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TO: Media

FROM: Cassandra Moser, Clerk of the Board

DATE: December 1, 2023

The Board of Legislators will meet on **Tuesday, December 5, 2023 at 5:00 p.m.** for the regular monthly meeting which will be held in the Legislative Board Chambers at the Courthouse in Lowville, NY. Enclosed are proposed resolutions for action. Any other business may be conducted.

There will be public hearings on the following:

- Lewis County 2024 Shared Services Plan
- Agricultural District No. 6 Eight-year Review
- Proposed Addition of 0.7 miles of OHV Trails to the Lewis County OHV Trail System
- Local Law Amending Local Law No. 1-2012: To Regulate Camping on County Property

The meetings will be streamed live on the YouTube channel "Lewis County" listed as:

<https://www.youtube.com/c/LewisCountyNY>

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Lewis County is an equal opportunity provider and employer. Complaints of discrimination should be made known to the Lewis County Board of Legislators.

RESOLUTION NO. 226 – 2023

AUDITING AND ALLOWING CLAIMS

Introduced by Legislator Thomas Osborne, Chair of the Finance & Rules Committee.

RESOLVED that the claims presented for payment in the total amount of \$4,194,474.06 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 pursuant to the following roll call vote:

AYES:

NAYS:

ABSENT:

RESOLUTION NO. 227 - 2023

**RESOLUTION ADOPTING AND OTHERWISE TREATING
LOCAL LAW NO. 2-2023, COUNTY OF LEWIS**

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

WHEREAS, a resolution was duly adopted by the Board of Legislators on November 21, 2023, directing that a public hearing be held by said Board on December 5, 2023, from 5:00 p.m. to 5:30 p.m. at the Second Floor Board Room of the Courthouse, 7660 North State Street, Lowville, New York 13367, to hear all interested parties on a proposed Local Law entitled, **“A LOCAL LAW AMENDING LOCAL LAW NO. 1-2012: TO REGULATE CAMPING ON COUNTY PROPERTY”**; and

WHEREAS, notice of said public hearing was duly advertised in the *Watertown Daily Times*, the official newspaper designated by the County, on November 29, 2023, and posted on the bulletin board of the Lewis County Courthouse, 7660 North State Street, Lowville, New York, at least five (5) days prior to such public hearing; and

WHEREAS, said public hearing was duly held at such location at such time and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. This Local Law (Introductory No. 3 – 2023), County of Lewis, titled **“A LOCAL LAW AMENDING LOCAL LAW NO. 1-2012: TO REGULATE CAMPING ON COUNTY PROPERTY”**; be and the same hereby is designated as Local Law No. 2 – 2023, County of Lewis.

Section 2. That Local Law No. 2 – 2023, County of Lewis, with designation stated above, be and the same is hereby enacted, waiving any and all defects and informalities in the adoption thereof and shall take effect immediately upon filing with the Secretary of State.

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

AYES:

NAYS:

ABSENT:

RESOLUTION NO. 228 - 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
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Increase Expenditure:

D0515000 495151 Cty Road Surface Treatments	\$150,000.00
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Section 2. That the within resolution shall take effect immediately.

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

RESOLUTION NO. 229 - 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. 230 - 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.

RESOLUTION NO. 231 - 2023

**RESOLUTION AUTHORIZING RENEWAL AGREEMENT BETWEEN
THE COUNTY OF LEWIS AND PARK STRATEGIES, LLC TO PROVIDE
PROFESSIONAL GOVERNMENT RELATIONS ADVOCACY, REPRESENTATION
AND STRATEGIES OBO LEWIS COUNTY BEFORE
NEW YORK STATE GOVERNMENT**

Introduced by Legislator Thomas Osborne, Chair of the Finance & Rules Committee.

WHEREAS, the Lewis County Board of Legislators has invested considerable time and effort over many years to engage various legislative and executive members representing New York State Government, with the unique Lewis County environment, community and needs; the County's priorities and stated objectives, including but not limited to recreational tourism and economic development initiatives; and

WHEREAS, in order to have more successful, supportive results from NY State stakeholders and decision makers, and pursuant to an annual resolutions from 2021, the County engaged the services of Park Strategies, LLC, of Albany, NY, a professional firm who is experienced and qualified to represent, advocate and provide local government perspectives before New York State government, tailored to the specific goals and initiatives of Lewis County; and

