from imminent threat of deadly physical force pursuant to Article 35 of the New York State Penal Law and then only in the absence of recklessness.
- B. No probation officer shall ever display a weapon, except in practice or tactical situations, unless he/she perceives that they are within the legal guidelines of New York State Penal Law Article 35 and the administrative guidelines of the Firearms Policy of the Lewis County Probation Department. Display of a firearm is defined as unholstering a firearm or exposing a holstered firearm in a manner in which a reasonable person could perceive as a use of force or threat.

- C. It is the responsibility of each officer to be aware of the requirements of Article 35 or the NYSPL and Section 140.25 of the NYSCPL as well as department policy. The officer must guide his/her actions based on these laws, policy and training.

1. **Use of Force**

Every reasonable means should be considered when making an arrest or preventing or terminating a felony or for the defense of oneself or another before a probation officer uses his/her firearm. In all cases, only the necessary amount of force which is consistent with the accomplishment of a lawful purpose is to be used.

The use of all other options, including Pepper Spray, shall be considered before the use of the firearm.

Officers are only justified in using physical force and/or deadly physical force when it is **reasonable** and **necessary** and then only the amount which is needed to accomplish the objective.

2. **Do Not Shoot If Innocent Persons Are Endangered**

Consideration must be given to bystanders in the event the firearm needs to be used.

3. **Do Not Fire Warning Shots**

The firing of warning shots is prohibited.

4. **Shoot Animals Only As a Last Resort**

The discharge of a firearm at dogs or other animals should be an action employed **ONLY** when no other means of bringing the animal under control exists. Officers have been issued Pepper Spray and this should always be a considered alternative.

- D. The law does not command that a probation officer use deadly physical force; it dictates that the minimum amount of force that is consistent with the accomplishment of a lawful purpose should be used. Deadly physical force should only be used if it is **reasonable** and becomes **necessary**.

## **XII. Procedures Upon Display or Discharge of a Weapon**

- A.** Upon any display (as defined under XI section B of this policy) of an authorized firearm by a probation officer authorized to carry a firearm (except in practice, sanctioned training, or a tactical situation), the probation officer must notify the Director verbally within 24 hours or as soon as practically possible. A written report regarding the incident will be required.
- B.** Upon any discharge of an authorized firearm by a probation officer authorized to carry a firearm, except in practice or sanctioned training, the probation officer must immediately notify the Director in a verbal manner. This will be followed up with a complete written report within 72 hours which will offer all details of the display, discharge and/or the use of deadly physical force utilizing the departmental "Use of Force" form.
- C.** If an unintentional discharge occurs on the practice range or the practice range property and no personal injury is involved, the firearms instructor will notify the Director immediately, if deemed necessary. If personal injury is involved, the police will be notified immediately. Local law enforcement authorities **must** be notified by the probation officer or other departmental authority in all other discharge situations and summoned to the scene immediately. The Lewis County Sheriff's Department shall be requested to respond. The probation officer shall promptly identify themselves to the law enforcement authority and follow their directives. If outside Lewis County, the agency that has primary jurisdiction must be contacted. The probation officer or other departmental authority will request that the highest- ranking officer on duty be called to the scene of the incident.
- D.** Upon request, a probation officer involved in a firearm discharge incident shall immediately surrender his/her weapon, with expended shell casings (if found) and live rounds, to the Director. All firearm-related incidents, whether on duty or off duty, and related to an authorized firearm, shall be investigated by the Director.
- E.** The Director shall notify the County Manager of any circumstances set forth in this Article, and provide the County Manager with copies of any reports pertaining to same.

## **XIII. Procedures for Disposition**

- A.** All firearms assigned to probation officers remain the property of the County of Lewis, through the Lewis County Probation Department and will be surrendered immediately by the probation officer upon order of the Director of Probation.

- B. Loss or theft of a firearm shall be reported immediately by phone and followed up in writing the next business day to the Director of Probation and to the requisite law enforcement agency in whose jurisdiction same occurred. Furthermore, same must also be duly reported to the Superintendent of State Police per the provisions of the NYS Penal Law, Section 400-12(C).
- C. If an assigned firearm is lost, stolen or damaged and it is the determination of the Director that such loss was caused by carelessness or negligence, it is understood that the probation officer will pay the replacement cost of the firearm within thirty (30) days. The circumstances surrounding the loss, theft, or damage may subject the employee to lose of right to carry and potential termination.
- D. A probation officer who goes on extended leave will be required to surrender his/her weapon. An officer suspended/dismissed from the department will surrender his/her assigned firearm immediately to the Director.