WHEREAS, the Board of Legislators seeks to renew this contract for another one year term commencing January 1, 2024, at the same rate of compensation, i.e., \$60,000.00 for a twelve-month period, payable in monthly installments of \$5,000.00;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes and approves a renewal Agreement with Park Strategies, LLC, of 111 Washington Avenue, Suite 600, Albany, NY 12207 to provide professional government advocacy on behalf of the County of Lewis as its representative before New York State government, tailored to the specific goals and initiatives identified by the County, including but not limited to economic development, outdoor recreation and tourism, especially involving ATV/UTV use and access, health care, and other initiatives important for the growth of Lewis County, at a cost of \$60,000.00 for a twelve-month term (\$5,000.00 per month) commencing January 1, 2024.

Section 2. That the Chair or Vice-Chair of the Board of Legislators is hereby authorized to make, execute, seal and deliver such Agreement, upon review and 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. 232 - 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. 233 - 2023

**RESOLUTION AUTHORIZING AGREEMENT
BETWEEN OFFICE FOR THE AGING AND
MILK PLANT TAVERN FOR SENIOR MEALS**

Introduced by Legislator Lisa Virkler, Chair of the Health & Human Services Committee.

WHEREAS, Lewis County Office For the Aging (“OFA”) desires to enter into a meal site agreement with Milk Plant Tavern (“MPT”), located at 1006 State Route 26, West Leyden, NY, to provide senior meals under OFA’s Nutrition Program for eligible senior residents in Lewis County; and

WHEREAS, OFA will provide forms for residents age sixty (60) and over to apply for vouchers for meals from MPT’s menu that have been approved by OFA’s Registered Dietitian. Upon OFA’s receipt of proper documentation and vouchers from MPT, it will be reimbursed on a monthly basis at the rate of \$10.75 per meal provided under the program; and

WHEREAS, the Board of Legislators wishes to authorize this agreement for the services provided;

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, obo OFA, and the Milk Plant Tavern, West Leyden, NY to provide senior meals under OFA’s Nutrition Program for eligible seniors, at a price of \$10.75 per meal upon the redemption of vouchers.

Section 2. That the Agreement shall take effect immediately upon execution of the agreement and continue through December 31, 2024.

Section 3. That the Chair or Vice-Chair of the Board of Legislators is hereby authorized to make, execute, seal and deliver said Agreement together with the Director of OFA, and any 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.

RESOLUTION NO. 234 - 2023

**RESOLUTION AUTHORIZING AGREEMENTS BETWEEN
LEWIS COUNTY AND OUTSIDE AGENCIES**

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

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby approves the following contracts for fiscal year 2024, at the amounts set opposite to each respectively:

<u>OUTSIDE AGENCY</u>	<u>AMOUNT</u>
Adirondack North Country Association	\$3,000.00
Adirondack Park Local Government Board	800.00
Credo	20,000.00
Constable Hall Association	2,000.00
Cornell Cooperative Extension of Lewis County	353,850.00
Naturally Lewis	315,000.00
Double Play Community Center	40,000.00
Hand In Hand Early Childhood Center	10,000.00
International Maple Museum Centre	2,000.00
Lewis County Agricultural Society	5,000.00
Lewis County General Hospital Foundation	20,000.00
Lewis County Historical Society	40,000.00
Lewis County Humane Society	5,000.00
Lewis County Soil & Water Conservation District	125,000.00
Lyons Falls Historical Association	2,000.00
Old Tyme Fiddler's Association	2,000.00
North Country Library	45,000.00
Oneida-Lewis Chapter, NYSARC	25,000.00
Railway Historical Society NNY	2,000.00
Town of Diana Museum	2,000.00

Section 2. That the Chairman of the Board of Legislators or the Vice-Chairman be and the same is hereby authorized to execute and deliver such Agreements, and any amendments thereto.

Section 3. That this Resolution shall take effect immediately.

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

RESOLUTION NO. 235 - 2023

RESOLUTION FOR AGRICULTURAL DISTRICT NO. 6 EIGHT-YEAR REVIEW DETERMINATION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT

Introduced by Legislator Thomas Osborne, Chair of the Finance & Rules Committee.

WHEREAS, Lewis County has undertaken a review of Agricultural District No. 6 pursuant to AML §303-a and §303-b to consider requests for modification of Lewis County Agricultural District No. 6; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State, being 6 NYCRR Part 617, as amended, the Lewis County Board of Legislators, as lead agency, considers the modification of the agricultural district to be an Unlisted action under SEQRA and desires to determine whether the following action may have a “significant effect on the environment” and therefore requires the preparation of an environmental impact statement: An action to approve that Agricultural District No. 6 be modified by adding and removing the parcels as identified in the Agricultural District No. 6 Report (the “Project”); and

WHEREAS, to aid the Lewis County Board of Legislators in determining whether the Project may have a significant effect on the environment, the Lewis County Director of Planning & Community Development has prepared SEQRA Short Environmental Assessment Forms (Short EAF) for each project, copies of which are on file with the Clerk of the Board of Legislators; and

WHEREAS, the County has examined the Short EAFs in order to make a determination as to the potential environmental significance of the Project.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. Based upon examination of the Short EAFs, and based further upon the Board of Legislator’s knowledge of the subject parcels and such further investigation of the Project and its environmental effects as the County has deemed appropriate, the Board makes the following findings with respect to the Project:

- (a) the Project consists of those components described in the second “Whereas” clause of this resolution; and
- (b) there are no known potentially significant impacts on the environment other than those noted in and addressed and/or mitigated by the County as set forth in the SEAFs.

Section 2. Based upon the foregoing investigation of the potential environmental impacts of the Project and considering both the magnitude and importance of each environmental impact therein indicated, the Lewis County Board of Legislators makes the following findings and determinations with respect to the Project:

- (a) The Project constitutes an Unlisted Action (as defined in the Regulations); and
- (b) The Project will not result in any large and important impacts and, therefore, is one which will not have a significant effect on the environment, and the Board of Legislators will not require an environmental impact statement with respect to the Project; and
- (c) This determination constitutes a negative declaration for the purposes of the SEQR Act.

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

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

RESOLUTION NO. 236 - 2023

**RESOLUTION AUTHORIZING AND ADOPTING THE REPORT AND
RECOMMENDATIONS OF THE LEWIS COUNTY AGRICULTURAL AND FARMLAND
PROTECTION BOARD ON LEWIS COUNTY AGRICULTURAL DISTRICT NO. 6
EIGHT-YEAR REVIEW AND INCLUSION REQUESTS RECEIVED DURING THE
INCORPORATED 2023 ANNUAL REVIEW PERIOD**

Introduced by Legislator Thomas Osborne, Chair of the Finance & Rules Committee.

WHEREAS, the County of Lewis has approximately 246,809 acres in its NYS-certified agricultural district designated “Lewis County Agricultural District No. 6”. In accordance with Chapters 303a and 303b of the NYS Agricultural and Markets Law (“NYSAML”), Lewis County Agricultural District No. 6 is required to undergo review and modification as part of the eight-year review process and an annual thirty-day inclusion period. The County established the 2023 annual thirty-day inclusion period as required under Chapter 303b during and simultaneously with the eight-year review period, and accepted landowner applications for inclusion of new parcels of viable agricultural land into its existing Agricultural District No. 6 from October 1, 2023 through October 31, 2023; and

WHEREAS, as part of the eight-year review process, the Lewis County Agricultural Farmland Protection Board (“LCAFPB”) members sought public comment, *inter alia*, on the nature and status of farming and farm resources within the District, objectives of the District, the degree of coordination between local laws, ordinances, rules and regulations that apply to farm operations in such district, and review of lands to be removed and added to the District as a result of this review and landowner written requests for same; and

WHEREAS, the Lewis County Board of Legislators set the public comment period for Lewis County Agricultural District No. 6 eight-year review and incorporated proper notice of the 2023 annual inclusion process therein; and

WHEREAS, the LCAFPB, through the Lewis County Director of Planning & Community Development, has submitted a report to the Lewis County Board of Legislators on Agricultural District No. 6 which, *inter alia*, opines that inclusion of 1667.9 identified parcels of land owned by 11 landowners will serve the public interest by assisting in maintaining a viable agricultural industry within the district, and recommends that the land be placed into the certified Agricultural District No. 6; and

WHEREAS, the LCAFPB’s report, submitted through the Lewis County Director of Planning & Community Development, indicates that the total number of acres added and/or removed from Agricultural District No. 6 during this eight-year review shows a net increase of 943.212 acres of land, and the LCAFPB recommends that the

Agricultural District No. 6 be modified based upon the written requests detailed in the Report, that the Report be adopted, and that the Agricultural District No. 6 be continued;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators of Lewis County hereby declares the Lewis County Agricultural District No. 6 eight-year review and incorporated 2023 annual thirty-day inclusion process to be closed.