#### **XIV. Suspension of Firearm Privileges**

The Director of Probation has the sole authority to exercise his/her discretion to suspend or revoke the firearm-carrying privileges of a probation officer at any time with or without cause.

#### **XV. Disclaimer**

It should be understood that a policy cannot cover every contingency. If there is a situation that appears to require a solution different from the established policy, prior administrative approval is required.

#### **XVI. Amendments**

Amendments to this policy may be proffered by the Director of Probation in cooperation with the County Manager's Office, and presented to the Lewis County Board of Legislators for final approval.

#### **XVII. Attachments and Forms**

The next few pages contain forms and attachments that may be required at any given time.



**LEWIS COUNTY PROBATION DEPARTMENT**

**USE OF FORCE FORM**

**Rept #** \_\_\_\_\_

**DATE:** \_\_\_\_\_ **DAY OF WEEK:** \_\_\_\_\_ **TIME:** \_\_\_\_\_

**RELATED RPT#'s:** \_\_\_\_\_

**PRIMARY OFFICER INVOLVED:** \_\_\_\_\_ **BADGE #:** \_\_\_\_\_

**ON DUTY? Y / N OFF DUTY? Y / N**

**OTHER INVOLVED OFFICERS (AND THEIR DEPARTMENT):**

1) \_\_\_\_\_ 2) \_\_\_\_\_ 3) \_\_\_\_\_

**OTHER OFFICERS PRESENT (BUT NOT INVOLVED IN USE OF FORCE), AND DEPT.:**

1) \_\_\_\_\_ 2) \_\_\_\_\_ 3) \_\_\_\_\_

**OTHER PERSON(S) PRESENT (NAME, ADDRESS, PHONE):**

\_\_\_\_\_  
\_\_\_\_\_

**TYPE OF CONTACT:** \_\_\_\_\_

**LOCATION:** \_\_\_\_\_

**RECIPIENT(S) OF APPLIED FORCE:** \_\_\_\_\_

**WHY WAS FORCE NECESSARY/USED?** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**WHAT WAS NATURE AND EXTENT OF FORCE?** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**RECIPIENT(S) HANDCUFFED? BEFORE / DURING / AFTER INCIDENT**

**WERE RECIPIENT(S) INJURED? IF SO, DESCRIBE:** \_\_\_\_\_

\_\_\_\_\_

TREATED AT/BY: \_\_\_\_\_ DATE/TIME: \_\_\_\_\_

OFFICER(S) INJURED? IF SO, DESCRIBE: \_\_\_\_\_

\_\_\_\_\_

TREATED AT/BY: \_\_\_\_\_ DATE/TIME: \_\_\_\_\_

INCIDENT REPORT FORM ( Y / N / N/A ) ILLNESS/INJURY REPORT ( Y / N / N/A )

NORMAL WORK ASSIGNMENT COMPLETED? \_\_\_\_\_

PREPARED BY: \_\_\_\_\_ # \_\_\_\_\_ REVIEWED BY: \_\_\_\_\_ # \_\_\_\_\_

DATE/TIME: \_\_\_\_\_ / \_\_\_\_\_ DATE/TIME: \_\_\_\_\_ / \_\_\_\_\_

***\*\*ALL DEPARTMENT PERSONNEL PRESENT MUST EACH COMPLETE A FORM\*\****

# Firearm Surrender Form

I, \_\_\_\_\_ have surrendered my firearm to \_\_\_\_\_  
Probation Officer Director/Designee

On \_\_\_\_\_ for the following reason(s):  
Date

PLEASE CHECK ALL THAT APPLY:

- Director's Request                       Medical
- Fail to qualify                               Fail to re-qualify at Annual Range
- Fail to attend defensive tactics
- Other (Please Explain):

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I intend to continue with my regular duties and work responsibilities as a probation officer, even though I will not be carrying a department issued firearm.

\_\_\_\_\_  
Probation Officer Director/Designee

\_\_\_\_\_  
Date Reinstate Date/Director Initials

# Exempt from Carry Form

I, \_\_\_\_\_ have been exempt from carrying my firearm while on duty  
Probation Officer

on \_\_\_\_\_ for the following reason(s):  
Date

PLEASE CHECK ALL THAT APPLY:

\_\_\_\_\_ Medical

\_\_\_\_\_ Other (Please Explain):

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I intend to continue with my regular duties and work responsibilities as a probation officer, even though I will not be carrying a department issued firearm. Once the above-listed issue(s) have been resolved, I may request to be reinstated.

\_\_\_\_\_  
Probation Officer

\_\_\_\_\_  
Director/Designee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Reinstate Date/Director Initials

# Lewis County Probation Department Firearms Policy and Firearm Receipt

I \_\_\_\_\_ authorize \_\_\_\_\_  
Probation Director Peace Officer  
to carry a firearm while performing the special duties of his/her job as a Probation  
Officer of the Lewis County Probation Department.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

---

I have received and reviewed a copy of the Lewis County Firearms  
Policy. I understand and agree to abide by the policy.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

---

On \_\_\_\_\_, I was issued the following "Duty" firearm by the  
Lewis County Probation Department:

Glock, Model 45, Serial Number: \_\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

---

On \_\_\_\_\_, I returned my "Duty" firearm:

Glock, Model 45, Serial Number: \_\_\_\_\_ to the Lewis County Probation  
Department.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

I have been offered the opportunity to carry a firearm pursuant to my duties as a probation officer for the Lewis County Probation Department. At this point, I decline to carry a firearm.

---

Signature

---

Printed Name

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Date

**RESOLUTION NO. \_\_ - 2023**

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

Introduced by Legislator Ian Gilbert, Chair 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 three-year Second Statewide Expansion of *Hurrell-Harring* grant award from the New York State Office of Indigent Legal Services in the amount of \$2,640,347.43, (Contract Number CSTWIDEHH223), 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, 2023 through March 31, 2026; 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 each year of the three-year contract. The annual budgets provide financial reimbursement for specified services from Lewis Defenders, PLLC, McClusky Law Firm, LLC (Conflict Defender’s Office), and specialized service funding for the Assigned Counsel Program (18-b), in the amounts of \$857,115.81, \$877,615.81 and \$905,615.81 respectfully; and

WHEREAS, the Board of Legislators seeks to accept this funding and execute the Grant Agreement with NYS Office of Indigent Legal Services;

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Lewis County 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 \$2,640,347.43 for a three-year Second Statewide Expansion of *Hurrell-Harring* grant award (Contract Number

CSTWIDEHH223) to assist the County in improving the quality of indigent legal services provided.

Section 2. That this is for the term commencing April 1, 2023 and ending March 31, 2026, with annual funding set forth in the approved budget plan, for a total award of \$2,640,347.43.

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. \_\_ - 2023**

**RESOLUTION AUTHORIZING AN AMENDMENT TO  
EXISTING CONTRACT WITH LEWIS DEFENDERS, PLLC**

Introduced by Legislator Ian Gilbert, Chair of the General Services Committee.

WHEREAS, County Law §722 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 (herein “public defense legal services”); and

WHEREAS, the Board of Legislators has heretofore entered into a contract with LEWIS DEFENDERS, PLLC for the purpose of providing indigent defense legal services; and

WHEREAS, New York State has increased the hourly rate for assigned counsel services from \$75.00/hour to \$158.00/ hour. Lewis Defenders, PLLC has requested an increase of \$20,000.00 per year for the final four years of their contract. Lewis Defenders asserts that the increased amount will help retain attorneys and maintain competitive wages for the purpose of enhancing and improving indigent legal defense services; and

WHEREAS, the Board of Legislators wishes to amend the existing contract with the Lewis Defenders, PLLC to provide for the additional funding;

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. The Lewis County Board of Legislators hereby approves an amendment to the existing multi-year contract with LEWIS DEFENDERS, PLLC to increase the annual compensation to Lewis Defenders by \$20,000.00 per year commencing in January 2024, as a result of increased hourly rates for assigned counsel.