Section 2. That the Board of Legislators of the County of Lewis hereby adopts the Report and Recommendations of the Lewis County Agricultural and Farmland Protection Board and declares that Agricultural District No. 6 be modified based upon the written requests detailed in the report and place the two identified separate parcels in the certified Agricultural District No. 6, and that said certified District be continued.

Section 3. That the Board of Legislators of the County of Lewis hereby directs that the Lewis County Director of Planning & Community Development take such action to submit an appropriate report to the NYS Department of Agriculture and Markets on Lewis County Agricultural District No. 6 for their receipt of correspondence from the Commissioner of Agriculture and Markets and comply with any additional requirements for final filing with NYS Department of Agriculture and Markets.

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

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

RESOLUTION NO. 237 - 2023

RESOLUTION AUTHORIZING GRANT APPLICATION TO FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) BUILDING RESILIENT INFRASTRUCTURE AND COMMUNITIES (BRIC) FUNDING FOR SCOPING OF COUNTY RTE 22

Introduced by Legislator Thomas Osborne, Chair of the Finance & Rules Committee.

WHEREAS, the County of Lewis, by and through the Lewis County Planning and Community Development Department, desires to apply for a 2023 FEMA grant under its Building Resilient Infrastructure and Communities funding in order to fund project scoping of the East Martinsburg Road (County Rte 22); and

WHEREAS, the Lewis County Board of Legislators seeks to authorize this application, and if awarded funding, to authorize agreements and appropriate the funds;

NOW, THEREFORE BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes the County of Lewis, by and through the Lewis County Planning and Community Development Department, to submit a grant application to FEMA under its 2023 BRIC funding for road scoping of County Rte 22.

Section 2. The project costs for the road scoping are estimated to be \$287,500.00 with the required local share being 25% and 15% of the total grant award for administrative expenses.

Section 3. The Director of Planning and Community Development or the Chair of the Board of Legislators be and the same is hereby authorized to sign and submit the application and any documents required under the application upon review by the Planning and Community Development Director.

Section 4. In the event the County is awarded grant funds, the Board of Legislators hereby authorizes acceptance of the award (s), authorizes the Chair or Vice-Chair to execute any grant agreements(s) and other documents required to accept the award(s) upon review and approval of the County Attorney; and directs the Treasurer to appropriate the awarded funding into correct accounts.

Section 5. That the within resolution shall take effect immediately.

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

RESOLUTION NO. 238 - 2023

RESOLUTION AUTHORIZING APPLICATIONS, PROFESSIONAL SERVICE AGREEMENT AND AWARDS, IF GRANTED, BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT FOR TRANSPORTATION ALTERNATIVES PROGRAM AND CARBON REDUCTION PROGRAM FUNDING

Introduced by Legislator Thomas Osborne, Chair of the Finance & Rules Committee.

WHEREAS, the Planning and Community Development Department seeks to submit applications through the NYS Grants Gateway for Transportation Alternatives Program (TAP) and Carbon Reduction Program (CRP) Funding for several complete streets planning and implementation projects, EV charging stations, and the final engineering for the non-motorized rail trail development in the Village of Lowville; and

WHEREAS, TAP funds can be used for the conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, and non-motorized transportation users; and

WHEREAS, CRP funds can be used for the construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation as well as EV charging stations; and

WHEREAS, the minimum allowable federal share project funding request under each program is \$500,000 and the maximum grant request is \$5 million, each requiring a 20% non-federal match; and

WHEREAS, the local match sources can include local funds, Consolidated Local Street and Highway Improvement Program (CHIPS) capital funds or other state funds from the Recreational Trails Program, Office of Parks, Recreation and Historic Preservation, Department of State Downtown Revitalization Initiative Funds, Department of Environmental Conservation, Canalway Grant funds, DASNY, or Environmental Protection Funds; and

WHEREAS, the Planning & Community Development Department will work with the Highway Superintendent, C&S, and B&L to develop a Lewis County Complete Streets & EV Charging Stations project to develop final engineering and construction documents for the Hamlet of Glenfield, Village of Turin, Hamlet of Beaver Falls, Village of Copenhagen, Village of Constableville, and Village of Port Leyden and for the purchase and installation of approximately twenty (20) EV Charging Stations; and