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

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

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

**RESOLUTION NO. \_\_ - 2023**

**RESOLUTION AUTHORIZING CONTRACT WITH  
MCCLUSKY LAW FIRM, LLC  
TO PERFORM CONFLICT DEFENDER SERVICES**

Introduced by Legislator Ian Gilbert, Chair of the General Services Committee.

WHEREAS, County Law §722 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 (herein “indigent legal services”); and

WHEREAS, it is necessary to appoint an attorney/firm to assist in providing the statutory legal assistance to those eligible individuals where Lewis Defenders, PLLC has a conflict of interest and/or where there are more than one defendant/respondent on a case entitled to legal assistance; and

WHEREAS, in light of its continuing statutory duty to provide legal counsel for the indigent pursuant to County Law §722-A and Family Court Act §262, the Board of Legislators desires to authorize a one-year agreement with the McClusky Law Firm, LLC to perform legal services as the Public Conflict Defender in those instances where Lewis Defenders, PLLC has a conflict of interest and/or where more than one public defender is required;

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. The Lewis County Board of Legislators hereby approves a one-year Agreement with McClusky Law Firm, LLC (herein, “Conflict Defender”), of 8 Main Street, P.O. Box 97, Adams, New York 13605 to provide conflict defender services in those instances where the primary public defense firm has a conflict of interest and/or where more than one public defender assignment is required, commencing January 1, 2024 through December 31, 2024.

Section 2. That the all-inclusive cost of such services to be provided by the McClusky Law Firm as the Conflict Defender shall not exceed \$115,000.00, payable in monthly installments of \$9,583.33. Such services include but are not limited to providing qualified, licensed attorneys for timely legal representation of eligible indigent residents in Lewis County Family Court, Lewis County Court, and Town and Village Courts, with the maintenance of an office in Lewis County suitable to meet with eligible defendants/respondents assigned.

Section 3. That the Chair or the Vice-Chair of the Board of Legislators be and the same are hereby authorized to execute and deliver such agreement, and any

amendments thereto, to effectuate the purpose of this Resolution upon such form as approved by the County Attorney.

Section 4. This Resolution shall take effect immediately.

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

DRAFT

**RESOLUTION NO. \_\_ - 2023**

**RESOLUTION REGARDING SEQRA REVIEW TO ADD 0.7 MILES OF  
NEW WARRIOR TRAIL TO THE LEWIS COUNTY OHV TRAIL SYSTEM  
AND DECLARING NO SIGNIFICANT IMPACT  
(CHARLES CASE & GREAT LOT SPORTSMANS CLUB CORP. PROPERTIES)**

Introduced by Legislator Ian Gilbert, Chair of the General Services Committee.

WHEREAS, the Board of Legislators has heretofore determined that the development of a county-wide trail system that can effectively and safely accommodate Off-Highway Vehicles (“OHV’s”), (as defined in Local Law No. 3-2019) is in the public interest and will enhance the recreational use of the natural resources available in the County, as well as encourage tourism; and

WHEREAS, the Board of Legislators has heretofore conducted an extensive evaluation of the potential environmental impacts associated with the development of a county-wide ATV trail system pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and Title 6, Part 617 of the New York Codes, Rules and Regulations (“NYCRR”) implementing Article 8 (collectively referred to hereinafter as “SEQRA”); and

WHEREAS, in accordance with the procedures outlined in 6 NYCRR § 617.9, the Board of Legislators caused to be prepared a Draft Generic Environmental Impact Statement (“DGEIS”) and a Final GEIS (collectively the “GEIS”); on January 9, 2009, the Board of Legislators issued a written Statement of Findings setting forth the Board’s conclusions and determinations, based upon the facts and analysis contained in the GEIS; and

WHEREAS, upon completion of its SEQRA review, the Board of Legislators formally established the Lewis County Trail System (herein “Trail System”) by adopting Local Law No. 2 – 2009, **“A LOCAL LAW ESTABLISHING THE LEWIS COUNTY TRAIL SYSTEM”**, as subsequently amended and re-stated in Local Law No. 3-2019, **“A LOCAL LAW AMENDING LOCAL LAW NO. 2-2009 AND RE-ESTABLISHING THE LEWIS COUNTY TRAIL SYSTEM”** (herein, “Local Law”); and

WHEREAS, the Local Law (and the 2009 Statement of Findings) contemplate future amendments to the Trail System through the addition of trails and/or the opening of interconnecting roads and set forth procedures for making such amendments, and in particular, the procedures for amending the GEIS in compliance with SEQRA prior to amending the Trail System; and

WHEREAS, the Director of Recreation, Forestry and Parks has presented the Board of Legislators with a request to add a proposed addition of 0.7 miles of multi-

use trails to the Lewis County OHV Trail System known as the “Warrior Trail”. The proposed trail is located in the Town of Lewis, which include the following parcels:

Parcel No.: 417.00-01-20.112 – North of Osceola Rd., Southeast of Goodhines Rd.