WHEREAS, the Planning & Community Development Department will work with the Director of Recreation, Forestry & Parks and Alta to develop professional engineering documents and estimated implementation costs required in the application for the non-motorized Village of Lowville section of the Rail Trail; and

WHEREAS, the Lewis County Board of Legislators seeks to authorize the Planning and Community Development Director to contract with ALTA for the professional engineering services required under the application, and submit the applications online; and if awarded such funding, to authorize the agreement(s) for same and appropriate the funds;

NOW, THEREFORE BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes the Planning and Community Development Director to submit the applications for the TAP and CRP grant funding programs on behalf of Lewis County for several complete streets planning and implementation projects, EV charging stations, and the final engineering and construction costs for the non-motorized rail trail development in the Village of Lowville, up to the maximum amount of funding under each grant based upon the cost estimates developed by the respective engineers.

Section 2. That the Director of Planning and Community Development or the Chair of the Board of Legislators be and the same is hereby authorized to execute the applications and any other documents required for submission.

Section 3. That the Director of Planning or Chair of the Board of Legislators is hereby authorized to enter into an agreement with ALTA, upon review and approval of the County Attorney, for professional engineering services required under the grant application, in an amount not to exceed \$17,750.00, pursuant to ALTA's proposal dated November 14, 2023; with said compensation to be paid from the Capital Recreation Rail Reserve account funds.

Section 4. In the event the County is awarded grant funds under either or both of these funding streams, the Board of Legislators hereby authorizes acceptance of the award(s) along with the required 20% match, authorizes the Treasurer to appropriate the funds, and authorizes the Chair or Vice Chair to execute the grant agreement(s), and any other documents required to give effect to this Project, upon review and approval of the County Attorney.

Section 5. That the within resolution shall take effect immediately.

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

RESOLUTION NO. 239 - 2023

**RESOLUTION TO SET PUBLIC HEARING FOR PUBLIC INPUT WITH REFERENCE
TO COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING**

Introduced by Legislator Thomas Osborne, Chair of the Finance & Rules Committee.

WHEREAS, the County of Lewis is eligible to apply for 2024 New York State Community Development Block Grant Program (NYS CDBG) funding administered by the Housing Trust Fund Corporation's (HTFC) Office of Community Renewal (OCR); and

WHEREAS, the Board of Legislators wishes to obtain the views of citizens on community development, public infrastructure, housing, public facilities, small business, and economic development needs of residents, and possible other activities, prior to the preparation of a CDBG application; and

WHEREAS, the citizen participation requirements of the programs mandate the County to conduct a public hearing prior to submission of an application for the purpose of obtaining citizens' views with the ability to respond to proposals and questions;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Board of Legislators of Lewis County authorizes a public hearing to be held and set for January 2, 2024 at 9:00 a.m. at the Lewis County Courthouse Board of Legislators Chambers, 7660 North State Street, Lowville, New York 13367 to solicit the views of County of Lewis citizens regarding CDBG funding for community development, public infrastructure, housing, public facilities, small business, and economic development needs under program year 2024 NYS CDBG funding applications, in amounts not to exceed \$1,500,000.

Section 2. That public notice of the hearing shall be advertised in accordance with law at least seven (7) days prior to the hearing date.

Section 3. That within resolution shall take effect immediately.

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

RESOLUTION NO. 240 - 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 Regualification 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):

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):

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

Date

RESOLUTION NO. 241 - 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. 242 - 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.

RESOLUTION NO. 243 - 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. 244 - 2023

**RESOLUTION AMENDING COMPENSATION PLAN OF COUNTY OF LEWIS
WITH REFERENCE TO PUBLIC HEALTH**

Introduced by Legislator Lisa Virkler, Chair of the Health & Human Services Committee.

WHEREAS, the Director of Public Health is requesting to use Public Health Workforce Recruitment and Retention grant funds to create an additional Early Intervention Coordinator position for backfill and training purposes through February 2, 2024 due to an upcoming resignation;

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 through February 2, 2024 to create the following position:

<u>TITLE</u>	<u>STATUS</u>	<u>SALARY</u>
Early Intervention Services Coordinator	Full-Time	Grade 24 (\$22.81-\$26.75/hr.)

Section 2. That this resolution shall take effect immediately.

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

RESOLUTION NO. 245 - 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.

RESOLUTION NO. 246 - 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. 245 - 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. 247 - 2023

**RESOLUTION AUTHORIZING AGREEMENTS BETWEEN
LEWIS COUNTY DEPARTMENT OF SOCIAL SERVICES AND THE
COUNTY LAW DEPARTMENT FOR LEGAL SERVICES AND
REPRESENTATION IN FAMILY COURT MATTERS,
CHILD SUPPORT ENFORCEMENT PROCEEDINGS AND
COLLECTION AND RECOVERY MATTERS**

Introduced by Legislator Lisa Virkler, Chair of the Health & Human Services Committee.

WHEREAS, pursuant to § 397 of the Social Services Law, the Department of Social Services (the “Department”) is responsible to bring cases deemed necessary before the Family Court for adjudication with regard to children considered to be neglected or abused, to institute proceedings against a parent or adult for neglect or abuse of a child, for voluntary placements, foster care placements, extensions of placement, custody determination of placement rights, and placements that may result from Juvenile Delinquencies (J.D.); and

WHEREAS, under Section 454 of the Federal Social Security Act, Section 111 (h), 352, and 352 (a) of the Social Services Law of the State of New York, and the rules and regulations promulgated by the State Department of Social Services, the Department is responsible through its Child Support Enforcement Unit for the establishment of paternity, locating of absent parents, and the enforcement and collection of support from legally responsible relatives for persons applying for or receiving Aid to Dependent Children; and

WHEREAS, the Department is also responsible for the collection of overpayments or recovery of assets in certain programs where financial support to Lewis County citizens has been provided; and

WHEREAS, pursuant to County Law § 501, the County Attorney is responsible for prosecuting and defending all civil actions and proceedings brought by or against the County, and in that capacity, the Law Department is responsible to provide legal representation to the Department in all family court matters and support enforcement proceedings. The County Attorney and Law Department also has the expertise to provide legal collection services on behalf of the Department in its collection and recovery matters; and

WHEREAS, it is economically and organizationally feasible for the Department to contract with the County Attorney’s office for the performance of these services and to enter into agreements for same;

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes Agreements by and between the Department of Social Services and the Law Department whereby the County Attorney shall provide legal representation to the Department on family court matters, child support enforcement proceedings, and be responsible for the collection of overpayments or recovery of assets in certain programs that provide financial support to Lewis County citizens.

Section 2. That the Agreements shall provide for reimbursement to the County Attorney's Office for the cost of providing such legal representation, including without limitation, personnel services, supervision, support services, and related office expense. The parties understand that reimbursement is premised on Federal and State statutes, law, rules and regulations. The Department agrees to keep the County Attorney informed of changes in reimbursement methodology mandated by law, rules or regulation of the State and Federal Government for such expenditures.

Section 3. That the term of these Agreements shall be from January 1, 2024 through December 31, 2024. Compensation for legal representation on neglect, abuse, foster care, custody, J.D.'s and related Family Court matters shall not exceed the amount of \$178,153.00; child support enforcement legal representation services shall not exceed the amount of \$76,708.00; and compensation for collection and recoveries shall not exceed the amount of \$36,382.

Section 4. That the Chair or Vice-Chair of the Board of Legislators, along with the Commissioner of Social Services and the County Attorney be and the same are hereby authorized to make, execute, seal and deliver said Agreements, and any amendments thereto.

Section 5. That the within Resolution shall take effect immediately.

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

RESOLUTION NO. 248 - 2023

RESOLUTION AUTHORIZING REALLOCATION OF CLOSED OUT ARPA PROJECT FUNDS AND ADDING FUND BALANCE TO ACTIVE RECREATION RAIL PROJECT

Introduced by Legislator Thomas A. Osborne, Chair of the Finance & Rules Committee.

WHEREAS, the County of Lewis received \$5,150,000.00 in stimulus funds from the Federal Government under the American Rescue Plan Act (ARPA) in order to address pandemic recovery in local communities, to be invested in various county-wide infrastructure and community-minded projects and programs as approved under ARPA; and

WHEREAS, pursuant to Resolution No. 360-2021, the Board of Legislators approved the following broad investment categories/projects and amounts from ARPA funds received by the County (the Board retaining its authority to amend any categories and amounts which have not previously been approved and appropriated):

<u>Project</u>	<u>Amt Allocated</u>	<u>Balance</u>
Broadband	\$ 1,500,000.00	\$ 259,349.00
Recreation	1,500,000.00	\$ 1,422,575.00
Placemaking/Property Clean up	1,000,000.00	(\$ -164,063.00)
Workforce & Talent Attraction	500,000.00	\$ 480,000.00
Façade Program	450,000.00	\$ 212,989.00
Childcare Development	200,000.00	\$ 135,816.00
	<u>\$ 5,150,000.00</u>	
<i>Housing Incentive</i>	<i>\$300,000.00 (Optional); and</i>	