Parcel No.: 417.00-01-03.000 - North of Osceola Rd., East of Goodhines Rd.

WHEREAS, as a consequence, the Board of Legislators caused a site-specific environmental review of the proposed properties, pursuant to Section 8.2 of the Statement of Findings issued by the Board of Legislators on January 29, 2009; and

WHEREAS, the Board of Legislators received a report from the Soil and Water Conservation District detailing its investigations, findings, and conclusion of no significant environmental impact with respect to the trail on these properties; and with the assistance from County staff and counsel, has reviewed the same and compared it with the GEIS and Statement of Findings;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. The Lewis County Board of Legislators has reviewed the Report from Soil and Water Conservation District concludes that there is no significant environmental impact in adding this trail, on the identified parcels located in the Town of Lewis to the Lewis County Trail System.

Section 2. Based upon its review and analysis of the data contained in the Report and the Specific Environmental Review and Assessment Statement pertaining to the trail on the properties, the Board of Legislators hereby finds and determines that:

- a. The Report adequately sets forth the relevant and material facts necessary for the Board of Legislators to make a decision;
- b. The Report adequately describes the consultant’s investigations and analysis as to any significant adverse impacts and necessary mitigations for the specific sites;
- c. The Report’s findings are consistent with the criteria identified and set forth in the GEIS and the Statement of Findings;
- d. The investigation and analysis of the described trail on Parcel No. 417.00-01-20.112 and Parcel No. 417.00-01-03.000 does not reveal any environmental impacts that were either not addressed or were not adequately addressed in the GEIS and the Statement of Findings.

Section 3. As a consequence of these determinations, the Board of Legislators hereby finds and declares that the addition of 0.7 miles of multi-use trail known as the Warrior Trail identified as part of Parcel No. 417.00-01-20.112 and Parcel No. 417-01-03.000 in the Town of Lewis to the Lewis County OHV Trail System will not result in a significant environmental impact.

Section 4. The Board of Legislators further finds and declares that pursuant to 6 NYCRR Part 617.10(d), a Supplemental Findings Statement need not be filed, and no further action need be taken with regard to the County's environmental review of the Warrior Trail site identified as Parcel No. 417.00-01-20.112 and Parcel No. 417-01-03.000, and therefore, the Board has completed its lead agency responsibilities under SEQRA with regard to this site.

Section 5. That this Resolution shall take effect immediately.

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

DRAFT

**RESOLUTION NO. \_\_\_ - 2023**

**RESOLUTION TO INCORPORATE 0.7 MILES OF NEW WARRIOR TRAIL TO THE  
LEWIS COUNTY OHV TRAIL SYSTEM  
(CHARLES CASE & GREAT LOT SPORTSMANS CLUB CORP. PROPERTIES)**

Introduced by Legislator Ian Gilbert, Chair of the General Services Committee.

WHEREAS, the Lewis County Board of Legislators has heretofore determined that the development of a county-wide trail system that can effectively and safely accommodate Off-Highway Vehicles (“OHV’s”), (as defined in Local Law No. 3-2019) is in the public interest and will enhance the recreational use of the natural resources available in the County, as well as encourage tourism; and

WHEREAS, in accordance with the procedures outlined in 6 NYCRR § 617.9, the Board of Legislators caused to be prepared a Draft Generic Environmental Impact Statement (“DGEIS”) and a Final GEIS (collectively the “GEIS”), and on January 9, 2009, issued a written Statement of Findings setting forth the Board’s conclusions and determinations, based upon the facts and analysis contained in the GEIS; and