WHEREAS, the County Manager has identified the following projects and programs to be closed out, with any remaining ARPA funds under said categories to be moved into the new Capital Rail Reserve Project Account:

<u>Close Out Program Name</u>	<u>Amount Expended</u>	<u>Amount Remaining</u>
Childcare Development	\$ 135,816.00	\$ 64,184.00
Workforce Program	\$ 20,000.00	\$ 480,000.00
Placemaking	\$1,164,063.00	\$(-164,063.00)

Balance for transfer into new Capital Rail Reserve: **\$ 350,121.00**

WHEREAS, it is recommended that the Board authorize the reallocation of \$350,121.00 from the closed out ARPA programs, and appropriate and transfer said amount into the Capital Rail Reserve Account project; and

WHEREAS, it is further recommended that the Board authorize the transfer of an additional \$2,000,000.00 from fund balance to supplement the active rail recreation project:

<u>Active Project Name</u>	<u>Fund Balance Amt</u>	<u>New Account</u>
Rail Recreation Project	\$2,000,000.00	Capital Rail Reserve

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the Lewis County Board of Legislators hereby authorizes and approves the transfer and appropriation of \$350,121.00 of closed out ARPA project funds, together with the balance of the ARPA Recreation Project funds of \$1,422,575.00 for a total transfer of \$ 1,772,696.00 into the new Capital Rail Reserve Account for the Rail Recreation Project.

Section 2. That the Lewis County Board of Legislators hereby further authorizes and directs the Treasurer to appropriate \$2,000,000.00 from fund balance and transfer same into the new Capital Rail Reserve Account for the Recreation Rail Project.

Section 3. That this Resolution shall take effect immediately.

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

RESOLUTION NO. 249 - 2023

**RESOLUTION AUTHORIZING CASH TRANSFER AND PARTIAL RE-PAYMENT
OF INDEBTEDNESS TO LCHS UNDER 2018 MOU**

Introduced by Legislator Lisa Virkler, Chair of the Health & Human Services Committee.

WHEREAS, from the 1990s through 2014, the County of Lewis (the "County") has heretofore made cash transfers from the Lewis County General Fund to Lewis County General Hospital ("the Hospital") for the purpose of providing operational support to the Hospital; and

WHEREAS, LCGH, through its Board of Managers, has acknowledged the operational support provided by the County in those fiscal years, including the County's forgiveness of a portion of the indebtedness incurred in the 1990s and thereafter. LCGH retired the balance of indebtedness owing to the County which was not forgiven in or about 2017; and

WHEREAS, in 2018, the County authorized the building of the LC-JCC-EC Education Center on East Road, Lowville, NY; the project costing approximately \$6,200,000.00. LCGH offered to assist the County in meeting this financial obligation by making a cash transfer of \$4,000,000.00 in December, 2018 and \$2,000,000.00 in multiple payments between February and April, 2019. The County was able to fully fund the project and not: 1) deplete the County's reserve funds; 2) not incur additional financing expenses; and 3) not raise additional taxes; and

WHEREAS, the MOU provided for the County to repay the Hospital over a twenty-five (25) year period (if not sooner), commencing in 2020, by crediting the LCGH with the annual Administrative Cost Allocation owing to the County by LCGH, and any other additional payments the County may decide to transfer in its sole discretion; and

WHEREAS, LCGH now seeks to have the County repay the indebtedness in an accelerated rate in order for the hospital to meet its financial obligations pertaining to its operational projects, including its efforts to support reinstating a maternity unit. Currently, the balance owing to the hospital under the MOU is \$5,497,355.00; and

WHEREAS, the Board of Legislators seeks to advance a portion of the outstanding indebtedness owing to LCGH under the MOU, provided these advances are used in support of the hospital's operational projects;

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. The Lewis County Board of Legislators hereby approves and authorizes the immediate transfer of \$2,500,000.00 from fund balance to LCGH as an additional payment toward the balance owing under the 2018 MOU.

Section 2. The Board of Legislators further commits to additional \$1,000,000.00 payments toward the outstanding balance owing on this debt in 2024 and in 2025. In addition, the outstanding debt balance owing by the County shall continue to be reduced by crediting the County with the annual Administrative Cost Allocation assessments for 2023 and thereafter, until the balance is paid in full or forgiven.