WHEREAS, upon completion of its SEQRA review, the Board of Legislators formally established the Lewis County Trail System (herein “Trail System”) by adopting Local Law No. 2 – 2009, **“A LOCAL LAW ESTABLISHING THE LEWIS COUNTY TRAIL SYSTEM”**, as subsequently amended and re-stated in Local Law No. 3-2019, **“A LOCAL LAW AMENDING LOCAL LAW NO. 2-2009 AND RE-ESTABLISHING THE LEWIS COUNTY TRAIL SYSTEM”** (herein, “Local Law”); and

WHEREAS, the Local Law and the Statement of Findings contemplate future amendments to the Trail System through the addition of trails and/or the opening of interconnecting roads and set forth procedures for making such amendments, and in particular, the procedures for amending the GEIS in compliance with SEQRA prior to amending the Trail System; and

WHEREAS, the Director of Recreation, Forestry and Parks has presented the Board of Legislators with a request to add a proposed addition of 0.7 miles of multi-use trails to the Lewis County OHV Trail System pertaining to properties owned by Charles Case and Great Lot Sportsmans Club Corp. The proposed trails are located in the Town of Lewis, which include the following parcels:

Parcel No.: 417.00-01-20.112 – North of Osceola Rd., Southeast of Goodhines Rd.  
Parcel No.: 417.00-01-03.000 - North of Osceola Rd., East of Goodhines Rd.; and

WHEREAS, pursuant to Resolution No. \_\_\_-2023, completed its review under SEQRA with respect to the properties and trails identified above, and based upon an investigation and analysis conducted by the Soil and Water Conservation District,

found and determined that adding these properties and trails to the Lewis County Trail System will not result in a significant environmental impact;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. The Lewis County Board of Legislators hereby deems the trails located on the above referenced privately owned forestry properties in the Town of Lewis, parcel numbers 417.00-01-20.112, and 417.00-01-03.000, as more fully described in the Statement prepared by the Soil and Water Conservation District, are hereby deemed incorporated into and made a part of the Lewis County Trail System.

Section 2. The Lewis County Board of Legislators hereby authorizes the addition of the 0.7 miles of multi-use trails to the Lewis County OHV Trail System pertaining to privately owned properties and authorizes amendment of the maps of the Lewis County Trail System as the same are published on the Lewis County website and elsewhere to include the trails described herein, together with such other and further actions as may be necessary to administer and maintain such trails consistent with the Lewis County OHV Trail Plan, the GEIS and Statement of Findings, and Local Law No. 3-2019.

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

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



**RESOLUTION NO. \_\_ - 2023**

**RESOLUTION TO APPROPRIATE  
FOR SNOWMOBILE TRAIL PROGRAM  
For 2023-2024 Season**

Introduced by Legislator Ian Gilbert, Chair of the General Services Committee.

BE IT RESOLVED as follows:

Section 1. That the following appropriations is hereby approved and takes place in the Snowmobile Trails account for the 2023-2024 Snowmobile Award:

Increase Revenue:

A0714100 338202 State Aid	\$231,769.00
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Increase Expenditure:

A0714100 499900 Expense	\$231,769.00
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Section 2. That the funds will be passed on to the Snowmobile Association when received.

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

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

General Services Committee

November 21, 2023

- 1) Maintenance had **62** work orders during the month of October



- 2) Joe has been filling in while I was gone and has done an excellent job keeping things moving
- 3) I am looking forward to continuing the forward progress that we have been working on for the last few years.
- 4) The team has been working on setting up our new shop, when time allows

Matt O'Connor

Buildings & Grounds Supervisor

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**November 21<sup>st</sup>, 2023**  
**General Services Committee Report**

To Date Office of Building and Fire Codes has:

- Issued **(924)** Permits
- Permitted Project values to date of \$ **36,615,459** dollars.
- Conducted **(194)** State mandated Life Safety and Property Maintenance inspections of commercial properties (Department conducts 101 annual inspections of places of public gathering, conducts 496 inspections on a three-year basis of businesses, and multi-family dwellings)
- Responded to **(7)** chimney fire(s) / or request by Fire Departments
- Responded to **(54)** complaints.
- Issued **(489)** Certificates of Completion / Occupancy
- Researched **(12)** FOIL or Record Request.

Respectfully,

Ward John Dailey  
Sr. Code Official  
County of Lewis

November 14<sup>th</sup>, 2023

**General Services Committee Report –November 14, 2023**

Summary of the past month:

I am working with DHSES to complete a COOP plan for Emergency Management draft forthcoming.

We are currently working on finishing the SHSP FY2021 grant. SHSP FY2022 grant in the amount of \$46,946 quotes are being requested to fulfill the purchases. The grant application for SHSP FY2023 was submitted, waiting on the DHSES approval. The EMPG grant is in the DHSES approval process for FY2023 in the amount of \$14,358.00 which is applied towards Bob's payroll. Awards letters were received for FY2023 SHSP and EMPG to begin October 1, 2023.

Lewis County EMT Advisory Committee: 10/10: PO's for all EMS agencies but one have been entered in to Munis for the AdHOC payments. 7/11: Bob met at BOCES with the committee to help create this new course in their program for Certified First Responders and Basic EMT's. This program would be kicking off in the 2024-2025 school year so these planning meetings will continue.

The Basic EMT class hosted at LCSR is running currently with 14 students. There will be an advanced EMT (not paramedic) class to start January 4<sup>th</sup>, 2024, should a Basic EMT choose to further their education hosted at Constableville Ambulance.

Mask Fit testing for interior firefighters will be November 16<sup>th</sup> for Croghan.

Fall firefighter trainings to Ariel Truck Ops, Auto Vehicle Extraction Training, Firefighter Decon Class, Lithium Battery class.

Firefighter contamination reduction and cancer prevention class to be held December 7<sup>th</sup> hosted at Constableville Fire. With more of this class to be scheduled in other locations.

The Decon team participated in a drill on 10/25 going through all the equipment and preparing for winter.

Bob attended the Central District Fire Coordinators in Broome County on October 27<sup>th</sup>.

Bob attended the RFA Conference on November 8-9<sup>th</sup> at Montour Falls.

The next LEPC meeting is scheduled for January 22, 2024, held at the Lewis County JCC classroom 4/5.

Now that school is back in session Bob is attending the safety meetings to date for Harrisville and Beaver River. Bob attends the meetings as requested by the schools.

Participation in NWS virtual presentations monthly for updated weather information.

Please feel free to contact me anytime.

***Thank You For the privilege of allowing me to assist the gracious Volunteers of Lewis County who give un-forgivingly of their time! It's the volunteers that keep this county safe!!!***

Respectfully,  
Bob

- **Plows are installed and sanders calibrated.**
- **Sand is hauled in for the winter.**
- **We are putting away summer equipment and organizing new shop.**
- **Starting to do tree work.**
- **Fixed shoulders and driveways**
- **Put up whips (road markers)**
- **Roadside brush mowing**



**LEWIS COUNTY SHERIFF'S OFFICE**

5252 Outer Stowe Street  
P.O. Box 233  
Lowville, New York 13367  
Telephone: (315) 376-3511  
Fax: (315) 376-5232

Michael P. Carpinelli

Sheriff

mikecarpinelli@lewiscounty.ny.gov

Jason A. McIntosh

Undersheriff

jasonmcintosh@lewiscounty.ny.gov

**MONTHLY REPORT**

**October 2023**

**JAIL:**

- Inmate Population as of October 31<sup>st</sup> : **30**
- Number of Inmates Boarded Out as of October 31<sup>st</sup> : **3**
- Incidents: **None**

**DISPATCH:**

- Calls Handled: **5225**
- Cads Created: **2065**

**ROAD PATROL:**

- Complaints Handled: **579**
- Criminal Arrest Made: **23**
- Vehicle and Traffic Stops: **154**
- Vehicle and Traffic Arrest: **53**
- Pistol Permits Completed: **5**
- Drug Overdoses: **5 (no deaths)**

**CIVIL:**

- Papers Served: **74**
- Evictions: **4**
- Civil Executions Against Property: **1**
- Funds Received and Disbursed: **\$23,113.70**