Section 3. The Board of Legislators directs that the County Attorney draft an amendment to the MOU to incorporate these terms, together with the LCGH's agreement to have these advanced funds be used for the operational projects undertaken by the hospital, including its support of efforts to reinstate the maternity unit.

Section 4. That the Chair of the Board of Legislators, or the Vice-Chair, be and the same is hereby authorized to execute and deliver such amendment to the MOU upon such form and terms as may be approved by the County Attorney.

Section 5. That this Resolution shall take effect immediately.

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

RESOLUTION NO. 250 - 2023

**RESOLUTION TO TRANSFER & APPROPRIATE FUNDS FROM FUND BALANCE
FOR VARIOUS PROJECTS**

Introduced by Legislator Thomas Osborne, Chair of the Finance & Rules Committee.

WHEREAS, the County has engaged in various projects to improve County operations and Community projects; and

WHEREAS, the following projects have been identified to require additional funding for completion and/or for continuation of successful community initiatives, which can be supported from the County's fund balance:

<u>Project Name</u>	<u>From Fund Balance</u>
Facilities Projects Capital Account	\$ 3,000,000.00
LCDC Vacant Property Revitalization Project (Rnd 2)	\$ 500,000.00
County Property Clean Up Projects	\$ 300,000.00
Broadband Project	\$ 250,000.00; and

WHEREAS, due to an oversight, only \$20,000.00 in 2022 funds were paid to Double Play, when the amount of \$40,000.00 was scheduled for payment, requiring the additional \$20,000.00 owing to be paid from Fund Balance;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section I. That the Lewis County Board of Legislators authorizes the use of fund balance monies, and directs the Treasurer to make the following budget transfers and appropriations from Fund Balance:

<u>Transfer from:</u>	
A0 005990 Fund balance	\$3,000,000.00
<u>Transfer to:</u>	
A0990100 992900 Capital Plan	\$3,000,000.00
<u>Increase Revenue:</u>	
H0162000 350310 Local Project HAR	\$3,000,000.00
<u>Increase Expenditure:</u>	
H0162000 499900 Project HAR	\$3,000,000.00
<u>Transfer From:</u>	
A0 005990 Fund Balance	\$1,070,000.00

Transfer To:

A0641250 499900 LCDC Vacant Prop. Revitalization (Rnd 2)	\$ 500,000.00
A0990100 992100 Capital County Projects	\$ 300,000.00
A0990100 992100 Capital County Projects	\$ 250,000.00
A0714000 499900 Double Play	\$ 20,000.00

Increase Revenue:

H0809000 350310 Local	\$ 300,000.00
Project HAL Environmental Property Cleanup	
H0990100 350310 Local	\$ 250,000.00
Project HEB Broadband	

Increase Expenditure:

H0809000 499900 Expenditure	\$ 300,000.00
Project HAL Environmental Property Cleanup	
H0990100 499900 Expenditure	\$ 250,000.00
Project HEB Broadband	

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

Moved by Legislator __, seconded by Legislator __, and adopted

RESOLUTION NO. 251 – 2023

UPDATED DESIGNATION OF DEPOSITORIES FOR 2024

Introduced by Legislator Thomas Osborne, Chair of the Finance & Rules Committee.

WHEREAS, Section 212 of the County Law, General Municipal Law Section 10, and the County's Investment Policy provide that the Board of Legislators shall designate one or more depositories for deposit of all monies received by the County Treasurer, and specify the maximum amount which may be kept on deposit in each depository; and

WHEREAS, the Treasurer seeks to have the Board of Legislators update the amounts on deposit in the designated depositories for County monies;

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That the following named banks, banking associations or trust company(s) be designated as depositories for County of Lewis monies up to the maximum amount as set opposite each named:

Community Bank N.A.	\$40,000,000
Key Bank of Central NY N.A.	\$ 10,000,000
JP Morgan Chase Bank	\$30,000,000
RBC Wealth Management	\$30,000.000
Chemung Canal Trust Company	\$30,000,000
NYCLASS	\$25,000,000
NY MuniTrust	\$25,000,000
Carthage Savings Bank	\$ 10,000,000

Section 2. That the Clerk of the Board is authorized and directed to file a certified copy of this resolution in the office of the Lewis County Clerk.

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

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