To: General Services Committee

From: Matthew Morrow, Probation Director

MEM

Date: November 14, 2023

Re: Lewis County Probation Monthly Summary

1. We are currently supervising **174** adult probationers, **42** of whom are DWI cases. In addition, we supervise **19** conditional discharge ignition interlock cases, **5** Drug Court cases, **7** JD cases, **2** pre-trial release case, and are working on **22** pre-sentence investigations.
2. For the past several months, we have been working on getting a polygraph examiner to come to the probation department to conduct examinations on some of our sex offender probationers. On October 30, 2023, we finally were able to have the polygraph examiner in our office. The examiner conducted three polygraph examinations on 10/30/2023. These polygraph examinations are not meant to be punitive. The purposes of the examinations are public protection, deterrence, and rehabilitation. The examinations provide the probation department with valuable information that we can use in assessing risks and determining treatment interventions. All three examinations that were conducted provided our department with valuable information. We look forward to having the polygraph examiner back in our office on a bi-annual basis.
3. I have met with the county attorney and the county manager to discuss a firearms policy for the Probation Department. The county attorney and county manager suggested some edits to the policy that I created. The final firearms policy should be available to be reviewed at the General Services Committee meeting on November 21, 2023.

## November Monthly Update Regarding October 2023

- **Resolution to set the public hearing for the Lewis County Camping Law.**
- **Resolution for the public hearing and negative declaration to add the warrior trail to the Lewis County OHV trail System** - This is an additional trail that will be added to the Great Lot Sportsman's Club and Charles Cases Property in the Town of Lewis.
- **Singing Waters** - We have received the approval for the NYSDOH for the water system, but it was decided to have Barton and Loguidice design a new water system. The pavilion construction is almost completed, and National Grid has disconnected the lines so that we can get the power connected to the building. Trail Crew will be working with the Highway Department to get cleanup completed at Singing Waters so that it will be ready for opening once the water system is installed and approved by NYSDOH.
- **Cronk Harvest** - Prentice and Carlisle have started the harvest on the Cronk Parcel. They had to widen the driveway to get the trucks to the landing.
- **OHV** - Trail Crew will continue to lay out the new trails to add to the trail system in the future.
  - OHV Permit Sales are going well, we are currently at \$231,453.45 in revenue and that is \$40,808.99 over last year's totals and \$15,962.78 over projected. Budget is looking good with the Account Balance for ATV FUND being \$330,654.15, this is showing high due to an error in personnel services that should be corrected by next month (payroll charged to the wrong account).
  - We continue to work on community connectors outreach for potential new landowners for the Watson Glenfield and Osceola West Leyden Connections. The connections are progressing, but we are still lacking a few vital off-road trails. Staff, volunteers, and clubs will continue to work on attaining additional new trails in these areas.
- **The Next OHV Round Table meeting is November 27th at 3 pm in Board of Legislators Chambers.** We will be working on the OHV Strategic Plan, Business partnerships, Club Trail Agreements, Community Connectors (Watson-Glenfield and Osceola-West Leyden) and the 2024 OHV Map.

Account	Budget	Available
<b>Trail Program (County Funded)</b>	\$433,403.00	\$210,668.38
<b>Trail Maintenance Revenue</b>	(\$197,791.00)	\$15,962.78
<b>Trail Maintenance Expenditures</b>	\$336,451.00	\$96,192.37
<b>Reforestation Revenue</b>	(\$95,000.00)	\$48,649.32
<b>Reforestation Expenditures</b>	\$126,521.00	\$39,349.97
<b>DASNY</b>	\$50,000.00	\$9,900.87





**Kip Turck**  
Director  
kipturck@lewiscounty.ny.gov

**Denise Yost**  
Principal Account Clerk  
deniseyost@lewiscounty.ny.gov

**MONTHLY UPDATE: NOVEMBER 2023  
FOR OCTOBER 2023**

FISCAL UPDATE	OCTOBER	YEAR TO DATE
Revenues	\$225,597.62	\$2,072,042.69
Expenditures	\$190,720.68	\$2,032,422.97
Cash Balance	\$317,564.11	As of October 31, 2023

SERVICE UPDATE	OCTOBER
GARBAGE (MSW & C&D)	1,272.40 tons
RECYCLING	218.38 tons
RECYCLING Received from/Owed to Oneida Herkimer Solid Waste	<b>(\$935.94)</b>

**INFORMATIONAL UPDATE**

- Kyle Blessing was hired for the open Medium Equipment Operator position on October 23, 2023. This position has been vacant since July 2023. We are now fully staffed.
- The following chart show monthly sales of 30-gallon bags of garbage consumers brought to the Lowville Transfer Station at \$5.00/ per bag from January 2023 through October 2023.

